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Russian Federation: ICJ Observes hearing in prosecution of Dagestan lawyer

The International Commission of Jurists observed a hearing on 10 November on the investigation of criminal charges against Sapiyat Magomedova, a lawyer in the Republic of Dagestan, Russian Federation, charged with “insult of a representative of state power” for allegedly assaulting several police officers. Contrary to the charges, Sapiyat Magomedova alleges that she was attacked and severely beaten by the officers.

The trial observation was conducted by Karinna Moskalenko, ICJ Commissioner and Executive Committee member.

According to Sapiyat Magomedova’s account, on 17 June 2010 she was beaten by several policemen, while trying to obtain access to her arrested client Malika Evtemirova at the police department of Khasavyurt city (GOVD). The department’s investigative officer had refused Ms Magomedova a meeting, after which the police officers proceeded to kick and punch her. After losing consciousness she was removed from the police department. After the incident, she spent several hours at the city hospital where she repeatedly lost and regained consciousness. The court medical expert refused to examine her.

The prosecution allege that Ms Magomedova insulted and then attacked the policemen at the entrance to the police department.

On 1 July 2010, a criminal case (abuse of power) was opened against the police officers, following a complaint by Ms Magomedova. The following day however a criminal case was opened against the lawyer herself on charges of “insult of a representative of state power”. On 30 September, she was required to sign “an undertaking not to leave”, to ensure that Ms. Magomedova could not leave Dagestan. No similar measure was applied to any of the police officers involved, as reportedly “the circle of suspects was not defined and it was not clear to whom it should be applied”.

The court hearing in Ms Magomedova’s complaint case took about one hour and was conducted in an open and public hearing. Several of the lawyer’s motions were granted by the court, including that an examination should be conducted into the authenticity of the record in the journal, which had served as a ground for initiating criminal proceedings against the lawyer. Sapiyat Magomedova is alleging there were no legal grounds for initiating proceedings against her as required by the Criminal Procedure Code, as the entry was made at a later date. The observer noted that the exchanges between the two parties after the hearing

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had finished were heated but “did not go beyond the bounds of decency”. The investigation is to continue.

Sapiyat Magomedova practices at a law firm “Omarov and partners” and works on human rights cases in Dagestan. Several disciplinary proceedings have been initiated with regard to her professional activity, none of which has led to findings against her.

BACKGROUND

The observation mission was organised after the ICJ received credible information about several instances of attacks against lawyers in Dagestan and the ICJ was concerned that the case of Sapiyat Magomedova constituted a part of this pattern. During her trip to Dagestan Karinna Moskalenko met with the Chair of the local Bar Association, the Prosecutor of Khasavyurt, the President of the Court where the hearing took place. The parties to the proceedings were cooperative and helpful. Karinna Moskalenko met with several other lawyers who were allegedly subject to attacks either by state agents or by unidentified individuals, including Zinfira Mirzaeva, Djamilya Tagirova, Sergei Kvasov and Konstantin Mudunov.

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