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**Committee on the Rights of the Child Secretariat**  
**Office of the High Commissioner for Human Rights (OHCHR)**  
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**CH-1201 Geneva**  
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Submitted through [Child Rights Connect](#)

11 December 2023

**Subject: Additional Information for the UN Committee on the Rights of the Child Review of the Russian Federation, 95th session (January 2024, deadline for additional submissions 15<sup>th</sup> December 2023)**

Dear Sir and Madam,

I am writing on behalf of Stichting Justice Initiative to provide additional information for the upcoming review of the Russian Federation report during the 95th session in January 2024. This pertains to the unfortunate case of four-year-old Samira Mutsolgova, who tragically passed away in May 2023 in the Republic of Ingushetia, Russian Federation.

In June 2023, we initially submitted details regarding the circumstances of Samira's death. Medical professionals in the Republic of Ingushetia had linked these circumstances to sexual violence against the child.

During the summer of 2023, investigative authorities conducted a new forensic examination regarding Samira's case, which contradicted previous allegations of sexual violence. These crucial investigative developments, vital for understanding the events surrounding Samira and guiding the investigation's direction, happened amid inadequate legal representation for her. The investigative authorities have barred her legal representatives from participating and have refused to grant access to the case files for review.

This additional submission offers an interim analysis of Samira Mutsolgova's case and suggests questions for the attention of the Russian delegation.

Egbert Wesselink

Chair of the Board

Stichting Justice Initiative



## INTRODUCTION

1. In June 2023, several organizations submitted a report to the Committee on the Rights of the Child, highlighting the tragic case of 4-year-old Samira Mutsolgov in the Republic of Ingushetia, located in the North Caucasus region of the Russian Federation. The submission had a dual purpose. Firstly, it aimed to spotlight the harrowing details of Samira's murder and alleged sexual assault, along with the systematic and brutal mistreatment she suffered at the hands of her mother and, presumably, her grandmother. Secondly, it raised concerns about the broader implications of Samira's death, specifically the fear that authorities might not conduct an effective investigation into this grave crime.

2. In our June 2023 submission, we expressed concerns about the effectiveness of the investigation, given the backdrop of largely unaddressed domestic violence, including sexual crimes against minors, in the North Caucasus and throughout Russia. Nearly 8 months later, we are dismayed to observe that the investigation by Russian authorities, sparked by public outcry over Samira's death, seems to have overlooked the possibility of sexual violence against her. To date, no suspects have been identified in the case other than the child's mother and grandmother.

3. Despite providing updates on the status of Samira's case, including expert opinions that contradicted the initial examination findings (which had confirmed the presence of sexual violence), this additional submission does not evaluate the investigative actions and their outcomes. **Instead, this submission focuses on the concerning absence of legal representation for Samira in the criminal case and its possible consequences. In fact, in the summer of 2023, both lawyers hired to represent Samira's interests were denied access to her criminal case, and their complaints in this regard remain unaddressed by Russian courts at the time of this submission.**

4. Finally, we pose questions to the members of the Russian delegation in anticipation of the 95th Session of the CRC - Convention on the Rights of the Child (15 January 2024, to 2 February 2024), during which Russia's periodic report will be reviewed.

## INFORMATION ABOUT SUBMITTING ORGANIZATION

5. **The Stichting Justice Initiative (SJI)** has been offering legal support to individuals affected by human rights abuses in the former Soviet Union nations since 2001. With a specific focus on advocating for the rights of survivors of gender-based violence in Russia, SJI strives to ensure that victims have access to remedies both nationally and internationally. SJI conducts research on women's and children's rights in Russia and engage in awareness campaigns to prevent gender-based and domestic violence. Since 2019, SJI has achieved significant milestones, including winning cases on behalf of domestic violence victims in the European Court of Human Rights and obtaining a groundbreaking decision from the Committee on the Elimination of Discrimination against Women (CEDAW Committee) concerning a victim of domestic violence in the North Caucasus<sup>1</sup>.

## BACKGROUND TO THE SAMIRA MUTSOLGOVA'S CASE

6. Four-year-old Samira Mutsolgoва tragically died due to severe abuse by her mother and grandmother in Ingushetia. Authorities were already aware of the family's challenges, and it is now believed that the injuries leading to Samira's death were inflicted by them.

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<sup>1</sup> <https://www.srji.org/en/>

7. On 27 April 2023, Samira was admitted to the intensive care unit at the Children's Republican Clinical Hospital in Ingushetia.

8. Reports have surfaced, alleging that Samira suffered more than just physical assault. According to an anonymous medical worker, there were indications of sexual violence on her body. This account is somewhat supported by Imam Khamzat Chumakov, a notable imam in the North Caucasus, who referred to similar statements from medical professionals. Officially, it was reported that Samira passed away on 16 May 2023 due to blood poisoning<sup>2</sup>.

9. This case has stirred significant outrage within the Ingush community, with many people attending Samira's funeral. Local authorities have pledged to hold those responsible for her untimely and tragic death accountable.

#### **UPDATE ON THE LATEST AVAILABLE INFORMATION REGARDING THE CASE OF SAMIRA MUTSOLGOVA**

10. On 19 May 2023, the case of the girl's death was transferred to special control under the central office of the Investigative Committee of Russia, directly to the head of the agency, Mr. Alexander Bastrykin<sup>3</sup>.

11. In July 2023, the lawyer representing Samira's interests reported that the investigator from the Investigative Department conducting the investigation into the girl's murder had denied him and his colleague access to the materials of the criminal case<sup>4</sup>.

12. In August 2023, the lawyer appealed the investigator's refusal to the Basmanny Court of Moscow<sup>5</sup>.

13. Despite the requirement that complaints against the actions (inactions) of investigators and other officials involved in the criminal process should be considered within a 5 to 14-day period from the time of filing, the complaint filed by the girl's lawyer, as of the time of this submission, has still not been reviewed<sup>6</sup>.

14. Later, the investigator leading the ongoing investigation ordered another forensic medical examination, which, this time, was conducted outside the Republic of Ingushetia, specifically in the city of Pyatigorsk. In late August, the results of this examination by doctors from Pyatigorsk were made public, and they determined that there was no evidence of rape in the case<sup>7</sup>.

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<sup>2</sup> Kavkaz.Realii "‘Very strange story’: investigation into four-year-old Samira's death in Ingushetia", 28 September 2023: <https://www.kavkazr.com/a/ochenj-strannaya-istoriya-rassledovanie-smerti-chetyrehletney-samiry-v-ingushetii/32613703.html>

<sup>3</sup> Kavkaz.Realii "‘Very strange story’: investigation into four-year-old Samira's death in Ingushetia", 28 September 2023: <https://www.kavkazr.com/a/ochenj-strannaya-istoriya-rassledovanie-smerti-chetyrehletney-samiry-v-ingushetii/32613703.html>

<sup>4</sup> Fortanga.org "Investigator did not give lawyers access to the case of deceased Samira Mutsolgova", 6 July 2023: <https://fortanga.org/2023/07/sledovatel-ne-dal-advokatam-dostup-k-delu-umershej-samiry-muczolgovoj/>

<sup>5</sup> Kavkaz.Realii "The lawyer appealed against the refusal to allow access to the case file of the girl who died from torture in Ingushetia", 4 August 2023: <https://www.kavkazr.com/a/advokat-obzhaloval-otkaz-na-dopusk-k-materialam-dela-pogibshey-ot-istryazaniy-devochki-v-ingushetii/32534302.html>

<sup>6</sup> According to Article 125 of the Russian Federation Criminal Procedure Code, a judge is required to examine the legality and justification of the actions (or inaction) and decisions of the inquiry officer, head of the inquiry department, head of the inquiry body, inquiry body, investigator, head of the investigative body, and prosecutor no later than 14 days after receiving the complaint. In cases of inquiry in a simplified form, this review should occur no later than 5 days from the receipt of the complaint. The court session should involve the applicant and their defense lawyer, legal representative, or representative, if they are participating in the criminal case, as well as other individuals whose interests are directly affected by the contested action (or inaction) or decision, and the participation of the prosecutor, investigator, or head of the investigative body is also required.

## **(A) ANALYSIS OF THE REFUSAL TO ALLOW SAMIRA'S LAWYERS TO PARTICIPATE IN THE CRIMINAL CASE**

15. The primary issue undermining any ongoing investigation by the authorities is the fact that, given that Samira was killed by her own mother, with the possible involvement of her grandmother, there is simply no one to represent her in the criminal case regarding her own murder. In theory, this gap should be filled by the participation of the prosecutor's office and guardianship authorities, which should represent the interests of the underage victim.

16. In Russia, the participation of minors in criminal cases where they have become victims of crimes committed by their parents is regulated by legislation and regulatory documents.

- **Legal Representatives:** According to the Family Code of the Russian Federation (FC RF), Article 69 of the FC RF defines that if the rights and interests of minors are violated, the court may appoint legal representatives to protect them. Article 70 of the FC RF states that parents and guardians of minors may also act as legal representatives, but a legal representative may be appointed if necessary to protect the child's interests.
- **Lawyers for Minors:** According to the Criminal Procedure Code of the Russian Federation (CPC RF), Article 42 of the CPC RF provides for the right to defense, including the right to a lawyer, for persons undergoing criminal prosecution. In accordance with the Resolution of the Plenum of the Supreme Court of the Russian Federation No. 15 of December 25, 2015, "On the Application of Norms of Criminal Procedure Legislation by Lawyers," lawyers can represent the interests of minors in criminal cases, including cases where they have become victims of crimes committed by their parents.
- **Court Decisions:** In each specific criminal case, the court can make decisions on the appointment of legal representatives and lawyers to protect the interests of minors based on the circumstances and needs of the case.
- **UN Convention on the Rights of the Child:** Russia is a party to the UN Convention on the Rights of the Child, which affirms the child's right to legal protection and participation in the process.

17. Despite all the mentioned norms, as we indicated above, the lawyers for Samira were simply denied entry into the case. The formal reason given by the investigator was that **"there was no petition from the victim for the lawyers to join the case."**<sup>8</sup>

18. In essence, this reason, which is essentially unlawful since Russian CPC does not require a petition from the victim for a lawyer to participate in their case, undoubtedly continues the unfortunate pattern that the authorities have followed in Samira's case – namely, complete inaction in the face of mortal danger that the child was in, which the local authorities were aware of. We have pointed out that Samira, before her tragic death, had already been taken to the hospital with injuries, and the Ingush ombudsman, Ms. Zarema Chakhkieva, was aware of Samira's situation<sup>9</sup>.

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<sup>7</sup> [https://t.me/marem\\_group/360](https://t.me/marem_group/360) and Kavkaz.Realii "“Very strange story”: investigation into four-year-old Samira's death in Ingushetia”, 28 September 2023: <https://www.kavkazr.com/a/ochenj-strannaya-istoriya-rassledovanie-smerti-chetyrehletney-samiry-v-ingushetii/32613703.html>

<sup>8</sup> Fortanga.org “Investigator did not give lawyers access to the case of deceased Samira Mutsolgova”, 6 July 2023: <https://fortanga.org/2023/07/sledovatel-ne-dal-advokatam-dostup-k-delu-umershej-samiry-muczolgovoi/>

19. In the current situation, any public outcry and desire to investigate the case encounters, in essence, an insurmountable criminal procedural obstacle – namely, the non-admission of independent lawyers who could fully participate in the case of the girl.

## **(B) PRELIMINARY REVIEW OF THE FORENSIC MEDICAL EXAMINATION CONDUCTED IN AUGUST 2023 IN PYATIGORSK**

20. The lack of participation or representation of the victim in this criminal case directly affects the integrity of all subsequent criminal procedural decisions. It is evident that expert findings and forensic medical reports are crucial in such cases.

21. At the end of August 2023, media outlets and Telegram channels began to disseminate the results of a new forensic medical examination of Samira's death conducted in Pyatigorsk, outside the Republic of Ingushetia. The circulated document referred to the conclusions of Ingush medics who had suggested that Samira was a victim of sexual violence and refuted their findings. Instead, the re-examination reinterprets Samira's injuries by attributing the genital injuries to acute leukemia<sup>10</sup>.

**22. This submission does not aim to directly contest the results of the second examination.** However, it rises following significant concerns:

1. the reasons behind the investigator's decision to question the initial forensic medical examination conducted by Ingush doctors remain unclear to us and the girl's legal team.
2. although Russian criminal procedural law permits repeated and additional expert examinations, the second examination's decision to overturn the initial findings of sexualized violence is troubling. This concern is compounded by the investigator's refusal to grant criminal procedural status to Samira's representatives, which effectively blocks any opportunity to appeal against the conclusions of the second examination.

23. Notably, the reaction of Ingush doctors and specialists to the Pyatigorsk examination's conclusions is telling. According to press reports, anonymous comments from the medical staff who treated Samira suggest a strong belief in the occurrence of sexual assault, based on the child's reactions and physical symptoms observed upon admission. They highlight that the diagnosis of leukemia does not negate the physical evidence of sexual penetration identified by doctors in Ingushetia<sup>11</sup>.

24. Finally, while the Pyatigorsk expert examination concludes that there was no rape, it does not deny the existence of external injuries to Samira's genitals. However, it fails to provide any explanation for the cause of these injuries<sup>12</sup>.

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<sup>9</sup> Fortanga.org ““Take care of your own and other people's children”: what lessons Ingush society should learn from Samira's tragic case”, 31 May 2023: <https://fortanga.org/2023/05/beregite-detej-svoih-i-chuzhih-kakie-uroki-dolzno-izvlech-ingushskoe-obshchestvo-iz-tragicheskogo-sluchaya-s-samiroj/>

<sup>10</sup> [https://t.me/marem\\_group/360](https://t.me/marem_group/360) and Kavkaz.Realii “Very strange story’: investigation into four-year-old Samira's death in Ingushetia”, 28 September 2023: <https://www.kavkazr.com/a/ochenj-strannaya-istoriya-rassledovanie-smerti-chetyrehletney-samiry-v-ingushetii/32613703.html>

<sup>11</sup> ibid

<sup>12</sup> ibid

*25. These circumstances underscore the need for a thorough, transparent, and impartial review of the case, ensuring the rights and voice of the victim are central in the pursuit of justice.*

## **THE FATE OF SAMIRA'S BROTHER AND SISTER**

26. In August, the Juvenile Affairs Commission decided to transfer Samira's sister and brother into a foster family, moving them from their previous stay at a Republican hospital. This decision has raised several concerns, highlighted by human rights activists and bloggers, who has been closely following the Mutsolgovoy case, such as:

- the adequacy of the children's rehabilitation and psychological support,
- the uncertainty surrounding the location of the foster family and the emphasis of the potential harm of the children remaining in Ingushetia due to societal attitudes and the trauma of their past experiences
- the necessity for the older girl's rehabilitation, given her age, and concerns about the quality of psychological services in Ingushetia, in fear of inadequate care.

27. The involvement of Ms Zarima Chakhkieva, the Republican Children's Ombudsman, in the commission's decision has also been a point of contention. Chakhkieva, who faced criticism for her perceived incompetence following Samira's death, was part of the decision-making process, yet she has not been suspended from her position despite ongoing investigations by the Investigative Committee into the guardianship authorities and the ombudsman herself<sup>13</sup>.

## **QUESTIONS**

1. Why Samira's lawyers were denied access to the criminal case?
2. Why was the examination by Ingush medical experts sent for a new review?
3. What is the current status of Samira's brother and sister? Specifically:
  - a) have they been questioned about any form of violence, including sexualized violence, while living with their mother and grandmother – towards Samira and themselves? What are the results of this inquiry?
  - b) Into which family were they transferred?
  - c) Are they undergoing any rehabilitation courses, and are they being supervised by child welfare authorities? If so, please provide details in both cases
4. What is the role of the supervisory and regulatory bodies of Russia, including the prosecutor's office and the children's ombudsman, in the case of Samira Mutsolgovaya's murder?

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<sup>13</sup> Fortanga.org "“Take care of your own and other people's children”: what lessons Ingush society should learn from Samira's tragic case”, 31 May 2023: <https://fortanga.org/2023/05/beregite-detej-svoih-i-chuzhjih-kakie-uroki-dolzno-izvlech-ingushskoe-obshhestvo-iz-tragicheskogo-sluchaya-s-samiroj/>