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## **Criminal case opened into 2005 murder of Russian boy Ilya Kargintsev adopted by American parents**



The Central Investigative Department of the Russian Investigative Committee has started a criminal inquiry into the murder in the USA of underage Russian citizen Isaak Jonathan Dykstra (Ilya Kargintsev), a crime under paragraph «B», part 2 of article 105 of the Russian Criminal Code.

According to investigators, during the period from July to August 2005 in Iowa, USA, the underage Russian citizen Ilya Kargintsev named Isaak Jonathan Dykstra after the adoption, received intentionally inflicted body harm in the form of craniocerebral injury and brain edema resulting in the child's death. According to preliminary information the boy died only three months after adoption. The suspect, the 35-year old adoptive father Brian Dykstra was released on bail and did not spend a single day in prison. American media have recently reported that the adoptive parent was acquitted by Johnson District court, Iowa. Thus, nobody has been held accountable for the death of the Russian citizen.

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The Russia's investigative Committee one more time confirms its determination to carry out exhaustive investigations into all cases of crimes against Russian children adopted by American parents, and prosecute the responsible ones. This position of the IC is based on the Russian and international law. Particularly, according to part 3 of article 12 of the Russian Criminal Code foreign nationals shall be brought to criminal responsibility in case they have been tried but not convicted in a foreign state. Therefore, if there is an acquittal abroad, there are no legal obstacles to a Russian criminal prosecution of a person who committed a crime against Russian interests or a Russian citizen. Moreover, even if the conviction has taken place, but it does not comply with Russian and international standards of fair justice, there are grounds to seek legally for the law to triumph in its full extend. Namely, it concerns the complex of articles of the UN Convention on Children's Rights providing best interests of children – Russian citizens and comprehensive protection of their lawful interests. As of the general principle “not to be tried twice for the same crime”, in international law this concerns only prosecution in a certain state under national jurisdiction. The corresponding norm is stipulated in paragraph 7 of article 14 of the International Covenant on Civil and Political Rights, both Russia and the USA are parties to.

Within the framework of the investigation, Russian detectives are going to determine all circumstances of the crime committed and seek those guilty of the boy's death to be brought to criminal responsibility. In addition, the Investigative Committee is going to give a legal assessment of the actions of the Krasnoyarsk territory officials permitted Ilya Kargintsev to be adopted and taken abroad.

In order to prevent similar cases in future, the Investigative Committee is going to check the legality of adoption by foreigners of other Russian children, died or abused abroad. In case of violations by the officials responsible for children's interests during adoption the IC will take the most drastic measures to bring guilty officials to legal responsibility. To reveal such facts the Investigative Committee will use information from the Ombudsman for Children's Rights in RF and his representatives in the regions.

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