



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

23 September 2026

CASE No: AIFC-C/CFI/2024/0028

CASE No: AIFC-C/CFI/2026/0031

International Academy of Medicine and Science Limited Liability Partnership

Claimant

v

State Institution "Health Department of Almaty Region"

Defendant

JUDGMENT

Justice of the Court:

Justice Lord Faulks KC



JUDGMENT

1. This short judgment records conclusions that I reached at the hearing on 22nd September 2026.
2. Both cases arise out of the now long standing dispute between the parties to a Private / Public Partnership Agreement in relation to the running of a hospital in Almaty. There have been a number of hearings in these cases and I have given several judgments. Unfortunately the differences between the parties remain.
3. Mr Vataev, who appeared on behalf of the Private Partner at the hearing, told me there were three issues before me.
4. The first concerned Case 0028. There was an issue between the parties concerning the deadlines for the commissioning of the main hospital building. There was a delay by the Public Partner in connecting the utilities. The Private Partner wanted an extension of 12 months in the deadlines, to run from the completion of connection.
5. I had indicated that I would make such an order when I delivered an Additional Judgment on 27th July 2026. I said as follows: "In conclusion, I accept Mr Vataev's submissions and I am prepared to make an order as he seeks. I wonder whether a specific order is needed, beyond this judgment, but if the Claimant wishes one to be made, I invite a draft to be submitted to the Court for my signature if appropriate."
6. As with so much of this litigation, there is a lack of trust between the parties.
7. In those circumstances, Mr Vataev has submitted a draft order. Ms Turlybekova, who appears for the Public Partner, says this is unnecessary. I hope she is right. But I am prepared to make a formal order in the terms attached to this judgment.
8. I will deal with the second issue after I have discussed the third.
9. The third issue concerns Case 0031. This is a substantial claim and arises out of the alleged failure by the Public Partner to comply with its contractual obligations in a number of respects. There will potentially be a substantial trial.
10. A glimmer of light has, however, appeared. I understand with the appointment of a new Governor of Almaty, there is a willingness to try and resolve the matter amicably. Both parties are agreed that there should be a pause in the litigation pending the outcome of discussions. I welcome this development and will adjourn the hearing for a period of 4 weeks and give both parties liberty to restore the matter. I note a late application to amend the Statement of Claim. I do not, for the moment, give permission for the amendment but I am likely to give permission at a subsequent hearing, as I would also give permission for an Amended Defence to be served in response.
11. The second issue arises out of the Public Partner's alleged breach of anti-suit injunctions, which prevented their referring the dispute to any other court other than the AIFC Court. Those injunctions were issued in Case 0028.
12. There appears to have been an application to the national courts on at least one occasion to try and "cancel" the relevant agreement.



13. Ms Turlybekova was a little reluctant to accept that her client had acted improperly or in breach of the injunctions by seeking to invoke an alternative jurisdiction. However she did tell me that the applications had been withdrawn and that her clients accepted the exclusive jurisdiction of the AIFC Court.
14. Mr Vataev reminds me that this court has jurisdiction to make contempt orders and, if appropriate, to issue fines or take other steps including against the Chief Executive or other representative of the Public Partner.
15. I do not propose, for the moment, to do so, not least because I want to encourage a resolution of the dispute. However I do not finally rule on the matter now and it can be brought back before me at a later date.

By Order of the Court,

The Lord Faulks KC,
Justice, AIFC Court

Representation:

The Claimant was represented by Mr. Sergei Vataev, Mr. Ilya Kirichenko and Ms. Yelena Dvoretzkaya-Yusupova, Advocates, Legit Advocates' Bureau, Almaty, Republic of Kazakhstan.

The Defendant was represented by Ms. Galiya Turlybekova, General Department Specialist, State Institution "Health Department of Almaty Region", Almaty, Republic of Kazakhstan.