



## **SUBMISSION FROM THE RUSSIAN JUSTICE INITIATIVE**

### **TO THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE CONCERNING THE CASE OF *ISRAILOVA AND OTHERS v RUSSIA* (Establishment of remains)**

**25 August 2015**

#### **Introduction**

1. The present submission is made under Rule 9(1) of the Committee's Rules with a view to the urgent examination by the Committee of Ministers concerning the alleged establishment of the remains of a victim of enforced disappearance in the case of *Israilova v Russia* (*Khashiyev and Akayeva* group). At present the applicant has been informed that the remains of her son have been found, but the investigative authorities have refused to provide her with copies of the relevant forensic examinations that would allow her to determine whether the remains found indeed belong to her son.
2. The applicant urges the Committee to make inquiries into her case with the delegation of the Russian Federation. Questions to the Russian delegation are included at the end of the chronology provided below.

#### **(I) ALLEGED ESTABLISHMENT OF THE APPLICANT'S SON'S REMAINS**

3. On 27 May 2015 the applicant received a telephone call from the military investigator based at Khankala military base, who told her that the remains of her son had been found and that she should visit the third investigating department, located at Khankala.
4. During her visit to the department, the applicant and her representative were told by the investigator that back in 2008, another investigating department (outside of Chechnya) found fragments of human remains that were identified as belonging to the applicant's son. The applicant was also told that these fragments had now been transferred to Khankala. In this connection, she was told, the investigators had re-opened the investigation and appointed a new molecular-genetic examination (DNA test).
5. On the same day of her visit to the department, the applicant's counsel filed a request to receive copies of both decisions referred to by the investigators (on the re-opening of the investigation and the ordering of the DNA test). When submitting the requests, counsel was told by investigators that she would not receive the documents due to security concerns.<sup>1</sup>

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<sup>1</sup> Attachment 1: Request of 27 May 2015

6. On 1 June 2015 the investigator partly satisfied counsel's request. Citing classification of the case materials, the investigator provided counsel with an excerpt from the decision ordering the DNA test. However, the excerpt provided by the investigator contained no information about when and how the remains allegedly belonging to the applicant's son had been found, or about who carried out investigation after the finding of the remains, or about which of the expert institutions were ordered to carry out the DNA examination.<sup>2</sup>
7. On 10 June 2015 the investigator called the applicant once again and asked her to come to the investigating department. He told the applicant and her counsel that they had received the results of the new DNA test, which had confirmed that the remains of the first corpse discovered (two bodies had been found overall) belonged to the applicant's son, Mr Sharpuddin Israilov.
8. The applicant and her lawyer were able to read the results of the examination, but were not provided with a copy of it. The investigator said that the DNA test had been conducted in Rostov and that the applicant's son's remains were located there. The applicant asked the investigators whether she would receive the remains for burial, to which they said that she would have to contact Rostov directly.
9. On 15 June 2015 the applicant's lawyer together with the applicant's other son requested (orally) the investigator to provide the applicant and her family with the remains for a burial. In response the investigator said that he had to call the forensic centre in Rostov-On-Don to inquire. Two days later the investigator told the applicant's son that there was nothing left from the remains after conducting the DNA test. On 15 June 2015 the applicant's lawyer filed another written request to provide her with copies of all the procedural documents concerning the case for the period from 2013 to the present day. The lawyer also asked to be informed when, where, by whom and under what circumstances the remains of the corpses were found, as well as the date of the first molecular-genetic examination.<sup>3</sup> To date the applicant's lawyer has not received a response to her request.
10. Subsequently the applicant was informed by the military investigator based at Khankala that the investigation into her case had been suspended on 22 June 2015.<sup>4</sup> The text of the decision was not attached with the letter, which deprives the applicant of the opportunity to appeal against the decision.

## **(II) QUESTIONS TO THE RUSSIAN DELEGATION**

- (1) When and where was the applicant's son's corpse found?**
- (2) What method of molecular-genetic examination was employed to identify the remains?  
How certain are investigators that the remains found indeed belong to the applicant's son?**
- (3) Which institution carried out the DNA examination?**
- (4) Why has the applicant been refused copies of the conclusions of the molecular-genetic examination that would allow her to determine the relative accuracy of its findings?**
- (5) Why was the investigation into the applicant's case suspended following the finding of remains?**

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<sup>2</sup> Attachment 2: Letter from investigator with Annex of 1 June 2015

<sup>3</sup> Attachment 3: Request of 15 June 2015

<sup>4</sup> Attachment 4: Letter of 22 June 2015