

URGENT ACTION

LAWYER IN DAGESTAN CHARGED

Sapiyat Magomedova, a lawyer from Dagestan, in the North Caucasus, Russian Federation, could face up to five years' imprisonment after being charged on 27 July with two criminal offences. The charges were brought against her following her complaint about an assault against her by police officers in June 2010.

Sapiyat Magomedova is a criminal lawyer known for her work on cases involving human rights violations allegedly committed by members by law enforcement agencies in Dagestan. In July 2010 she launched an official complaint against members of police for beating and forcibly removing her from Khasavyurt town police station on 17 June 2010 where she went to visit her client. The police launched a counter-claim alleging that she had attacked and publicly insulted them. According to Sapiyat Magomedova, investigators repeatedly tried to pressure her into withdrawing her complaint against the police, and threatened that she would face criminal charges herself.

After months of flagrantly slow investigation into Sapiyat Magomedova's allegations, her alleged assailants were finally charged with abuse of authority on 15 July 2011. However, following her repeated and firm refusal to withdraw her complaint, on 27 July Sapiyat Magomedova herself was charged with two criminal offences, the use of violence in relation to representatives of state authority and publicly insulting them while on duty. Sapiyat Magomedova has also been issued with travel restrictions (*podpiska o nevyezde*). If convicted she will be stripped of her licence to practice law and may face heavy fines or up to five years' imprisonment.

According to Sapiyat Magomedova's lawyer, the criminal case against her was opened unlawfully, as the police's counter-claim against her was not officially registered and was backdated after she had filed her own complaint, and there were procedural violations during the investigation. Sapiyat Magomedova says that false witnesses were produced. The Prosecutor's Office now has to decide whether to proceed with the prosecution.

Please write immediately in Russian or your own language:

- Urging the Prosecutor's Office to conduct a thorough examination of the alleged procedural irregularities and fabrication of evidence in the case against Sapiyat Magomedova before deciding to proceed with the prosecution;
- Calling for an immediate lifting of Sapiyat Magomedova's travel restrictions (*podpiska o nevyezde*);
- Transfer the responsibility for possible further investigation into allegations made by, and issued against, Sapiyat Magomedova from local to Federal-level investigators.

PLEASE SEND APPEALS BEFORE 2 SEPTEMBER 2011 TO:

Prosecutor General

Yury Chaika
Office of Prosecutor General of the
Russian Federation
Ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 58 41
Email: prgenproc@gov.ru
Salutation: Dear Prosecutor General

Chairman of the Investigative Committee

Aleksandr Bastrykin
Investigative Committee of the Russian
Federation
Tekhnicheskii pereulok, dom 2
105005 Moscow
Russian Federation
Fax: +7 499 265 90 77
Salutation: Dear Chairman

And copies to:

Head of the Republic of Dagestan
Magomedsalam Magomedov
Pl. Lenina, 1
367005 Makhachkala
Republic of Dagestan
Russian Federation
Fax: +7 8722 68 54 84;
Email: raa49@mail.ru

Please check with your section office if sending appeals after the above date. This is the second update of UA 219/10. Further information: <http://www.amnesty.org/en/library/info/EUR46/039/2010/en>

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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.

Sapiyat Magomedova told Amnesty International that on the day of the alleged incident at the police station on 17 June 2010, the police investigator denied her access to her detained client while the head of the station ordered that she be "thrown out." She was then beaten by members of police, forcibly removed from the territory of the station and pushed to the ground outside the station's gates. She received several injuries and was taken away by an ambulance and hospitalized. Amnesty international has seen medical records confirming Sapiyat Magomedova's injuries consistent with her allegations.

Amnesty International has received numerous reports suggesting that allegations of public insult and violence against representatives of state authorities are a common tactic used by members of police as a means of countering allegations against their own members and avoiding criminal prosecution for their actions.

Amnesty International is concerned that the investigation of the allegations made by her and those issued against her may not have been thorough, independent and impartial, and will not be unless responsibility is transferred from local to Federal-level investigators who will be unaffected by any possible pressure from local police in Dagestan. The organization is also concerned that the travel restrictions issued are intended as a means of exerting pressure against Sapiyat Magomedova and preventing her from travelling outside Dagestan and giving further publicity to her case.

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."

Name: Sapiyat Magomedova

Gender m/f: female

Further information on UA: 219/10 Index: EUR 46/033/2011 Issue Date: 28 July 2011