



КОШІРМЕ
КОПИЯ

**РЕШЕНИЕ
ИМЕНЕМ РЕСПУБЛИКИ КАЗАХСТАН**

29 июня 2021 года

дело №1962-21-00-2/1693

город Талгар

Талгарский районный суд Алматинской области в составе:
председательствующего судьи Байғалиева А.Б.,
с участием секретаря судебного заседания Хиял А.,
рассмотрел в открытом судебном заседании гражданское дело по иску:

ИСТЕЦ:

Мамедов Мехти Бахадурович

ОТВЕТЧИКИ:

№1-БАГИРОВ ЯАШАР АЛИЕВИЧ редактор казахстанского интернет-сайта «www.pravdolyb.kz», Редакции интернет-сайтов №2 - www.kompromat1.pro, №3 - www.kompromat.wiki, №4- www.iapm.ru, №5-www.rating.net.ua, №6-www.inright.ru, №7-www.argumenti.ru, №8-www.vinnitsa.top, №9-www.rucriminal.info/ru, №10-www.kompromat.ru, №11-www.soshse.com, №12-www.gezitter.org, №13-www.kaktovottak.top, №14-www.rospres.org, №15-www.probusinessltd.com, №16-www.it-sg.net, №17-www.lifeukr.net, №18-www.biznes-expert.com, №19-www.pn14.info, №20-www.ruchron.com, №21-www.rutelegraf.com, №22-www.aferist.news, №23-www.dopros.info, №24-www.translationexperts.org, №25-www.odessa-news.com, №26-https://bugabooks.com, №27-www.rumafia.net, №28-www.t.me, №29-www.uaposters.com, №30-www.slxt.vestnikaksor.ru, №31-www.krasnobykow.com, №32-www.teh-nomad.livejournal.com, №33-www.rospres.site, №34-www.ladno.ru, №35-www.glavk.net, №36-www.ahudyakov.livejournal.com

ТРЕБОВАНИЯ ИСТЦА:

1. Признать не соответствующими действительности и порочащими честь, достоинство и деловую репутацию Мамедова М.Б. публикации, размещенные на интернет-сайтах Ответчиков;
2. Обязать удалить публикации с интернет-сайтов;

В СУДЕ УЧАСТВОВАЛ:

Представитель истца Нурумбетов К.Ж.

ОПИСАТЕЛЬНАЯ ЧАСТЬ:

КЕЛЕСІ БЕТТІ ҚАРАҢЫЗ
СМОТРИТЕ НА ОБОРОТЕ

Decision

June 29, 2021

case No. 1962-21-00-
2/1693

Talgar city

A civil case on the claim heard in open court judicial trial by
Talgar District Court of the Almaty Region, composed of:
the Presiding Judge Baigaliyev A.B.
with the secretary of the court session Khiyal A.

PLAINTIFF:

Mamedov Mekhti Bakhadurovich

DEFENDANTS:

No.1 - BAGIROV YAASHAR ALIYEVICH Editor of the Kazakhstani Internet site "www.pravdolyb.kz", Editorial Board of Internet sites No. 2 - www.kompromat1.pro, No. 3 - www.kompromat.wiki, No. 4- www.iapm.ru, No. 5-www.rating.net.ua, No. 6-www.inright.ru, No. 7-www.argumenti.ru, No.8-www.vinnitsa.top, No. 9-www.rucriminal.info/ru, No.10-www.compromat.ru, No.11-www.soshse.com, No. 12-www.gezitter.org, No.13-www.kaktovottak.top, No. 14-www.rosPRES.org, No. 15-www.probusinessltd.com, No.16-www.it-sg.net, No. 17-www.lifeukr.net, No. 18-www.biznes-expert.com, No.19-www.pn14.info, No. 20-www.ruchron.com, No.21-www.rutelegraf.com, No. 22-www.aferist.news, No.23-www.dopros.info, No.24-www.translationexperts.org, No. 25-www.odessa-news.com, No. 26-https://bugabooks.com, No. 27-www.rumafia.net, No. 28-www.t.me, No. 29-www.uaposters.com, No. 30-www.slxt.vestnikaksor.ru, No. 31- www.krasnobykow.com, No. 32- www.teh-nomad.livejournal.com, No. 33-www.rosPRES.site, No. 34- www.ladno.ru, No. 35- www.glavk.net, No. 36-www.ahudyakov.livejournal.com

PLAINTIFF'S CLAIMS:

1. To recognize as untrue and discrediting the honor, dignity and business reputation of the Plaintiff, the publications posted on the Internet sites of the Defendants;
2. To oblige to delete publications from websites

PARTICIPANTS OF THE COURT:

The representative of the plaintiff Nurumbetov K.
Editor of the website "www.pravdolyb.kz" BAGIROV YAASHAR
ALIYEVICH

DESCRIPTIVE PART:

The editor of the Kazakhstani website www.pravdolyb.kz BAGIROV YAASHAR ALIYEVICH published on his website www.pravdolyb.kz an article in relation to the plaintiff under the heading "A man as high as a kite", as well as under the heading "A short leash for friends of Mekhti Mamedov

Bakhadurovich Corrupt official, "scammer" and drug lord on the front yard of the President of Kazakhstan's House", which contains information of a negative nature about the Plaintiff, contains information that does not correspond to reality, discrediting the honor, dignity and business reputation of the Plaintiff.

The defendant - Bagirov Y., having personally received the Claim that had been signed by the Plaintiff about the refutation of the information disseminated by him and the removal of the information posted on his website, did not take measures to refute and delete the information, indicated that he would defend his point of view in court, thereby denying satisfaction of the Plaintiff's claims, at the same time, upon receipt of the Claim in writing, admitted that the source of his publications are articles from 35 sites of the co-defendants, the texts of publications of which are identical to each other, in which the titles of the articles simply change, this is reflected in the Claim attached by the Plaintiff.

Consequently, the Plaintiff fulfilled the requirement for pre-trial settlement of the dispute.

Thus, the Court has reliably established that the source of the publications posted on the Kazakh Internet site "www.pravdolyb.kz" from which the following Internet sites of the Defendants were literally reproduced and copied, namely: www.kompromat1.pro, www.kompromat.wiki, www.iapm.ru, www.rating.net.ua, www.inright.ru, www.argumenti.ru, www.vinnitsa.top, www.rucriminal.info/ru, www.compromat.ru, www.soshse.com, www.gezitter.org, www.kaktovottak.top, www.rosPRES.org, www.probusinessltd.com, www.it-sg.net, www.lifeukr.net, www.biznes-expert.com, www.pn14.info, www.ruchron.com, www.rutelegraf.com, www.aferist.news, www.dopros.info, www.translationexperts.org, www.odessa-news.com, https://bugabooks.com, www.rumafia.net, www.t.me, www.uaposters.com, www.slxt.vestnikaksor.ru, www.krasnobykow.com, www.teh-nomad.livejournal.com, www.rosPRES.site, www.ladno.ru, www.glavk.net, www.ahudyakov.livejournal.com.

The court established that the Plaintiff appealed to the Defendants with a request to remove information that does not correspond to reality posted on the Defendants' websites; only the editorial staff of the website "www.moscow-post.su" responded to this request, which removed the publication under the heading "Kazakh "Don" is striving for world drug rule?"

The proof enclosed is a copy of the Plaintiff's appeal to the editorial staff of the Internet site "www.moscow-post.su" and a copy of their response to satisfy the Plaintiff's request to remove the publication.

The reaction of the editors of the Internet site "www.moscow-post.su" to the Plaintiff's demands to remove false information, prove the validity and legality of the Plaintiff's claims.

All publications on the websites of the Defendants are directly related to the Plaintiff, since they mention the name of the Plaintiff - Mamedov Mekhti Bakhadurovich, his personal confidential and other data, including passport

data, which are posted for public viewing, there are photographs. While information about the Plaintiff posted on the Internet does not correspond to reality and is not confirmed by any official document, that is, it is slander, humiliating the honor and human dignity of the Plaintiff, which is confirmed and proved by the prejudicial Decision of the Golovinsky District Court of Moscow dated 03.04.2013 provided by the Plaintiff, according to which all information regarding the Plaintiff previously posted on the website www.compromat.ru had already been recognized by the prejudicial Decision of the Golovinsky District Court of Moscow dated 03.04.2013 as untrue, discrediting the honor, dignity and business reputation of the Plaintiff.

The fact of distribution on the Internet on the websites of all 35 Defendants of similar text-based information to those previously posted on the website www.compromat.ru and already recognized by the Decision of the Golovinsky District Court of Moscow dated 03.04.2013 as untrue, discrediting the honor, dignity and business reputation of the Plaintiff is proved by the expert's conclusion provided by the Plaintiff No. 2002/587 dated March 04, 2020 of a private independent expert-specialist Troitskaya Tatyana, obtained based on the results of psychological and linguistic research, publications and articles posted on the Defendants' websites.

Expert Troitskaya T.A. in her opinion No. 2002/587 dated March 4, 2020, established that the websites of the Defendants regarding this claim contain articles, identical in content, publications about Mamedov M.B., photos of Mamedov M.B. were attached to the publications with the attachment of passport data of Mamedov M.B., copies of which are in the materials of the civil case, which confirms that we are talking exclusively about the Plaintiff - Mamedov M.B.

As a result of the study, the Expert's Conclusion No. 2002/587 on page 33, the expert comes to the following conclusion:

Regarding question 1): Are there any negative information in the following Internet publications that, in the event of an inconsistency with reality, are classified as discrediting the honor, dignity and business reputation of Mamedov M.B.?

The answer is categorically yes. Yes, in all the following Internet publications submitted for research, there is a large amount of negative information, which, in the event of a discrepancy with reality, is classified as discrediting the honor, dignity and business reputation of Mamedov M.B.

Regarding question 2): Are there any negative information in the affirmative form in the following Internet publications, which, in case of inconsistency with reality, are classified as discrediting the honor, dignity and business reputation of Mamedov M.B.?

The answer is categorically yes. All Internet publications submitted for the study contain a large amount of information discrediting the honor, dignity of the person, the business reputation of Mamedov M.B., as well as the discriminatory characterization of a person based on ethnicity that is offensive

to him.

Regarding question 3): Do the following Internet publications contain information discrediting the honor, dignity and business reputation of Mamedov M.B.?

The answer is categorically yes. Yes, they are.

Regarding question 4): Do the following Internet publications contain information that does not meet the moral and ethical requirements (norms) of society, affecting and discrediting the honor, dignity and business reputation of Mamedov M.B.?

The answer is categorically yes. Yes, they do contain. The Internet publications submitted for the research contain, expressed in direct and indirect form, mainly in the form of statements about facts, information about the criminal activities of Mamedov M.B., information about socially condemned acts, as well as his characteristics as bad, immoral, not quite mentally healthy, unprincipled person and etc. All this testifies to the fact that in the publications submitted for the study, Mamedov M.B. was described as a person whose behavior does not correspond to the moral and ethical requirements (norms) of any civilized modern society, including the Russian one. This information directly affects his honor, dignity and business reputation.

Regarding question 5): Are the following Internet publications identical in content to each other?

The answer is yes. All Internet publications submitted for research are identical in content, subject matter, communicative purpose, and semantic focus. All texts show dependence on each other and could not have arisen in the process of parallel creativity, without acquaintance of their authors with each other's materials. At the same time, there are differences in the texts in the gradual strengthening of categoricalness and the transition to predominantly only statements about facts and an almost complete rejection of evaluative characteristics.

The court, on the basis of the evidence provided by the Plaintiff: screenshots of the web pages of the Defendants' websites, the Decision of the Golovinsky District Court of Moscow dated 03.04.2013, the Opinion of a specialist No. 2002/587 dated March 04, 2020 by a private independent expert-specialist Troitskaya Tatyana obtained from the results of psychological and linguistic research of publications and articles posted on the Defendants' websites, as well as the Protocol of the examination of evidence conducted by the notary of Moscow Yakushev K.V. dated 17.09.2019 and admission of the Defendant-Bagirov Y. of the fact of copying the materials of his publications from the websites of the co-defendants, comes to the conclusion that the Defendants, including the Kazakh website www.pravdolyb.kz, disseminated on the Internet in relation to the Plaintiff information of a negative nature, not corresponding to reality, discrediting the honor, dignity and business reputation of the Plaintiff.

The law establishes the presumption of the impeccability. Consequently,

the person who disseminated the information is obliged to prove that the information disseminated by him/her is true.

This conclusion follows from the normative resolution of the Plenum of the Supreme Court of the Republic of Kazakhstan dated 18.12.1992 No. 6 "On the application in judicial practice of legislation on the protection of honor, dignity and business reputation of individuals and legal entities", as well as paragraph 3 of Article 141 and p. 1, paragraph 7 of article 143 of the Civil Code of the Republic of Kazakhstan.

Currently, the defendants indicated in the claim continue to disseminate information in relation to the Plaintiff that does not correspond to reality, and it is shown on the Internet.

The defendants did not appear at the hearing and did not provide responses, objections to the statement of claim, although they were duly notified of the time and place of the hearing.

At the same time, the Defendants did not provide the court with any evidence that their publications about the Plaintiff were true, therefore, in the publications on the Defendants' websites, the Defendants groundlessly accused the Plaintiff of committing unlawful acts that had not been actually committed by the Plaintiff.

At the hearing the representative of the plaintiff Mamedov M.B., by power of attorney - Nurumbetov K., supported the arguments indicated in the claim and asked to satisfy the claim.

ANALYTICAL PART:

By virtue of paragraph 1 of Article 13 of the Constitution of the Republic of Kazakhstan, everyone has the right to recognition of his/her legal personality and has the right to defend his/her rights and freedoms in all ways that do not contradict the law, including the necessary defense. Everyone has the right to judicial protection of his/her rights and freedoms.

Article 18 of the Constitution of the Republic of Kazakhstan enshrines the right to protect one's honor and dignity, which is inviolable (Article 17 of the Constitution of the Republic of Kazakhstan).

In accordance with paragraph 1 of article 9 of the Civil Code of the Republic of Kazakhstan "Protection of civil rights is carried out by the court, including by: suppression of actions that violate the right or create a threat of its violation and awarding a duty to the specific performance."

According to paragraph 8 of article 15 of the Civil Code of the Republic of Kazakhstan – "A citizen has the right to demand that the use of his/her name be prohibited when it was done without his/her consent."

According to paragraph 2 of Article 141 of the Civil Code, the protection of personal non-property rights is carried out by the court in the manner prescribed by the civil procedural legislation. Article 143 of the Civil Code includes honor, dignity and business reputation as personal non-property legal relations.

In accordance with paragraphs 1 and 6 of Article 143 of the Civil Code of the

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Republic of Kazakhstan (hereinafter referred to as the Civil Code), a citizen has the right to demand in court the refutation of information that discredits his/her honor, dignity or business reputation. A citizen in relation to whom information has been disseminated that discredits his/her honor, dignity or business reputation, has the right, along with the refutation of such information, to demand compensation for losses and moral harm caused by their dissemination.

By virtue of paragraph 1 of article 145 of the Civil Code of the Republic of Kazakhstan "No one has the right to use the picture of any person without his/her consent."

In accordance with paragraph 1 of the Normative Resolution of the Supreme Court of the Republic of Kazakhstan dated December 18, 1992 N 6 "On the application in judicial practice of legislation on the protection of honor, dignity and business reputation of individuals and legal entities":

Defamatory information is the information that does not correspond to reality that belittles the honor and dignity of a citizen or organization in front of the publicity or the individual citizens in terms of compliance with laws, moral principles of society (for example, information about the commission of a dishonest act, unworthy behavior in a work collective, in a family; information discrediting production and economic activities, reputation, etc.).

Honor is a public assessment of a person, a measure of his/her spiritual and social qualities.

Dignity is an internal self-assessment by a person of his/her own qualities, abilities, worldview, and his/her social significance.

Business reputation is a stable positive assessment of the business (industrial, professional) merits of a person by public opinion.

By virtue of paragraph 3 of article 2 of the Civil Procedure Code of the Republic of Kazakhstan "International treaties ratified by the Republic of Kazakhstan have priority over this Code and are applied exclusively."

According to Article 12 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases dated October 7, 2002 (hereinafter - the Convention), ratified by the Republic of Kazakhstan on March 10, 2004 on the basis of the Law of the Republic of Kazakhstan dated March 10, 2004 N 531,

"1. Documents that are issued or attested by a competent institution or a specially authorized person within its competence and in the prescribed form on the territory of one of the Contracting Parties and are affixed with an official seal, shall be accepted in the territories of all other Contracting Parties without any special certification.

2. Documents which are considered as official documents in the territory of one of the Contracting Parties shall be used in the territories of other Contracting Parties with the evidentiary force of official documents".

In paragraph 2. Article 22 of the "Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters" (Chisinau Convention dated October 7, 2002) signed and ratified by the Republic of Kazakhstan and the Russian Federation states that "The courts of a Contracting Party are also

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competent in cases where its territory:

c) the plaintiff in the claim for the protection of honor, dignity and business reputation has a permanent place of residence or location”.

According to Article 54 of the Convention “1. Each of the Contracting Parties, under the conditions provided for by this Convention, recognizes and implements decisions made in the territories of other Contracting Parties.

2. The recognition and execution of the decisions referred to in paragraph 1 of this article shall be carried out in accordance with the legislation of the requested Contracting Party.”

Also, in accordance with paragraph 1 of article 55 of the Convention “Decisions made by the justice institutions of each of the Contracting Parties and entered into legal force, which do not require execution by their nature, are recognized in the territories of other Contracting Parties without special proceedings.”

International treaties concluded by the Republic of Kazakhstan in accordance with the Constitution of the Republic in the prescribed manner and ratified by the Parliament of the Republic of Kazakhstan have priority over its laws (paragraph 3 of Article 4 of the Constitution of the Republic of Kazakhstan).

The provisions of international treaties that do not require the publication of laws are directly applicable in the Republic of Kazakhstan.

According to subparagraph 9) of paragraph 2 of Article 466 of the Civil Procedure Code of the Republic of Kazakhstan, the Courts of the Republic of Kazakhstan also consider cases with the participation of foreign persons in cases when: in the case of the protection of honor, dignity and business reputation, the plaintiff has a place of residence in the Republic of Kazakhstan. According to subparagraph 4) of Article 2-1 of the Law of the Republic of Kazakhstan “On Mass Media” (hereinafter - the Law), the main principles of the media are respect for private life, honor, dignity of a person and a citizen. In accordance with paragraphs 1 and 2 of Article 25 of the Law, the dissemination of false information discrediting the honor and dignity of a citizen entails responsibility provided for by the legislative acts of the Republic of Kazakhstan. The owner, distributor, editor-in-chief (editor) of the media, the authors of the messages and materials disseminated are responsible for violating the legislation on the mass media.

In accordance with Article 21 of the Law of the Republic of Kazakhstan “On Mass Media”, a journalist is obliged, without limitation, not to disseminate information that does not correspond to reality; respect the legal rights and interests of individuals and legal entities; perform other duties assigned to him/her in accordance with the legislation of the Republic of Kazakhstan.

As it was established in the court and follows from the materials of the case, in fact, the Kazakhstani Internet site www.pravdolyb.kz, as well as the Internet sites www.kompromat1.pro, www.kompromat.wiki, www.iapm.ru, www.rating.net.ua, www.inright.ru, www.argumenti.ru, www.vinnitsa.top,

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www.rucriminal.info/ru, www.compromat.ru, www.soshse.com,
www.gezitter.org, www.kaktovottak.top, www.ros-pres.org,
www.probusinessltd.com, www.it-sg.net, www.lifeukr.net, www.biznes-
expert.com, www.pn14.info, www.ruchron.com, www.rutelegraf.com,
www.aferist.news, www.dopros.info, www.translationexperts.org,
www.odessa-news.com, https://bugabooks.com, www.rumafia.net, www.t.me,
www.ua-posters.com, www.slxt.vestnikaksor.ru, www.krasnobykow.com,
www.teh-nomad.livejournal.com, www.ros-pres.site, www.ladno.ru,
www.glavk.net, www.ahudyakov.livejournal.com articles about Mamedov
M.B. were published on the Internet, which are classified as defaming the
honor, dignity and business reputation of the Plaintiff, all Internet publications
of the Defendants contain a large amount of information defaming the honor,
dignity of the person, the business reputation of Mamedov M.B., as well as the
discriminatory characterization of a person based on ethnicity that is offensive
to him, Internet publications contain, expressed in direct and indirect form, in
the form of statements about the facts of the alleged criminal activity of
Mamedov M.B., information about socially condemned acts, as well as
characteristics as bad, immoral, not quite mentally healthy, unprincipled person
and etc.

All this testifies to the fact that in the publications of the Defendants submitted
to the court Mamedov M.B. has been described as a person whose behavior
does not meet the moral and ethical requirements (norms) of any civilized
modern society. This information directly affects his honor, dignity and
business reputation, all submitted Internet publications are identical in content,
subject matter, communicative purpose, semantic orientation with inaccurate
and untrue, negative information regarding the plaintiff, discrediting his honor,
dignity and business reputation, already previously recognized by the Decision
of the Golovinsky District Court of Moscow dated 03.04.2013 as untrue,
discrediting the honor, dignity and business reputation of Mamedov M.B.

The court found that the Plaintiff did not grant the Defendants permission
to use his name and image.

At the same time, the Defendants did not provide the court with any
evidence confirming the information disseminated by them on the Internet on
the Defendants' websites.

During the trial, the defendant, Bagirov Y. examined the final decision
of the Golovinsky District Court of Moscow dated 03.04.2013 having the force
of law, which have already recognized information posted on the site
www.compromat.ru as untrue, discrediting the honor, dignity and business
reputation of the Plaintiff, and also the defendant-Bagirov Y. studied the
Expert's Conclusion No. 2002/587 dated March 04, 2020 of a private
independent expert-specialist Troitskaya Tatyana, which had been obtained
based on the results of psychological and linguistic research, publications and
articles posted on the websites of the Defendants, which confirms the identity
of the texts of the publications of all 36 websites, including the article of the
Defendant Bagirov Y.. After examining the above evidence, the defendant-

Bagirov Y. fully admitted the Plaintiff's claims. In this connection, the defendant, Bagirov Y., filed a statement to the court that he recognized the claim in full, moreover, the Defendant-Bagirov Y. in court confirmed that the source of the publications of the Defendant-Bagirov Y. on his Kazakhstan website "www.pravdolyb.kz" were identical publications in their meaning and content and that this was already the subject of court proceedings as in the case with website www.compromat.ru posted on Internet sites: www.kompromat1.pro, www.kompromat.wiki, www.iapm.ru, www.rating.net.ua, www.inright.ru, www.argumenti.ru, www.vinnitsa.top, www.rucriminal.info/ru, www.compromat.ru, www.soshse.com, www.gezitter.org, www.kaktovottak.top, www.rospres.org, www.probusinessltd.com, www.it-sg.net, www.lifeukr.net, www.biznes-expert.com, www.pn14.info, www.ruchron.com, www.rutelegraf.com, www.aferist.news, www.dopros.info, www.translationexperts.org, www.odessa-news.com, https://bugabooks.com, www.rumafia.net, www.t.me, www.uaposters.com, www.slxt.vestnikaksor.ru, www.krasnobylkow.com, www.teh-nomad.livejournal.com, www.rospres.site, www.ladno.ru, www.glavk.net, www.ahudyakov.livejournal.com.

The court examined the evidence provided by the Plaintiff to prove its arguments, namely: screenshots of the web pages of the Defendants' websites, the final decision of the Golovinsky District Court of Moscow dated 03.04.2013 having the force of law, which have already recognized information posted on the site www.compromat.ru as untrue, Conclusion of a specialist No. 2002/587 dated March 04, 2020 by a private independent expert-specialist Troitskaya Tatyana Alexandrina, obtained based on the results of psychological and linguistic research of the publications and articles posted on the Defendants' websites, which confirms the identity of the texts of publications of all 36 sites and also the article of the Defendant Bagirov Y., as well as the Protocol of the examination of evidence carried out by the notary of Moscow Yakushev K.V. dated 17.09.2019 and the recognition of the claim by the Defendant-Bagirov Y. on copying the materials of his publications from the websites of the co-defendants, which is confirmed by Bagirov's filed application for full recognition of the claim, due to the fact that the decision of the Golovinsky District Court of Moscow dated 03.04.2013 on the recognition of information posted on the website www.compromat.ru as untrue, thereby the defendant-Bagirov Y. recognized the identity of the information posted on his website with the information, on which a judicial assessment had already been given by the Decision of the Golovinsky District Court of Moscow dated 03.04.2013.

The Court concludes that on the Internet all the Defendants, including the Kazakhstan website www.pravdolyb.kz, circulated false information against the Plaintiff, discrediting his honor, dignity and business reputation, in connection with which the court considers it necessary to restore the violated rights of the plaintiff.

Clause 9 of the Normative Resolution of the Supreme Court of the

Republic of Kazakhstan dated December 18, 1992 N 6 "On the application in judicial practice of legislation on the protection of honor, dignity and business reputation of individuals and legal entities" stipulates that a citizen or an organization has the right to sue the court at the same time to several media outlets and other bodies and persons who disseminated information discrediting his honor and dignity and completely untrue (Article 49 of the Code of Civil Procedure).

Plaintiff-Mamedov M.B. is a citizen of the Republic of Kazakhstan and has a permanent residence in the Republic of Kazakhstan.

By virtue of paragraph 3 of article 2 of the Civil Procedure Code of the Republic of Kazakhstan "International treaties ratified by the Republic of Kazakhstan have priority over this Code and are applied exclusively."

Guided by paragraph 2. Article 22 of the "Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases" (Chisinau Convention dated October 7, 2002), the court considers the case with the participation of foreign persons.

Under the above circumstances, the court, on the basis of the Expert's Conclusion that all the publications of the Defendants are identical in meaning and content, while the authors change only the names, and the meaning of these publications remains unchanged, comes to the conclusion that all the publications of the Defendants about Plaintiff contain information that does not correspond to the moral and ethical requirements (norms) of society, does not correspond to reality, is offensive, thus violating the rights, defaming the honor, dignity and business reputation of the Plaintiff, therefore, the statement of claim must be satisfied in full.

In accordance with part 1 of Article 72 of the Civil Procedure Code of the Republic of Kazakhstan (hereinafter referred to as the CPC), each party must prove the circumstances to which it refers as the basis for its claims and objections, use remedies, assert, dispute facts, provide evidence and objections against evidence within the time frame established by the judge, which corresponds to the fair conduct of the legal procedure and is aimed at facilitating the proceedings.

According to part 1 of Article 109 of the Civil Procedure Code, the party, in whose favor the decision was made, is awarded all the court costs incurred in the case. If the claim is satisfied in part, then the costs are awarded to the plaintiff in proportion to the amount of claims satisfied by the court, and to the defendant - in proportion to the part of the claim in which the plaintiff was denied.

Since the claims of the plaintiff are fully satisfied, it is necessary to collect from the defendants in solidarity a state fee in the amount of 2,917 tenge.

The collected relevant admissible and reliable evidence is cumulatively sufficient to resolve a civil case.

SUBSTANTIVE PROVISIONS:

Guided by Articles 223-226 of the Civil Procedure Code of the Republic

DECIDED:

Claims of Mamedov Mekhti Bakhadurovich against the defendants No. 1 - BAGIROV YAASHAR ALIYEVICH Editor of the Kazakhstan website "www.pravdolyb.kz", Editorial Board of the website of the defendant No. 2 www.kompromat1.pro, defendant No. 3 www.kompromat.wiki, defendant No. 4 www.iapm.ru, defendant No. 5 www.rating.net.ua, defendant No. 6 www.inright.ru, defendant No. 7 www.argumenti.ru, defendant No. 8 www.vinnitsa.top, defendant No. 9 www.rucriminal.info/ru, defendant No. 10 www.compromat.ru, defendant No. 11 www.soshse.com, defendant No. 12 www.gezitter.org, defendant No. 13 www.kaktovottak.top, defendant No. 14 www.rosPRES.org, defendant No. 15 www.probusinessltd.com, defendant No. 16 www.it-sg.net, defendant No. 17 www.lifeukr.net, defendant No. 18 www.biznes-expert.com, defendant No. 19 www.pn14.info, defendant No. 20 www.ruchron.com, defendant No. 21 www.rutelegraf.com, defendant No. 22 www.aferist.news, defendant No. 23 www.dopros.info, defendant No. 24 www.translationexperts.org, defendant No. 25 www.odessa-news.com, defendant No. 26 www.bugabooks.com, defendant No. 27 www.rumafia.net, defendant No. 28 www.t.me, defendant No. 29 www.uaposters.com, defendant No. 30 www.slxt.vestnikaksor.ru, defendant No. 31 www.krasnobykow.com, defendant No. 32 www.teh-nomad.livejournal.com, defendant No. 33 www.rosPRES.site, defendant No. 34 www.ladno.ru, defendant No. 35 www.glavk.net, Defendant No. 36 www.ahudyakov.livejournal.com to recognize the Defendants' publications posted on the Defendants' websites as untrue, defaming the honor, dignity and business reputation of Mamedov M.B., as well as to oblige the Defendants to remove the publications from the internet sites in full volume.

To recognize as untrue, discrediting the honor, dignity and business reputation of Mamedov Mekhti Bakhadurovich, as well as oblige to block and delete the publications stated and published by the below-mentioned Defendants on the following Internet resources, namely:

- The information presented by the Defendant No. 1 - Bagirov Y. on the Kazakhstani website www.pravdolyb.kz, in the text under the heading "A man as high as a kite", as well as "A short leash for friends of Mekhti Mamedov Bakhadurovich Corrupt official, "scammer" and drug lord on the front yard of the President of Kazakhstan's House" posted on the Internet on the Kazakhstani website www.pravdolyb.kz.

- The information provided by the Defendant No. 2- Editorial Board of the website www.kompromat1.pro, on its website in the text under the heading "How Kenes Rakishev paid smart-money to a "crime lord" for incriminating evidence",

- The information provided by the Defendant No. 3- Editorial Board of the website www.kompromat.wiki, on its website in the text under the heading "How Kenes Rakishev paid smart-money to a "crime lord" for incriminating evidence",

- Information provided by the Defendant No. 4- Editorial Board of the website www.iapm.ru, on its website in the text under the heading "A short leash for

friends of Mekhti Mamedov Bakhadurovich",

- Information provided by the Defendant No. 5 Editorial Board of the website www.rating.net.ua in the text under the heading "Mekhti Mamedov Bakhadurovich in Kazakhstan controls the transit of Afghan heroin to Russia" posted on the Internet website "www.rating.net.ua", the link <http://rating.net.ua/item/23694-mehti-mamedov-v-kazahstane-kontroliruet-tranzit-afganskogo-geroina-v-rossiyu>".

- The information provided by the Defendant No. 6- Editorial Board of the website www.inright.ru in the text under the heading "In the sticky networks of drug trafficking", posted on the Internet website "www.inright.ru", the link https://inright.ru/articles/politics/20110920/id_657/.

- The information provided by the Defendant No. 7- Editorial Board of the website www.argumenti.ru, in the text under the heading "In the sticky networks of drug trafficking", posted on the Internet website "www.argumenti.ru", the link <https://argumenti.ru/print/society/2011/09/125728>.

- Information provided by the Defendant No. 8- Editorial Board of the website www.vinnitsa.top in the text under the heading "Friends of Mekhti Mamedov Bakhadurovich on a short leash" posted on the Internet website "www.vinnitsa.top", the link <https://www.vinnitsa.top/novini/item/349883-druzya-mehti-mamedova-na-korotkom-povodke>.

- The information provided by the Defendant No. 9 Editorial Board of the website www.rucriminal.info/ru in the text under the heading "Corrupt official, "scammer" and drug lord on the front yard of the President of Kazakhstan's House", posted on the Internet www.rucriminal.info/ru, the link <http://www.rucriminal.info/ru/material/kak-kenes-rakishev-avtoritetu-otstupnye-za-kompromat-platil?hl=%D0%BC%D0%B0%D0%BC%D0%B5%D0%B4%D0%BE%D0%B2>.

- Information provided by the Defendant No. 10 - Editorial Board of the Internet site www.compromat.ru in the text under the heading "A short leash for friends of Mekhti Mamedov Bakhadurovich" posted on the Internet website "www.compromat.ru", the link http://www.compromat.ru/page_31265.htm.

- Information provided by the Defendant No. 11 - Editorial Board of the website www.soshse.com in the text under the heading "Friends of Mekhti Mamedov Bakhadurovich on a Short Leash" posted on the Internet, the link https://soshse.com/novosti/item/78936-druzya-mehti-mamedova-na-korotkom-povodke__cf_chl_jschl_tk__=1b8b58ec141243f74bcfd155e26b86387813fbe2-1620209262-0-AfF-oqQBJotz0zLEgiE3Rex4LcO-SulQi5iODQoPa8PEgOx39Nlflsy6MJjgUqQnvlV4vHidbdiZSdLPuAncjAWiLU RjJ6yflFRolIF96Ird-f3hJqyyUnkFy9B-G-sHoIMWDWkDm-iQPGt5TYy8OCUspufwHd7cmQ1lRpxIFr72rlZYI4-NnfZJl028wrvkJaSS4Cz5LmZDL2vjSx8uv3tjRh2OiUFxBErZYYbPswVaCXOA U8ECK_D2jPkBGO-Spn06uUklCYqk0_EZMRB9ITWEgupGbnrYmLgXxOnU25_z0_SK9QRnysT8i vv05CtKeA9e5m86jZSliOHCH4yuafdfBYPNIQqkPN2apXf4yIysTj4g4cjFWO8 c6pXFeJQcIr_N0cvt0bXuu2A8avv5X0kqM05bcelOCfpWZ6uwuFVsCZrOcbCs-?

M_wRHt2uPWmeKEY2xH97t7fHW5oUL1UxjTehOsuteXMGMIL2InVfxaF.

- Information provided by the Defendant No. 12 - Editorial Board of the Internet site www.gezitter.org in the text under the heading "Amusements of the spoiled daughter, Friends and drugs" posted on the Internet website www.gezitter.org, the link

https://www.gezitter.org/politic/36570_zabavyi_balovannoy_dochki/

- The information provided by the Defendant No. 13 - Editorial Board of the website www.kaktovottak.top in the text under the heading "Kazakh "Don" is striving for world drug rule" posted on the Internet website "www.kaktovottak.top", the link <http://kaktovottak.top/item/81535-kazahskiy-don-rvetsya-k-mirovomu-narkogospodstvu>.

- Information provided by the Defendant No. 14 - Editorial Board of the website www.rosPRES.org in the text under the heading "Friends of Mekhti Mamedov Bakhadurovich on a short leash" posted on the Internet website www.rosPRES.org, the link <https://www.rosPRES.org/crime/8938/>.

- The information provided by the Defendant No. 15 - Editorial Board of the website www.probusinessltd.com in the text under the heading "NARCOAZER MEKHTI MAMEDOV BAKHADUROVICH IN KAZAKHSTAN CONTROLS THE TRANSIT OF THE AFGHAN HEROIN TO RUSSIA" posted on the Internet website www.probusinessltd.com, the link <https://probusinessltd.com/item/57742-narkoazer-mehti-mamedov-v-kazahstane-kontroliruet-tranzit-afganskogo-geroina-v-rossiyu/>.

- The information provided by the Defendant No. 16 - Editorial Board of the website www.it-sg.net in the text under the heading "Kazakh "Don" is striving for world drug rule" posted on the Internet, the link www.it-sg.net/index.php/novosti/item/53093-kazahskiy-don-rvetsya-k-mirovomu-narkogospodstvu.

- Information provided by the Defendant No. 17 - Editorial Board of the website www.lifeukr.net under the heading "Has Kenes Rakishev acquired a patron in uniform and gowns?" posted on the Internet, the link <https://lifeukr.net/novosti/item/69492-kenes-rakishev-kupil-pokrovitelya-v-pogonah-i-mantiyah>.

- Information provided by the Defendant No. 18 - Editorial Board of the website www.biznes-expert.com under the heading "Mekhti Mamedov Bakhadurovich in sticky drug trafficking networks" posted on the Internet, the link biznes-expert.com/index.php/novosti/item/42413-mehti-mamedov-v-lipkih-setyah-narkotrafika.

- Information provided by the Defendant No. 19 - Editorial Board of the website www.pn14.info under the heading "Narcoazer Mekhti Mamedov Bakhadurovich in Kazakhstan controls the transit of Afghan heroin to Russia" <https://pn14.info/>.

- Information provided by the Defendant No. 20 - Editorial Board of the Internet resource www.ruchron.com, entitled "Member of the "Shaprashta clan and the chairman of the court of the city of Nur-Sultan Tlektes Barpibayev" posted on the Internet, the link <https://www.ruchron.com/karaulny/200983-chlen>.

shaprashtinskogo-klana-i-predsdatel-suda-goroda-nur-sultan-tlektes-barpibaev/.

- Information provided by the Defendant No. 21 - Editorial Board of the Internet resource www.rutelegraf.com entitled "Rakishev Kenes Khamitovich" posted on the Internet, the link <https://rutelegraf.com/lichnoe-delo/kenes-rakishev>.

- Information provided by the Defendant No. 22 - Editorial Board of the Internet resource www.aferist.news, entitled "Mekhti Mamedov Bakhadurovich: entering the "family", heroin baron and corruption in uniform" posted on the Internet, the link <https://aferist.news/mexiti-mamedov-zaxod-v-semyu-geroinovyy-borman-i-korruptsiya-v-pogonax/>;

- Information provided by the Defendant No. 23 - Editorial Board of the Internet resource www.dopros.info, entitled "Has Kenes Rakishev acquired a patron in uniform and gowns?" posted on the Internet, the link <https://dopros.info/kenes-rakishev-kupil-pokrovitelya-v-pogonah-i-mantiyah/>

- The information provided by the Defendant No. 24 - Editorial Board of the Internet resource www.translationexperts.org, called "Kazakh "Don" is striving for world drug rule" posted on the Internet, the link https://translationexperts.org/item/124644-kazahskiy-don-rvetsya-k-mirovomunarkogospodstvu?__cf_chl_jschl_tk__=013192366517bbd7a9b077c63a68eec3a30b2b39-1614662761-0-Ac_rnHop5f4G6NRKIbfm9QnY08veb-LC94- yzGhFi9XBFHw0ys-Nd_F0AfkJ025eVW0U-- xPzvTmdXNCC5UuZdxUARwJhjujTbRQqvdfzrlGJFbyn-sSKWZ-HCof6EZhgVpel1jedWGafC42RNZfritHsVnw0AgSPiewHzplmaUYQFPVkJZkySEZwkq6RfOkKbjoZjGam5p4fU4azoggcjXiQ5S3vIV632ao4xpoqZ4-hBtsvfuo20Qi4gg9J2fd6glnXq_LlhIdumL4HV_JJvQz95Mn8AiaEdQ_de8nf0-qGvxhePA46OOZu0-Z-3NTcnRgz9aCoyYwEJOcQL0fsa__sUYN-yc42gM379LMX8TMfwmCPAhnNCQXNhZQ0TqcmVA

- Information provided by the Defendant No. 25 - Editorial Board of the Internet resource www.odessa-news.com under the title "Mekhti Mamedov Bakhadurovich in Kazakhstan controls the transit of Afghan heroin to Russia" posted on the Internet, the link <http://www.odessa-news.com/ukraina/item/13846-1601273461>.

- The information provided by the Defendant No. 26 - Editorial Board of the Internet resource <https://bugabooks.com> under the title "Kazakh "Don" is striving for world drug rule" posted on the Internet, the link <https://bugabooks.com/post/806850>.

- Information provided by the Defendant No. 27 - Editorial Board of the Internet resource www.rumafia.net called "Kenes Rakishev. Chairman of the Board of Directors of JSC Kazkommertsbank, holdings SAT & Company, Net Element" posted on the Internet, the link <http://rumafia.net/ru/dosje/882>.

- Information provided by the Defendant No. 28 - Editorial Board of the Internet resource www.t.me under the title "Member of the "Shaprashta clan" and the chairman of the Nur-Sultan city court Tlektes Barpibaev" posted on the Internet, the link <https://t.me/s/Uzynqulaq/573>

- Information provided by the Defendant No. 29 - Editorial Board of the Internet resource www.uaposters.com entitled "Mekhti Mamedov Bakhadurovich

in Kazakhstan controls the transit of Afghan heroin to Russia" posted on the Internet, the link <http://www.uaposters.com/item/152599-mehti-mamedov-v-kazahstane-kontroliruet-tranzit-afganskogo-geroina-v-rossiyu>.

- Information provided by the Defendant No.30 - Editorial Board of the Internet resource www.slxt.vestnikaksor.ru entitled "A short leash for friends of Mekhti Mamedov Bakhadurovich Corrupt official, "scammer" and drug lord on the front yard of the President of Kazakhstan's House" posted on the Internet, the link <https://slxt.vestnikaksor.ru/spisok-solistov/>

- Information provided by the Defendant No. 31 - Editorial Board of the Internet resource www.krasnobykow.com under the title "Mekhti Mamedov Bakhadurovich in the sticky networks of drug trafficking" posted on the Internet at the link <https://www.krasnobykow.com/novosti/item/653329-mehti-mamedov-v-kazahstane-kontroliruet-tranzit-afganskogo-geroina-v-rossiyu>, as well as under the title "How Kenes Rakishev paid smart-money to a "crime lord" for incriminating evidence" posted on the Internet at the link <https://www.krasnobykow.com/novosti/item/655736-kak-kenes-rakishev-avtoritetu-otstupnye-za-kompromat-platil>, as well as under the title "How Kenes Rakishev paid smart-money to a "crime lord" for incriminating evidence" posted on the Internet at <https://www.krasnobykow.com/novosti/item/667435-kak-kenes-rakishev-avtoritetu-otstupnye-za-kompromat-platil>.

- Information provided by the Defendant No. 32 - Editorial Board of the Internet resource www.teh-nomad.livejournal.com under the title "Kazakhstan is becoming the main link in the chain of drug trafficking" posted on the Internet, the link www.teh-nomad.livejournal.com/974230.html

- Information provided by the Defendant No. 33 - Editorial Board of the Internet resource www.rospres.site entitled "Friends of Mekhti Mamedov Bakhadurovich on a Short Leash" posted on the Internet at the link www.rospres.site/crime/item/10730-druzya-mehti-mamedova-na-korotkom-povodke, and also under the title "CONCLUSION OF THE SPECIALIST based on the results of psychological and linguistic research" posted on the Internet, the link www.rospres.site/forum/item/285498-zaklyuchenie-spetsialista-po-rezultatam-psikhologicheskogo-lingvisticheskogo-issledovaniya

- Information provided by the Defendant No. 34 - Editorial Board of the Internet resource www.ladno.ru under the title "Corrupt official", "scammer" and drug lord on the front yard of the President of Kazakhstan's House" posted on the Internet, the link www.ladno.ru/opinion/41348.html

- Information provided by the Defendant No. 35 - Editorial Board of the Internet resource www.glavk.net under the title "How Kenes Rakishev paid smart-money to a "crime lord" for incriminating evidence", posted on the Internet, the link www.glavk.net/articles/59292-kak_kenes_rakishev_avtoritetu_otstupnye_za_kompromat_platil

- Information provided by the Defendant No. 36 - Editorial Board of the Internet resource www.ahudyakov.livejournal.com under the title "A short leash for friends of Mekhti Mamedov Bakhadurovich Corrupt official, "scammer" and drug lord on the front yard of the President of Kazakhstan's House" posted on the Internet, the

link www.abudyakov.livejournal.com

The state fee in the amount of 2,917 tenge (two thousand nine hundred and seventeen) tenge to be collected from the defendants in favor of Mamedov Mekhti, in a joint order.

The Decision can be appealed and (or) protested in compliance with the Articles 403, 404 of the Civil Procedure Code of the Republic of Kazakhstan to the court of appeal of the Almaty regional court through the Talgar district court of the Almaty region within one month from the date of the decision in the final form, except for the cases established by the Code of Civil Procedure of the Republic of Kazakhstan, and persons who did not participate in the trial can send their appeals from the date of sending them a copy of the decision.

Presiding Judge:

True copy:

Judge:

Note

The Decision did not enter into force on June 29, 2021

Judge:

Note

The Decision did not enter into force on July 29, 2021

Judge:

Round seal:
The Republic of Kazakhstan
Almaty region
Talgar District Court

Baigaliyev A.B.

Baigaliyev A.B.

Baigaliyev A.B.

Baigaliyev A.B.

Round seal:
The Republic of Kazakhstan
Almaty region
Talgar District Court

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