

Two men who claimed to have been tortured and framed by Kazakh millionaire Rakhmat Aliyev, who is self-exiled in Malta, have filed a fresh complaint asking Maltese police to investigate their allegations against him.

"Aliyev is trying to create the impression that he is a democrat and an opponent of dictatorship. This is a ridiculous falsehood. For as long as he was able, he remained one of the most vicious butchers of democracy in Kazakhstan," the men told *The Sunday Times of Malta*.

Pyotr Afanasenko and Satzhan Ibraev, two former bodyguards of Kazakh Prime Minister Akezhan Kazhegeldin, have been unsuccessfully pursuing Mr Aliyev for years in Austria and now in Malta - where he moved in 2010 - making the case that he had personally had them arrested and tortured in a bid to extract a false statement against their former boss.

At the time of this alleged incident, which took place in the late 1990s, Mr Aliyev was the son-in-law of Kazakhstan's authoritarian President Nursultan Nazarbayev and acted as deputy chief of the country's secret service.

He eventually fell out with Nazarbayev and fled Kazakhstan, claiming threats to his life after he declared himself a candidate for the presidential seat.

But the bodyguards insist that before this falling out, Mr Aliyev was paving the way for this move with plans to get rid of rivals such as Mr Kazhegeldin.

"Aliyev said this directly during questioning in his office in early December 1999, after we were suddenly arrested and imprisoned. He assured us that if we signed a false confession saying we had held the weapons and explosives on the orders of Akezhan Kazhegeldin, we would be released immediately. As officers and men of honour we refused his offer," the men said.

"He then tortured us, personally beating one of us while handcuffed (Ibraev) and drugging the other (Afanasenko), threatening us that our wives would be attacked and our children taken into care if we did not cooperate."

The men were eventually convicted and sentenced to three-and-a-half years in prison on what they claim to be trumped up charges of aiding an attempted coup.

"While we were incarcerated Aliyev did not stop his attempts to get us to give false evidence. Our lives were threatened and we were subjected to beatings and psychological torture during the years we were in prison."

Aided by German human rights lawyer Lothar de Maizière, the men have been trying to get Mr Aliyev to face court proceedings in Austria and Malta but so far have met with little success.

Last month a Maltese court threw out a legal challenge, by Mr de Maizière and his Maltese colleague Cedric Mifsud, which attempted to force the Police Commissioner to investigate the matter on the basis that there was no *prima facie* proof that Mr Aliyev had committed crimes against humanity.

However, Dr Mifsud has now filed a fresh complaint with

the Maltese police asking them to at least investigate their claims of torture.

There has been no final decision on this but the police have consistently refused to take up the case, arguing it has no jurisdiction over

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facts that happened in Kazakhstan more than a decade ago. In a rare interview with *The Sunday Times of Malta* a fortnight ago, Mr Aliyev had denied any wrongdoing in respect of the bodyguards and insisted he was prepared to face their claims in a European court of law.

He said he believes Mr Kazhegeldin, and his former bodyguards, were victims of the Nazarbayev regime, claiming they were being forced "to run a systematic smear campaign" against him to avert persecution.

When it was pointed out to him that he had been resisting extradition to Austria, Mr Aliyev said he had always cooperated with the Viennese and Maltese authorities when asked to do so.

"If they (the bodyguards) want to make a civil claim I will have no problem to answer their allegations in court," he said, pointing out that the men had failed to turn up in a civil court hearing in Vienna to present their statements to the court and were ordered to pay the legal expenses of the case.

Asked to react to the challenge to a civil case, Dr Mifsud did not exclude the possibility but argued that at this stage his clients would rather wait for the outcome of the latest complaint filed with the police.

The bodyguards' reaction comes in the wake of Mr Aliyev's interview with this newspaper in which he claimed the Kazakh secret service had infiltrated elements of the Maltese system and might be planning to kidnap or assassinate him.

The usually coy 51-year-old said he decided to come out in the open because he felt more safe doing so, particularly after the deportation in Italy of the wife and daughter of a Kazakh opposition figure.

The woman and her six-year old daughter were arrested during a raid by Italian plain clothes special agents and handed over to the Kazakh authorities - known to persecute opposition figures mercilessly - despite both enjoying EU citizenship.

The case caused an outrage in Italy and even forced a vote of confidence in the recently formed centre-left government. The Kazakh Ambassador to Rome also serves as the country's representative to Malta.

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