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**ADDENDUM TO THE COMMUNICATION PURSUANT TO ARTICLE 15 OF THE ROME
STATUTE OF
THE INTERNATIONAL CRIMINAL COURT**

**RESPONSIBILITY OF RUSSIAN FEDERATION OFFICIALS FOR GENOCIDE
IN UKRAINE, IN PARTICULAR, FOR FORCIBLY TRANSFERRING
CHILDREN OF THE GROUP TO ANOTHER GROUP**

Submitted to the Registry of the International Criminal Court
on October 25, 2022
by Non-governmental Organizations Regional Center for Human Rights and the Lemkin
Institute for Genocide Prevention



Regional
Center for
Human Rights



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This Submission has been prepared following Article 15 of the Rome Statute of the International Criminal Court is an Addendum to the Communication sent to the Court on October 25, 2022 by two non-governmental organizations, the Regional Center for Human Rights and the Lemkin Institute for Genocide Prevention. The October 25, 2022 Communication contained a description and evidence of the crime of genocide against the Ukrainian nation, committed by Maria Lvova-Belova, the Russian Federation Presidential Commissioner for Children's Rights, through the forcible transfer of Ukrainian children to Russian families during the period from February 24 to September 30, 2022. This Addendum concerns the imposition of Russian citizenship and identity on orphans and children deprived of parental care who lived in boarding institutions as of February 24, 2022. According to the authors of the submission, the actions described herein committed by the high-ranking officials of Russia testify to the existence of a specific intent to commit the crime of genocide in the form of the forcible transfer of minors to the Russian national group and are one of the main means for simplifying and speeding up such transfer.

The Regional Center for Human Rights (RCHR) is a non-governmental human rights organization, which was created in July 2013 in Sevastopol (Ukraine). Many years of fruitful cooperation of its founders in the field of protection of human rights, both at the national and international levels preceded the establishment of the organization. Following the illegal referendum and the attempted annexation of Crimea and the city of Sevastopol by the Russian Federation, members of the organization were compelled to leave the territory of Crimea, and in July 2014 they registered a new address of the organization in Kyiv. Today the RCHR consists of lawyers with many years of practical experience in the field of human rights protection.

Since the Russian invasion of Ukraine on February 24, 2022, the RCHR has expanded its activities and begun documenting and providing legal qualifications for war crimes and crimes against humanity, committed in other territories of Ukraine. The organization is a member of the Platform for the Investigation of War Crimes in Ukraine (Ukraine 5 AM Coalition). During March-September 2022, the RCHR carried out research on identifying specific features of the crime of genocide in Ukraine, particularly its fifth element: (e) Forcibly transferring children of the group to another group.

The Lemkin Institute for Genocide Prevention is a US-based non-governmental organization focused on the prevention of genocide worldwide via education and grassroots empowerment, national and international advocacy, and legal accountability. The Lemkin Institute believes that the most important prevention work happens at the grassroots level and that true long-term human security is built over time through broad-based internal social and cultural commitments to justice.

The Lemkin Institute aims to prevent genocide globally by fighting for the unrestricted respect for human rights, the eradication of all forms of impunity for international crimes, and an end to all forms of discrimination, especially when the discrimination on which criminal conduct may operate has as a pretext the victims' national origin, ethnicity, sexuality, gender identity, language, religious or philosophical convictions, social or cultural habits, place of residence, and/or any other personal condition or circumstance related to their identity.

As part of the Lemkin Institute's work on Russia's war of aggression against the country of Ukraine, the Institute issued two statements and a Red Flag Alert regarding the genocidal rhetoric and genocidal characteristics of the conflict. You can access those documents at our website: www.lemkininstitute.com.

Preliminary objections

1. Since the occupation of the Crimean Peninsula in 2014, the Russian Federation has been pursuing a policy of illegal deportations and forcible transfer of Ukrainian children to Russian families. This policy only increased after Russia invaded Ukraine on February 24, 2022. One of the means to facilitate and speed up such a transfer is the imposition of citizenship of the aggressor state (Russia) on Ukrainian minors. In this context, children who were in boarding institutions at the beginning of the invasion by the Russian Federation were in a particularly vulnerable position: orphans, children deprived of parental care, children in difficult life circumstances, and children with disabilities. Of these groups, only orphaned children no longer have biological parents. The others lived in boarding institutions because they needed additional care that relatives could not provide. It is important to emphasize that the exact number of Ukrainian children illegally deported or forcibly transferred by Russia without legal representation is unknown. Among such children are also those who lost their parents as a result of hostilities, in particular, during the indiscriminate attacks of the Russian Federation on civilian targets, as well as those whose parents were arbitrarily detained by the Russians and sent to detention centers. The imposition of Russian citizenship on Ukrainian children in the context of the ongoing invasion of Ukraine amounts to a violation of international law and possibly genocide.

2. The right to citizenship can be subject to abuse. Both in the case of its arbitrary deprivation and when forcibly imposed on a person by a State, the latter seeks to use it for an illegal purpose. Russia's current policies related to the imposition of Russian citizenship on occupied territories and especially on Ukrainian children reflect the insight of Georgetown University Professor of Government and Law Dr. Marc Howard that States can use citizenship not only as a means of legal and social exclusion but also as an effective tool of coercion in the context of containment and assimilation.¹ The Report of the United Nations High Commissioner for Human Rights, "Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol, Ukraine," states that "[i]mposing citizenship on the inhabitants of an occupied territory can be equated to compelling them to swear allegiance to a power they may consider as hostile, which is forbidden under the Fourth Geneva Convention² [also by the Hague Regulations (1907)³]. In addition to being in violation of international humanitarian law, the automatic citizenship rule raises a number of important concerns under international human rights law."⁴ As an example, *ex lege* naturalization by the Nazi regime of persons who were considered ethnic Germans and lived in occupied territories was recognized as illegal, and the prohibition on forced naturalization, i.e., the granting of citizenship against a person's will, is part of customary international law.⁵

¹ Marc Morjé Howard. *The Politics of Citizenship in Europe*. 2009. P. 50

² The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, Geneva, pp.153-221. Article 147. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/gciv-1949>

³ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 18 October 1907. Article 45. URL: <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-iv-1907>

⁴ Situation of human rights in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol (Ukraine) / OHCHR. September 25, 2017. A/HRC/36/CRP.3. URL: <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F36%2FCRP.3&Language=E&DeviceType=Desktop&LangRequested=False>

⁵ Cuvelier Mats. *Passportization in International Law Theory and Practice of Large Scale Extraterritorial Conferrals of Nationality*. 2017-2018. URL: https://libstore.ugent.be/fulltxt/RUG01/002/479/381/RUG01-002479381_2018_0001_AC.pdf

3. In the decision of the Inter-American Court of Human Rights in the “Case of the Girls Yean and Bosico v. Dominican Republic” it is stated: “*The importance of nationality is that, as the political and legal bond that connects a person to a specific State, it allows the individual to acquire and exercise rights and obligations inherent in membership in a political community. As such, nationality is a requirement for the exercise of specific rights.*”⁶

4. Citizenship is essential for identifying a national group, in this case mainly the Ukrainian and the Russian national groups. Moreover, the peculiarity of the situation in Ukraine is that the Russian citizenship imposed by the occupying state facilitates the process of the forcible transfer of Ukrainian children to Russian families and therefore is a manifestation of the material element of the crime of genocide, seeking to destroy the Ukrainian identity of the transferred children and imposing the Russian identity of the perpetrators’ group through law and, as will be shown, through intentional Russification through education

5. In the *Prosecutor v. Jean-Paul Akayesu* judgment, the Trial Chamber of the International Criminal Tribunal for Rwanda defined a national group as a collection of people who are perceived to share a legal bond based on common citizenship, coupled with reciprocity of rights and duties.⁷ From this point of view, the actions of the Russian Federation, aimed at imposing their citizenship on orphans and children deprived of parental care without the alternative of retaining Ukrainian citizenship, may indicate the specific intent on the part of the accused persons to commit the crime of genocide in the form of the forcible transfer of Ukrainian minors to the Russian national group.

6. In the Third Report on the Situation of Human Rights in Chile dated February 11, 1977, the Inter-American Commission on Human Rights noted: “It is generally considered that since nationality of origin is an inherent attribute of man, his natural right, and is not a gift or favor bestowed through the generosity or benevolence of the State, the State may neither impose it on anyone by force nor withdraw it as punishment or reprisal.”⁸

7. Initially, high-ranking officials of the Russian Federation explained the imposition of Russian citizenship on Ukrainian children illegally deported from Ukraine as driven by a desire to ensure the rights of orphans as much as possible. Thus, on June 1, 2022, the Russian Federation Presidential Commissioner for Children's Rights, Maria Lvova-Belova, explained: “...*The decree issued yesterday by the President of Russia on the simplified procedure for obtaining Russian citizenship for orphaned children of Donbas and Ukraine will allow us to solve a whole set of problems faced by children who have lost their parents. These include social guarantees for orphaned minors, education, medical care, rehabilitation, and recreational recreation. Furthermore, the main problem is transferring orphaned children to Russian families.*”⁹ In turn, Deputy Chairman of the State Duma Committee for CIS Affairs, Eurasian Integration and Relations with Compatriots Artem Turov explained: “*It is logical to give people the opportunity to obtain Russian passports in order to simplify matters related to receiving*

⁶ IACtHR, Case of the Girls Yean and Bosico v. Dominican Republic (2005), para. 137

⁷ The Prosecutor v. Jean-Paul Akayesu (Trial Judgement). Para. 512. URL: <https://www.refworld.org/cases,ICTR,40278fbb4.html>

⁸ Third Report on the Situation of Human Rights in Chile / Inter-American Commission on Human Rights. February 11, 1977. OEA/Ser/L/V/II.40 Doc 10. Para. 10. P. 80-81

⁹ Vladimir Emelianenko. 120 Russian families have applied for adoption of orphans from Donbass and Ukraine. RgRu. URL: <https://rg.ru/2022/06/01/120-rossijskih-semej-podali-zaiavki-na-usynovlenie-sirot-donbassa-i-ukrainy.html>

social payments, pensions, issues related to social support, and in the future, active participation in the social and political activities of the Russian Federation.”¹⁰

8. Under Article 2 of the United Nations Convention on the Rights of the Child (UNCRC), States Parties shall respect and ensure all the rights provided for in this Convention for every child within their jurisdiction, without any discrimination regardless of race, color, sex, language, religion, political or other beliefs, national, ethnic or social origin, property status, state of health and birth of the child, its parents or legal guardians or any other circumstances. Therefore, conditioning the guarantee and realization of the rights of the child provided for by the UNCRC, in particular free access to education, medical care, and social services, on the presence of Russian citizenship in children who ended up in the territory of the Russian Federation or the territories occupied by it, is a violation of the UNCRC and evidence of discrimination based on nationality.

9. Moreover, the legislation of the Russian Federation does not base a child's realization of fundamental rights and freedoms on the presence of Russian citizenship. So, for example, following part 2 of Article 78 of the Federal Law of December 29, 2012, No. 273-FZ “On Education in the Russian Federation,” *“foreign citizens and stateless persons enjoy the same rights as citizens of the Russian Federation to receive pre-school, primary general, basic general and secondary general education, as well as technical and vocational education and training on a publicly available and free basis.”*¹¹

10. According to Article 19 of the Federal Law of November 21, 2011, No. 323-FZ, “On the Basics of Protecting the Health of Citizens in the Russian Federation,” *“Everyone has the right to guaranteed medical assistance provided without charge in accordance with the program of state guarantees of free medical assistance to citizens, as well as to receive paid medical services and other services, including in accordance with a voluntary medical insurance contract.”*¹²

11. Attention should also be paid to Article 155.3 of the Family Code of the Russian Federation dated December 29, 1995, No. 223-FZ, according to which *“Children deprived of parental care and in institutions for orphans and children deprived parental care have the right to maintenance, upbringing, education, comprehensive development, respect for their human dignity, protection of their rights and legitimate interests; alimony, pensions, allowances, and other social benefits due to them; preservation of the right of ownership of residential premises or the right to loop use residential premises or, if there are no residential premises, obtaining residential premises under housing legislation.”* According to Article 155.2 of the Family Code of the Russian Federation, placement of a child in institutions for orphans and children left without parental care takes place regardless of whether the child has Russian citizenship.¹³

¹⁰ Ruslan Grudtsinov. Turov: Russian passports will make it easier for residents of Kherson and Zaporozhye to receive social assistance. Parliamentary newspaper. URL:

<https://www.pnp.ru/in-world/turov-rossiyskie-pasporta-uprostyat-zhitelyam-khersona-i-zaporozhya-poluchenie-socpomoshhi.html>

¹¹ Federal Law No. 273-FZ of December 29, 2012 (as amended on June 24, 2023) “On Education in the Russian Federation” (as amended and supplemented, effective from July 1, 2023). URL: https://www.consultant.ru/document/cons_doc_LAW_140174/61481667d956e25b4c53b1febedf53ed1121e78c/

¹² Federal Law No. 323-FZ of November 21, 2011 (as amended on June 13, 2023) “On the Basics of Protecting the Health of Citizens in the Russian Federation”. URL: https://www.consultant.ru/document/cons_doc_LAW_121895/2912a75fd9253758c03a8c9069299a513b58b620/

¹³ “Family Code of the Russian Federation” dated December 29, 1995 No. 223-FZ (as amended on April 28, 2023). URL: https://www.consultant.ru/document/cons_doc_LAW_8982/590463c6b9ee9c47bbec80a1112019c17850c192/

12. However, regarding establishing guardianship and care for a foreign child, one should rely not on the Family Code of the Russian Federation but on Article 1199 of the Civil Code of the Russian Federation. According to it, *“Tutorship and guardianship over minors, adults having no dispositive capacity or having limited dispositive capacity shall be appointed and terminated according to the personal law of the person over which it is appointed or terminated.”*¹⁴ According to the existing conflict of laws regulation, guardianship of Russian citizens over foreign children is assigned either directly in the country of the child's citizenship (the guardian must go to the country of the child's citizenship) or through diplomatic missions of the country of the child's citizenship.

13. Therefore, according to Russia's national laws, it is not necessary for a person to acquire Russian citizenship in order to obtain the benefits that the laws grant to its citizens in relation to fundamental rights. This directly contradicts the benevolent explanation offered by Commissioner Maria Lvova-Belova that the imposition of citizenship on Ukrainian children was undertaken to ensure their rights.

14. Until February 21, 2022, isolated cases of attempted adoption of Ukrainian children from the so-called DPR and LPR were documented. However, every time such facts became known, at the request of Ukraine, the Federal Migration Service of the Russian Federation deported children to the territory controlled by Ukraine.¹⁵

15. In March 2015, Russian public figure Dmitry Hablyuk noted: *“There is one beautiful family near Moscow. People made all the documents for guardianship. We agreed with Luhansk's guys about the girl's adoption, did everything in Luhansk until the adoption, and took her out [of Luhansk] through the Ministry of Emergency Situations. Furthermore, like decent people, they came to register [the adoption] in the FMS. Further... and further, the FMS turned to the Embassy of Ukraine for clarification, which expressed a categorical protest. Finally, the girl was deported to Ukraine by the decision of the Russian court. And not back to Luhansk, but to Ukropia itself.”*¹⁶

16. The adoption situation was different on the territory of the occupied Crimean peninsula. These differences between the transfer of Ukrainian children to Russian families from the so-called DPR/LPR and AR Crimea/the city of Sevastopol are due to the automatic recognition of residents of the latter as citizens of the Russian Federation. Because of this, the forcible transfer of Ukrainian orphans and children deprived of parental care from the occupied Crimean peninsula to Russian families during 2014-2022 took place despite Ukraine's diplomatic resistance efforts. The Report of the Moscow Mechanism, dated May 4, 2023, contains information about more than 1,000 children who may have been illegally deported to the Russian Federation and adopted by Russian citizens as part of the “Train of Hope” Program.¹⁷

¹⁴ “Civil Code of the Russian Federation (Part Three)” dated November 26, 2001 No. 146-FZ (as amended on April 14, 2023). URL:

https://www.consultant.ru/document/cons_doc_LAW_34154/8a0d61c08a9a05b7f47be47987e3d0a5ec685187/

¹⁵ In Russia, it is impossible to adopt a child from the DPR and LPR. LiveJournal. URL: <https://izborskiy-club.livejournal.com/232723.html>

¹⁶ Social activist: FMS of the Russian Federation deports children of Donbass adopted in Russia to Ukraine. Regnum. URL: <https://regnum.ru/news/1901994> Note: The term “Ukropia” is Russian slang for Ukraine.

¹⁷ Report on Violations and Abuses of International Humanitarian and Human Rights Law, War Crimes and Crimes against Humanity, Related to the Forcible Transfer and/or Deportations of Ukrainian Children to the Russian Federation. OSCE. ODIHR.GAL/37/23/Rev.1/Corr.1. 4 May 2023. P. 16. URL: https://www.osce.org/files/f/documents/7/7/542751.pdf?fbclid=IwAR0kwUTo9VtW8IXTCcHUG_geMGe5WBaOXTRaHyk7QtsjhM3i6Pa66ZerX6Q

“Train of Hope” Program is a program facilitating adoption of children for the social project “Children's Question” of the “Radio of Russia”.

17. Therefore, if the high-ranking officials of the Russian Federation intended to act solely for humanitarian reasons when transferring Ukrainian children to Russian families, then, instead of amendments to legislation for the simplified imposition of Russian citizenship, laws would have been adopted to facilitate obtaining medical benefits for children regardless of nationality as well as their registration with appropriate authorities, since problems with legal and identity documents pose obstacles for obtaining, for example, expensive medical care or enrolling a child in an educational institution. As for other rights and freedoms of the child, according to Russian legislation, they are guaranteed to all minors, regardless of citizenship. Highlighting the case of the reunification of two Ukrainian citizens (a 16-year-old boy and a 9-year-old girl) with their family, Tetyana Moskalkova, Commissioner for Human Rights of the Russian Federation, noted: *“While the boy and the girl were in Russia, they were provided with all the rights and freedoms provided for by the Constitution the Russian Federation and acts of international law.”*¹⁸ Therefore, in fact, the current government of the Russian Federation chose to implement the “Crimean scenario” on new Ukrainian territories occupied since February 24, 2022 to simplify the forcible transfer of Ukrainian children to Russian families by imposing Russian citizenship on them.

18. The high-ranking officials of the Russian Federation mentioned in this Addendum contributed to the forcible transfer of Ukrainian children to the Russian national group by conducting actions to impose the citizenship of the aggressor state. They were united by a common criminal intent and sought to achieve a single genocidal aim: to partially destroy the Ukrainian national group as such. The goal was achieved by imposing Russian citizenship through at least two separate processes. Firstly, when Russian citizenship made easier and faster the forcible transfer of illegally deported Ukrainian children to Russian families. Secondly, by forcing children to renounce Ukrainian citizenship. In the second case, according to the authors of the Addendum, the completion of the process of renunciation of Ukrainian citizenship by a child aged 14-18 years old, as well as by a legal representative on behalf of a child aged 0-14 years old, *de facto* indicates the completion of the forcible transfer to the Russian national group, even if the child remains in a boarding school or in another similar closed institution under the effective control of the Russian Federation.

The role of imposed citizenship of the Russian Federation in the forcible transfer of Ukrainian children to Russian families

19. With the beginning of the full-scale invasion of the territory of Ukraine on February 24, 2022, the process of finding mechanisms for the adoption of Ukrainian children began in the Russian Federation. In this context, it should be mentioned that on February 21, 2022, Russian President Vladimir Putin signed Decree No. 71, “On the recognition of the Donetsk People's Republic,”¹⁹ and Decree No. 72 “On the recognition of the Luhansk People's Republic.”²⁰ Based on these legal acts,

¹⁸ Tatyana Moskalkova: We do not know of a single case when children who are citizens of Ukraine were refused to be handed over to their relatives. Commissioner for Human Rights in the Russian Federation. 2023. URL: <https://ombudsmanrf.org/ombudsman/bio/novosti-upolnomochen-ogo/8b27f529-4be9-4ba8-a6ff-9a5586c8b9e4>

¹⁹ Decree of the President of the Russian Federation of February 21, 2022 No. 71 “On the recognition of the Donetsk People's Republic”. URL: <https://rg.ru/documents/2022/02/22/prezident-ukaz-donetsk-site-dok.html>

²⁰ Decree of the President of the Russian Federation of February 21, 2022 No. 72 “On the recognition of the Luhansk People's Republic”. URL: <https://rg.ru/documents/2022/02/22/prezident-ukaz-lugansk-site-dok.html>

planning of the future architecture of the process of forcible transfer of Ukrainian children from the occupied territories to Russian families and boarding institutions on the territory of the Russian Federation began to take shape. On April 6, 2022, Deputy Speaker of the State Duma Anna Kuznetsova, at a meeting with the so-called head of the DPR Denys Pushylin in the city of Donetsk, said that the State Duma and the Ministry of Education had prepared an agreement with the so-called DPR, which creates a legislative framework for the adoption in Russia of orphans from the DPR.²¹ The main element of the legal architecture was the imposition of Russian citizenship on such minors, which facilitated their forcible transfer to Russian families.

20. At the beginning of April 2022, on the initiative of the Russian Federation, a headquarters for harmonizing the so-called legislation of DPR and LPR and the Russian Federation in matters of family placement of orphans was created. The headquarters was headed by Maria Lvova-Belova, the Russian Federation Presidential Commissioner for Children's Rights. The headquarters staff from Russia also included the First Deputy Chairman of the Federation Council of the Federal Assembly of the Russian Federation, Secretary of the General Council of the United Russia Party Andrey Turchak, Deputy Chairman of the Government of the Moscow Region Vyacheslav Dukhin, Deputy Chairman of the State Duma of the Federal Assembly Anna Kuznetsova, Deputy Chairman of the State Duma Committee for CIS Affairs, Eurasian Integration and Relations with Compatriots Artem Turov.²² According to the results of the first meeting of the headquarters in April 2022 and negotiations with the interested departments already at the end of May 2022, orphans and children deprived of parental care from the so-called LPR, DPR, and other occupied territories of Ukraine were allowed to acquire Russian citizenship in a simplified manner. The Ministry of Education of the Russian Federation has developed a single algorithm for the interaction of specialized services regarding the *“procedure for placement of orphans in family forms [adoption, foster family, guardianship or custody] of upbringing (устройство детей-сирот на семейные формы воспитания)”* which provides for:

- Acquisition of Russian citizenship by the Ukrainian minors;
- Use of the federal data bank of Ukrainian orphans and children deprived of parental care; and
- Transfer of powers related to the placement of Ukrainian children in family forms of care to the regional authorities through the issuance of internal orders by the republican bodies.²³

21. It should be noted that on February 20, 2022, the above-mentioned Anna Kuznetsova stated that *“various appeals are already coming in, including simply from citizens of the Russian Federation, from families who are ready to take orphaned children into their families. Someone is ready to take the children forever.”* This was only two days after the so-called evacuation from the so-called DNR and

²¹ The Vice Speaker of the Duma announced the preparation of a legislative framework for the adoption of orphans from the DPR in the Russian Federation. TASS. 2022. URL: <https://tass.ru/obschestvo/14304045>

²² The LPR and the Russian Federation are harmonizing legislation for the placement of orphans from the Republic in Russian families. Lugansk information center. URL: <https://lug-info.com/news/lpr-i-rf-garmoniziruyut-zakonodatelstva-dlya-ustrojstva-v-sem-i-rossii-sirot-iz-respubliki>

²³ Let's give them a chance - Maria Lvova-Belova about orphans in the LPR. Website of the Commissioner for Children's Rights under the President of the Russian Federation. 2022. URL: <http://deti.gov.ru/articles/news/davajte-dadim-im-shans-mariya-l-vova-belova-o-detyah-sirotah-v-lnr>

LPR. The deputy also noted, *“We understand that the questions will not only be of a legal and regulatory nature.”*²⁴

22. On March 9, 2022, Maria Lvova-Belova had a meeting with President Vladimir Putin, at which, mainly, the transfer of Ukrainian children to Russian families was discussed. During the meeting, Commissioner Lvova-Belova reported that *“our Russian citizens, of course, have a big heart and have already lined up to take the children.”* Vladimir Putin answered: *“Very well.”* Then Lvova-Belova noted that *“we have already formed a register of those [children] who have documents. And someone, perhaps, for temporary placement, someone with Russian citizenship could already be arranged,”* meaning that the children who already had Russian citizenship could be adopted by Russians following existing Russian laws. Putin, apparently concerned with speeding up the placement process for Ukrainian children without Russian citizenship, replied: *“Why only Russian? [Children] with any nationality.”* Referring to laws prohibiting the adoption and other forms of transfer to families of non-Russian children, Lvova-Belova noted that *“there are legislative barriers that will need to be eliminated then.”* Putin assured: *“You say which ones - we will eliminate them [...]. You make proposals, we will amend the legislation. Let's turn to the State Duma, I am sure the deputies will support you.”*²⁵

23. On April 14, 2022, in an interview with the Iznanka.Zhenshchyny project (Изнанка.Женщины), Anna Kuznetsova said: *“To give our children to adoptive parents, we must conclude an international agreement, the State Duma must ratify it, and the Russian Federation must find families for them. The transfer for adoption will be carried out.”* From the further comments of the Deputy Speaker of the State Duma, it is clear that, *inter alia*, the agreements were to refer to a simplified procedure for the acquisition by Ukrainian children of the so-called DPR and LPR of citizenship in the Russian Federation.²⁶

24. Putin kept his word and *“eliminated the barriers”* to imposing Russian citizenship on Ukrainian children. On May 25, 2022, the President signed a decree on the simplified procedure for acquiring Russian citizenship by citizens of Ukraine. Later, on September 30, 2022, as a result of the annexation of the temporarily occupied territories of Donetsk, Luhansk, Zaporizhia, and Kherson regions, Putin recognized their residents – all citizens of Ukraine – as citizens of the Russian Federation.

25. The day before, on September 21, 2022, Maria Lvova-Belova recorded a video message in which she thanked *“Vladimir Vladimirovich for his support in matters of assistance to the children of Donbas, his deeply human attitude towards their suffering, hopes, and needs.”* She repeated her rhetoric about protecting the *“fraternal people”* from the Nazis. She expressed her confidence regarding Ukrainian children that *“Russia, despite any sanctions, threats, and hardships, will accept them into its big and strong family. We have always been and will be together, and together we will become even stronger. Russia does not abandon its children, especially its children! The children of these territories are ours, and they have a common future with their Russian peers.”*²⁷

26. Thus, thanks to the close ties between Maria Lvova-Belova and Vladimir Putin, as well as between Vladimir Putin and the United Russia party, it was possible to simplify and speed up the processes of the forcible transfer of Ukrainian children to Russian families.

²⁴ Kuznetsova said that the Russians are ready to accept orphans from Donbass into families. TASS. 2022. URL: <https://tass.ru/obschestvo/13773569>

²⁵ Meeting with Commissioner for Children's Rights Maria Lvova-Belova. Website of the President of Russia. March 9, 2022. URL: <http://kremlin.ru/events/president/news/67949>

²⁶ National Bats shoot Donbass children in the back as they search for the missing and rescue orphans | Anna Kuznetsova. Iznanka.Zhenshchyny. 2022. URL: <https://www.youtube.com/watch?v=Pj7OycKdyk4>

²⁷ Див. Белова_1_Protocol

The procedure for imposing citizenship of the Russian Federation

27. The procedure for imposing citizenship of the Russian Federation on minor Ukrainian citizens who were illegally deported to the territory of the Russian Federation or forcibly transferred to the territories of Ukraine occupied by the Russian Federation is determined by several normative legal acts of various levels: from federal constitutional laws to decrees of the executive authorities of the Russian Federation.

28. Article 5, “regarding the recognition of citizenship of the Russian Federation” for residents of the occupied territories, is identical in four Federal Constitutional Laws of October 4, 2022 - No. 5-FKZ (“On the Accession of the Donetsk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Donetsk People’s Republic”)²⁸, No. 6-FKZ (“On the Accession of the Luhansk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Luhansk People’s Republic”)²⁹, No. 7-FKZ (“On the Accession of the Zaporozhye Region to the Russian Federation and the Establishment of a New Constitutional Entity of the Russian Federation, the Zaporozhye Region”)³⁰, No. 8-FKZ (“On the Accession of the Kherson Region to the Russian Federation and the Establishment of a New Constitutional Entity of the Russian Federation, the Kherson Region”)³¹.

29. According to Article 5 of the laws, as mentioned above, minors under the age of 14 are recognized as citizens of the Russian Federation without taking an oath upon application by a legal representative (clauses 3, 7). The latter also has the right to submit an application for such a child regarding his “unwillingness” to have Ukrainian citizenship (paragraph 11). The procedure for submitting an application and its form are detailed in Part 3 of Article 1 of the Federal Law of the Russian Federation of March 18, 2023, No. 62-FZ “On the Features of Legal Status of the Citizens of the Russian Federation having Citizenship of Ukraine,” in the Decree of the President of the Russian Federation of December 26, 2022, of the year No. 951 “On some issues of acquiring citizenship of the Russian Federation,”³² in the Draft Order of the Ministry of the Interior of the Russian Federation “On determining the form of the application for unwillingness to be a citizen of Ukraine, the procedure for applying, the list of documents to be submitted together with it, the procedure for recording and the

²⁸ Federal Constitutional Law No. 5-FKZ of October 4, 2022 (as amended on April 28, 2023) “On the Accession of the Donetsk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Donetsk People’s Republic”. URL: https://www.consultant.ru/document/cons_doc_LAW_428188/

²⁹ Federal Constitutional Law No. 6-FKZ of October 4, 2022 (as amended on April 28, 2023) “On the Accession of the Luhansk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Luhansk People’s Republic”. URL: https://www.consultant.ru/document/cons_doc_LAW_428184/

³⁰ Federal Constitutional Law No. 7-FKZ of October 4, 2022 (as amended on April 28, 2023) “On the Accession of the Zaporozhye Region to the Russian Federation and the Establishment of a New Constitutional Entity of the Russian Federation, the Zaporozhye Region”. URL: https://www.consultant.ru/document/cons_doc_LAW_428185/

³¹ Federal Constitutional Law No. 8-FKZ of October 4, 2022 (as amended on April 28, 2023) “On the Accession of the Kherson Region to the Russian Federation and the Establishment of a New Constitutional Entity of the Russian Federation, the Kherson Region”. URL: https://www.consultant.ru/document/cons_doc_LAW_428186/

³² Decree of the President of the Russian Federation of December 26, 2022 No. 951 “On Certain Issues of Acquiring Citizenship of the Russian Federation”. URL: <http://publication.pravo.gov.ru/Document/View/0001202212260018?index=25>

storage period of such application and documents submitted together with it,” prepared by the Ministry of the Interior of the Russian Federation on April 7, 2023.³³

30. The Federal Law of the Russian Federation No. 62-FZ, adopted on March 18, 2023,³⁴ determines that citizens of the Russian Federation³⁵ are considered to be without Ukrainian citizenship from the moment they submit a statement to the relevant authorities about their unwillingness to have Ukrainian citizenship. In the case of children who have not reached the age of 14, the application is submitted on their behalf by one of their parents or adoptive parents. Concerning orphans and children deprived of parental care, such an application may be submitted by the guardian or an authorized representative of the educational, medical, or social institution where the child is permanently staying. In such cases, the authorities of the Russian Federation consider the presence of Ukrainian citizenship “a fact that has no legal significance.” The law also prohibits using Ukrainian passports and other documents indicating Ukrainian citizenship, except for procedures for terminating Ukrainian citizenship. A sample statement on unwillingness to hold Ukrainian citizenship is available on the website of the Ministry of Internal Affairs of the Russian Federation.³⁶

31. Completion of the process of renunciation of Ukrainian citizenship by a child aged 14-18 years old, as well as by a legal representative on behalf of a child aged 0-14 years old, according to the authors of the Addendum, *de facto* indicates the completion of the forced transfer to the Russian national group as facilitated by Article 2 of Federal Law No. 62-FZ (2023). It should be equated with forcible transfer to Russian families, even if the child continues to be in a boarding institution under the effective control of Russian agents: both Ukrainian collaborators and citizens of Russia.

32. The draft law on simplified recognition of relinquishment of Ukrainian citizenship (now Federal Law No. 62-FZ) was submitted to the State Duma in December 2022. The authors of the initiative were members of Parliament Leonid Kalashnikov (Communist Party of the Russian Federation), Artem Turov (“United Russia”), Sergey Kabyshev (“A Just Russia — For the Truth faction”), and Sergey Leonov (Liberal Democratic Party of Russia).³⁷

33. **Leonid Kalashnikov**³⁸ is the Chairman of the State Duma Committee for Commonwealth of Independent States (CIS) Affairs. Since the occupation of the Crimean peninsula, he has been involved in implementing the policy of eradicating the national identity of Ukrainian children through their Russification and indoctrination. In 2014, together with G. Zyuganov and Y. Kobzon, Kalashnikov

³³ Draft Order of the Ministry of the Interior of the Russian Federation “On determining the form of the application for unwillingness to be a citizen of Ukraine, the procedure for applying, the list of documents to be submitted together with it, the procedure for recording and the storage period of such application and documents submitted together with it” (prepared by the Ministry of the Interior of the Russian Federation on April 7, 2023). URL: <https://base.garant.ru/56954547/#friends>

³⁴ Federal Law No. 62-FZ dated March 18, 2023 “On the Features of Legal Status of the Citizens of the Russian Federation having Citizenship of Ukraine”. URL: <http://publication.pravo.gov.ru/Document/View/0001202303180001>

³⁵In this case, citizens of Ukraine, whom the Russian Federation considers to be its citizens due to the illegal annexation of the occupied territories of Ukraine into the Russian Federation and the submission by such citizens of an application for Russian citizenship.

³⁶ A sample statement about unwillingness to stay in Ukrainian citizenship. Website of the Ministry of the Interior of the Russian Federation. URL: <https://regulation.gov.ru/projects#npa=137377>

³⁷ Matthew Biryukov. Putin signed a law on simplifying the procedure for renunciation of Ukrainian citizenship. Forbes. 2023. URL: <https://www.forbes.ru/society/486324-putin-podpisal-zakon-ob-uprosenii-procedury-otkaza-ot-ukrainskogo-grazdanstva>

Draft Law No. 261335-8. State Duma.2022. URL: <https://sozd.duma.gov.ru/bill/261335-8>

³⁸ Annex 2

launched the “Children of Donbas” initiative, during which, from 2015 onwards, almost 16,000 children from the so-called LPR and DPR were deported to Russia (for example, the Moscow region) for so-called “recreation” purposes. In 2022, Kalashnikov advocated the earliest possible annexation of the LPR/DPR and the newly occupied territories, recommending the ratification of “accession agreements” on behalf of the State Duma committee he heads. This eventually led to the recognition of all minors in the annexed territories as citizens of the Russian Federation. Russification of children from the occupied Ukrainian territories, in particular, through “re-education” in summer camps or illegal deportation to the territory of the Russian Federation under other pretexts, in the eyes of the deputy, is normal. So, on March 20, 2023, at 00:04 in the program “Sunday Evening with Vladimir Solovyov” on the “RTR Planet” channel, Leonid Kalashnikov stated that the leaders of Western countries, as well as the judges of the International Criminal Court (ICC), are acting unfairly towards Russia and its leaders. In this way, Kalashnikov *“is trying to create a certain idea of how he, together with other Russian political and public figures, took care of Ukrainian children [...]. There is an assumption that such a statement was made to normalize and legitimize any actions that Russia takes against Ukrainian children, contrary to international law,”*³⁹ according to the authors of the Analytical Report on the coverage of the topic of the deportation of Ukrainian children in the Russian media.

34. Leonid Kalashnikov voted “for” the adoption of all laws that, *inter alia*, contain provisions on imposing Russian citizenship on Ukrainian children from the occupied territories. These include:

a) October 3, 2022 for approval as a whole

- of the draft federal constitutional law No. 203816-8 “On the Accession of the Donetsk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Donetsk People’s Republic” (currently - Federal Constitutional Law No. 5-FKZ of October 4, 2022)⁴⁰,

- of the draft federal constitutional law No. 203817-8 “On the Accession of the Luhansk People’s Republic to the Russian Federation and the Establishment of a New Constituent Entity of the Russian Federation, the Luhansk People’s Republic” (currently - Federal Constitutional Law No. 6-FKZ of October 4, 2022)⁴¹,

- of the draft federal constitutional law No. 203818-8 “On the Accession of the Zaporozhye Region to the Russian Federation and the Establishment of a New Constitutional Entity of the Russian Federation, the Zaporozhye Region”⁴² (currently - Federal Constitutional Law No. 7-FKZ of October 4, 2022),

- of the draft federal constitutional law No. 203819-8 “On the Accession of the Kherson Region to the Russian Federation and the Establishment of a New Constitutional Entity of

³⁹Analytical report on the coverage of the topic of deportation of Ukrainian children in the Russian media. 2023. URL: <https://www.nrada.gov.ua/wp-content/uploads/2023/06/Analiz-deportatsija-ditej.pdf>

⁴⁰ The results of the vote of MP Kalashnikov Leonid Ivanovich on the draft law “203816-8,” submitted for open voting for the period from October 12, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203816-8&deputy=99111543&sort=date_desc

⁴¹ Voting results of Deputy Kalashnikov Leonid Ivanovich on the draft law “203817-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203817-8&deputy=99111543&sort=date_desc

⁴² Voting results of the deputy Kalashnikov Leonid Ivanovich on the draft law “203818-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203818-8&deputy=99111543&sort=date_desc

the Russian Federation, the Kherson Region”⁴³ (currently - Federal Constitutional Law No. 8-FKZ of October 4, 2022),

b) On February 7, 2023, for the adoption in the first reading of the draft federal law No. 261335-8 “On the Features of Legal Status of the Citizens of the Russian Federation having Citizenship of Ukraine” (now - Law No. 62-FZ “On the Features of Legal Status of the Citizens of the Russian Federation having Citizenship of Ukraine”),⁴⁴

c) On April 18, 2023, for the adoption in the first, second and third reading of the draft federal law No. 49269-8 “On citizenship of the Russian Federation” (currently - Federal Law of April 28, 2023 No. 138-FZ “On citizenship of the Russian Federation”)⁴⁵.

35. The results of Leonid Kalashnikov's voting can be found at links 42-47.

36. **Artem Turov**,⁴⁶ coordinator of the headquarters created on April 7, 2022 to harmonize legislation between the Russian Federation and the so-called DPR and LPR and a “United Russia” deputy, noted, *“It is necessary to synchronize this vital work from the organizational and legislative side. For this purpose, a joint headquarters with the Donetsk People's Republic and the Luhansk People's Republic was created, including representatives of the relevant bodies of Russia's executive and legislative power and the People's Republics of Donbas. The most important thing is to create a legal mechanism to help children as quickly as possible.”* Andriy Turchak, Anna Kuznetsova, Maria Lvova-Belova, Leonid Pasichnyk, and Denis Pushylin also took part in the first meeting of the headquarters.⁴⁷ Artem Turov is one of the authors and drivers of the project of federal law No. 261335-8, “On the Features of Legal Status of the Citizens of the Russian Federation having Citizenship of Ukraine.”⁴⁸ The deputy was also the curator of the United Russia humanitarian mission in the Kharkiv region. Among his tasks, he saw the Russification of the minor civilian population: *“Within the framework of the action “United Russia,” which will be implemented for six months, we are doing everything so that not only textbooks come to the liberated territories, but also to saturate the libraries with literature in Russian. It is practically not there because it was especially removed from city and school libraries. Therefore, we imported several tons of both artistic and classical literature.”*⁴⁹

⁴³ Voting results of Deputy Leonid Ivanovich Kalashnikov on the draft law “203819-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203819-8&deputy=99111543&sort=date_desc

⁴⁴ Voting results of Deputy Kalashnikov Leonid Ivanovich on the draft law “261335-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=261335-8&deputy=99111543&sort=date_desc

⁴⁵ Voting results of Deputy Kalashnikov Leonid Ivanovich on the draft law “49269-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=49269-8&deputy=99111543&sort=date_desc

⁴⁶ Annex 3

⁴⁷ Orphans from Donbass will be placed in foster families in Russia. Official site of Artem Turov. URL: <http://www.turov.ru/news/deti-sirotyi-s-donbassa-budut-ustroenyi-v-priemnyi/>

⁴⁸ The official Telegram channel of Artem Turov. URL: <https://t.me/avturov/2555>

Matthew Biryukov. Putin signed a law on simplifying the procedure for renunciation of Ukrainian citizenship. Forbes. 2023. URL: <https://www.forbes.ru/society/486324-putin-podpisal-zakon-ob-uprosenii-procedury-otkaza-ot-ukrainskogo-grazdanstva>

⁴⁹ Artem Turov: The students of the Kharkiv region have a great demand for learning the Russian language. “Seldon News”. 2022. URL: <https://news.myseldon.com/ru/news/index/271981139?requestId=92229650-3525-4149-bebf-3625b0f3438c>

37. Artem Turov voted “for” adopting all laws⁵⁰, that, *inter alia*, contain provisions on the imposition of Russian citizenship on Ukrainian children from the occupied territories (See paragraph 31 a-c). The results of Turov's voting can be found at link 53.

38. **Sergey Kabyshev**, Chairman of the State Duma Committee on Science and Higher Education, initiated the integration of educational and scientific organizations of the newly occupied territories of the Russian Federation into the scientific and educational space of Russia, as well as the patronage (curatorship) of specific Russian higher educational institutions over the universities of Donbas.⁵¹ Such actions are essential in the context of Russification, militarization, and indoctrination of Ukrainian children, contributing to their accelerated assimilation. Kabyshev insists on the development of the education system in the newly occupied territories following the traditions, values, scientific and pedagogical heritage of Russia, the needs and interests of the Russian state and society in the formation of a mature civil and professional personality in the spirit of loyalty to the Russian Federation, which is an aggressor state to Ukraine. It distorts the consciousness of minors and children's perception of existing reality. In addition, the head of the Committee initiated an examination of educational standards and programs regarding their citizenship, patriotism, responsibility, legal culture, and the corresponding renewal of educational policy and activities.⁵² Sergey Kabyshev was not only one of the initiators and authors of the draft law on the renunciation of Ukrainian citizenship but also the official representative of the President of the Russian Federation during the consideration of this document in the State Duma.⁵³

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The voting results of the deputy Turov Artem Viktorovich on the draft law “203816-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203816-8&deputy=99112650&sort=date_desc

The voting results of the deputy Turov Artem Viktorovich on the draft law “203817-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203817-8&deputy=99112650&sort=date_desc

The voting results of the deputy Turov Artem Viktorovich on the draft law “203818-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203818-8&deputy=99112650&sort=date_desc

The voting results of the deputy Turov Artem Viktorovich on the draft law “203819-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203819-8&deputy=99112650&sort=date_desc

The voting results of the deputy Turov Artem Viktorovich on the draft law “261335-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=261335-8&deputy=99112650&sort=date_desc

The voting results of the deputy Turov Artem Viktorovich on the draft law “49269-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=49269-8&deputy=99112650&sort=date_desc

⁵¹ Sergey Kabyshev: parliamentary control over the integration of the DPR and LPR into the single scientific and educational space of Russia is our priority. State Duma of the Russian Federation. 2022. URL: <http://duma.gov.ru/news/54272/>

⁵² Sergey Kabyshev's official Telegram channel. URL: <https://t.me/SKabyshev/430>

⁵³ Transcript of the 535th meeting of the Federation Council. December 14, 2022. URL: <http://council.gov.ru/activity/meetings/140376/transcript/>

39. Sergey Kabyshev voted “for” adopting all laws⁵⁴, that, *inter alia*, contain provisions on the imposition of Russian citizenship on Ukrainian children from the occupied territories (See paragraph 31 a-c). The results of Kabyshev’s voting can be found at link 56.

40. **Sergey Leonov** is a member of the State Duma Commission of the Federal Assembly of the Russian Federation for investigating foreign interference in Russia's internal affairs and deputy chairman of the State Duma Committee on Health Care. According to the results of the integral rating, Leonov is one of the most active deputies of the State Duma. For 2022, he initiated 37 draft laws⁵⁵, *inter alia*, he proposed introducing a new status for children from the occupied territories of Ukraine - “children of the SMO [Special Military Operation].”⁵⁶ Sergey Leonov openly declared his support for the so-called SMO in Ukraine, justifying its position: “*Why were you not worried for eight years that 700,000 of our citizens of the Russian Federation lived in inhumane conditions in the Donbas?*” *Not six days, but eight years! Where have you been, peacekeepers?*”⁵⁷ Therefore, even before the imposition of Russian citizenship, residents of the occupied territories of Ukraine were Russian citizens in the deputy's mind. In May 2023, Sergey Leonov supported the so-called medical examination of Ukrainian children in the newly occupied territories. He stated that “*If diseases requiring highly qualified medical care are identified, patients will be sent for treatment to serious medical clinics, including in Moscow and other regions.*”⁵⁸ Children taken to the territory of the Russian Federation to receive medical care, following the law “On guardianship and care,” will be transferred to alternative family forms or a residential institution. There are known cases when minors with severe illnesses and/or disabilities were illegally deported to the territory of the Russian Federation and placed under the care of Russian families.⁵⁹

⁵⁴ The results of the voting of the deputy Kabyshev Sergey Vladimirovich on the draft law “203816-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203816-8&deputy=99113485&sort=date_desc
The results of the voting of the deputy Kabyshev Sergey Vladimirovich on the draft law “203817-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203817-8&deputy=99113485&sort=date_desc
The voting results of Deputy Kabyshev Sergey Vladimirovich on the draft law “203818-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203818-8&deputy=99113485&sort=date_desc
The voting results of the deputy Kabyshev Sergey Vladimirovich on the draft law “203819-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203819-8&deputy=99113485&sort=date_desc
The voting results of Deputy Kabyshev Sergey Vladimirovich on the draft law “261335-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=261335-8&deputy=99113485&sort=date_desc
The voting results of Deputy Sergey Vladimirovich Kabyshev on the draft law “49269-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=49269-8&deputy=99113485&sort=date_desc

⁵⁵ Sergei Leonov is one of the most active deputies of the State Duma. BezFormata. 2022. URL: <https://smolensk.bezformata.com/listnews/leonov-odin-iz-samih-aktivnih/112781742/>

⁵⁶

“Children of the SMO” may appear in Russia. The deputies came up with a new category of beneficiaries, but did not come up with benefits for them. Yaplakal. 2022. URL: <https://www.yaplakal.com/forum3/topic2582648.html>

⁵⁷ Official Telegram channel of Sergey Leonov. URL: <https://t.me/leONovLIFE/133>

⁵⁸ “Nowhere to turn”: the reason for medical examination in new regions is revealed. News.ru, 2023. URL: <https://news.ru/society/nekuda-obratitsya-raskryta-prichina-dispanserizacii-v-novyh-regionah/>

⁵⁹ “I raised my son, gave it to the Motherland”: a Siberian woman took up two children from Luhansk. NGS.ru. 2023/ URL: <https://ngs.ru/text/family/2022/10/25/71761355/>

41. Sergey Leonov voted “for” adopting all laws⁶⁰, that, *inter alia*, contain provisions on the imposition of Russian citizenship on Ukrainian children from the occupied territories (See paragraph 31 a-c). The results of Leonov’s voting can be found at link 62.

The role of the child's consent in the process of imposing citizenship of the Russian Federation

42. Minors between 14 and 18 must consent to acquire Russian citizenship and renounce Ukrainian citizenship independently. This is because, according to Article 9 of the Federal Law dated May 31, 2002, No. 62-FZ “On Citizenship of the Russian Federation,” their consent is required in matters of acceptance/renunciation of citizenship. According to the explanation of the State Duma of the Russian Federation, the presence of Ukrainian [as well as any other] citizenship, although it is not prohibited, creates obstacles for citizens of the Russian Federation to exercise their rights to employment in state and municipal bodies, professional activity in certain areas of the economy, study in educational institutions organizations that provide for the admission of applicants to state secrets.⁶¹ According to the authors of this Addendum, such issues are irrelevant for Ukrainian children, since children are not old enough to hold public positions or to have access to state secrets. But, such matters would become important as children grew into adulthood. Read in this way, the statement of the State Duma testifies in favor of the intention to keep Ukrainian children in Russia forever. It can be assumed that the legal representatives of Ukrainian children who were illegally deported to the Russian Federation or forcibly relocated to the occupied territories of Ukraine will either renounce the Ukrainian citizenship of minors themselves (in the case of children under 14) or pressure them (in the case of children aged 14-18) in order to obtain documentary confirmation of the child's reluctance to remain in legal contact with Ukraine, and, therefore, to legitimize illegal acts related to their forcible transfer to the Russian national group. It is worth noting that in the article of the new Federal Law of April 28, 2023, No. 138-FZ “On Citizenship of the Russian Federation,” unlike the previous law, the consent of a person aged 14 to 18 must be in writing.⁶² In this way, the highest officials of the Russian Federation seek to secure themselves by obtaining under coercion written confirmations of the children's "renunciation" of

⁶⁰ The voting results of Deputy Sergey Dmitrievich Leonov on the draft law “203816-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203816-8&deputy=99113299&sort=date_desc
The voting results of Deputy Sergey Dmitrievich Leonov on the draft law “203817-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203817-8&deputy=99113299&sort=date_desc
The voting results of Deputy Leonov Sergey Dmitrievich on the draft law “203818-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203818-8&deputy=99113299&sort=date_desc
The voting results of Deputy Sergey Dmitrievich Leonov on the draft law “203819-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203819-8&deputy=99113299&sort=date_desc
The voting results of Deputy Sergey Dmitrievich Leonov on the draft law “261335-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=261335-8&deputy=99113299&sort=date_desc
The voting results of Deputy Sergey Dmitrievich Leonov on the draft law “49269-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=49269-8&deputy=99113299&sort=date_desc

⁶¹ The procedure for renunciation of citizenship of Ukraine is simplified. The State Duma. 2022. URL: <http://duma.gov.ru/news/56564/>

⁶² Federal Law of April 28, 2023 No. 138-FZ “On Citizenship of the Russian Federation”. URL: <https://rg.ru/documents/2023/05/03/document-o-grazhdanstve.html>

Ukrainian citizenship and also to use such a refusal to make further it impossible to use the benefits of having Ukrainian citizenship, including in the context of repatriation.

43. In obtaining the written consent of children between the ages of 14 and 18 on all matters related to their citizenship, the following should be noted. Maria Lvova-Belova insists that all the children who have thus far been forcibly naturalized as Russians agreed to receiving Russian passports.⁶³ However, before the requirement of written consent, there is no written documentation to support her claim. Moreover, the alleged consent of minors referred to by the Commissioner does not legitimize the imposition of Russian citizenship. According to Paragraph 6 of Article 5 of the Law of Ukraine, “On Protection of Rights and Freedoms of Citizens and Legal Regime for the Temporarily Occupied Territory of Ukraine,” forcible automatic acquisition of citizenship of the Russian Federation is not recognized by Ukraine, and is not a reason to lose Ukrainian citizenship.⁶⁴ In addition, the resolutions of the UN General Assembly, 73/263 of December 22, 2018, 74/168 of December 18, 2019, 75/192 of December 16, 2020, 76/179 of December 16, 2021, 77/229 of December 15, 2022, consistently condemned the imposition of automatic Russian citizenship on civilians in the occupied territories of Ukraine, in particular minors under protection, which is contrary to international humanitarian law, including the Geneva Conventions and customary rules.

44. Commenting on the international community's non-recognition of automatic Russian citizenship in the occupied territories of Ukraine, a deputy from the “United Russia” party and coordinator of the headquarters for the harmonization of Russian legislation and the so-called DPR and LPR, Artem Turov, noted: *“We should not be worried about this at all. They can say whatever they want and declare whatever they want. You just have to watch a video, for example, from Volchansk or Kupyansk, what kind of queues are there at points where documents for Russian citizenship and Russian passports are submitted when there are already several thousand people in each queue. It indicates how much people consider themselves one whole with Russia, how much they want to be with us in the future and build our common history together.”*⁶⁵

45. It should be emphasized that the Law of Ukraine, “On the Citizenship of Ukraine,” contrary to the Federal Law of the Russian Federation No. 62-FZ (2023), does not provide for the right of a minor to withdraw from the citizenship of Ukraine independently. Imposed Russian citizenship makes it impossible to preserve Ukrainian national identity, which does not comply with Article 8 of the UN Convention on the Rights of the Child and the principle of the best interests of the child following Article 3 of the Convention and General Recommendation No. 14 of the Committee on the Rights of the Child.⁶⁶

46. The coercion of children to obtain Russian citizenship is also manifested through the blackmail of parents – in Russian-occupied Ukraine they are threatened with a reduction in work hours and refusal of social benefits,⁶⁷ and the children themselves are threatened with a refusal to issue a school certificate.⁶⁸ In any case, according to the authors of this Addendum, the very fact of the minor being

⁶³ Twitter: MFA of the Russian Federation - @MID_RF. URL: <https://twitter.com/i/broadcasts/1vAGRAVPkNvKl>

⁶⁴ The Law of Ukraine “On Securing the Rights and Freedoms of Citizens and the Legal Regime on the Temporarily Occupied Territory of Ukraine.” URL: <https://zakon.rada.gov.ua/laws/show/1207-18#Text>

⁶⁵ The official Telegram channel of Artem Turov. URL: <https://t.me/avturow/1986>

⁶⁶ Committee on the Rights of the Children General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, para. 1)*. URL: https://www2.ohchr.org/english/bodies/crc/docs/gc/crc_c_gc_14_eng.pdf

⁶⁷ Telegram channel “Artem Lisogor. Lugansk RMA”. URL: <https://t.me/luhanskaVTSA/7692>

⁶⁸ Telegram channel “Andriyushchenko Time”. URL: <https://t.me/andriyshTime/6678>

under the complete control and power of the occupying state excludes the possibility of conscious and free consent regarding obtaining citizenship of the Russian Federation and renouncing the citizenship of Ukraine.

47. Following Decree No. 330 “On Amendments to the Decree of the President of the Russian Federation dated April 24, 2019, No. 183. On Determining for Humanitarian Purposes, the Categories of Persons Entitled to Apply for Citizenship of the Russian Federation in a Simplified Manner” and Decree No. 187 dated April 29, 2019, “On certain categories of Foreign Citizens and Stateless Persons Who Have the Right to Apply for Admission to Citizenship of the Russian Federation in a Simplified Manner”⁶⁹ with an application for admission to citizenship on behalf of child-orphans and children deprived of parental care, the guardian/custodian, head of an orphanage, school, medical organization, social service organization, or boarding institution applies.

48. According to the National Information Bureau, as of June 22, 2023, 3,855 orphans, children deprived of parental care, and children in difficult life circumstances (so-called “status children”) were deported to the territory of the Russian Federation, of which 2,033 were boys, and 1,822 were girls. As of February 24, 2022, 2,219 were under 14, and 1,630 were between 14 and 18. Regarding six children, the information is still being clarified.⁷⁰ The corresponding gender-age structure indicates that 58% (2,219) of these children are victims of the arbitrary decision of the heads of the institutions where they stay to impose Russian citizenship. In addition, 53% of deported children who have had or will have Russian citizenship imposed are at risk of forced conscription into the ranks of the enemy, which is a war crime under Article 8(2)(a)(v) of the Rome Statute.

49. The actual imposition of Russian citizenship on orphans and children deprived of parental care who live in 24-hour care facilities is also evidenced by the fact that after the transfer of such facilities to the control of the Russian Federation with the beginning of the occupation of the Crimean Peninsula, no complaints were received on behalf of such children statements “about the intention to keep the existing ... citizenship”,⁷¹ i.e., the citizenship of Ukraine.

50. The UN Human Rights Committee, in its review of Russia's report in 2015, expressed concern over the restriction of the ability of Crimean residents to make a free choice of citizenship. The Committee noted that this disproportionately affected those unable to appear in person at designated renunciation locations, including those held in detention centers and other closed institutions such as hospitals and orphanages.⁷²

51. In this context, it is crucial that according to Article 12 of the Federal Law of April 24, 2008 No. 48-FZ “On Guardianship and Custody,” a temporarily appointed guardian or custodian has the same rights and obligations as a permanent guardian, in particular, acts as the legal representative of the child

⁶⁹ Decree of the President of the Russian Federation No. 330 dated May 30, 2022 “On Amendments to Decree of the President of the Russian Federation No. 183 dated April 24, 2019 “On Determining for Humanitarian Purposes the Categories of Persons Eligible to Apply for Russian Federation Citizenship under the Simplified Procedure ” and Decree of the President of the Russian Federation of April 29, 2019 No. 187 “On Certain Categories of Foreign Citizens and Stateless Persons Who Have the Right to Apply for Russian Federation Citizenship in a Simplified Procedure”. URL: <http://publication.pravo.gov.ru/Document/View/0001202205300008>

⁷⁰ Annex 6

⁷¹ Complimentary submission to the UN universal periodic review / CHR.G, Zmina, RCHR and UHHRU. 2017. Para. 13. URL: https://www.upr-info.org/sites/default/files/document/russie_federation_de/session_30_-_mai_2018/js2_upr30_rus_e_main.pdf

⁷² The human rights situation in the temporarily occupied Autonomous Republic of Crimea and the city of Sevastopol / OHCHR. September 25, 2017. A/HRC/36/CRP.3. Para. 220.

in the situation of his recognition as a citizen of the Russian Federation, in fact, making this decision alone. At the same time, the procedure for appointing a temporary guardian/custodian is simplified. Accordingly, the temporary guardian/custodian does not undergo a preliminary verification of the person, provided in Paragraphs 1-2 of Article 10 of Law No. 48-FZ for permanent guardians/custodians. As a rule, the decision to establish such guardianship is issued within three days at the request of a citizen of the Russian Federation, who does not necessarily have to be a relative of the child.

52. Until the establishment of guardianship/custody, a child unaccompanied by a legal representative (including in the case of forcible separation from family members by Russian agents) may also receive the status of “a child left without parental care.” The circumstances and procedure for assigning such a status are regulated by Article 122 of the Family Code of the Russian Federation. After receiving the status within one month, the child must be placed in a family or institutional form of education. According to Article 155.1 of the Family Code of the Russian Federation, *“If on the territory of a subject of the Russian Federation, where a child left without parental care is found, there is no organization for orphans and children deprived of parental care, in which they can be arranged for providing them with the necessary conditions of maintenance, upbringing, and education based on her needs, this child is transferred to the guardianship and guardianship authorities of the subject of the Russian Federation, on the territory of which such an organization is located.”*⁷³.

The role of the United Russia party in the imposition of Russian citizenship and the forcible transfer of Ukrainian children to the Russian national group

53. The leading role in the development and implementation of legislative initiatives aimed at the imposition of Russian citizenship and the forcible transfer of Ukrainian children to Russian families belongs to the pro-Putin United Russia party, which has 324 mandates (73% of the members of Parliament) in the State Duma.⁷⁴

54. In 2007, when Putin headed the Party's list in the State Duma elections, the party had the slogans *“United Russia - Putin's party”* and *“Putin's plan - Russia's victory.”* According to Konstantin Kostin, coordinator of the expert council of United Russia, *“By 2016, the legislation had changed (those who are not party candidates cannot be used in campaigning). However, the party used the president's statements and ideas in the campaign. The president is the creator and leader of the party, so even now, this line will be one of the main ones in the campaign.”* Kostin emphasized that the president's rating is higher than the party's rating. However, President Putin relies on the United Russia Party. He has repeatedly emphasized that United Russia is perceived as his (Putin's) party, and just changing a slogan [such as *“United Russia - Putin's party”*] would cause unnecessary misunderstanding among voters.⁷⁵

55. On June 6, 2022, **Anna Kuznetsova**, Deputy Secretary of the General Council of the Party and Deputy Chairman of the State Duma of the Federal Assembly of the Russian Federation, while at a meeting with the delegation of the so-called People's Council of the DPR, reminded the attendees that, with the direct participation of the United Russia Party, plans were being prepared for a simplified

⁷³ “Family Code of the Russian Federation” dated December 29, 1995 No. 223-FZ (as amended on April 28, 2023). URL:

https://www.consultant.ru/document/cons_doc_LAW_8982/03ce2c58e861183eb17af2339b8c200f7ddaa003/

⁷⁴ The United Russia Party won a constitutional majority in the State Duma. Parliamentary Newspaper. 2021. URL: <https://www.pnp.ru/politics/edinaya-rossiya-poluchila-konstitucionnoe-bolshinstvo-v-gosdume.html>

⁷⁵ The headquarters of “United Russia” has turned into “Putin's Team.” Vedomosti. 2021. URL: <https://www.vedomosti.ru/politics/articles/2021/08/09/881442-shtab-edinoi-rossii>

procedure for admission to Russian citizenship of orphans from the so-called DPR and LPR. She also added: *“Last week, the President of Russia signed the relevant Decree [Decree No. 330]. The document greatly simplified the placement of orphaned children of Donbass in Russian families.”*⁷⁶

56. Anna Kuznetsova voted “for” adopting all laws,⁷⁷ that, *inter alia*, contain provisions on the imposition of Russian citizenship on Ukrainian children from the occupied territories (See paragraph 31 a-c). The results of Kuznetsova’s voting can be found at link 79.

57. As the head of the working group of the State Duma on the preservation of traditional values, Anna Kuznetsova is the driver of the adoption of changes to the Decree of the President of the Russian Federation No. 431 “On social support measures for large families” dated May 5, 1992. The initiative refers to expanding the content of the “multi-child family” category and equalizing the status of all families with non-blood children, regardless of whether they are adoptive, foster families, or patronage. For the regions of the North, families with two or more children are also planned to be included in this category (for all others - three or more). Anna Kuznetsova states, *“Today, every second family must have many children to ensure the reproduction of the country's population.”*⁷⁸ At the same time, according to the assessment of the Russian State Social University, about 68% of Russian families do not plan to have children,⁷⁹ complicating Russian state policies to reproduce and grow the size of the Russian population. One way to “replace” children who are not being born to Russian families is to “import” them from other groups, including from Ukraine. In order to facilitate the transfer to families of children from boarding institutions – in particular, Ukrainian children who were illegally deported or forcibly transferred – the Russian state has plans to cancel the requirement prohibiting the re-adoption of children within one year, as well as the need to provide a certificate of inspection of the residential premises for such adoptions or transfer to other forms of family care. The corresponding draft on the social and psychological examination of potential guardians has already passed the first reading stage.⁸⁰

⁷⁶ Anna Kuznetsova: “United Russia” will help legally stop the illegal export of orphans from the territory of Ukraine. United Russia. 2022. URL: <https://er.ru/activity/news/anna-kuznecova-edinaya-rossiya-pomozhet-zakonodatelno-presech-nezakonnyj-vyv-oz-detej-sirot-s-territorii-ukrainy>

⁷⁷ The voting results of Kuznetsova Anna Yuryevna on the draft law “203816-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203816-8&deputy=99113453&sort=date_desc

The voting results of Kuznetsova Anna Yuryevna on the draft law “203817-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203817-8+&deputy=99113453&sort=date_desc

The voting results of Kuznetsova Anna Yuryevna on the draft law “203818-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203818-8+&deputy=99113453&sort=date_desc

The voting results of Kuznetsova Anna Yuryevna on the draft law “203819-8”, submitted for open voting for the period from December 10, 2021 to the current date. URL: http://vote.duma.gov.ru/?convocation=AAAAAAA8&number=203819-8&deputy=99113453&sort=date_desc

⁷⁸ Alena Nefedova. For each according to needs: which families will now be considered large families. News. 2023. URL: <https://iz.ru/1539832/alena-nefedova/za-kazhdogo-po-potrebnostiam-kakie-semi-teper-budut-schitatsia-mnogo-detnymi>

⁷⁹ The RSSU studied the reasons for the refusal of Russians to have children. TASS. 2023. URL: <https://tass.ru/obschestvo/18178399>

⁸⁰ The provision on housing conditions was excluded from the draft law on the examination of guardians. TASS. 2023. URL: <https://tass.ru/obschestvo/18265611>

58. The role of Artem Turov, another deputy of the United Russia Party, in adopting relevant decisions is described in more detail in paragraphs 6, 19, 31, 35, 36, and 43 of this Addendum.

59. On April 28, 2023, Vladimir Putin signed Federal Law No. 138-FZ, “On Citizenship of the Russian Federation.” According to Part 5 of Article 16 of the aforementioned law, a minor foreigner may be admitted to Russian citizenship if his parents, adoptive parents, or guardians are already citizens or if the child is placed in a Russian organization for orphans and children deprived of parental care. The latter case is particularly telling, since in the context of the ongoing war, any Ukrainian children in occupied Russian territories whose family members are killed or displaced could end up being placed in public institutions that are claimed by Russia, which would thereby render them vulnerable to the forced imposition of Russian citizenship and a clear educational policy of Russification, as shown above.

60. Federal Law No. 138-FZ, together with the Decree (mentioned above) of the President of the Russian Federation No. 330, which establishes an accelerated procedure for the acceptance of minor Ukrainians into Russian citizenship, and the acts of state agents, is evidence of the intentional imposition of Russian citizenship on Ukrainian children, as well as the intention to keep these children in Russia forever, to Russify them and incorporate them into the national body, thereby forcibly transferring them from one national group to another, at least in the context of illegally deported children. Federal Law No. 138-FZ was introduced by Putin personally on December 29, 2021, only weeks before Russia initiated its war of aggression.⁸¹ This may indicate that the top leadership of the Russian Federation was planning and preparing for the aggression against Ukraine and the absorption of its children into the Russian national body. In addition, by explicitly providing for the imposition of Russian citizenship on orphans and children deprived of parental care in the draft law, Vladimir Putin laid the groundwork for their forcible transfer to Russian families even before the start of a full-scale invasion. Of the 301 deputies of “United Russia” who voted, 300 voted “for” and only 1 “against”.⁸²

61. The senior officials of the Russian Federation mentioned in this Addendum acted in a conspiracy to commit the crime with a clear division of functions. The pro-presidential United Russia Party played a crucial role in enabling and fast-tracking the legislative architecture of this ongoing act of genocide. Its initiatives were also supported by other political parties. These individuals have connections with Vladimir Putin and perform a specific role regarding the forcible transfer of Ukrainian children to the Russian national group. In particular, they resolve the issue of simplifying the procedure for establishing guardianship, of promoting Russification and indoctrination through the education system, and of participating in the illegal transfer of Ukrainian minors as part of the so-called rehabilitation in “re-education camps” or according to the results of medical examination (“диспансеризация”).

The role of regional entities in the imposition of Russian citizenship and the forcible transfer of Ukrainian children to the Russian national group

62. Although criminal prosecution of representatives of regional entities can be carried out at the national level in Ukraine, the authors of this Addendum still consider it necessary to highlight their role in the imposition of Russian citizenship and the forcible transfer of Ukrainian children to the Russian national group as evidence of genocidal policies developed by the top leadership of the Russian

⁸¹ The draft law “On Citizenship of the Russian Federation” was adopted in the first reading. The State Duma. URL: <http://duma.gov.ru/news/53951/>

⁸² System for analyzing the results of voting at meetings of the State Duma. URL: <http://vote.duma.gov.ru/vote/122170>

Federation. Understanding their criminal participation in the alleged crime of genocide helps to better make sense of the factual sequence of the forced transfer of Ukrainian children to Russian families and agencies as well as the procedures intentionally implemented to replace their Ukrainian identity.

63. The fate of 15-year-old Serhiy is a case in point. On June 10, 2022, the adviser to the head of the so-called DPR on children's rights, Eleonora Fedorenko, sent the head of the so-called DPR, Denys Pushylin, an official memo in which it was suggested that minors who were forcibly displaced from Ukraine be assigned the status of a child deprived of parental care and that a decision be made as soon as possible on their further education. According to her proposal, formal measures to search for the parents of a minor were to be completed within no longer than ten days. In addition, Eleonora Fedorenko noted that on the territory of the DPR, state agents are facing difficulties in placing children in boarding institutions, as they are overcrowded; therefore, she reported, minors who were forcibly transferred from the newly occupied territories of Ukraine are being kept in healthcare institutions even without any medical indicators requiring such a placement.⁸³

64. At the time of the beginning of the full-scale invasion, 15-year-old Serhiy lived near Mariupol. Since 2021 he had been an orphan. Both of his parents had died, leaving him and his sisters, one of whom sought to establish custody over the boy in the summer of 2021). Serhiy was studying to be a mechanic at a college in Mariupol. The director of the college was appointed as his guardian before the large-scale invasion. In March 2022, Serhiy and another college student decided to return home on foot from occupied Mariupol. The boy stayed with a family in his native village for about two weeks. During this time, the Russians deported the local population to the Russian Federation. In the end, Serhiy was removed from the family by a Russian agent – a local collaborator and district inspector, who turned to the guardianship service regarding the need to bring the orphaned boy to the hospital for a medical examination. For several days, Serhiy was in the hospital. Then he was sent to occupied Donetsk with the help of local guardianship services, which was helping the occupying authorities to deport children. For two months, the boy lived in a hospital in Donetsk. His Ukrainian birth certificate was taken away, and over time it was reported that the document was lost: *“I asked them where it was. They told me they gave it to Moscow and lost it there. Moreover, I did not have a Ukrainian passport because when I turned 16, I was already in their hospital.”* Subsequently, Serhiy was deported to Rostov-on-Don, then by plane to an orphanage in the Moscow region, and finally to another orphanage in Yegoryevsk (Moscow region). In the summer of 2022, Serhiy received a Russian passport and was transferred to a Russian family. The new “parents” controlled the boy’s movements with the help of special software; he could communicate by phone only during a specific time of day, and the new guardians took away his Russian passport. In December 2022, the boy was returned to Ukraine with the assistance of the Ukrainian Parliament Commissioner for Human Rights. Serhiy noted, *“I wrote to people to take me away. We counted the days together.”*⁸⁴

65. According to Article 124 of the so-called Family Code of DPR, minors with the status of a child deprived of parental care must be transferred to a family in the form of adoption, guardianship, foster care, or to a family-type orphanage, or – if such an opportunity is not available – then temporarily to an organization for orphans and children deprived of parental care.⁸⁵ Thus, by granting to Ukrainian

⁸³ See Annex 7

⁸⁴ Mariya Lebedeva. “Help me.” The story of the deportation of a teenager who managed to return to Ukraine. 2022. URL: <https://life.pravda.com.ua/society/2022/12/30/252072/>

⁸⁵ The Family Code of the Donetsk People's Republic. URL: <http://npa.dnronline.su/2020-07-30/semeynyj-kodeks-donetskoj-narodnoj-respubliki.html>

children the status of a child “deprived of parental care” and forcibly transferring them to Russian families and institutions under an accelerated procedure, the responsible persons also accelerated the children’s transfer to those persons/institutions that later decided to impose Russian citizenship on the children. At the same time, these minors could have living blood relatives, particularly parents, siblings, aunts and uncles, and so forth.

66. Another example is the case of 13-year-old Valentyn from Amvrosiivka, Donetsk region. At the beginning of April 2022, Valentyn was transferred to the family of Elena and Igor Kafanov (Moscow region) for foster care. His parents died when he was two years old. For a certain period, he lived under the care of his grandmother, but she had also died. Then Valentyn was adopted by a Ukrainian family but returned to the orphanage. Valentyn has a sister living in Donetsk. She is married and has a young child. The sister took Valentyn for the weekend and now expresses her willingness to become his guardian, but she does not have the ability to travel to Russia and take the boy. In July, Valentyn and another 133 children from the so-called DPR were given Russian Federation passports. According to Elena Kafanova, Valentyn’s “foster mother”, their issuance took place “very hastily.” The guardianship authorities of the Moscow region insisted on this. Kafanova was called from the Office of the Federal Migration Service of the Russian Federation to pick up the documents. An employee of the latter specially waited for her after the end of the working day to issue the necessary documents.⁸⁶

67. The requirements of the legislation regarding Russian citizenship were ignored in some entities of the Russian Federation, in which, as with the case of the occupied Donetsk region, the drawing up of Russian documents for deported children was not a prerequisite for establishing guardianship over them.

68. At first in such cases minors were mainly physically transferred to Russian families according to the procedure of establishing temporary guardianship; later, Russian documents were issued. Then local authorities would transfer the child to the same family, but on a paid basis (with payments from the state to the foster family) following Article 14 of the Federal Law dated April 24, 2008, No. 48-FZ “On Guardianship and Custody.”⁸⁷

69. Thus, in November 2022, 21 children deported from Ukraine were transferred to Russian families in the Yamalo-Nenets Autonomous Okrug. Commenting on the situation, YaNAO governor Dmitrii Artyukhov notes: “*Yamalt residents learned about the possibility of taking children from orphanages in Donbas and willingly responded. Moms and dads were not scared by the distance, nor by the big questions about the documents of some children.*”⁸⁸ In the Department of Education of the Yamalo-Nenets Autonomous Okrug, officials claim that not a single orphan taken from Ukraine to YaNAO entered an orphanage: the authorities of the Okrug and the so-called DPR agreed that all children would be placed in families.⁸⁹

70. Given what was stated in paragraph 57 above, the authors of this Addendum believe that there are strong grounds for the investigation of the responsibility of the heads of regional entities in imposing

⁸⁶ Nina Nazarova. “We are in a hurry, they are calling from Moscow.” How a boy from Donbass ended up in a Russian family and received Russian citizenship. BBC. 2022. URL: <https://www.bbc.com/russian/features-62917712>

⁸⁷ Federal Law “On Guardianship and Custody” dated April 24, 2008 No. 48-FZ (last edition). URL: https://www.consultant.ru/document/cons_doc_LAW_76459/

⁸⁸ Anastasia Sibireva. Foster families from the YaNAO will receive a new payment for adopted children from other regions of Russia. URA.RU. 2022. URL: <https://ura.news/news/1052607093>

⁸⁹ Katya Bonch-Osmolovskaya. “Additional citizens of Russia.” Important stories. 2023. URL: <https://istories.media/stories/2023/05/31/dopolnitelnie-grazhdane-rossii/>

Russian citizenship on Ukrainian children. Ukraine is in the capacity of investigating and prosecuting these individuals at the national level.

The transnational legal dynamics of imposing citizenship of the Russian Federation on Ukrainian children

71. On July 5, 2022, according to Maria Lvova-Belova, the first 14 orphans and children deprived of parental care received documents proving Russian citizenship (passports and birth certificates).⁹⁰ On June 16, 2022, the deputy head of the Russian administration of the occupied Kherson region stated that *“In the Kherson region, children born after [February 24] automatically receive Russian citizenship. Furthermore, the orphans have already received citizenship.”*⁹¹ As of August 5, the number of such minors increased to 133. On September 16, 2022, 120 children were illegally deported from the so-called DPR to the Moscow region. The purpose was to forcibly transfer them to Russian families in 13 regions of the Russian Federation. According to Maria Lvova-Belova, all minors have already received Russian citizenship. In addition, she noted that the process of producing documents for 104 orphans from the LPR would soon be completed, and the minors would also be deported for transfer to Russian families.⁹²

72. The process of producing Russian documents takes a specific amount of time. Thus, for 15-year-old Alina Kovalova, who was illegally deported to the Russian Federation without her mother’s knowledge and permission, a Russian duplicate birth certificate was issued on the territory of the occupied Crimean peninsula within a month. Then, after the appointment as temporary guardian of the woman who took Alina away, and with the guardian’s permission, the process of issuing a Russian passport began. In particular, Alina's fingerprints were taken. The minor did not know that Russian documents would be produced for her. The girl's mother brought the child from the Russian Federation back to Ukraine before the process was completed.⁹³

73. On April 4 2023, Maria Lvova-Belova indicated in her Bulletin on the activities of the Presidential Commissioner for Children's Rights that all 380 children who were transferred to Russian families acquired citizenship of the Russian Federation. However, they also retain the citizenship of the LPR, DPR, or Ukraine. [...] According to her, when the children reach adulthood (defined in Russian law as 18 years old), they can decide whether they want to remain Russian citizens or renounce Russian citizenship.⁹⁴ However, such a decision will be nearly impossible for these children because, according to Ukrainian law, after reaching the age of majority, in order to be considered a citizen of Ukraine, they

⁹⁰ The official Telegram channel of Maria Lvova-Belova. URL: <https://t.me/malvovabelova/331>

Official Telegram channel of Andrey Vorobyov. URL: https://t.me/vorobiev_live/3634

⁹¹ Those born in the Kherson region after February 24 will automatically receive Russian citizenship. Parliamentary newspaper. 2022. URL: <https://www.pnp.ru/social/rodivshiesya-na-khersonshhine-posle-24-fevralya-avtomatichieski-poluchat-grazhdanstvo-rossii.html>

⁹² The Children's Ombudsman spoke about the procedure for selecting new families for orphans from the DPR. News. 2022. URL: <https://iz.ru/1396546/2022-09-16/detskii-ombudsmen-rasskazala-o-procedure-podbora-novykh-semei-sirotam-iz-dnr>

⁹³ Mykola Kuleba's official Facebook page. URL: <https://www.facebook.com/photo/?fbid=838596457622201&set=a.521827282632455>

⁹⁴ Activities of the Russian Federation Presidential Commissioner for Children’s Rights Maria Lvova-Belova to protect children during a special military operation. The Bulletin. Issue #1 / April 4, 2023. URL: <http://deti.gov.ru/detigray/upload/documents/April2023/OYOjD1VHtINu74bOuDAE.pdf>

will be forced to demonstrate disloyalty to the Russian Federation, given that they have been under the effective control of Russian authorities. This puts them at risk of deportation from Ukraine, discriminatory persecution, and other violations of international human rights.

74. According to Article 10 of Federal Law No. 138-FZ “On Citizenship of the Russian Federation,” “a citizen of the Russian Federation who has dual citizenship or multiple citizenships is considered by the Russian Federation only as a citizen of the Russian Federation regardless of his place of residence, except cases provided for by a federal law or an international treaty of the Russian Federation.” As of the beginning of July 2023, the Russian Federation has a corresponding agreement only with Tajikistan (signed on September 7, 1995). The conclusion of a corresponding agreement between Ukraine and Russia in the conditions of the latter’s armed aggression, when Russian citizenship is imposed on Ukrainian children without taking into account the will of Ukraine in gross violation of the norms of international law and for their forcible transfer to the Russian national group, is impossible. Therefore, the statement of Maria Lvova-Belova regarding the preservation of Ukrainian citizenship by Ukrainian children until they reach the age of majority, *de jure*, is contrary to existing legislation, because the right to dual citizenship in the case of Ukrainian minors is not provided for following Russian legislation. Consequently, it is clear that her public statements are intended to cover up the criminal actions carried out by the state officials.

75. Upon reaching the age of majority, male persons with imposed Russian citizenship will be required to perform military service in the armed forces of the Russian Federation. Such persons will not be able to withdraw Russian citizenship and keep only the Ukrainian citizenship, as Maria Lvova-Belova emphasizes, because according to Article 23 of Federal Law No. 138-FZ “On Citizenship of the Russian Federation,” withdrawal from it is not allowed if the citizen has an unfulfilled obligation to the Russian Federation (including service in the Armed Forces). The compulsion to serve in the armed forces of a belligerent state is a serious violation of international humanitarian law and a war crime under Article 8(2)(a)(v) of the Rome Statute.

76. The repatriation of minors on whom Russian citizenship was imposed to the territory of Ukraine is a complex process. The fact that Ukrainian children have Russian citizenship allows Russia to create obstacles for the children’s return to Ukraine, even in the case of family reunification. The current rules and legal regulations related to the process of relinquishing Russian citizenship are uncertain and leave room for abuse, in particular by prolonging the terms of such relinquishment for an extended period, during which the person will remain under the effective control of the aggressor state and will be forced to continue fulfilling the duties of a citizen of the Russian Federation.

77. While Maria Lvova-Belova indicates that 380 Ukrainian children received Russian citizenship, whether this figure is correct is still being determined. Thus, Aleksey Petrov, the Advisor to the Office of the Commissioner for Children's Rights of the Russian Federation, in a comment for the Vice edition, called the estimated number of children receiving Russian documents “sufficient.” In addition, he noted that Russian documents are also given to Ukrainian children in the so-called “re-education camps,”⁹⁵ and, therefore, their number is greater than the number of children transferred to Russian families.

78. In addition, according to the report of the Governor of the Rostov region on the results of the government's activities for 2022, the estimated 1,184 Ukrainian children who arrived from “Donbas and

⁹⁵ Stealing Ukraine's Children: Inside Russia's Camps. Vice. 2023. URL: <https://www.youtube.com/watch?v=RNAAC1kX5kE>

Ukraine” “without legal representatives” were given “temporary custody.”⁹⁶ According to Article 12 of the Federal Law “On Guardianship and Custody,” only a citizen of the Russian Federation can be appointed as a temporary guardian or custodian.⁹⁷ According to Article 122 of the Family Code of the Russian Federation, a decision on protecting the child's rights before final placement must be made within three days.⁹⁸ Therefore, initially, children could not be handed over to members of their extended families, such as grandmothers, sisters, aunts, etc., because the latter would have to have already obtained Russian citizenship to be recognized as a “temporary guardian.” The children were therefore placed either in boarding institutions or in Russian families, where their Russian temporary guardians, having full rights to impose citizenship, could begin the process of obtaining Russian documents. Even if the children were later reunited with their relatives, the relatives would have to obtain a Russian passport in order to be recognized as guardians according to the Russian legislation. This could then result in the Ukrainian families seeking to obtain Russian citizenship for their children in order to unify the family under Russian occupation or in the territory of the Russian Federation.

Conclusion

79. The authors of this Addendum have provided extensive and convincing evidence of the Russian states’s intentional imposition of Russian citizenship on minor citizens of Ukraine, which constitutes the forcible transfer of Ukrainian children to the Russian national group. The authors have further provided the facts related to the role of Anna Kuznetsova, Leonid Kalashnikov, Artem Turov, Sergey Kabyshev, Sergey Leonov, and the pro-Putin United Russia Party as necessary participants in the crime committed by Vladimir Putin and Maria Lvova-Belova, They worked on the ground in cooperation with regional entities – representatives of the occupation authorities – on the formation and implementation of a consistent and systematic policy of transferring Ukrainian children to Russian families.

80. These actions, together with the actions described in the Communication dated October 25, 2022, to which this submission is an Addendum, are of concern to the international community and may qualify as genocide within the meaning of Article 6(e) of the Rome Statute of the ICC.

81. The impunity of persons who commit international crimes makes it impossible to achieve the objectives of international criminal justice, not to mention peace and security.

82. The States Parties of the ICC recognized in the Preamble to the Rome Statute that genocide is the gravest crime that threatens the peace and security of all humankind and that therefore must not go unpunished, since the punishment of persons concerned will contribute to the prevention of such crimes in the future.

Considering the objective impossibility of bringing the guilty persons to justice at the national level, as well as a) the gravity of the acts committed, b) the interests of justice to prosecute those responsible for international crimes, and c) the existing reasonable basis to assume that the situation of illegal adoption of Ukrainian children by Russian citizens is acceptable within the

⁹⁶ Report of the Governor of the Rostov Region on the results of the activities of the Government of the Rostov Region for 2022. URL: https://zsro.ru/upload/files/download/Otchet_gubernator_RO2022.pdf

⁹⁷ Federal Law No. 48-FZ of April 24, 2008 (as amended on April 30, 2021) “On Guardianship and Custody”. URL:

https://www.consultant.ru/document/cons_doc_LAW_76459/ff9a4233704115d5ac3caa40d67acbfe1445dfa8/

⁹⁸ “Family Code of the Russian Federation” dated December 29, 1995 No. 223-FZ (as amended on April 28, 2023). URL:

https://www.consultant.ru/document/cons_doc_LAW_8982/03ce2c58e861183eb17af2339b8c200f7ddaa003/

meaning of Articles 17 and 20 of the ICC RS, *the authors of this Communication apply to the Prosecutor of the International Criminal Court to:*

83. Continue to investigate the illegal deportations and forcible transfer of Ukrainian children to the Russian national group, which has the elements of the crime of genocide, provided for in Article 6(e) of the Rome Statute, following Article 15(3) of the Rome Statute;

84. Investigate the above mentioned individuals for aiding, abetting or otherwise assisting in the commission of the crime of genocide, as established in Article 25.3 (c) of the Rome Statute;

85. Call the Pre-Trial Chamber II to make amendments to the Decision dated March 17, 2023, regarding the issuance of arrest warrants against Vladimir Putin and Maria Lvova-Belova in connection with the new or newly discovered facts in the context of the imposed citizenship of the Russian Federation, and qualify such acts as the crime of genocide under Article 6 (e) of the Rome Statute;

86. Call the Pre-Trial Chamber II to issue arrest warrants against Anna Kuznetsova, Leonid Kalashnikov, Artem Turov, Sergey Kabyshev, and Sergey Leonov for their criminal responsibility in relation to the crime of genocide in accordance with Articles 6 (e) and 25.3 (c) of the Rome Statute.