

URGENT ACTION

LAWYER IN DAGESTAN STILL AT RISK

Sapiyat Magomedova, a lawyer from Dagestan, Russia, had the travel restrictions against her lifted in mid-October. Our Urgent Action on 7 October led to an unprecedented show of solidarity by other lawyers. However, she still faces criminal charges following her allegations that she was severely beaten by police, and may be at risk of further harassment.

Lawyers across the North Caucasus region of Dagestan are collecting signatures in a petition which details and protests against the ill-treatment of lawyers by law enforcement officials. Many also went on strike starting on 1 November. The council of the Lawyers' Chamber of Dagestan has instructed ten of its members to represent Sapiyat Magomedova in court. Sapiyat Magomedova has said that the letters sent to the Lawyers' Chamber of Dagestan as part of the Urgent Action have been instrumental in motivating these initiatives.

Sapiyat Magomedova has spoken publicly about her beating on 17 June 2010 by police inside Khasavyurt town police station. Following the attack, a criminal case was opened against the police. However, there is concern that the investigation is being delayed deliberately. According to Sapiyat Magomedova, the investigation still has not officially "identified" the suspects, even though she has named the police officer who initiated her beating. The same officer has alleged that Sapiyat Magomedova publicly insulted him, and a criminal case was opened against her and restriction orders (*podpiska o nevyezde*) imposed though later lifted.

In October, Sapiyat Magomedova challenged in court the legality of the prosecutor's decision to open a criminal case against her, but there has been no decision yet and it might be deliberately delayed. A lawyer representing her has reported several procedural violations during this court hearing which appear as a delaying tactic.

Amnesty International believes there is a risk that Sapiyat Magomedova and members of her family may be subjected to further harassment as a result of her allegations against the police.

PLEASE WRITE IMMEDIATELY in Russian or your own language:

- Urging the authorities to conduct a thorough, independent and impartial investigation into the charges that have been filed;
- Urging the authorities to officially identify Sapiyat Magomedova's alleged assaulters and suspend them from their duties until a thorough, independent and impartial investigation is completed;
- Given a history of alleged threats issued against Sapiyat Magomedova and dating back to 2008, urging the authorities to consider taking measures to ensure her and her family's safety.

PLEASE SEND APPEALS BEFORE 17 DECEMBER 2010 TO:

President of the Russian Federation

Dmitriy A. Medvedev
ul. Ilyinka, 23
103132 Moscow
Russian Federation
Fax: +7 495 9102134

Salutation: Dear Mr President

For all fax numbers, please send during office hours (GMT+3). If a person answers, say clearly "FAX".

And copies to:

President of Dagestan
Magomedsalam M. Magomedov
Prospekt Lenina, 1
Makhachkala, 367005
Republic of Dagestan
Russian Federation
Fax: +7 8722 67 30 61

Salutation: Dear Mr President

Chair of the Committee for Legislation,

Rule of Law and State-Building
Seifulah B. Isakov
People's Assembly of Dagestan
Pl. Lenina, 1
Makhachkala, 367005
Republic of Dagestan
Russian Federation
Fax: +7 8722 67 31 59
Email: nsrdag@yandex.ru

Salutation: Dear Mr Isakov

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

This is the first update of UA 219/10. Further information: <http://www.amnesty.org/en/library/info/EUR46/037/2010/en>

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ADDITIONAL INFORMATION

Sapiyat Magomedova is a criminal lawyer from Khasavyurt, in the North Caucasus, Russia, working on cases involving serious human rights violations allegedly committed by members by law enforcement agencies. In 2008, she complained to the Prosecutor General that investigators at the prosecutor's office in Khasavyurt threatened her with physical violence and said they would fabricate a criminal case against her in connection with her professional activities. Shortly after, a criminal case was instigated against her by one of the investigators alleging "public insult of state officials while on duty". This case is now closed due to passage of time.

Following Sapiyat Magomedova's severe beating by police in June 2010, she spent several weeks in hospitals in Dagestan and Moscow receiving treatment for her injuries. Amnesty International has seen copies of her medical records corroborating these allegations.

A criminal case has been opened on the basis of Sapiyat Magomedova's allegations. However, the official who allegedly ordered her beating made a counter-claim, and she is now facing again criminal charges for insulting a state official while on duty and may be charged any day now. Sapiyat Magomedova has told Amnesty International that false witnesses have testified against her.

Sapiyat Magomedova has challenged in court the legality of the prosecutor's decision to open a criminal case against her. The hearing of her application began later than mandated by law and only after a lawyer representing Sapiyat Magomedova contacted the court about it. The first hearing on 1 November was adjourned, and then twice delayed on subsequent occasions without a decision being taken.

There are regular reports from Russia about individuals making claims of ill-treatment by police who later find themselves faced or threatened with criminal or administrative charges. The practice of counter-claims appears to be used to pressurize the complainants or intimidate them into withdrawing their complaint and commonly employed as a "self-defence tactic" by law enforcement officials aimed at protecting themselves against accusations of human rights violations.

Amnesty International has drawn attention to the targeting of people, and particularly women, who seek justice for human rights abuses in the North Caucasus, including threats and intimidation from law enforcement officials against the complainants and members of their families (e.g., see Briefing to the Committee on the Elimination of Discrimination Against Women, 46th session July 2010, EUR 46/022/2010). Many reportedly prefer not to speak publicly about the threats, fearing repercussions.

Amnesty International has received information about alleged beatings of at least four other Dagestani lawyers by members of law enforcement agencies in connection with their professional activities since the assault on Sapiyat Magomedova 17 June.

Further information on UA: 219/10 Index: EUR 46/039/2010 Issue Date: 05 November 2010

