



**THE REPORT:  
THE CASE OF MURATKHAN TOKMADI**



**Through the use of torture, the NSC is forcing Tokmadi to give false testimony confirming that 13 years ago, he 'committed murder' 'at the instruction' of opposition politician Mukhtar Ablyazov**

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## 1. INTRODUCTION

Kazakhstan's prominent businessman Muratkhan Tokmadi fell victim of politically motivated prosecution of Mukhtar Ablyazov. Tokmadi is being held in the detention facility of the National Security Committee of Kazakhstan. **Special services are forcing Tokmadi to give false testimony confirming that 13 years ago, he allegedly committed 'murder at the instruction of Mr Ablyazov'.**

The opposition politician Mukhtar Ablyazov, whom President Nazarbayev regards as his personal enemy, was accused of 'embezzlement of BTA Bank's funds'<sup>1</sup>. In December 2016, France's State Council recognised the case as political. Mr Ablyazov's 13 colleagues and relatives have been granted asylum or subsidiary protection in the EU and the US. Interpol removed the name of Mr Ablyazov and several other defendants in the case of BTA Bank from the wanted list<sup>2</sup>.

**As the case of BTA Bank has been recognised as political, the Kazakhstani authorities began to look for new ways to declare Mr Ablyazov wanted through Interpol and seek his extradition.** To this end, in addition to financial crimes, Kazakhstan intends to bring against Mr Ablyazov, additional serious charges of murder. This method has already been applied by Russia in the case of YUKOS (the cases of Mikhail Khodorkovsky and Leonid Nevzlin).<sup>3</sup>

The authorities of Kazakhstan arrested Muratkhan Tokmadi on charges of 'extortion', committed 12 years ago. In the detention facility, representatives of the special services demanded that Mr Tokmadi 'confess' to 'killing' Yerzhan Tatishev in 2004 (former chairman of the TuranAlem bank) 'at the instruction' of Mukhtar Ablyazov. Mr Tokmadi refused to give the testimony, convenient to the investigative bodies. After that, two more criminal cases were initiated against him on charges of 'possession of weapons' and 'murder', committed 19 years ago.

**In the case of Mr Tokmadi, the Kazakhstani special services resorted to openly unlawful methods.** As claimed by Mr Tokmadi's wife, during the search, carried out without lawyers, investigators 'planted' weapons. Mr Tokmadi is interrogated in the absence of lawyers. His counsels are forced to withdraw complaints under the threat that their licenses to practice law will be withdrawn.

The basis for the allegations of the 'contract murder of Mr Tatishev' was the testimony of Beken Imankaliyev, Tokmadi's relative. Special services took Imankaliyev out of the house and, probably, subjected him to torture (judging by his current state of health).

The investigators say that they will create 'unbearable conditions of detention in the detention facility' for Mr Tokmadi, if he refuses to give the testimony, convenient to them. Mr Tokmadi's wife reported as follows: **"There are signs of torture on his body". Still, the General Prosecutor's Office stated that Tokmadi 'fell from a pull-up bar' and that 'he has no complaints'.** Investigators demand that Mr Tokmadi's wife publicly recant the information about torture, threatening her with criminal prosecution.

## 2. SPECIAL SERVICES ARRESTED MR TOKMADI AND BROUGHT CRIMINAL CHARGES AGAINST HIM

Muratkhan Tokmadi is a Kazakhstani businessman, an owner of large plants manufacturing multiple glass units and other glass products. His production plants (with the largest of them – 'KazStroySteklo')

<sup>1</sup> <http://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov>

<sup>2</sup> Tatiana Paraskevich, Artur Trofimov, Kuanysh Nurgazin, Aleksander Pavlov, Muratbek Ketebayev.

<sup>3</sup> INTERPOL removed the names of Khodorkovsky and Nevzlin from the wanted list, having recognised their prosecution political - <http://en.odfoundation.eu/a/8201,the-report-the-reform-of-interpol-don-t-let-it-be-stopped-halfway>

repeatedly performed state orders for the construction of large facilities. President Nazarbayev bestowed government awards for high quality work upon Mr Tokmadi.<sup>4</sup>

Also, Mr Tokmadi is an athlete and until December 2016, he headed the Kazakhstani Triathlon Federation. After that, Karim Masimov, the chairman of the National Security Committee (NSC) became the head of the federation.

Over many years, law enforcement bodies had no claims against Mr Tokmadi himself or his business. Mr Tokmadi's wife, Dzhamilya Aimbetova-Tokmadi, claims that her husband found out about the criminal prosecution only **on the day of his detention, i.e. on 12 June 2017**.

On that day, armed special forces took Mr Tokmadi out of the apartment with a bag over his head. Searches were carried out at the places of residence of Mr Tokmadi and his relatives, as well as at his production plants. Pro-government TV channels showed the footage of operational activities depicting the moment of detention. The NSC stated that a 'special operation was carried out to neutralise an organised criminal group.'<sup>5</sup>

On 14 June 2017, the Almalinsky District Court of Almaty arrested Mr Tokmadi (recently, his arrest was extended until 13 September 2017<sup>6</sup>). On 23 June 2017, the court seized the property owned by Mr Tokmadi and his relatives. The decision was issued in the absence of attorneys who had not been informed of the date of the trial.

Immediately after the detention of Mr Tokmadi, several pro-government media began to release reports claiming that in the 1990s, he 'was engaged in racketeering' and was 'the leader of a criminal group'<sup>7</sup>.

In total, **three criminal cases have been officially initiated** against Mr Tokmadi:

- On 13 June 2017, he became a suspect in the offence of 'extortion' (Article 194, section 3 of the CC of the RK). According to the account of the investigative bodies, in 2005, 'acting in collusion with a group of unidentified persons', 'expressing verbally the threat of violence', Mr Tokmadi 'illegally acquired shares of two enterprises' from his business partner Sergey Nepropekin. The transaction was notarised (contracts of 18 October 2005 and 1 December 2005). After 12 years, Mr Nepropekin labeled this deal 'extortion'. Dzhamila Aimbetova-Tokmadi believes that Mr Nepropekin has filed a report incriminating her husband due to the pressure from special services. Especially, according to her, that until May 2017, Mr Nepropekin was doing business with Mr Tokmadi and had no complaints.
- On 25 July 2017, he became a suspect in the crime of 'illegal possession of weapons' (Article 287, section 3, section 4 of the CC of the RK). The General Prosecutor's Office stated that during the search in Mr Tokmadi's apartment, 'a significant amount of illegal weapons and ammunition was seized'.<sup>8</sup> These items were allegedly 'found' under a child's bed, in the courtyard and in the basement. Mr Tokmadi's wife reported that the search was conducted in the absence of lawyers, and stated that the secret services must have planted weapons.
- On 1 August 2017, he became a suspect in the crime of 'murder committed by a group of people' (Article 96, section 2 of the RK)<sup>9</sup>. The investigators stated that Mr Tokmadi was 'implicated' in the events of 19 November 1998. On that day, three Kazakhstani citizens were shot, which resulted in the death of one person. Mr Tokmadi's wife reported that over those days, she and her husband had

<sup>4</sup> <http://www.altyn-orda.kz/muratxan-tokmadi-provedet-biznes-vstrechu-v-ramkax-proekta-almatinskoj-biznes-associacij/> ; <https://www.youtube.com/watch?v=RnVhl-fj5so>

<sup>5</sup> <https://www.youtube.com/watch?v=Jdr-jo1eYs&t=4s> ; <http://www.knb.kz/ru/news/specsluzby-obezvredili-krupnuu-opg-v-almaty>

<sup>6</sup> <https://tengrinews.kz/crime/murathanu-tokmadi-prodili-srok-soderjaniya-pod-strajev-323833/>

<sup>7</sup> <http://www.ktk.kz/ru/blog/article/2017/06/13/79103/> ; <http://new.ia-centr.ru/experts/zhanar-tulindinova/arest-muratkhana-tokmadi-kriminalnoe-proshloe-politika-ili-biznes/>

<sup>8</sup> <https://www.facebook.com/GenProkRK/posts/1571614566244715>

<sup>9</sup> The Criminal Code in the reading of 1997.

been outside of Kazakhstan. Mr Tokmadi, who was vice-president of the Kazakhstan Boxing Federation at that time, was part of the official delegation to the competitions in Argentina.

### **3. THE GENUINE REASON FOR PROSECUTING MR TOKMADI IS FORCING HIM TO GIVE FALSE TESTIMONY ABOUT 'THE MURDER OF MR TATISHEV AT THE INSTRUCTION OF ABLYAZOV'**

Mr Tokmadi was arrested as a suspect in the case of 'extortion'. This offence is not classified as particularly serious. In spite of this, the interdepartmental investigation team of the National Security Committee, the Ministry of Internal Affairs and the General Prosecutor's Office launched criminal prosecution. There are serious reasons to assert that the charges of extortion became a pretext for arrest, and subsequent accusations of 'possession of weapons' and 'murder are merely a way of increasing pressure. The true reason behind Mr Tokmadi's prosecution is different.

Dzhamila Aimbetova-Tokmadi reported that two days after her husband's arrest, unknown persons contacted her and passed a message from the NSC investigator R. Baymakov: *"We do not need your business, property or your husband. But you must convince your husband to sign all the testimonies that we tell him to sign. He should say that 13 years ago, he killed Mr Tatishev at the instruction of Mr Ailyazov"*.

Mr Tokmadi was repeatedly taken out of his cell in the detention facility for informal 'conversations' with the NSC investigator R. Baymakov (without the presence of lawyers). The counsels and the wife noted that, through these actions, **the NSC officers compel Mr Tokmadi to admit that the death of Yerzhan Tatishev was a 'murder' committed 'at the instruction' of the opposition politician Mukhtar Ailyazov.**

Yerzhan Tatishev was the former chairman of the TuranTalem bank and, according to Tokmadi's wife, was a close friend of their family. On 19 December 2004, Tatishev was mortally wounded during the hunt. He was riding in the car with his bodyguard and Mr Tokmadi. The car hit a bump in the road and the gun, which was in the cabin, fired on Tatishev. As a result of four-year court trials, the court concluded that it was an accident, and found Mr Tokmadi Innocent.<sup>10</sup>

### **4. MR TOKMADI'S RELATIVE, HELD IN DETENTION BY SPECIAL SERVICES, GAVE TESTIMONY ABOUT 'THE MURDER OF MR TATISHEV'**

The special services cite the testimony of Beken Imankaliyev, a distant relative of Tokmadi. According to Dzhamila Aimbetova-Tokmadi, Imankaliyev worked as a janitor in their house and always had good relationships with their family. However, on **13 June 2017, the special services took Mr Imankaliyev out of the house, after which he began to testify against Mr Tokmadi.**

On 12 July 2017, unidentified persons posted on YouTube, Imankaliyev's monologue, in which he speaks about Mr Tokmadi as follows: *"Some time around 2004, in the winter, he killed Yerzhan Tatishev... He killed him, as they say, on purpose. Before the assassination of Mr Tatishev, he met with Mukhtar Ailyazov. I definitely remember that. Approx. 15-20 metres... It was in the city centre. They laughed and were both pleased with what they said. It lasted a couple of minutes"*.<sup>11</sup> In addition, Mr Imankaliyev used the phrases that are characteristic of the investigators: *"That's how his criminal organisation was established", "he forced him to transfer the ownership of the plant to his name", "carried weapons, ...*

<sup>10</sup> <http://www.knb.kz/ru/news/zvali-ego-murka>; <http://www.nomad.su/?a=13-200705180309>

<sup>11</sup> <https://www.youtube.com/watch?v=eKaSkGe1JDQ>

*this weapon was seized from him*". It seems strange how a janitor would know the details of Mr Tokmadi's transactions, or the information about the results of the search in his house.

The video shows that Mr Imankaliyev is breathing heavily and periodically grasps different parts of the body, as if his internal organs were hurting. Dzhamilya Aimbetova-Tokmadi claims that **Mr Imankaliyev had been fully healthy until the moment when he fell into the hands of the NSC**. On 7 July 2017, the pro-government television channel KTK interviewed Mr Imankaliyev, who was in hospital. He once again repeated his testimony against Mr Tokmadi.<sup>12</sup>

Mr Imankaliyev is a witness of the prosecution and is covered by the 'witness protection programme'. Therefore, he could only give interviews under the control of law enforcement agencies.

## 5. MR TOKMADI'S WIFE REPORTED THAT HER HUSBAND IS BEING SUBJECTED TO TORTURE IN THE NSC DETENTION FACILITY

According to Mr Tokmadi's wife, investigators told her husband that he 'will end up with only suspended sentence' if he will 'testify about the murder of Mr Tatischev at the instruction of Mr Ablyazov'. Mr Tokmadi stressed that he is not acquainted with and has never met Mr Ablyazov (Mr Ablyazov himself claims the same). In response, Mr Tokmadi received **threats** from investigators and cellmates who said **that they would create unbearable conditions of detention for him**. In this regard, the counsels filed a complaint with the head of the detention facility and the Almaty prosecutor. After that, according to Mr Tokmadi's wife, the counsels were subjected to pressure from law enforcement agencies. They were threatened with cancellation of their attorney's licenses if they fail to withdraw the complaint.<sup>13</sup>

On 31 July 2017, Dzhamilya Aimbetova-Tokmadi stated as follows: **"I was informed that Mr Tokmadi was tortured all the weekend and persuaded to give the testimony, convenient to the NSC. There are signs of torture on his body. However, he was forced to write a statement that he had reportedly fell from a pull-up bar"**.<sup>14</sup> The counsels stated that Mr Tokmadi's speech was incoherent, and his behaviour was extremely unusual. Based on this, Mr Tokmadi's wife expressed her suspicion that psychotropic substances had been added to her husband's food.

On 8 August, 2017, the General Prosecutor's Office stated that 'bodily injuries' were due to the fact that Mr Tokmadi **'fell from the pull-up bar during the morning walk'**. This was reportedly 'confirmed by other detainees and Mr Tokmadi himself'. The prosecutor's office declared its readiness to show to Mr Tokmadi's wife, a video footage from the surveillance cameras, where 'the falling from the pull-up bar was recorded'. The prosecutor's office also claims that an 'examination was conducted' with the participation of lawyers, and it 'did not reveal the presence of chemicals in Mr Tokmadi's body'<sup>15</sup>. However, Mr Tokmadi's wife reported that, in fact, **the counsels hadn't been involved in the 'examination'**.

The counsels received warnings from the investigators that if Dzhamilya Aimbetova-Tokmadi does not recant her statement, she will be 'brought to criminal responsibility for perjury'.<sup>16</sup>

<sup>12</sup> <https://www.youtube.com/watch?v=SNIV8ThPOYg>

<sup>13</sup> <https://www.facebook.com/djamilyaa/posts/797183603776688>

<sup>14</sup> <https://www.youtube.com/watch?v=AEwcEWEuLVA&t=7s>

<sup>15</sup> <https://www.facebook.com/GenProkRK/posts/1596699190402919> ; [https://tengrinews.kz/kazakhstan\\_news/genprokuratura-otvetila-obraschenie-jeniy-murathana-tokmadi-323901/](https://tengrinews.kz/kazakhstan_news/genprokuratura-otvetila-obraschenie-jeniy-murathana-tokmadi-323901/)

<sup>16</sup> <https://www.facebook.com/djamilyaa/posts/799215733573475>



## 6. CONCLUSIONS AND RECOMMENDATIONS

There are serious grounds to assert that the case of Muratkhan Tokmadi is politically motivated. With the help of the criminal prosecution of Mr Tokmadi, Kazakhstan's special services are striving to fabricate a new criminal case against opposition politician Mukhtar Ablyazov. In order to obtain testimony about Ablyazov's 'involvement' in the 'murder', committed 13 years ago, investigators use pressure, blackmail, threats and even torture.

The same 'methods of collecting evidence' were used in the case of Ablyazov's former colleagues - Zhaksylyk Zharimbetov and Yerzhan Kadesov. In January 2017, Kazakhstani security services kidnapped Mr Zharimbetov, who had been granted refugee status, from Turkey. Subsequently, he began to give testimony, convenient to the investigators; in the testimony, he incriminated Mr Ablyazov. In June 2017, Mr Zharimbetov phoned Mr Kadesov in a Hungarian prison, where he was subjected to an extradition arrest. Mr Zharimbetov assured Mr Kadesov of 'guarantees of protection in Kazakhstan', if he confirms the entire testimony given by Mr Zharimbetov against Mr Ablyazov. Mr Kadesov immediately declared to the Hungarian court, his 'willingness to be extradited voluntarily' to Kazakhstan (which was done several days ago).<sup>17</sup>

Kazakhstan's pro-government media actively published statements by Mr Zharimbetov, who 'was exposing Mr Ablyazov'. Currently, the media are focusing on the case of Mr Tokmadi, disseminate the information about Mr Tokmadi and Mr Ablyazov's 'involvement in the murder'. Thus, the authorities are striving to achieve propaganda goals, forming a negative public opinion regarding Mr Tokmadi and Mr Ablyazov.

Mr Tokmadi's wife fears for the life of her husband, who, by a means of torture, can be forced to sign any testimony.

**We hereby call on the international community to pay attention to the flagrant incidents of violations in the case of Muratkhan Tokmadi, and address the authorities of Kazakhstan with the following demands:**

- To ensure prompt and impartial investigation of information about torture in relation to Mr Tokmadi. Independent judicial experts and representatives of civil society should find out the true nature of the injuries suffered by Mr Tokmadi, and also determine whether these injuries could be a result of a 'fall from a pull-up bar'.
- To publish a video footage of the reported 'falling from the bar'. This will allow an independent assessment of whether the video footage is staged.
- To grant European medical doctors, an access to the NSC detention facility in Almaty in order to carry out an independent examination of Mr Tokmadi and provide him with appropriate medical care.
- To carry out an investigation into the use of torture against Beken Imankaliyev, Mr Tokmadi's relative. His health condition deteriorated sharply after he was detained by special services.
- To stop intimidation and exertion of pressure on Mr Tokmadi's wife, as well as his relatives and close family members. Dzhamilya Aimbetova-Tokmadi, who heads the Association of French Business Companies in Kazakhstan, widely publicised the case of Mr Tokmadi after which investigators began to threaten her with criminal prosecution. She was forced to leave Kazakhstan.
- It is necessary to prevent Kazakhstan from declaring Mr Tokmadi's wife and other family members wanted by INTERPOL, as well as from launching potential extradition proceedings against them.
- To stop exertion of pressure on Mr Tokmadi's counsels who face threats due to their professional activities.

<sup>17</sup> <http://en.odfoundation.eu/a/8230,report-hungary-at-the-service-of-the-kazakhstani-dictator>



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