

URGENT ACTION

LAWYER IN DAGESTAN HARASSED BY AUTHORITIES

A lawyer from Dagestan, Russia, is facing criminal charges brought against her by members of law enforcement agencies, following her allegations that she was severely beaten by police. On 30 September, travel restrictions were issued preventing her from going to Moscow and getting the full legal and medical support she needs.

Sapiyat Magomedova is a 31-year-old criminal lawyer from Khasavyurt, in the North Caucasus, Russia. She works on cases involving serious human rights violations allegedly committed by members by law enforcement agencies.

Sapiyat Magomedova describes how she was severely beaten by police on 17 June 2010 and forcibly removed from from Khasavyurt town police station (GOVD) when she went there to visit a detained client. Amnesty International has seen medical records confirming that Sapiyat Magomedova had concussion to her head and chest and bruising. Following the attack, a criminal case was opened against Sapiyat Magomedova, on charges of "public insult of state officials while on duty". Another criminal case on the same charges was previously opened against her in 2008, after she filed a complaint about threats she had received from investigators at the Khasavyurt Prosecutor's Office.

The travel restrictions (*podpiska o nevyezde*) issued on 30 September prevent Sapiyat Magomedova from travelling to Moscow, where she was accessing ongoing medical care for her injuries and receiving legal and other support from Moscow-based human rights organizations regarding the criminal allegations against her. She believes the travel restrictions may be intended to stop her from taking part in Moscow-based media and human rights activities.

Although a criminal case against police has been opened following the attack on Sapiyat Magomedova in June, she believes that it will not be investigated effectively and impartially while it remains in the hands of local investigators in Dagestan. She has told Amnesty International of a number of serious procedural violations, fabrication of false evidence, and political pressure on the investigator. The Chairman of the Investigation Committee in Moscow could transfer the investigations to a federal level. He can also order for her restrictions to be lifted and for her alleged assaulters to be suspended during the investigation.

PLEASE WRITE IMMEDIATELY in Russian or your own language:

- Calling for an immediate lifting of her travel restriction (*podpiska o nevyezde*).
- Urging that the investigations of Sapiyat Magomedova's allegations, and of the criminal allegations against her, are transferred from the investigation authorities of Dagestan to investigation officials at the Federal level;
- Urging the authorities to ensure her safety, and suspend her alleged assaulters from their duties until a thorough, independent and impartial investigation is completed.

PLEASE SEND APPEALS BEFORE 17 NOVEMBER 2010 TO:

Chairman of Investigation Committee

Aleksandr I. Bastrykin
Investigation Committee
Tekhnicheskii pereulok, dom 2, Moscow
105005, Russian Federation
Fax: +7499 265 97 75 (alternative: +7
499 265 90 77)

Salutation: Dear Mr Chairman

And copies to:

Committee for Security Chairman
Vladimir A. Vasiliev
State Duma Committee for Security
Okhotny Ryad 1, Moscow 103265
Russian Federation
Fax: +7 495 692 95 75
Email: vasiliev-site@yandex.ru
Salutation: Dear Mr Chairman

Lawyers' Chamber of Dagestan

Boris N. Aguzov
Ul. Daniyalova 18, Makhachkala
367012, Republic of Dagestan, Russia
Fax: +7 8722 67 06 46

Salutation: Dear Mr Aguzov

For all numbers above, send faxes during office hours (GMT+4). If a person answers, say clearly "FAX".

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

Sapiyat Magomedova, is a member of the “Omarov and Partners” lawyers’ association based in Khasavyurt, which is known for its work on some of the most difficult cases of human rights violations in Dagestan, including alleged enforced disappearances, torture and extrajudicial executions. On a number of occasions Sapiyat Magomedova alleged that certain investigators had exceeded their authority, exerted pressure on her clients and tried to falsify official documents, and also tried to prevent her from working on their cases. Amnesty International has seen copies of Sapiyat Magomedova’s detailed official complaints to the Head of the Investigation Committee under the Prosecutor General of the Russian Federation and other officials. Amnesty International believes that the investigation of the two criminal cases against her and one instigated by her may not be thorough, independent and impartial unless transferred from the investigation authorities of Dagestan to investigation officials at the Federal level. Four of the cases she was working on have been submitted to the European Court of Human Rights. Three of these have been admitted, each alleging serious violations by investigation officials.

The two criminal cases opened against Sapiyat Magomedova relate to charges of public insult of state officials while on duty (Article 319 of the Criminal Code of the Russian Federation), and are punishable by a fine or up to six months of corrective labour. If convicted, Sapiyat Magomedova would also be stripped of her license to practice law as an *advokat*. The travel restriction placed on her prevents her from travelling to Moscow where she was undergoing medical treatment for her injuries until she had to interrupt it and return to Khasavyurt for family reasons. While in Moscow, Sapiyat Magomedova was at the centre of considerable media attention, and took part in a TV show, which drew attention to human rights violations in Dagestan.

On 17 June 2010, Sapiyat Magomedova came to Khasavyurt town police department (GOVD) to see her client who had been detained earlier on the same day. Sapiyat Magomedova told Amnesty International that the police investigator denied her access to her client while the head of the GOVD ordered that she be “thrown out.” She was then severely beaten by members of police and temporarily passed out. An ambulance was called twice by Sapiyat Magomedova’s colleague but was not allowed onto the GOVD premises, and had to be called a third time and collect her outside the police checkpoint, which extended further the delay in Sapiyat Magomedova accessing medical treatment. Local doctors reportedly refused to document her injuries for fear of reprisals by law enforcement officials, and discharged her from hospital with a brief medical referral note only. Sapiyat Magomedova was hospitalised in another city, and later transferred to a hospital in Moscow. Amnesty international has seen medical records confirming Sapiyat Magomedova’s injuries consistent with her allegations.

Amnesty International is concerned that Sapiyat Magomedova may be targeted for her legitimate activities as a lawyer. Principle 16 of the Basic Principles on the Role of Lawyers states that “governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.” Also, “[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities” (Principle 17).

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