

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# RUSSIAN FEDERATION: STOP UNFOUNDED PROSECUTION OF DAGESTANI JOURNALIST AND REPRISALS AGAINST *CHERNOVIK*

Amnesty International is deeply concerned about the ongoing harassment of the independent weekly newspaper Chernovik in Makhachkala, Republic of Dagestan. The organization believes that the search conducted in the newspaper's office on 2 October, as well as ongoing criminal prosecution of its journalist Abdulmumin Gadzhiev under "terrorism" charges are part of a consolidated campaign by the authorities to suppress one of the most popular independent media outlets in Dagestan. The ongoing harassment of Chernovik is the latest attack on media freedom and the right to freedom of expression in Russia. The Russian Federation must uphold its obligations under international human rights law and ensure that journalists are able to do their work without fear of intimidation, harassment or persecution, including prosecution under fabricated criminal charges.

### CRIMINAL CHARGES AGAINST ABDULMUMIN GADZHIEV

In June 2019, Abdulmumin Gadzhiev, Chernovik's columnist on religious issues, was arrested and, alongside several other individuals, accused of "financing terrorism" (Article 205.1 (4) of the Russian Criminal Code) and "participating in a terrorist organization" (Article 205.5 (2) of the Russian Criminal Code). In July, he was officially charged with these offences. He is currently held in pre-trial detention and could face up to 20 years imprisonment if found guilty.

Initially, the investigation claimed that back in 2013 Abdulmumin Gadzhiev had created an online group under his name on the social media site VKontakte, through which he was collecting donations in support of the armed group calling itself "Islamic State". However, the investigation has failed to present any evidence that such a group existed on VKontakte at that time, and that Abdulmumin Gadzhiev had any relation to it, other than testimony that was forcibly extracted from another suspect in the case, Kemal Tambiev. The testimony is even more nebulous given that according to the authorities, the suspect purportedly heard about this from someone else. These claims by the investigation do not stand up to scrutiny.

In July, the investigation reworded the final charges claiming that in 2011-2019 Abdulmumin Gadzhiev was writing articles about a Dagestani preacher Israil Akhmednabiev, also known as Abu Umar Sasitlinskii, and his charitable work to encourage people to donate to his foundation "Ansar". However, Abdulmumin Gadzhiev published only one article, in May 2013 – an interview with Abu Umar Sasitlinskii in which the preacher spoke about delivering humanitarian aid to Syrian refugees. The interview contains no calls for donations or any statements that could have been interpreted as supporting any violent extremist or terrorist organizations. Besides, the charitable foundation "Ansar" was officially closed down in September 2014.

The Russian security services accused the preacher of financing the "Islamic State" under the pretext of charitable activities – allegations that Abu Umar Sasitlinskii himself denies. Abu Umar Sasitlinskii left Russia in 2013, announcing that he would travel to Africa for charitable purposes. Shortly afterwards a criminal case against him was opened and he was put on a "wanted list".

Abdulmumin Gadzhiev categorically denies any involvement with or support of any violent, extremist or terrorist organization. His colleagues have pointed out that some supporters of "Islamic State" had issued death threats against Gadzhiev himself, due to his condemnation of the tactics used by the armed group, forcing him to publish some of his articles under a pseudonym to avoid further threats and risks to his life, something which the investigation has completely disregarded.

Amnesty International has studied information and documents available on the case and believes that the charges against Abdulmumin Gadzhiev have been fabricated and that he is being prosecuted solely for his journalistic work. In particular, the organization has noted that the key piece of supposedly incriminating evidence against Gadzhiev is a testimony given by another co-accused, Kemal Tambiev, shortly after his arrest. According to official investigation documents, Abdulmumin Gadzhiev became a suspect in the case on the basis of Kemal Tambiev's statement against him. However, the same official documents specify that Tambiev was arrested after Abdulmumin Gadzhiev, which invalidate this claim by the investigation, and with it invalidate the official grounds for his arrest. Kemal Tambiev, who also maintains his

innocence, himself later retracted his testimony against Gadzhiev in court, which he claimed he had given under torture. Notably, during his remand hearing in court in Makhachkala, on 16 June, Kemal Tambiev showed clear signs of abuse, including a large hematoma around his left eye (a photo of him with a bruised eye is widely available on the internet<sup>1</sup>). Nonetheless, the judge ignored the bruise and the complaints from Tambiev's defence lawyer that his client had been subjected to torture or other ill-treatment.

Moreover, there have been several reports of additional violations of Abdulmumin Gadzhiev's and his fellow suspects' right to a fair trial, including not allowing a lawyer of their choice to get access to the accused.

There are further multiple discrepancies in the case, and numerous other indications that Kemal Tambiev and another co-suspect, Abubakar Rizvanov, who are currently held in pre-trial detention, are being coerced to extract a "confession" and make incriminating statements against others, including Gadzhiev. The Russian authorities must respect every person's right to a fair trial, and promptly launch an independent and impartial investigation into all credible allegations of torture and other ill-treatment.

Amnesty International believes that the charges against Abdulmumin Gadzhiev are fabricated and stem solely from the peaceful exercise of his right to freedom of expression. He is a prisoner of conscience and must be immediately and unconditionally released, all charges against him must be dropped.

## SEARCH IN THE CHERNOVIK'S OFFICES ON 2 OCTOBER

The weekly newspaper *Chernovik* is well-known for its critical publications, including on human rights violations and corruption in Dagestan. Throughout the years, the publication and those who work for it have been subjected to harassment and persecution. In 2008, a criminal case was opened against its then editor-in-chief Nadira Isayeva and four more Chernovik's journalists under "extremism" charges and searches were conducted in the newspaper's office and houses of its journalists. Three years later the journalists were acquitted, and the case was closed. The authorities also attempted to close the newspaper down.

In September 2009, leaflets containing death threats against some Dagestani journalists, civil society activists and lawyers were circulated by unknown people in Makhachkala. Among the 16 names mentioned in the leaflets was also the name of Chernovik's founder, Khadzhimurad Kamalov. Two years later, on 15 December 2011, he was shot near the newspaper's office and died of his wounds on his way to hospital. The official investigation has failed to identify and bring to justice all those responsible for his killing.

The targeting and harassment of the newspaper's members has continued, including after Abdulmumin Gadzhiev's arrest.

In the morning of 2 October, *Chernovik's* office was raided and searched by at least two dozen armed masked officers under the instruction of two investigating officers, in connection with a criminal case against Abdulmumin Gadzhiev. According to Chernovik's Deputy Editor-in-Chief, Magomed Magomedov, the officers in charge of the search demanded that the newspaper's chief members of staff were called to the premises. They refused to present the search warrant until Magomed Magomedov arrived, about an hour later, during which time they could freely move around the office. Having presented the search warrant, the investigators escorted Magomed Magomedov out of the premises despite his protestation. Only one of Abdulmumin Gadzhiev's lawyers and a junior member of staff were allowed to be present during the search.

The search was conducted with numerous procedural violations of the Russian law. According to the official complaint filed by the lawyer, the search team simultaneously entered and searched several rooms. This contradicts the Russian law which mandates that all search activities are observed by at least two independent witnesses. Neither the two witnesses on the scene nor the lawyer were able to observe the whole procedure. Several items were confiscated. The lawyer pointed out that the description of the confiscated items was not done in accordance with the criminal procedure law, and that many of the items had no relevance to Abdulmumin Gadzhiev or the criminal case against him.

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<sup>1</sup> For instance, see <https://chernovik.net/content/politika/abdulmumin-gadzhiev-zalozhnik> (last accessed on 11 October 2019).

An intrusive search, conducted in violation of the existing rules and safeguards, may have deliberately compromised confidential sources of the independent newspaper, and has undoubtedly been the latest in a series of numerous reprisals against the newspaper and its members for their critical stance against the authorities.

Public Document

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