

“NEVER AGAIN” YET ANOTHER GENOCIDE: RUSSIA’S UNLAWFUL FORCED TRANSFER AND ADOPTION OF UKRAINIAN CHILDREN

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ABSTRACT

Since the beginning of Russia’s aggression against Ukraine, Russian authorities have been openly transferring children from Ukraine to Russia and Russia-occupied territories. Russian officials attempt to justify their decision to displace Ukrainian children as a “humanitarian evacuation.” However, this purported motive is not reality. The current available evidence clearly exhibits that Ukrainian children are being forcibly transferred systematically at a large scale, and the actions by Russia are a part of its broader plan to “Russify” Ukraine’s children into becoming pro-Russia. Russia is also permanently cementing their integration by simplifying the Russian citizenship process and making it easier for Russian families to adopt them. This mass resettlement combined with the aim of erasing and depriving Ukrainian children’s link to their national identity violates Article II(e) of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. This Comment will show that Russia is committing genocide—one of the greatest international crimes—and that the two required elements, the acts committed and special mental intent, are met to establish a crime of genocide is occurring against Ukraine’s children. Although many questions concerning the forced transfer of thousands of Ukrainian children remain unanswered, what can be said is that Russia must be held accountable for its efforts to destroy the Ukrainian identity.

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INTRODUCTION

On February 24, 2022, Russia launched a full-scale invasion against the Ukrainian capital, Kyiv, in an effort to overthrow Ukrainian President Volodymyr Zelensky’s government and assume control of the entire country.¹ Russian President Vladimir Putin stated nine days after the Russian invasion that the sole purpose of this “special military operation” is to demilitarize and denazify Ukraine and that “the civilian population is not in danger.”² Europe is now confronting its largest refugee crisis since World War II due to Russia’s “unprovoked and unjustified attack” on Ukraine.³ As a result of the current Russia-Ukraine conflict, more than 6.2

¹ Matthew Mpoke Bigg, *How Russia’s War in Ukraine Has Unfolded, Month by Month*, N.Y. TIMES (Feb. 24, 2023), <https://www.nytimes.com/article/ukraine-russia-war-timeline.html> [<https://perma.cc/X2AR-XSQH>].

² Pierce McManus, *What is a “Special Military Operation?”*, U.S. DEP’T OF STATE, <https://stories.state.gov/what-is-a-special-military-operation/> [<https://perma.cc/4Y4H-BV5G>].

³ Julian Hayda et al., *6 Key Numbers That Reveal the Staggering Impact of Russia’s War in Ukraine*, NPR (Aug. 24, 2022, 1:59 PM), <https://www.npr.org/2022/08/24/1119202240/ukraine-russia-war-by->

As the conflict continues, mounting evidence supports the allegation that Russian forces are committing genocide in Ukraine. Genocide is described as the “crime of crimes” and “revolting to the collective conscience alone.”⁹ Under the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, genocide requires both the mental intent to destroy a targeted group and the materialization of that intent.¹⁰ Genocide is unique from other international crimes because of the special intent, or *dolus specialis*, that is needed to prove that the perpetrators purposefully decided to target and destroy a particular group of people.¹¹ Predictably, this heightened mental element required to prove genocide is challenging to establish.¹² Since the beginning of the war, Russian forces have been forcibly transferring Ukrainian children to Russia and Russia-occupied territories, thereby committing a physical act that is enumerated within the Genocide Convention.¹³ Focusing on the forced removal of Ukrainian children to Russia and Russia-occupied territories will provide the support that is needed to meet the demanding legal definition of genocide.¹⁴

This Comment will explore how the forced transfer and illegal adoption of Ukrainian children in Russia satisfies the criteria under Article II(e) of the Genocide Convention to constitute genocide. Part I of this Comment will provide an overview of the Genocide Convention, discuss the practice of forced transfer and illegal adoptions, and pose general reactions to and criticisms of the Russia-Ukraine war. Part II begins by examining two historical examples of the forcible transfer of children from their home territories or countries, both of which arguably would have violated the Genocide Convention if it had been in effect at the time. Part II will then consider Russia’s justification for transferring Ukrainian children

⁹ Prosecutor v. Kambanda, Case No. ICTR 97–23–S, Judgment and Sentence, ¶ 16 (Int’l Crim. Trib. for Rwanda Sept. 4, 1998).

¹⁰ U.N. Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277 (entered into force Jan. 12, 1951) [hereinafter Genocide Convention].

¹¹ *Definitions: Genocide*, U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, <https://www.un.org/en/genocideprevention/genocide.shtml> [<https://perma.cc/UN5S-EFJ9>]; Prosecutor v. Akayesu, Case No. ICTR–96–4–T, Judgment, ¶ 498 (Int’l Crim. Trib. for Rwanda Sept. 2, 1998) (*dolus specialis* “demands that the perpetrator clearly seeks to produce the act charged”).

¹² Laurie R. Blank, *Forcible Transfer of Children in Ukraine: An Element of Genocide?*, JURIST (Apr. 21, 2022, 11:09 AM), <https://www.jurist.org/commentary/2022/04/laurie-blank-russia-invasion-ukraine-genocide/> [<https://perma.cc/QP2C-XJRJ>].

¹³ U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, *supra* note 11.

¹⁴ Anthony Deutsch & Stephanie van den Berg, *Exclusive: Ukraine Probes Deportation of Children to Russia as Possible Genocide*, REUTERS (June 3, 2022, 7:56 AM), <https://www.reuters.com/world/europe/exclusive-ukraine-investigates-deportation-children-russia-possible-genocide-2022-06-03/> [<https://perma.cc/CC34-RQNP>].

to Russia and Russia-occupied territories, as well as analyze and apply the Genocide Convention to Russian forces’ present-day acts against Ukrainian children, reflecting on similar tactics used previously in history. This Comment will further consider the potential impacts this systematic transfer of Ukraine’s children will have on its people and the actions that have been taken thus far to ensure justice for Ukraine. Finally, I conclude that the forcible transfer and deportation of Ukrainian children to Russia and Russia’s fast-track adoption process constitute powerful evidence to support a case of genocide violating the Genocide Convention.

It is important to acknowledge that the Russia-Ukraine war is an ongoing conflict at the time this Comment was written and published. New developments and details surrounding the forced transfer of Ukrainian children continue to be reported.

I. BACKGROUND

A. UNITED NATIONS CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

The term “genocide” was first coined by Polish-Jewish lawyer Raphael Lemkin who wanted to find an appropriate name for previous occurrences of unarticulated international crimes against humanity targeting the destruction of members of a particular group.¹⁵ In 1944, Lemkin proposed the term “genocide” in his influential book, *Axis Rule in Occupied Europe*, to describe the destruction of a “nation or of an ethnic group.”¹⁶ It is comprised of the Greek prefix for race or tribe, *genos*, and the Latin suffix for killing, *cide*.¹⁷

The Genocide Convention was the first human rights instrument unanimously codified and adopted by the UN General Assembly at its meeting on December 9, 1948; the Genocide Convention went into effect in 1951 after sufficient ratifications.¹⁸ As of April 2022, the Genocide

¹⁵ Matthew Lippman, *The Convention on the Prevention and Punishment of the Crime of Genocide: Fifty Years Later*, 15 ARIZ. J. INT’L & COMP. L. 415, 423 (1998). See RAPHAEL LEMKIN, *AXIS RULE IN OCCUPIED EUROPE: LAWS OF OCCUPATION, ANALYSIS OF GOVERNMENT, PROPOSALS FOR REDRESS* 92 (1944).

¹⁶ Lippman, *supra* note 15.

¹⁷ *Id.*

¹⁸ Henry T. King, Jr. et. al., *Origins of the Genocide Convention*, 40 CASE W. RES. J. INT’L L. 13, 17 (2007).

Convention has been ratified by 153 states, including Russia.¹⁹ This human rights treaty signified an international pledge to “never again” allow atrocities such as those committed during World War II.²⁰ The preamble recognizes that “genocide has inflicted great losses on humanity.”²¹ The Genocide Convention is a crucial international law instrument that legally obliges states, whether they ratified it or not, to take measures to prevent and punish the crime of genocide.²² The drafting of the Genocide Convention and recognition of genocide as an international crime was profoundly influenced by the Nuremberg Trials and the beginning of the Cold War.²³ Many countries were apprehensive about the preamble indicating that the recent acts of genocide had been punished during the Nuremberg Trials; they were concerned that the language would restrict the Genocide Convention to only acts committed during wartime.²⁴

Article I, however, confirms that the Genocide Convention applies “in time of peace or in time of war.”²⁵ The preamble also does not call out that recent acts of genocide had resulted from Fascism-Nazism and other nationalistic ideologies, as was argued by the Soviet Union and the Eastern Bloc, to not limit the scope of the Genocide Convention.²⁶

The crime of genocide is defined in Article II of the Genocide Convention, which reads:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;

¹⁹ See *Convention on the Prevention and Punishment of the Crime of Genocide*, U.N. TREATY COLLECTION (Dec. 9, 1948), https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-1&chapter=4&clang=_en#EndDec [<https://perma.cc/MK5W-RSD8>] (listing states who have ratified the Genocide Convention).

²⁰ *Legal Framework: Ratification of the Genocide Convention*, U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, <https://www.un.org/en/genocideprevention/genocide-convention.shtml> [<https://perma.cc/2LN3-YDU3>].

²¹ G.A. Res. 3/260, pmb. (Dec. 9, 1948).

²² U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, *supra* note 20.

²³ Lippman, *supra* note 15, at 452.

²⁴ *Id.* at 452–53. See George M. Weisz, *Starvation Genocide and the Triumph of Raphael Lemkin*, 13 RAMBAM MAIMONIDES MED. J. (2022) (at the Nuremberg Trials, genocide was entered into the record of indictments, but it was not a part of the final judgment against the Nazi leaders despite Lemkin’s pleas).

²⁵ Genocide Convention, *supra* note 10.

²⁶ Lippman, *supra* note 15, at 452–53.

- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) *Forcibly transferring children of the group to another group.*²⁷

The Genocide Convention divides two constitutive elements of genocide: (1) the *actus reus*, or physical element—in other words, the acts committed and (2) the *mens rea*, or mental element—in other words, the intent of the perpetrator to physically destroy a targeted protected group, in whole or in part.²⁸ The mental element is supplied in the introductory paragraph, while the physical element is enumerated into five categories. The mental element is the essential characteristic of genocide but also the most difficult to determine due to the requisite special intent.²⁹ The existence of *dolus specialis* necessitates a showing of the individual perpetrator’s mind. Genocidal intent can be interpreted or inferred from “action, inaction, and words” from the facts or circumstances.³⁰ Proving intent with direct evidence is unlikely, because only the perpetrator can have the knowledge of their own mental state, and generally, one would not testify to their own genocidal intent.³¹ Hence, genocidal intent may be inferred from “the general context, the scale of atrocities, the systematic targeting of victims on account of their membership in a particular group, the repetition of destructive and discriminatory acts, or the existence of a plan or policy.”³² Having a plan or policy differs from premeditation, because a perpetrator can still have knowledge of a plan or policy but not premeditate an actual act of genocide. Moreover, while an entire protected group need not be destroyed to meet the mental element, it must be a “significant enough [portion] to have an impact on the group as a whole.”³³

The term “as such” is significant within the Genocide Convention. The International Court of Justice declared that “as such” emphasizes the

²⁷ Genocide Convention, *supra* note 10, art. I (emphasis added). See Rome Statute of the International Criminal Court, art. 6, 2187 U.N.T.S. 90, (entered into force July 1, 2002) (the Rome Statute defines genocide in the same terms as the Genocide Convention).

²⁸ U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, *supra* note 11.

²⁹ *Id.*

³⁰ Ruth Amir, *Killing Them Softly: Forcible Transfers of Indigenous Children*, 9 GENOCIDE STUD. AND PREVENTION: AN INT’L J. 41, 45 (2015).

³¹ Prosecutor v. Gacumbitsi, Case No. ICTR–2001–64–A, Judgment, ¶ 40 (Int’l Crim. Trib. for Rwanda July 7, 2006).

³² Prosecutor v. Karadžić, Case No. IT–95–5/18–T, Judgment, ¶ 550 (Int’l Crim. Trib. for the Former Yugoslavia Mar. 24, 2016).

³³ *Id.* ¶ 555.

intent to destroy the protected group.³⁴ Thus, the targeted group must demonstrate that the perpetrator engaged in conduct intended to destroy a distinct part of the group “as such”; not merely its members as individuals because of their membership in a particular group.³⁵

The crime of genocide is at the level of *jus cogens*.³⁶ *Jus cogens* is a peremptory norm of general international law that is accepted and recognized by the international community from which no derogation is allowed.³⁷ The general nature of *jus cogens* is to reflect and protect the underlying values of the international community that are universally applicable.³⁸ The International Criminal Tribunal for the former Yugoslavia confirms that “there can be absolutely no doubt that [the prohibition of genocide] falls under customary international law.”³⁹ Thus, the prohibition of genocide is a rule of international law that is so widely and consistently accepted by the international community that every state is bound to it, regardless of whether the state has ratified the Genocide Convention. The standard to prove genocide is rigorous—since the crime of genocide was cemented in humanitarian law, only three genocides have been proven in international court: the Bosnian genocide, the Rwandan genocide, and the Cambodian genocide.⁴⁰

The Genocide Convention is limited in scope by distinguishing cultural genocide from physical genocide and biological genocide.⁴¹ But why is cultural genocide excluded from the Genocide Convention? The inclusion of the prohibition on cultural genocide was a contentious issue. During debates over the Genocide Convention, some questioned whether cultural genocide was at the same level as physical genocide.⁴² The Danish

³⁴ Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Montenegro), Judgment, 2007 I.C.J. 43, ¶ 187 (Feb. 26).

³⁵ Andrea A. Curcio, *Civil Claims for Uncivilized Acts: Filing Suit Against the Government for American Indian Boarding School Abuses*, 4 HASTINGS RACE & POVERTY L. J. 45, 113 (2006); U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, *supra* note 11.

³⁶ Prosecutor v. Jelisić, Case No. IT-95-10-T, Judgment, ¶ 60 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999).

³⁷ Int’l L. Comm’n, Rep. on the Work of Its Seventy-First Session, at 142, U.N. Doc. A/74/10 (2019).

³⁸ *Id.*

³⁹ Prosecutor v. Jelisić, Case No. IT-95-10-T, Judgment, ¶ 60 (Int’l Crim. Trib. for the Former Yugoslavia Dec. 14, 1999).

⁴⁰ Deutsch & van den Berg, *supra* note 14.

⁴¹ Leora Bilsky & Rachel Klagsbrun, *The Return of Cultural Genocide?*, 29 EUR. J. INT’L L. 373, 379 (2018). Physical genocide involves physically destroying a group and biological genocide restricts births, whereas cultural genocide destructs culture and promotes forced assimilation policies toward a group.

⁴² EDWARD C. LUCK, CULTURAL GENOCIDE AND THE PROTECTION OF CULTURAL HERITAGE 24 (1st ed. 2020).

delegate stated that "it would show a lack of logic and of a sense of proportion to include in the same convention both mass murders in gas chambers and the closing of libraries."⁴³ Delegates from Eastern European countries, however, argued for the integration of cultural genocide, emphasizing their suffering under German occupation.⁴⁴ The Pakistani delegate also noted that cultural genocide was the true aim of genocide while physical genocide was the means employed.⁴⁵ Other than legal considerations, the subtext of the debates reveals concerns from states with both colonial power and minorities that have long historical practices of assimilation.⁴⁶ Real fear emerged that an international review power could determine that many states have committed cultural genocide if the term was integrated into the crime of genocide.⁴⁷ The Genocide Convention's final prohibitions ultimately excluded cultural destruction.⁴⁸ Experts, nonetheless, regard Article II(e), "forcibly transferring children of the group to another group," as a trace of cultural genocide, because this process leads to the devastating disappearance of a cultural unit.⁴⁹ Therefore, even if cultural genocide is not included overtly, it is implicitly integrated into the Genocide Convention.

The enumeration of Article II(e) is a "corollary to the prevention of births."⁵⁰ Relocating children into new environments where the children are unacquainted with customs and language is viewed as equivalent to the intent to eradicate the next generation.⁵¹

The elements of Article II(e) can be further broken down into several parts:

1. The perpetrator must have forcibly transferred, using actual acts or threats of force or coercion, one or more persons;
2. Such persons must have belonged to a particular national, ethnic, racial, or religious group;
3. The perpetrator must have intended to destroy, in whole or in part, that national, ethnic, racial, or religious group;

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ Bilsky & Klagsbrun, *supra* note 41, at 389 (citing U.N. GAOR, 6th Comm., 3d Sess., 83d mtg. at 193, U.N. Doc. A/C.6/SR.83 (Oct. 25, 1948)).

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ LUCK, *supra* note 42.

⁴⁹ Bilsky & Klagsbrun, *supra* note 41, at 390.

⁵⁰ Lippman, *supra* note 15, at 457.

⁵¹ *Id.*

4. The transfer must have been from that group to another protected group under the Genocide Convention;
5. The perpetrator must have known the persons were under eighteen years old, or conditions must have existed indicating the perpetrator should have known; and
6. The persons must have been under eighteen years old.⁵²

Applying the elements of the Genocide Convention to Russia's actions today, it becomes clear that the forcible transfer of children from Ukraine to Russia and Russia-occupied territories is a showing of genocide under Article II(e) and is punishable under the treaty.⁵³

B. FORCIBLE TRANSFER AND ILLEGAL ADOPTION OF CHILDREN

Forcibly transferring children from one group to another may result in the children being adopted. Illegal adoptions can occur as a result of crimes such as the "abduction and sale of and trafficking in children, fraud in the declaration of adoptability, falsification of official documents or coercion, and any illicit activity or practice such as lack of proper consent by the biological parents, improper financial gain by intermediaries and related corruption."⁵⁴ Illegal adoptions violate child rights principles, including the best interests of the child, the principle of subsidiarity, and unlawful financial gain.⁵⁵

UNICEF, the United Nations' children's agency, takes the view that intercountry adoptions should never occur during or in the immediate aftermath of emergency situations. There are two key reasons for this position. First, children separated from their parents at such times may not be orphans but may unwarrantedly be seen as "adoptable."⁵⁶ Second, the rule of law cannot be assured when there is a diminished capacity of

⁵² *Elements of Crimes*, INT'L CRIM. CT. (2013), <https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf> [<https://perma.cc/QM8T-XE6R>].

⁵³ See generally G.A. Res. 3/260, *supra* note 21, art. 3(e) (Article III defines the crimes that can be punishable under the Genocide Convention for genocide, including conspiracy to commit genocide, direct and public incitement to commit genocide, attempt to commit genocide, and complicity in genocide).

⁵⁴ *Illegal Adoptions: Special Rapporteur on the Sale and Sexual Exploitation of Children*, U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, <https://www.ohchr.org/en/special-procedures/sr-sale-of-children/illegal-adoptions> [<https://perma.cc/458E-SVLG>].

⁵⁵ *Id.*

⁵⁶ *Guidance for Protecting Displaced and Refugee Children in and outside of Ukraine*, UNICEF (Nov. 1, 2022), <https://www.unicef.org/emergencies/guidance-protecting-displaced-children-ukraine> [<https://perma.cc/Q53W-ZB3Z>]; Nigel Cantwell, *The Sale of Children and Illegal Adoption*, TERRE DES HOMMES & DEF. FOR CHILD. NETH., 2017, at 45.

competent authorities and extensive damages to vital documents and archives.⁵⁷ During emergencies, it can be difficult to ensure that an adoption is in the best interests of the child and respects the child's human rights without assuming the risk of illegal adoption.⁵⁸ Therefore, only when all family tracing and reunification efforts have been exhausted and stable solutions in the child's home country are contemplated can intercountry adoption be an option.⁵⁹ When children are displaced from their home countries during critical threats to their communities, such as war, states should not fast-track adoptions or bypass international standards.⁶⁰

A growing number of illegal adoption victims search for their roots in their countries of origin only to realize the circumstances of their adoption.⁶¹ Victims may learn of the illegal practices surrounding their adoption, including forged adoption documents, or discover that their biological families never consented to give them up.⁶² When adoptees discover these illegal practices, adoptees may want redress and accountability for the harm they and their biological families have suffered.⁶³ Providing a remedy when the Russia-Ukraine conflict ends may be particularly challenging for adopted Ukrainian children due to the potential barriers and complexities of the now domestically recognized adoptions in Russia.⁶⁴

C. REACTIONS TO AND CRITICISMS OF RUSSIA'S INVASION OF UKRAINE

Russia's full-scale invasion of Ukraine has received widespread international condemnation from world leaders and international organizations.⁶⁵ The war has ignited immediate worldwide protests and

⁵⁷ Cantwell, *supra* note 56.

⁵⁸ UNICEF, *supra* note 56.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ Elvira C. Loibl, *The Aftermath of Transnational Illegal Adoptions: Redressing Human Rights Violations in the Intercountry Adoption System with Instruments of Transitional Justice*, 28 CHILDHOOD 477, 478 (2021).

⁶² *Id.*

⁶³ *Id.*

⁶⁴ Alison Bisset, *Ukraine Symposium – Russia's Forcible Transfer of Children*, ARTICLES OF WAR (Oct. 5, 2022), <https://lieber.westpoint.edu/russias-forcible-transfer-children/> [<https://perma.cc/M88J-JUB8>].

⁶⁵ *See generally In Pictures: The World Rallies in Support of Ukraine*, CNN (Mar. 1, 2022, 5:39 PM), <https://edition.cnn.com/2022/02/26/world/gallery/ukraine-protests-global/index.html> [<https://perma.cc/6BQ2-KVCG>] (portraying photos of people around the world supporting Ukraine).

demonstrations of opposition, including in Russia. In the first thirty-seven days of the Russia-Ukraine conflict, at least 15,350 anti-war protestors were detained across various cities in Russia.⁶⁶ Within the first few weeks of the invasion, a Russian soldier called his mom and told her that “this war is the stupidest decision our government ever made, I think . . . [Russian President Vladimir Putin] says everything is going according to the plan and the timeline. He was gravely mistaken.”⁶⁷ Pavel Filatyev, a former Russian paratrooper who has been granted asylum in France, wrote in his memoir, *Zov*, that the Russian government “is either completely inept, or they are the agents of the West whose goal is to destroy our country . . . [m]ost people around are unhappy with what is happening, but everyone has been intimidated.”⁶⁸ Outside Russia, cities around the world have changed the names of streets on which Russian embassies are located as a symbolic gesture to express support for Ukraine.⁶⁹ The UN General Assembly also passed a resolution deploring the invasion and demanding a complete withdrawal of Russian forces.⁷⁰ The International Court of Justice further ordered Russia to immediately suspend military operations in Ukraine.⁷¹

On September 21, 2022, Putin announced an immediate “partial mobilization” of Russian reservists,⁷² which was met with even more pushback from Russian anti-war protestors.⁷³ Putin’s announcement

⁶⁶ *Timeline of Russian Anti-War Protests*, OVD–INFO (Nov. 28, 2022, 2:20 PM), <https://ovd.news/news/2022/08/16/russian-protests-against-war-ukraine-chronicle-events> [<https://perma.cc/8WPZ-Q32K>] (last updated Dec. 2022).

⁶⁷ Yousur Al-Hlou et al., *‘Putin Is a Fool’: Intercepted Calls Reveal Russian Army in Disarray*, N.Y. TIMES (Sept. 28, 2022), <https://www.nytimes.com/interactive/2022/09/28/world/europe/russian-soldiers-phone-calls-ukraine.html> [<https://perma.cc/4LEE-WZXL>].

⁶⁸ Filatyev, Pavel, *Zov* [Calling], AIR FORCE CULTURE AND LANGUAGE CENTER (2022) https://aul.primo.exlibrisgroup.com/discovery/fulldisplay?context=L&vid=01AUL_INST:AUL&search_scope=MyInst_and_CI&tab=Everything&docid=alma995895678006836 [<https://perma.cc/9E2A-3H9B>] (Russ.).

⁶⁹ Frank Jacobs, *Russia’s Embassies are Being Relocated to “Ukraine Street”*, BIG THINK (May 9, 2022), <https://bigthink.com/strange-maps/russian-embassy-ukraine-street/> [<https://perma.cc/YE9S-69WX>]. Examples include “Free Ukraine Street” in Albania, “Ukraine Square” in Norway, and “Ukrainian Heroes Street” in Lithuania.

⁷⁰ G.A. Res. 11/1, at 3 (Mar. 2, 2022).

⁷¹ *International Court Orders Russia to ‘Immediately Suspend’ Military Operations in Ukraine*, UN NEWS (Mar. 16, 2022), <https://news.un.org/en/story/2022/03/1114052> [<https://perma.cc/238J-EFLG>].

⁷² President Vladimir Putin, Address by the President of the Russian Federation (Sept. 21, 2022), in PRESIDENT OF RUSSIA, <http://en.kremlin.ru/events/president/news/69390> [<https://perma.cc/6EQL-TGLW>].

⁷³ Charles Maynes, *Russians are Protesting and Fleeing the Country as Putin Orders a Draft for Ukraine*, NPR (Sept. 23, 2022, 10:08 AM), <https://www.npr.org/2022/09/23/1124678888/russia-ukraine-military-draft-protests-flight> [<https://perma.cc/8GL9-CB3U>].

requested regional governors to oversee the draft and stiffen the penalties for refusal of service or desertion.⁷⁴ Despite the restrictions imposed by Putin’s government, more than 180,000 Russians reportedly fled the country to escape letters summoning them for their military service, resulting in some facing an indefinite separation from their families and homes.⁷⁵ The government attempted to assure Russians who did not flee that only people with military service backgrounds would be drafted, but reports of draft papers show that people with no prior military experience were sent anyway.⁷⁶ Russian Defense Minister Sergei Shoigu reported to Putin on October 28, 2022, that the mobilization of three hundred thousand people—the precise number Putin requested—had been completed, and no further measures were planned.⁷⁷

As the war continues, Russian soldiers suffer from low morale and growing dissatisfaction. Complaints from soldiers on the front line include the lack of or non-existent leadership, tactics that lead to heavy casualties, deficient training, and deprivation of promised payments.⁷⁸ In one video, Russian soldiers openly stated that they refuse to obey orders from their superiors because of the number of casualties.⁷⁹ Further complaints from Russian troops in Ukraine concern insufficient uniforms, poor food, and a lack of medical supplies.⁸⁰ Matthew E. Lenoë, associate professor of history at the University of Rochester, states that the soldiers’ complaints about bad conditions during the Russia-Ukraine conflict are more similar to those of World War II than one might think.⁸¹

⁷⁴ *Id.*

⁷⁵ Kareem Fahim et al., *The Russian Men Fleeing Mobilization, and Leaving Everything Behind*, WASH. POST (Sept. 28, 2022, 4:00 AM), <https://www.washingtonpost.com/world/2022/09/28/russia-turkey-partial-mobilization-ukraine/> [<https://perma.cc/L7LB-JP8S>]; CBS News, *Thousands of Russians Flee Country after Putin’s Military Mobilization Order*, YOUTUBE (Sept. 26, 2022), <https://www.youtube.com/watch?v=DrdGeY312Ms> [<https://perma.cc/8XCW-2D7A>].

⁷⁶ See Maynes, *supra* note 73.

⁷⁷ *Russia’s Partial Mobilisation is Complete, Shoigu Says*, REUTERS (Oct. 28, 2022, 3:39 PM), <https://www.reuters.com/world/europe/russias-shoigu-says-partial-mobilisation-complete-82000-recruits-conflict-zone-2022-10-28/> [<https://perma.cc/ZG8Q-TR3G>].

⁷⁸ Tim Lister et al., *Anger on the Front Lines and Anxiety at Home as Russia’s Mobilization is Mired in Problems*, CNN, <https://www.cnn.com/2022/11/17/europe/russia-soldiers-desert-battlefield-intl-cmd/index.html> [<https://perma.cc/R8H5-8LKV>] (last updated Nov. 17, 2022, 7:10 AM).

⁷⁹ *New Video Shows Russian Soldiers Refusing to Obey Their Superiors’ Orders*, CNN (Mar. 3, 2023), <https://www.cnn.com/videos/world/2023/03/08/russian-soldier-refuses-to-obey-orders-ebof-vpx.cnn> [<https://perma.cc/2BRF-D2MJ>].

⁸⁰ Lister, *supra* note 78.

⁸¹ Peter Suci, *Russian Soldiers are Complaining on Social Media – in the Past, Would They Have Been Shot?*, FORBES (Nov. 11, 2022, 12:57 PM), <https://www.forbes.com/sites/peter-suci/2022/11/11/russian-soldiers-are-complaining-on-social-media—in-the-past-would-they-have-been-shot/?sh=2ce940bb757b> [<https://perma.cc/4NYA-KX85>].

Moreover, many countries have taken swift action to impose severe sanctions to isolate Russia's financial system.⁸² At the beginning of the invasion, the United States imposed sanctions that initiated the process of dismantling two major Russian financial institutions that have ties to Russian government activities.⁸³ Australia also imposed restrictions on dealings with financial instruments that are owned or controlled by Russian banks.⁸⁴ Canada and the United Kingdom have further enforced sanctions on Russian banks.⁸⁵ As the Russia-Ukraine conflict continues, more and more countries are blacklisting Russia and prominent Russian officials through sanctions and restrictions, such as import and export bans and asset freezes.⁸⁶

The European Union has further imposed a series of sanctions against Russia. Since the start of the war, the European Union has sanctioned individuals and companies by freezing their assets and blocking their access to the trade bloc.⁸⁷ Trade of certain imports and exports in nearly one thousand categories have been banned to maximize the

⁸² Bill Chappell et. al., *Allies Join U.S. in Imposing Sanctions Pressure on Russia over Ukraine*, NPR (Feb. 23, 2022, 4:56 AM), <https://www.npr.org/2022/02/22/1082308773/biden-russia-ukraine-updates> [<https://perma.cc/5TF3-UVJ6>].

⁸³ Press Release, U.S. Dep't of the Treasury, Treasury Targets Additional Facilitators of Russia's Aggression in Ukraine (Sept. 15, 2022), <https://home.treasury.gov/news/press-releases/jy0954> [<https://perma.cc/8PNS-43RZ>] (Department of the Treasury's Office of Foreign Assets Control severs Russia's Presidential Commissioner for Children's Rights Maria Lvova-Belova access to property and interests).

⁸⁴ *Russia Sanctions Regime*, AUSTRALIAN GOV'T DEP'T FOREIGN AFFS. AND TRADE, <https://www.dfat.gov.au/international-relations/security/sanctions/sanctions-regimes/russia-sanctions-regime#:~:text=Some%20Australian%20financial%20institutions%20have,and%20their%20own%20commercial%20considerations> [<https://perma.cc/854D-7JYQ>]. Australia has additional sanctions measures for restrictions on the export or supply of certain goods, restrictions on the import, purchase, or transport of certain goods, restrictions on certain commercial activities, and restrictions on the provision of certain services.

⁸⁵ Chappell et. al., *supra* note 82. See *Canadian Sanctions Related to Russia*, GOV'T OF CAN., https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/russia-russie.aspx?lang=eng [<https://perma.cc/R5KH-JGUV>] (Oct. 13, 2023); see also *Russia Sanctions: Guidance*, GOV. UK, <https://www.gov.uk/government/publications/russia-sanctions-guidance/russia-sanctions-guidance> [<https://perma.cc/VT73-9J64>] (Sept. 29, 2023).

⁸⁶ See, e.g., *What Are the Sanctions on Russia and Are They Hurting Its Economy?*, BBC (May 25, 2023), <https://www.bbc.com/news/world-europe-60125659> [<https://perma.cc/HB5M-BPY9>]; *G7 Leaders' Video Conference*, MINISTRY OF FOREIGN AFFS. OF JAPAN (Feb. 25, 2023), https://www.mofa.go.jp/ocm/oc/page6e_000329.html [<https://perma.cc/WN9E-9748>].

⁸⁷ Matina Stevis-Gridneff, *As Europe Piles Sanctions on Russia, Some Sacred Cows Are Spared*, N.Y. TIMES (Oct. 18, 2022), <https://www.nytimes.com/2022/10/18/world/europe/eu-sanctions-russia-ukraine.html> [<https://perma.cc/6W9C-5URE>].

negative impact on the Russian economy.⁸⁸ The European Union has prohibited all Russian road transport, Russian maritime transport, and Russian carriers from entering the European Union.⁸⁹ The European Union also banned the Russian banking system from making or receiving international payments and suspended Russian broadcasting outlets to limit the spread of propaganda.⁹⁰

On August 24, 2023 (significantly, Ukrainian Independence Day), the United States announced sanctions against eleven Russians and two re-education facilities known as “summer camps” that have reportedly been involved in the forced transfer and deportation of Ukrainian children.⁹¹ US Ambassador Linda Thomas-Greenfield made the announcement “to put a spotlight on the transfer or deportation of [Ukraine’s] children.”⁹² The sanctions imposed a freeze of assets that are in the United States or in the control of US individuals.⁹³ Additional sanctions included visa restrictions for officials purportedly involved in “human rights abuses of Ukrainian civilian minors.”⁹⁴

II. ANALYSIS

A. EXAMPLES OF FORCIBLE CHILD TRANSFERS IN HISTORY

Even before the UN General Assembly adopted the Genocide Convention in 1948, there were occurrences of children being forcibly

⁸⁸ Chappell et. al., *supra* note 82; *EU Sanctions Against Russia Explained*, EUR. COUNCIL, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/sanctions-against-russia-explained/#sanctions> [https://perma.cc/W87R-NZ32].

⁸⁹ EUR. COUNCIL, *supra* note 88.

⁹⁰ *Id.*

⁹¹ Office of the Spokesperson, *Imposing Sanctions and Visa Restrictions on Individuals and Entities to Promote Accountability for Forced Transfer and Deportation of Children During Russia’s Illegal War Against Ukraine*, U.S. DEP’T OF STATE (Aug. 24, 2023), <https://www.state.gov/imposing-sanctions-and-visa-restrictions-on-individuals-and-entities-to-promote-accountability-for-forced-transfer-and-deportation-of-children-during-russias-illegal-war-against-ukraine/> [https://perma.cc/28HC-VC2Z].

⁹² Edith M. Lederer, *US Sanctions 11 Russians and 2 Re-Education Facilities Involved in Forced Transfer of Ukrainian Kids*, AP NEWS, <https://apnews.com/article/russia-ukraine-children-deported-us-sanctions-de8114daaba07690d88a6f8444716376> [https://perma.cc/N4BC-9HVM] (Aug. 24, 2023, 6:22 PM).

⁹³ Office of the Spokesperson, *supra* note 91.

⁹⁴ *Id.*

transferred with the intent to destroy a particular group.⁹⁵ Examples include the forced transfer of Native children from their families to off-reservation boarding schools for assimilation in the United States and Nazi removal of “racially valuable” Polish children to the Reich for Germanization. Both examples in history are arguably crimes of genocide under international law that could have violated the Genocide Convention if it had been in effect at those times. A closer look at these two examples shows how similar tactics, which can be described as genocidal, are presently being used by the Russian government on Ukrainian children.

1. *Federally Funded Boarding School Programs for Native Children*

“A great general has said that the only good Indian is a dead one, and that high sanction of his destruction has been an enormous factor in promoting Indian massacres. In a sense, I agree with the sentiment, but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him, and save the man.”⁹⁶

These infamous words spoken by US Army officer, Richard Henry Pratt, described the philosophy of forced assimilation to white culture.⁹⁷ Pratt opened the first of many off-reservation assimilation boarding schools for Native children during the late 19th to mid-20th centuries, which became a model for other boarding schools.⁹⁸ In Pratt’s own words, “Transfer the savage born-infant to the surroundings of civilization, and he will grow to possess a civilized language and habit.”⁹⁹

The Bureau of Indian Affairs, a federal agency within the Department of the Interior, was tasked with operating and regulating American Indian boarding schools.¹⁰⁰ Between 1819 and 1969, the federal government operated or supported 408 boarding schools comprising 431 specific

⁹⁵ No international court, to date, has convicted a perpetrator under Genocide Convention Article II(e). As a result, I apply two examples in history that could have violated this provision if it would have been in effect.

⁹⁶ R. H. Pratt, *The Advantages of Mingling Indians with Whites*, in PROCEEDINGS OF THE NATIONAL CONFERENCE OF CHARITIES AND CORRECTION AT THE NINETEENTH ANNUAL SESSION HELD IN DENVER, COL., JUNE 23–29, 1892, at 45, 46 (Isabel C. Barrows ed., 1892).

⁹⁷ *See id.*

⁹⁸ *Past*, CARLISLE INDIAN SCH. PROJECT, <https://carlisleindianschoolproject.com/past/> [<https://perma.cc/M5EF-VNMF>].

⁹⁹ Pratt, *supra* note 96, at 56.

¹⁰⁰ Curcio, *supra* note 35, at 58.

sites.¹⁰¹ The US government was thus directly able to displace Native children from their families and make them distinct peoples.¹⁰²

Native survivors of these boarding schools have a sustainable argument that the US government’s actions would have violated the Genocide Convention’s prohibition of forcibly transferring children of one group to another if the Genocide Convention had existed at the time.¹⁰³ To prevail on a genocide claim, the alleged perpetrator must have committed a physical act enumerated within the Genocide Convention and must have had the mental intent to physically destroy a particular group.¹⁰⁴

The physical element of the crime of genocide was met in the above example. The US government engaged in economic coercion and forced Native children from their homes to attend off-reservation federal boarding schools in mostly white communities.¹⁰⁵ Due to the extreme conditions of poverty on these government-run reservations, American Indian parents reluctantly sent their children to these institutions so they could learn how to deal with the white men and subsequently return to help their Native families.¹⁰⁶ Yet many of the children were purposefully separated from their families and not permitted to return home for years at a time.¹⁰⁷ Another tactic used to secure attendees was the Bureau of Indian Affairs’ legally authorized practice of “withhold[ing] rations, clothing and other annuities from Indian parents or guardians who refuse or neglect to send and keep their children of proper school age in some school a reasonable portion of each year.”¹⁰⁸ Consequently, American Indian parents were left with no other choice but to send their children to boarding schools. This conduct supports the claim that the US government forcibly transferred children of one group to another, thereby meeting the physical element of the crime of genocide.

The US government also had the mental intent to commit genocide by forcibly removing Native children from their families and destroying their Indianness. The purpose of the boarding school system was to “kill the Indian, and save the man.”¹⁰⁹ This clear statement illustrates the

¹⁰¹ BRYAN NEWLAND, U.S. DEP’T OF THE INTERIOR, FEDERAL INDIAN BOARDING SCHOOL INITIATIVE INVESTIGATIVE REPORT (2022).

¹⁰² Curcio, *supra* note 35, at 58.

¹⁰³ *Id.* at 114.

¹⁰⁴ U.N. OFF. ON GENOCIDE PREVENTION AND THE RESP. TO PROTECT, *supra* note 11.

¹⁰⁵ Curcio, *supra* note 35, at 114.

¹⁰⁶ *Id.* at 55–56.

¹⁰⁷ *Id.* at 115.

¹⁰⁸ Regulations for withholding rations for nonattendance at schools, 25 U.S.C. § 283 (repealed 2022).

¹⁰⁹ Pratt, *supra* note 96.

mental desire to eliminate a particular ethnic and racial group.¹¹⁰ The boarding school system used purposeful psychological tactics to harm Native children by forbidding them from using their own names, speaking their native languages, and practicing their own religions and cultures.¹¹¹ In addition, these boarding schools had strict educational programs that attempted to separate children from their people through English language lessons and training in domestic or manual trades, including manual labor, housekeeping, and farming.¹¹² To push assimilation on Native children, attendees were given new Anglo-American names, haircuts, and uniforms to teach them the principles of “sameness, regularity, and order.”¹¹³ The children were also instructed to adopt Christian values and culture as the norm and abandon their own spirituality.¹¹⁴ Children who disobeyed the boarding school standards or rules were subject to “corporal punishment such as flogging; withholding food; whipping; slapping; and cuffing.”¹¹⁵

The inhumane conditions that the US government imposed on displaced Native children further illustrates that it had the requisite mental intent for genocide. Native children at US-sponsored boarding schools were subjected to forced participation in hard labor while also being deprived of food and medical care and made to live in overcrowded, unsanitary conditions.¹¹⁶ Many children attending the boarding schools were predictably malnourished and suffered tuberculosis, influenza, trachoma, and death as a result of poor living conditions.¹¹⁷ Despite the high incidence of illnesses, the boarding schools declined to take basic sanitary precautions known to prevent the spread of the infectious diseases.¹¹⁸ As of May 2022, the Department of the Interior had identified a total of fifty-three marked or unmarked burial sites.¹¹⁹ The Interior’s initial analysis

¹¹⁰ Curcio, *supra* note 35, at 113.

¹¹¹ *Id.* at 114.

¹¹² Erin Blakemore, *A Century of Trauma at U.S. Boarding Schools for Native American Children*, NAT’L GEOGRAPHIC (July 9, 2021), <https://www.nationalgeographic.com/history/article/a-century-of-trauma-at-boarding-schools-for-native-american-children-in-the-united-states> [<https://perma.cc/ETX9-K3S2>].

¹¹³ Becky Little, *How Boarding Schools Tried to ‘Kill the Indian’ through Assimilation: Native American Tribes Are Still Seeking the Return of Their Children*, HISTORY (July 11, 2023), <https://www.history.com/news/how-boarding-schools-tried-to-kill-the-indian-through-assimilation> [<https://perma.cc/QHY5-H5YU>]; Curcio, *supra* note 35, at 59.

¹¹⁴ Curcio, *supra* note 35, at 115.

¹¹⁵ U.S. DEP’T OF THE INTERIOR, *supra* note 101, at 8.

¹¹⁶ Curcio, *supra* note 35, at 63–65.

¹¹⁷ *Id.* at 65–66.

¹¹⁸ *Id.* at 66.

¹¹⁹ U.S. DEP’T OF THE INTERIOR, *supra* note 101, at 8.

accounts for at least five hundred American Indian, Alaska Native, and Native Hawaiian youth deaths while attending boarding schools, and that number is expected to increase as the investigation continues.¹²⁰ The apathy toward providing an adequate standard of living for the children shows that the attendees' lives were not valued and reflects the US government's objective of extinguishing a particular group. These physical acts and the US government's clear mental intent exemplify the measures taken to raise Native children separately from their people and destroy the new generation.

It should be noted that in September 2000, the Bureau of Indian Affairs acknowledged the efforts made to assimilate Native children and destroy tribal heritage. The Bureau of Indian Affairs extended a formal apology for the agency's participation in the ethnic cleansing performed upon Native people.¹²¹ Former Assistant Secretary of the Interior for Indian Affairs Kevin Gover apologized for the agency's intentional efforts "to annihilate Indian cultures" by means of forbidding the speech of Native languages, prohibiting the practice of traditional religious activities, and outlawing Native government.¹²²

2. Polish Children Removed by Nazis for Germanization

During World War II, a lesser-known crime the Nazis committed was the kidnapping of racially suited infants and children with the intent to forcibly Germanize them. The Nazi dictatorship had racial policy goals for the Reich territory to be of a superior, uniform German population.¹²³ Three interwoven means were employed to meet its goals: "First, the complete and final Germanization of the population which seems to be suitable

¹²⁰ *Id.* at 9.

¹²¹ *Acknowledgment and Apology: Hearing Before the Comm. on Indian Affs. U.S. S.*, 109th Cong. 24 (2005) (remarks of Kevin Grover, assistant secretary, Bureau of Indian Affairs, included in the Senate Committee record); *Ethnic Cleansing*, U.N. OFF. OF GENOCIDE PREVENTION AND THE RESP. TO PROTECT, <https://www.un.org/en/genocideprevention/ethnic-cleansing.shtml> [<https://perma.cc/A7MU-QZZ4>]. It is worth noting that the United Nations Commission of Experts provides that practices associated with ethnic cleansing can "constitute crimes against humanity and can be assimilated to specific war crimes. Furthermore, such acts could also fall within the meaning of the Genocide Convention."

¹²² *Acknowledgment and Apology: Hearing Before the Comm. on Indian Affs. U.S. S.*, 109th Cong. 25 (2005) (remarks of Kevin Grover, Assistant Secretary, Bureau of Indian Affairs, included in the Senate Committee record).

¹²³ Trial of Ulrich Greifelt and Others, Case No. 73, United States Military Tribunal (Oct. 10, 1947–Mar. 10, 1948), in 13 U.N. WAR CRIMES COMM'N, LAW REPORTS OF TRIALS OF WAR CRIMINALS 1, 7 (1949).

for it. Second, deportation of all foreign groups which are not suitable for Germanization, and Third, the resettlement by Germans.”¹²⁴ The actual number of children stolen by the Nazis is unknown, but it is estimated that up to four hundred thousand Aryan-looking children were kidnapped.¹²⁵ Half of all the abductions took place in Poland.¹²⁶ For this reason, such efforts would have arguably met the elements of the crime of genocide under Article II(e).

The prosecution of Nazi war crimes uncovered the massive scheme of abducting racially fit infants and children and forcibly denationalizing them. In two separate trials—one of Ulrich Greifelt and other Schutzstaffel (SS) officers¹²⁷ and the other of Arthur Greiser—all defendants were convicted for engaging in a wide-ranging Germanization program related to the purity of the Aryan race. Looking at both trials concurrently, the factual claims and evidence show that the SS officers forcibly transferred foreign children from Eastern European territories, many from Poland, from their homes to the Reich. The SS officers had the direct mental intent to destroy such racial and ethnic groups so they could be Germanized.

The Trial of Gauleiter Arthur Greiser in front of the Supreme Tribunal of Poland illustrates that the Nazis had the requisite mental intent for genocide. Greiser was a leading official of the Nazi Party and was found guilty of committing genocide, including the seizure of Polish children that were thought suitable for forced Germanization.¹²⁸ Polish children had physical qualities that were viewed as racially valuable for increasing the desirable Aryan population. The Supreme Tribunal of Poland determined that Greiser was an ambitious instigator in facilitating and organizing the cruel methods for the Germanization of Poles.¹²⁹ The Supreme Tribunal of Poland found that Greiser participated in deporting

¹²⁴ *Id.*

¹²⁵ Sabine Peschel, *The Children the Nazis Stole in Poland*, DEUTSCHE WELLE (Mar. 12, 2020), <https://www.dw.com/en/the-children-the-nazis-stole-in-poland-forgotten-victims/a-52739589> [<https://perma.cc/7QCR-HNMA>].

¹²⁶ *Id.*

¹²⁷ Amy Hayes, *The Notorious Schutzstaffel (SS): Protectors of Hitler*, THE COLLECTOR (Aug. 23, 2022), <https://www.thecollector.com/the-notorious-schutzstaffel/> [<https://perma.cc/K6R3-MSSL>]. Schutzstaffel was a Nazi security squadron that had several responsibilities involving “gathering intelligence from political and racial enemies, protecting Hitler and other Nazi leaders, and committing mass murder.”

¹²⁸ Trial of Gauleiter Artur Greiser, Case No. 74, Supreme National Tribunal of Poland, (June 21-July 7, 1946), in 13 U.N. WAR CRIMES COMM’N, LAW REPORTS OF TRIALS OF WAR CRIMINALS 70, 104, 113-14 (1949).

¹²⁹ *Id.* at 114.

thousands of Polish youths between the ages of seven and fourteen, against the will of their parents, and placing them in German orphanages, German families, or German education institutions with the purpose of Germanizing them completely.¹³⁰ The children were cut off from all contact with their families and forbidden from taking part in any Polish cultural life.¹³¹ Greiser ordered the "general totalitarian genocidal attack on the rights of the small and medium nations to exist, and to have an identity and culture of their own."¹³²

The Nazi regime had the mental intent to assert the Aryan race as superior in the racial hierarchy while simultaneously exterminating others that were deemed racially or biologically flawed. During the Trial of Ulrich Greifelt and Others, also known as the RuSHA Case, fourteen defendants were convicted for participating in the "systematic program of genocide" that had the objective of strengthening the German nation and the Aryan race.¹³³ The defendants were all leading officials of four organizations that promulgated racial policies: the Main Staff Office of the Reich Commissioner for the Strengthening of Germanism, commonly known as "RKFDV"; the SS Main Race and Settlement Office, commonly known as "RuSHA"; the Repatriation Office for Ethnic Germans, commonly known as "VOMI"; and the Well of Life Society.¹³⁴ The RuSHA operated under Heinrich Himmler, Reichsführer-SS and Chief of the Nazi police.¹³⁵ This policy of kidnapping racially valuable children for Germanization was described by Himmler in a letter: "I would consider it right if small children, of Polish families, who show especially good racial characteristics were apprehended and educated by us in special children's institutions and children's homes which must not be too large."¹³⁶ Himmler described this policy as the duty of SS officers to take children "from their environment, if necessary by robbing, or stealing them . . . Either [Nazism] win[s] over any good blood that we can use for ourselves and give it a place in our people, . . . or we destroy that blood."¹³⁷ Special attention was taken to keep secret the nationalities of Polish youth who were thought suitable for Germanization; the public thought of them as German

¹³⁰ *Id.* at 72, 87, 104.

¹³¹ *Id.* at 72.

¹³² *Id.* at 114.

¹³³ Trial of Ulrich Greifelt and Others, *supra* note 123, at 2.

¹³⁴ *Id.* at 1.

¹³⁵ *Id.* at 4.

¹³⁶ *Id.* at 3, 12.

¹³⁷ *Id.* at 13.

orphans.¹³⁸ Children who were eight to ten years old were perceived as the best fit for Germanization, because they were most susceptible to a genuine ethnic transformation in German educational institutions.¹³⁹ These children received German names and were prohibited from being adopted by Poles.¹⁴⁰ The Supreme Tribunal of Poland also found during this trial that Polish children had limited, elementary-stage education and were taught by unqualified staff only enough German to get by but not enough to master the language.¹⁴¹

The use of off-reservation boarding schools to assimilate Native children and the Germanization of young Polish children are two historic examples of the forcible transfer of children with the intent to destroy a particular ethnical or racial group. Both examples are echoed in Russia's present genocide of fast-tracking adoptions of forcibly deported Ukrainian children, thereby violating the Genocide Convention.

B. FORCIBLE TRANSFER AND ADOPTION OF UKRAINIAN CHILDREN TO RUSSIA

"I didn't want to go . . . but nobody asked me," said Anya, a then fourteen-year-old girl who was swept up from newly-Russia-occupied territories in Ukraine and taken to live with a foster family near Moscow.¹⁴² Anya believes that she will soon become a Russian citizen.¹⁴³ Before the invasion, Anya was living and recovering from tuberculosis in a group home in the city of Mariupol apart from her mother.¹⁴⁴ Although children living in such state-run homes are often labeled as orphans, most do have families; the children are placed in the homes due to their families' circumstances, thus they are not true orphans.¹⁴⁵ And many parents in fact reunited with their children from Anya's building after the war began, but others could not, due to various barriers. For example, some parents did not make it through the war zone, and others, like Anya's mother, were

¹³⁸ *Id.*

¹³⁹ *Id.* at 9. *See, e.g.,* Peschel, *supra* note 125 (a six-year-old boy's original Polish name was Roman Roszatowski but changed to Hermann Lüdeking after joining the SS family Lüdeking).

¹⁴⁰ Trial of Ulrich Greifelt and Others, *supra* note 123, at 9.

¹⁴¹ Trial of Gauleiter Artur Greiser, *supra* note 128, at 80.

¹⁴² Emma Bubola, *Using Adoptions, Russia Turns Ukrainian Children into Spoils of War*, N.Y. TIMES (Oct. 22, 2022), <https://www.nytimes.com/2022/10/22/world/europe/ukraine-children-russia-adoptions.html> [<https://perma.cc/Z74F-L98R>].

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

unreachable.¹⁴⁶ Anya is one of the thousands of Ukrainian children being forcibly transferred to Russia as part of Russia’s fast-track adoptions. Though several children that were removed from Ukraine were able to return home, many remain in Russia.¹⁴⁷

1. *Russia’s Justification for Transferring Ukrainian Children to Russia*

While it is crucial to understand the tactics and mental intent behind forcibly transferring Ukrainian children to Russia, the Kremlin’s¹⁴⁸ justification is also important to consider. Putin does not deny taking children from Ukraine, but rather considers himself a noble savior for “rescuing” them. Putin has repeatedly stated that the evacuation of Ukrainian children is intended to protect them from ongoing hostilities, and he claims that those transferred did not have parents or guardians or that the parents or guardians could not be reached.¹⁴⁹ However, these claims were not always the case. It is reported that Russian authorities have deported Ukrainian children to Russia without their consent or their parents’ consent, lied to children about their parents not wanting them anymore, and used them for propaganda.¹⁵⁰ As of February 2023, the Russian Red Cross Society stated that it had not received a single request from Russian authorities to investigate whether the relatives of Ukrainian children were looking for them, which contradicts Russian media suggesting that Russian authorities were checking before moving Ukrainian children to Russian families.¹⁵¹ The justifications, therefore, offered by Russian authorities are negated by the facts, making it apparent that Russia’s imperial objective is to “take

¹⁴⁶ *Id.* Reporters from *The New York Times* reached out to Anya’s mother in Ukraine, who received a small disability pension, and had no job or no internet access. Anya’s mother did not know Anya was in Russia and said that “I’m looking everywhere, but I can’t find her . . . [s]he is looking for me.”

¹⁴⁷ *Id.*

¹⁴⁸ The Kremlin refers to “the government of Russia and the former Soviet Union.” *The Kremlin*, MARIAM–WEBSTER DICTIONARY, <https://www.merriam-webster.com/dictionary/the%20Kremlin> [<https://perma.cc/B55Q-9753>].

¹⁴⁹ Sarah El Deeb et. al., *How Moscow Grabs Ukrainian Kids and Makes Them Russians*, AP NEWS (Mar. 17, 2023, 3:45 PM), <https://apnews.com/article/ukrainian-children-russia-7493cb22c9086c6293c1ac7986d85ef6#:~:text=Russian%20law%20prohibits%20the%20adoption,relatives%20to%20win%20them%20back> [<https://perma.cc/3WAF-RU55>].

¹⁵⁰ *Id.* Ukrainian children were told “your parents abandoned you . . . We will transfer you to the best families. Here you will have a better life.”

¹⁵¹ TV Rain, *How Russia Stole Thousands of Children from Ukraine and Sent Them over for “Re-Education”*, YOUTUBE (Feb. 26, 2023), <https://www.youtube.com/watch?v=k5DmFRhQmic> [<https://perma.cc/X3LN-6PRL>].

back” Ukrainian land and erase Ukrainian identity. Further, whether Russia intended to benefit or has a desire to “save” Ukrainian children is irrelevant in evaluating genocidal culpability; the central point is whether they intended to destroy the protected group, which will be assessed in the next section.¹⁵²

Both the United Nations Guidelines for the Alternative Care of Children and international law regulate the proper arrangement of temporary evacuation of children. According to the guidelines and Additional Protocol I to the Geneva Conventions, children should not be moved to a country other than their habitual residence during emergency situations or conflict unless there are compelling health, medical, or safety reasons.¹⁵³ Under the guidelines, while in temporary alternative care, a child should be able to exercise all their rights, including the right to identity.¹⁵⁴ If the children must be moved, they should be moved as close to their homes as possible, be accompanied by known parents or caregivers, and be provided clear plans for return.¹⁵⁵ In addition, the Fourth Geneva Convention provides that children can only be temporarily evacuated for security or imperative reasons, and evacuations outside of the occupied territory may occur only if “for material reasons it is impossible to avoid such displacement.”¹⁵⁶ The protecting power must also be “informed of any transfers and evacuations as soon as they have taken place.”¹⁵⁷ But Russia is not

¹⁵² Kurt Mundorff, *Other Peoples’ Children: A Textual and Contextual Interpretation of the Genocide Convention, Article 2(e)*, 50 HARV. INT’L L. J. 61, 93 (2009).

¹⁵³ G.A. Res. 64/142, ¶ 160 (Feb. 24, 2010); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 78, June 8, 1977, 1125 U.N.T.S. 3 (“No Party to the conflict shall arrange for the evacuation of children, other than its own nationals, to a foreign country except for a temporary evacuation where compelling reasons of the health or medical treatment of the children or, except in occupied territory, their safety, so require”).

¹⁵⁴ *Guidelines for the Alternative Care of Children: A Tool for Reviewing the United Nations Framework with Children, Children’s Guide*, INT’L FED’N OF EDUCATIVE CMTYS. (2010), <https://bettercarenetwork.org/sites/default/files/Guidelines%20for%20the%20Alternative%20Care%20of%20Children%20-%20A%20Tool%20for%20Reviewing.pdf> [<https://perma.cc/4JPV-SEMG>].

¹⁵⁵ G.A. Res. 64/142, *supra* note 153, ¶ 160.

¹⁵⁶ Geneva Convention Relative to the Protection of Civilian Persons in Time of War, art. 49, Aug. 12, 1949, 75 U.N.T.S. 287 [hereinafter Geneva Convention]; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) art. 78, June 8, 1977, 1125 U.N.T.S. 3; *Russia’s Putin Revokes Geneva Convention Protocol on War Crimes Victims*, REUTERS (Oct. 17, 2019, 12:15 PM), <https://www.reuters.com/article/us-russia-warcrimes-convention-idUSKBN1WW2IN> [<https://perma.cc/QR6Z-LDWG>]. Russia is also arguably violating Additional Protocol I to the Geneva Conventions, which requires written consent by parents or legal guardians, where they can be found, if children are temporarily evacuated. However, in 2019, Putin, revoked Russia’s ratification of Protocol I.

¹⁵⁷ Geneva Convention, *supra* note 156.

following any of these last resort requirements, and nothing suggests that Russia is in fact motivated by any security imperative. As stated earlier, there is no evidence that Russian authorities have made any efforts to establish contact with Ukrainian authorities or with children’s relatives. Putin’s fast-track adoption process includes moving children, without their parents’ company or consent, to families located primarily in the most eastern region of Russia who will bring them up as Russians. This directly contravenes the guidelines and international law generally and limits the likelihood of children returning to Ukraine.¹⁵⁸

Equally relevant is the United Nations Convention on the Rights of the Child (CRC), the most ratified human rights treaty.¹⁵⁹ Under the CRC, the best interests of the child is the primary consideration in all public or private actions concerning children.¹⁶⁰ Russia, as a state party, must “respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.”¹⁶¹ In other words, state parties must guarantee protections to a child’s identity and prevent obstruction to the child’s authority to exercise their rights. Russia claims that it is in the best interests of Ukrainian children to be transferred to Russia to get out of the hostile environment. This reason, however, cannot justify the transfer of children when Russia’s own unlawful actions are responsible for the hostility in Ukraine.¹⁶² Russia is further breaching the CRC by illegally interfering with children’s right to decide their identity and nationality. Thousands of Ukrainian children are unable to express their identity as Russia is holding them in re-education camps that teach them “pro-Russia patriotic and military-related education” and academic subjects according with Russia’s education standards.¹⁶³ Ukrainian children are also being granted citizenship through a new simplified procedure, making it easier for Russian families to

¹⁵⁸ See, e.g., Kateryna Rashevskya, *How Russia is Destroying the Identity of Ukrainian Children*, PASSBLUE (Dec. 26, 2022), <https://www.passblue.com/2022/12/26/how-russia-is-destroying-the-identity-of-ukrainian-children/> [<https://perma.cc/V6EZ-EUEW>] (Ukrainian children are being deported to fifty-seven regions of Russia, particularly in the far east).

¹⁵⁹ *Children’s Human Rights*, AMNESTY INT’L, <https://www.amnesty.org/en/what-we-do/child-rights/> [<https://perma.cc/7MFA-85ZZ>].

¹⁶⁰ G.A. Res. 44/25, *Convention on the Rights of the Child*, at 3 (Nov. 20, 1989).

¹⁶¹ G.A. Res. 44/25, *supra* note 160, at 8.

¹⁶² Amnesty Int’l, “*Like A Prison Convoy*”: *Russia’s Unlawful Transfer and Abuse of Civilians in Ukraine During ‘Filtration’*, at 5, AI Index EUR 50/6136/2022 (Nov. 10, 2022) [hereinafter *Amnesty International Report*].

¹⁶³ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *RUSSIA’S SYSTEMATIC PROGRAM FOR THE RE-EDUCATION & ADOPTION OF UKRAINE’S CHILDREN 14* (Conflict Observatory, 2023).

permanently adopt them.¹⁶⁴ Hence, any of the Kremlin's excuses are unjustifiable and violate international humanitarian law and international human rights law.

2. *Application of the Genocide Convention to the Russia-Ukraine War*

Russia's full-scale invasion of Ukraine has undoubtedly violated a host of international laws.¹⁶⁵ As the war in Ukraine continues, mounting evidence shows Russia's atrocious actions amount to one of the greatest international crimes—genocide. Despite the high threshold in showing a case of genocide, the United Nations has reported that there are “credible allegations of forced transfers of unaccompanied” Ukrainian children to Russia at a large scale.¹⁶⁶ According to Melanie O'Brien, associate professor at the University of Western Australia and president of the International Association of Genocide Scholars, Ukraine's strongest evidence for a case of genocide is the forcible transfer of children.¹⁶⁷ Putin does not deny deporting Ukrainian children to Russia. Putin, however, attempts to justify the evacuation as a noble cause, claiming that Russia is protecting children from ongoing hostilities. Putin's government is even going to the extent of creating Russian propaganda to represent itself as a charitable savior.¹⁶⁸ Nonetheless, this excuse does not hold true given the contrary evidence that meets the physical and mental elements to constitute genocide under the Genocide Convention.

Russia is responsible for forcibly removing and transferring Ukrainian children to families in Russia and Russia-occupied territories. In March 2023, the Independent International Commission of Inquiry on Ukraine, established by the UN Human Rights Council in February 2022,

¹⁶⁴ Robyn Dixon & Natalia Abbakumova, *Ukrainians Struggle to Find and Reclaim Children Taken by Russia*, WASH. POST (Dec. 24, 2022, 1:00 AM), <https://www.washingtonpost.com/world/2022/12/24/ukraine-stolen-children-maria-lvova-belova/> [<https://perma.cc/N5QN-KCKP>].

¹⁶⁵ *See War Crimes Have Been Committed in Ukraine Conflict, Top UN Human Rights Inquiry Reveals*, UN NEWS (Sept. 23, 2022), <https://news.un.org/en/story/2022/09/1127691> [<https://perma.cc/VL46-N8UZ>]; *see also War Crimes Watch Ukraine*, PBS, <https://www.pbs.org/wgbh/frontline/interactive/ap-russia-war-crimes-ukraine/> [<https://perma.cc/FK3J-PJ8F>] (last updated Feb. 24, 2023).

¹⁶⁶ Brands Kehris, *supra* note 7.

¹⁶⁷ Deutsch & van den Berg, *supra* note 14.

¹⁶⁸ Nicholas Kristof, *Russia Traffics in Ukrainian Children*, N.Y. TIMES (Nov. 23, 2022), <https://www.nytimes.com/2022/11/23/opinion/russia-ukraine-children.html> [<https://perma.cc/39MJ-HD9S>].

found that the forced transfers and deportations of Ukrainian children by Russian authorities could be categorized into three main situations: (1) the transfer of children who had lost parents or temporarily lost contact with them during hostilities, (2) the transfer of children separated from their families following detention at so-called “filtration camps”—locations where “Russian authorities or proxies search, interrogate, coerce and reportedly sometimes torture subjects,”¹⁶⁹ and (3) the transfer of children under institutional care.¹⁷⁰ Some of the children transferred from Ukraine still have one or both parents, with many coming from children’s homes, boarding schools, orphanages, or group homes.¹⁷¹

The Russian military created a coercive environment where Ukrainian children were deported to Russia and Russia-occupied territories. For example, caregivers at orphanages or similar institutions in Ukraine were impelled to surrender children into custody of Russian forces.¹⁷² This tactic bears resemblance to that used against Native children attending American Indian boarding schools. According to General Andriy Nebytov of the Kyiv Regional Police, orphanages in Ukraine were told, “Turn over the children and they’ll be fed. If you don’t, we’ll see to it that they starve.”¹⁷³ In other instances, Russian authorities deceived Ukrainian children into going to Russia by promising them a wonderful life filled with “leisure and love in Moscow.”¹⁷⁴ Russian authorities persuaded or pressured parents under duress to send their children to two-to-three-week Russian-sponsored summer camps and vacations, at no cost, by promising them gifts and safety from Russian shelling.¹⁷⁵ Ultimately, Ukrainian parents cited many reasons for sending their children to the camps, including to protect their children from violence, to ensure their children had access to sanitation and readily accessible nutritious food unavailable at home, and to obtain a free break for their child.¹⁷⁶ But many

¹⁶⁹ U.N. SCOR, 77th Sess., 9126th mtg. at 9, U.N. Doc. S/PV.9126 (Sept. 7, 2022).

¹⁷⁰ Hum. Rts. Council, Rep. of the Indep. Int’l Comm’n of Inquiry on Ukr., ¶ 97, U.N. Doc. A/HRC/52/62 (Mar. 15, 2023). The commission concludes that the situations it examined concerning the transfers and deportations of children to the Russian federation “violate international humanitarian law, and amount to a war crime” under Geneva Convention IV, article 147.

¹⁷¹ Bubola, *supra* note 142. See Kristof, *supra* note 168.

¹⁷² See Bubola, *supra* note 142; Marek Jan Chodakiewicz & Mitzi Perdue, *Another Genocide: Russia Kidnaps Ukraine’s Children*, INST. OF WORLD POLS. (Nov. 4, 2022), <https://www.iwp.edu/articles/2022/11/04/another-genocide-russia-kidnaps-ukraines-children/> [<https://perma.cc/BAQ6-LPQV>].

¹⁷³ Chodakiewicz & Perdue, *supra* note 172.

¹⁷⁴ Bubola, *supra* note 142.

¹⁷⁵ Kristof, *supra* note 168.

¹⁷⁶ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163, at 11.

children that attended these Russian-sponsored summer camps did not always return to their families within the agreed-upon timeframe and are now living in Russia, some of whom are unable to contact their parents.¹⁷⁷

Russia has also made it substantially expensive and cumbersome for parents to retrieve their children from these summer camps.¹⁷⁸ The mother of twin Ukrainian girls, then thirteen years of age, said that she traveled from Ukraine to Crimea via Poland, Belarus, and Moscow to reunite with her daughters.¹⁷⁹ When the girls were reunited with their family after a complex rescue operation to return children that went to one of these summer camps, one twin, Dasha Rakk, stated, “[Russian officials] said we will be adopted, that we will get guardians . . . [w]hen they first told us we will stay longer we all started crying.”¹⁸⁰ Children who were not surrendered or bribed were given no choice and were separated from their guardians and families while attempting to flee or during the “filtration” screening operations.¹⁸¹ Many unaccompanied children were also abducted from their homes, boarding schools, orphanages, and hospitals—in some cases after their parents were killed by Russian shelling—with Russian forces giving no notice to their other relatives.¹⁸² This evidence thus demonstrates that the Kremlin meets the physical element for the crime of genocide through its coercive and deceptive actions in transferring Ukrainian children to Russia and Russia-occupied territories.¹⁸³

¹⁷⁷ *Id.*

¹⁷⁸ *Id.* at 16.

¹⁷⁹ Anna Dabrowska & Anna Voitenko, ‘It Was Heartbreaking’: Ukraine Children Back Home After Alleged Deportation, REUTERS (Apr. 11, 2023, 11:53 AM), <https://www.reuters.com/world/europe/ukraine-returns-31-children-russia-after-alleged-deportation-2023-04-08/> [<https://perma.cc/LTP6-NDMQ>].

¹⁸⁰ *Id.*

¹⁸¹ See Amnesty International Report, *supra* note 162 (cases of Ukrainian children being separated).

¹⁸² Kristof, *supra* note 168; El Deeb et. al., *supra* note 149. E.g., Ivana Kottasová & Yulia Kesaieva, *Russian Troops Killed Her Parents, Then She Vanished Without a Trace*, CNN (Mar. 6, 2023, 2:46 AM), <https://www.cnn.com/2023/03/06/europe/ukraine-missing-children-russia-intl-cmd/index.html> [<https://perma.cc/997F-GRAK>] (a week after Russia invaded, two sisters were ushered into cars after Russian troops shot and killed their parents in their car as the family was fleeing their home. In another case, a Kharkiv father was searching for his ten-year-old son after his wife was killed while attempting to flee the fighting and learned of his son’s whereabouts when he saw a video showing his son’s face on a Russian TV program saying “we saved this poor Ukrainian boy, an orphan, and we took him to a hospital in Luhansk.”).

¹⁸³ *Ukraine: Russia’s Unlawful Transfer of Civilians a War Crime and Likely a Crime Against Humanity – New Report*, AMNESTY INT’L (Nov. 10, 2022), <https://www.amnesty.org/en/latest/news/2022/11/ukraine-russias-unlawful-transfer-of-civilians-a-war-crime-and-likely-a-crime-against-humanity-new-report/> [<https://perma.cc/MJ8Q-DUY5>] (“Russia’s deplorable tactic of forcible transfer and deportation is a war crime.”).

Russia, as directed by Putin, has the mental intent to erase a targeted national group. The strongest evidence of Russia having the intent to destroy the Ukrainian group is its implementation of a simplified procedure for acquiring Russian citizenship that fast-tracks the country's adoption process. In May 2022, Putin issued a decree simplifying the Russian citizenship process for Ukrainian children without parental care and for Ukrainian citizens that are legally incompetent.¹⁸⁴ The decree allows for Russian citizenship requests on behalf of these categories of people from institutional guardians or custodians, such as orphanages and homes for children, as well as guardians or custodians who are already citizens of Ukraine, Russia, or other Russia-occupied areas, including Donetsk People's Republic and Luhansk People's Republic.¹⁸⁵ This act demonstrates a deliberate, organized effort to deport Ukrainian children and facilitate permanent adoptions by Russian families, thereby enforcing an assimilation process and further complicating the possibility of children returning to Ukraine.

Prior to this new decree, the Ukrainian Ministry of Social Policy, in compliance with the UN High Commissioner for Refugees policy, announced that intercountry adoption of Ukrainian children will be deferred as a result of the Russia-Ukraine war.¹⁸⁶ This statement has, nevertheless, not deterred Russia from taking active steps to encourage the adoption of Ukrainian children by Russian families. In summer 2022, Maria Lvova-Belova, commissioner for Children's Rights in the Office of the President of the Russian Federation, claimed that 350 Ukrainian children had already been rehomed and adopted, and over 1,000 were awaiting adoption.¹⁸⁷ Russian parents are encouraged to illegally adopt forcibly removed Ukrainian children with a one-time payment of maternity capital and state

¹⁸⁴ *List of People Eligible for Russian Citizenship through Simplified Procedure Has Been Supplemented*, PRESIDENT OF RUSS. (May 30, 2022), <http://en.kremlin.ru/acts/news/68529> [<https://perma.cc/V279-DE9X>].

¹⁸⁵ *Id.*

¹⁸⁶ El Deeb et. al, *supra* note 149. See also *Міждержавне усиновлення в умовах воєнного стану – роз'яснення Мінсоцполітики* [Intercountry Adoption Under Conditions of Marital Law – A Clarification from the Ministry of Social Policy], UKR. MINISTRY OF SOC. POL'Y (Mar. 13, 2022, 9:00 PM), translated in *Ukraine – Ministry of Social Policy Statement on Intercountry Adoption*, U.S. DEPT OF STATE – BUREAU OF CONSULAR AFFS. (Mar. 21, 2022), <https://travel.state.gov/content/travel/en/News/Intercountry-Adoption-News/ukraine—ministry-of-social-policy-statement-on-intercountry-ad.html> [<https://perma.cc/7F37-GTBR>].

¹⁸⁷ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163, at 10.

aid.¹⁸⁸ Lvova-Belova is a key figure in changing the Russian citizenship laws and organizing the forced removal and accelerated adoption process of Ukrainian children.¹⁸⁹ Lvova-Belova declared, “Now that the children have become Russian citizens, temporary guardianship can become permanent.”¹⁹⁰ Lvova-Belova herself has adopted a teenaged boy from Mariupol.¹⁹¹ From her own adoption experience, she claims that she has seen first-hand “how integration into the Russian community takes place” and how the children soon come to appreciate their new homes in Russia.¹⁹²

Additionally, the mental intent to destroy the Ukrainian group was evident through Putin’s public criticism of Ukraine’s legitimate statehood even before the full-scale invasion. Putin has clearly stated on several occasions that Ukraine and Russia are one nation. In summer 2022, Putin published an article cementing his conviction that Russians and Ukrainians were “one people—a single whole” while insisting that “Russia was robbed.”¹⁹³ He further believes that the people of Ukraine were taken from their “historical Motherland” after the dissolution of the Soviet Union.¹⁹⁴ Only days before the invasion of Ukraine, the Russian leader made clear that he would not tolerate an independent Ukraine and that the country was an “inalienable part of [Russian] history, culture and spiritual space.”¹⁹⁵ Prominent Russians echo Putin’s ideology that Ukrainians and Russians are “one people.”¹⁹⁶ Maria Zakharova, director of Russia’s Information and Press Department of the Ministry of Foreign Affairs, wrote that the “Ukraine that you and I had known, within the borders that used to be, no

¹⁸⁸ Camdyn Bruce, *Ukrainian Official Rips Russia for ‘Kidnapping’ More than 13,000 Children*, THE HILL (Dec. 14, 2022, 6:51 PM), <https://thehill.com/policy/international/3775681-ukrainian-official-rips-russia-for-kidnapping-more-than-13000-children/> [https://perma.cc/S4XW-SLAE].

¹⁸⁹ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163, at 17 (“Maria Lvova-Belova is one of the most highly involved figures in Russia’s deportation and adoption of Ukraine’s children, as well as in the use of camps for ‘integrating’ Ukraine’s children into Russia’s society and culture.”).

¹⁹⁰ Мария Львова-Белова [Maria Lvova-Belova], TELEGRAM (July 5, 2022, 8:32 AM), <https://t.me/malvovabelova/331> [https://perma.cc/R3JG-J6NE].

¹⁹¹ Bubola, *supra* note 142.

¹⁹² Rashevskaya, *supra* note 158; Bubola, *supra* note 142.

¹⁹³ Vladimir Putin, *On the Historical Unity of Russians and Ukrainians*, PRESIDENT OF RUSS. (July 12, 2021, 5:00 PM), <http://en.kremlin.ru/events/president/news/66181> [https://perma.cc/6RGQ-K538].

¹⁹⁴ *Id.*

¹⁹⁵ Patrick Wintour, *Putin’s Rambling Ukraine Speech Leaves Western Diplomats Scrambling*, THE GUARDIAN (Feb. 22, 2022, 8:24 AM), <https://www.theguardian.com/world/2022/feb/22/putin-russian-president-ukraine-speech-western-diplomats-scrambling> [https://perma.cc/EW8Z-JD6V].

¹⁹⁶ Jeffrey Mankoff, *Russia’s War in Ukraine: Identity, History, and Conflict*, CTR. FOR STRATEGIC & INT’L STUD. (Apr. 22, 2022), <https://www.csis.org/analysis/russias-war-ukraine-identity-history-and-conflict> [https://perma.cc/KRP4-UJBP].

longer exists, and will never exist again.”¹⁹⁷ Vladislav Surkov, who for more than twenty years was the Kremlin’s main ideologist, regarded Ukraine as nonexistent: “There is Ukrainianness. That is, a specific mental disorder.”¹⁹⁸ This genocidal language used by Russian leaders openly advocates for the invasion of Ukraine while denying its existence as a sovereign country.

Further evidence of mental intent is Putin’s overwhelming incentive to transfer and keep Ukrainian children in Russia due to its declining population.¹⁹⁹ Migration into the country has been falling, notably since the Russia-Ukraine conflict began, and deaths are exceeding births.²⁰⁰ A solution to repopulating Russia is the forced transfer and adoption of Ukrainian children. This may be seen as a desirable option for Putin, especially because both populations are genetically similar, and many Ukrainians already speak Russian.²⁰¹ As a result, Putin can forcibly transfer Ukrainian children to achieve his goal of repopulating Russia while absorbing Ukraine. This effort to repopulate Russia is akin to the process of Germanizing Polish children that were deemed racially valuable during the Nazi regime.²⁰² Like the Germanization process, Putin’s Russification policies are aimed at limiting Ukrainian ethnic and cultural presence in Ukrainian children. Therefore, Putin’s intent meets his broader objective to destroy and erase the Ukrainian national group by “Russifying” the identity of Ukrainian children.

Forcibly transferred Ukrainian children are reportedly attending structured lessons that promote pro-Russian ideals, culture, and military training at re-education camps and other facilities.²⁰³ Such re-education efforts clearly demonstrate Russia’s systematic attempt to erase Ukraine’s

¹⁹⁷ Taras Kuzio, *Vladimir Putin’s Ukrainian Genocide Is Proceeding in Plain View*, ATL. COUNCIL: UKR. ALERT (June 29, 2022), <https://www.atlanticcouncil.org/blogs/ukrainealert/vladimir-putins-ukrainian-genocide-is-proceeding-in-plain-view/> [<https://perma.cc/ZD9T-2AQP>].

¹⁹⁸ Björn Alexander Düben, “*There is no Ukraine*”: *Fact-Checking the Kremlin’s Version of Ukrainian History*, LONDON SCH. ECONS.: DEP’T INT’L HIST. BLOG (July 1, 2020), <https://blogs.lse.ac.uk/lseih/2020/07/01/there-is-no-ukraine-fact-checking-the-kremlins-version-of-ukrainian-history/> [<https://perma.cc/F3D3-AWCS>]; *Сурков: мне интересно действовать против реальности* [*Surkov: I’m Interested in Acting Against Reality*], АКТУАЛЬНЫЕ КОММЕНТАРИИ (Feb. 26, 2020, 8:55 AM), <https://actualcomment.ru/surkov-mne-interesno-deystvovat-protiv-realnosti-2002260855.html> [<https://perma.cc/3AYY-Z25C>].

¹⁹⁹ Benjamin Harvey, *Russia’s Population Is Shrinking Even as Putin Seeks Expansion*, BLOOMBERG (June 10, 2022, 12:00 PM), <https://www.bloomberg.com/news/articles/2022-06-10/russia-s-population-is-shrinking-even-as-putin-seeks-expansion> [<https://perma.cc/LMW8-HG8Q>].

²⁰⁰ *Id.*

²⁰¹ Chodakiewicz & Perdue, *supra* note 172.

²⁰² *Id.*

²⁰³ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163, at 14.

history and culture. Anya, the aforementioned Ukrainian child forcibly transferred to Russia, shared that she attended weekly, half-hour lessons emphasizing national unity.²⁰⁴ Additionally, Pavel Latushka, a former Belarusian culture minister, alleged that Belarusian President Alexander Lukashenko has been supporting the forcible transfer of Ukrainian children.²⁰⁵ Latushka said that the materials he provided to the International Criminal Court (ICC) indicate how Ukrainian children held in Belarusian facilities are undergoing “ideological brainwashing and ‘Russification’” before being adopted by Russian families.²⁰⁶ It is believed that these re-education camps, which were announced after the full-scale invasion, teach lessons on the values of Russian society, provide military training, and spread propaganda regarding the war.²⁰⁷ Thus far, more than six thousand children between the ages of four months and seventeen years are held in at least forty-three known camps.²⁰⁸ Of these identified camps, forty-one are pre-existing summer camps, and at least thirty-two are called “integration programs,” which are engaged in “re-educating children from Ukraine in accordance with Russia’s education standards, immersing them in Russia’s culture, and encouraging children from Ukraine to ‘become their own’ in Russia.”²⁰⁹ In addition, at schools in Russia-occupied regions of Ukraine, children are forced to adopt the Kremlin curriculum and attend Russian language and history classes.²¹⁰ To ensure the teachings of the Russian curriculum, Ukrainian teachers were coerced—with threats of termination and retaliation from Russian forces—into signing a document certifying their willingness to follow the Russian school curriculum.²¹¹

²⁰⁴ Bubola, *supra* note 142.

²⁰⁵ Yuras Karmanau, *Belarusian Leader Approved Forced Transfers of Ukrainian Children, Says Opposition Figure*, AP NEWS (June 28, 2023, 7:53 AM), <https://apnews.com/article/russia-ukraine-war-belarus-children-icc-7a84398d5d70d9ceac52e7613a6f9e71> [<https://perma.cc/GHC5-3NXT>].

²⁰⁶ *Id.*

²⁰⁷ See Andrew Roth, *Russian Parents and Teachers Urged to Boycott ‘Propaganda Classes’*, THE GUARDIAN (Sept. 1, 2022, 12:00 AM), <https://www.theguardian.com/world/2022/sep/01/russian-parents-and-teachers-urged-to-boycott-propaganda-classes> [<https://perma.cc/KYV7-RTTB>]; see also YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163.

²⁰⁸ YALE SCH. OF PUB. HEALTH, HUMANITARIAN RSCH. LAB, *supra* note 163, at 5.

²⁰⁹ *Id.*

²¹⁰ Rashevskia, *supra* note 158; Oleksandr Pankieiev, *Weaponizing Education: Russia Targets Schoolchildren in Occupied Ukraine*, ATL. COUNCIL: UKR. ALERT (Sept. 20, 2022), <https://www.atlanticcouncil.org/blogs/ukrainealert/weaponizing-education-russia-targets-schoolchildren-in-occupied-ukraine/> [<https://perma.cc/KA7C-RXTF>].

²¹¹ Lorenzo Tondo, *Moscow Forcing Teachers in Occupied Ukraine to Follow Russian Curriculum*, THE GUARDIAN (July 1, 2022, 9:39 AM), <https://www.theguardian.com/world/2022/jul/01/moscow-forcing-teachers-in-ukraine-to-sign-up-to-russian-curriculum> [<https://perma.cc/6HLL-S3YF>].

These efforts to re-educate Ukrainian youth, as stated by the head of the so-called Republic of Crimea, Serhiy Aksyonov, “will in the shortest possible time . . . help raise true patriots of our common Motherland.”²¹²

Altogether, the Kremlin’s intent to destroy the Ukrainian national group is apparent, given the simplified citizenship and fast-tracking adoption procedures in Russia, Russian leaders’ views on Ukrainian statehood, the motive to repopulate due to the population deficit, and the mandatory Russian curriculum teaching children Russian language and history. The Kremlin is unlikely to ever share its true goals and interpretations for deporting Ukrainian children to Russia. Thus, logically drawing from political views of Ukraine and subsequent systematic actions from Russian leaders since the beginning of the invasion will likely be the strongest evidentiary support to show genocidal intent. As we continue to investigate and learn more about the full-scale invasion of Ukraine, further evidence will likely confirm the already existing facts substantiating the physical and mental elements of the crime of genocide.

3. *Consequences for Forcibly Transferred and Adopted Ukrainian Children*

After the end of the Russia-Ukraine war, returning children to their homes in Ukraine or reuniting them with their families will be difficult. Only some Ukrainian children who had been living in boarding houses or children’s homes in Russia or Russia-occupied territories have reunited with their families.²¹³ Family reunification will be an even more complicated undertaking after children are given Russian citizenship and have new families through the permanent illegal adoption processes. And cooperation from the Kremlin to recover Ukrainian children is doubtful. Spokesman of UNICEF, Kurtis Cooper, said that UNICEF “has not received feedback on [its] offer to facilitate reunifications processes.”²¹⁴ Further, Lvova-Belova has stated that Ukrainian demands to return Ukrainian children are “incomprehensible” after their parents “abandoned” them when separated by Russian attacks.²¹⁵

²¹² Rashevskaya, *supra* note 158.

²¹³ See El Deeb et al., *supra* note 149.

²¹⁴ Edith M. Lederer, *Red Cross Confirms Contact with Russia about Ukrainian Kids*, AP NEWS (Apr. 7, 2023, 4:09 PM), <https://apnews.com/article/russia-ukraine-children-reunification-red-cross-4de3c9635d1fd330167e55720f90c12d> [<https://perma.cc/SFQ4-RT4T>].

²¹⁵ Dixon & Abbakumova, *supra* note 164.

As the war continues, the full extent of the harmful effects on Ukrainians, particularly the children, is unclear. What is clear is that women and children in particular experience increased mental health problems due to wars.²¹⁶ Surveys from the World Health Organization find that the recovery from post-traumatic stress disorder during war is slow.²¹⁷ And, as people of Ukraine remain subject to ongoing threats from Russia, many will be susceptible to developing complex post-traumatic stress disorder.²¹⁸ Toxic stress, which can have lasting effects on brain structures and organ systems, is another concerning condition for children exposed to war.²¹⁹ The War Child Group concluded that wartime trauma is intergenerational after surveying participants two generations removed from individuals who lived through World War II.²²⁰ While the long-lasting effects of intergenerational trauma on Ukrainians are not fully understood yet, it will certainly have a significant psychological impact on generations to come. Moreover, mental health problems, including depression, have had lasting scars on indigenous people whose family members attended federal American Indian boarding schools.²²¹ Therefore, the coronavirus pandemic coupled with the Russian invasion is likely to predispose young Ukrainians to even more mental health problems, which will impact their healing and potentially transfer to future generations.²²²

4. Justice for Ukraine and Ukrainian Families

On February 26, 2022, Ukraine filed an application instituting proceedings against Russia at the International Court of Justice and requested provisional measures.²²³ Ukraine contended that Russia falsely claimed that acts of genocide have been committed in the Luhansk and Donetsk

²¹⁶ Celine Chaaya et al., *Ukraine – Russia Crisis and Its Impacts on the Mental Health of Ukrainian Young People during the COVID-19 Pandemic*, ANNALS MED. AND SURGERY, July 2022, at 1, 1.

²¹⁷ *Id.* at 3.

²¹⁸ Mark Shevlin et al., *The Psychological Consequences of the Ukraine War: What We Know, and What We Have to Learn*, 146 ACTA PSYCHIATRICA SCANDINAVICA 105, 105 (2022).

²¹⁹ Emile Duke, *The Children of War*, N.Y. TIMES (Sept. 12, 2022), <https://www.nytimes.com/live/2022/08/06/world/ukraine-russia-war-children> [<https://perma.cc/AN64-WUVY>].

²²⁰ *Id.*

²²¹ See George “Bud” Vana & Dakotah Lane, *What Do American Indian Boarding Schools a Century Ago Have to Do with Dysregulated Children Today?*, PSYCHIATRIC NEWS (Sept. 23, 2021), <https://psychnews.psychiatryonline.org/doi/10.1176/appi.pn.2021.10.40> [<https://perma.cc/6SB5-BP86>].

²²² Chaaya et al., *supra* note 216, at 3.

²²³ Press Release, I.C.J., Ukr. institutes proceedings against the Russ. Fed’n and requests the Ct. to indicate provisional measures (Feb. 27, 2022) (on file with author).

oblasts of Ukraine, recognized the independence of the so-called “Donetsk People’s Republic” and “Luhansk People’s Republic” based on a false claim of genocide, and then implemented a “special military operation” against Ukraine to prevent baseless acts of genocide.²²⁴ Ukraine asked the court for provisional measures, including that Russia immediately suspend the military operations and ensure that it take no steps in furtherance of the military operations.²²⁵ The court ordered the requested provisional measures, compelling Russia to suspend military operations commenced on February 24, 2022, and immediately “ensure that any military or irregular armed units . . . take no steps in furtherance of the military operations.”²²⁶ The court further ordered that “both parties should refrain from any action which might aggravate or extend the dispute or make it more difficult to resolve.”²²⁷ The court’s provisional measures are legally binding on the parties to the dispute.²²⁸ A joint statement from more than forty states, including the United States, was issued reiterating the importance for Russia to suspend its military operations as ordered and the urgency for reparations.²²⁹

The European Parliament, in September 2022, adopted a resolution condemning the human rights violations of forced deportation of children from Ukraine and their subsequent adoption in Russia.²³⁰ This resolution is in response to several allegations and reports that Russia forcibly transferred a mass of Ukrainian children to be adopted by Russian families and become citizens.²³¹

²²⁴ Allegations of Genocide Under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukr. v. Russ.), Provisional Measure, 2022 I.C.J. 211, ¶ 2 (Mar. 2022).

²²⁵ *Id.* ¶ 5.

²²⁶ *Id.* ¶ 86.

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ European Commission Statement 22/4509, Joint Statement on supporting Ukraine in its proceeding at the International Court of Justice (July 13, 2022).

²³⁰ Resolution on Human Rights Violations in the Context of the Forced Deportation of Ukrainian Civilians to and the Forced Adoption of Ukrainian Children in Russia, EUR. PARL. DOC. P9_TA(2022)0320.

²³¹ See generally “We Had No Choice”: “Filtration” and the Crime of Forcibly Transferring Ukrainian Civilians to Russia, HUM. RTS. WATCH (Sept. 1, 2022), <https://www.hrw.org/report/2022/09/01/we-had-no-choice/filtration-and-crime-forcibly-transferring-ukrainian-civilians> [<https://perma.cc/4SEN-2V8R>]; Situation of Human Rights in Ukraine in the Context of the Armed Attack by the Russian Federation, Off. of the High Comm’r for Hum. Rts., at 26 (June 29, 2022); Org. for Sec. and Coop. in Eur. [ODIHR], *Report on Violations of International Humanitarian and Human Rights Law, War Crimes, and Crimes Against Humanity Committed in Ukraine*, at 27 (July 11, 2022).

Further, on March 17, 2023, the Pre-Trial Chamber II of the ICC issued an arrest warrant for both Maria Lvova-Belova and Vladimir Putin based on “reasonable grounds to believe” that the pair were involved in and bear responsibility for the unlawful deportation of Ukrainian children to Russia and Russia-occupied territories.²³² Although neither Ukraine nor Russia²³³ are members of the ICC, ICC President Piotr Hofmanski claims that the court has jurisdiction because Ukraine accepted the court’s jurisdiction in 2014 and again in 2015 in response to alleged crimes within its territory.²³⁴ The arrest warrants provide legitimacy to Ukraine’s ongoing investigations and prosecutions, as well as show that no government official is immune from prosecution.²³⁵ And significantly, the arrest warrants offer insight into the prosecutor’s evaluation of the “evidence collected to date, particularly related to intent.”²³⁶ Thus, the open investigation of the conflict in Ukraine following the referrals received by the ICC²³⁷ gives weight to the conclusion that Russia is violating international law.

On April 27, 2023, the Parliamentary Assembly of the Council of Europe adopted a resolution after assessing documented evidence that Russian authorities’ forced deportation of Ukrainian children meets the definition of genocide under Article II(e) of the Genocide Convention. The assembly called out Russia’s systematic efforts of forcibly transferring Ukrainian children to Russia or Russia-occupied territories, facilitating swift adoptions of Ukrainian children by Russian families, and annihilating Ukrainian children’s link to their national identity through the

²³² Press Release, Int’l Crim. Ct., Situation in Ukraine: ICC judges issue arrest warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova (Mar. 17, 2023).

²³³ Alex Leff et. al., *The International Criminal Court Issues an Arrest Warrant for Putin*, NPR (Mar. 17, 2023, 7:28 PM), <https://www.npr.org/2023/03/17/1164267436/international-criminal-court-arrest-warrant-putin-ukraine-alleged-war-crimes> [<https://perma.cc/9HAN-9X4E>]. Kremlin spokesman Dmitry Peskov notes that “Russia, like a number of other states, does not recognize the jurisdiction of this [International Criminal Court], and therefore any of its decisions are insignificant for the Russian Federation from a legal viewpoint.”

²³⁴ *Q&A: What the ICC Arrest Warrants Mean for Russia’s Putin*, AL JAZEERA (Mar. 17, 2023), <https://www.aljazeera.com/news/2023/3/17/qa-what-the-icc-arrest-warrants-mean-for-russias-putin> [<https://perma.cc/576N-24D2>].

²³⁵ Heather Ashby et. al., *How the ICC’s Warrant for Putin Could Impact the Ukraine War*, U.S. INST. PEACE (Mar. 23, 2023), [https://www.usip.org/publications/2023/03/how-iccs-warrant-putin-could-impact-ukraine-war#:~:text=The%20International%20Criminal%20Court%20\(ICC,Children’s%20Rights%20Maria%20Lvova%20Belova](https://www.usip.org/publications/2023/03/how-iccs-warrant-putin-could-impact-ukraine-war#:~:text=The%20International%20Criminal%20Court%20(ICC,Children’s%20Rights%20Maria%20Lvova%20Belova) [<https://perma.cc/K6ED-MUZR>].

²³⁶ *Id.*

²³⁷ See *Situation in Ukraine*, INT’L CRIM. CT., <https://www.icc-cpi.int/ukraine> [<https://perma.cc/V54D-XCRC>].

Russification process.²³⁸ In light of such evidence, the assembly urged Russia to halt its practices related to the unlawful removal of Ukrainian children from their homes and ultimate incorporation into Russian citizenship, identity, and culture.²³⁹ Efforts from the international community to take every measurable step to prevent the continuation of Russia’s crimes are essential to support Ukrainian authorities in collecting evidence and to ensure justice is served to all perpetrators.²⁴⁰

Continuous pressure from the international community recognizes and reiterates that a crime of genocide is taking place against Ukraine, in addition to other impending international law violations. Successful prosecution of Russian leaders will send a deterrent message to powerful state actors that contemplate disregarding international law.

III. CONCLUSION

“Never again,” yet here we are again.

Ukraine is a diverse nation-state that is multiethnic and multicultural as a result of conflicts with neighboring powers and foreign rule dating back several centuries. Unfortunately, at this time, Ukraine is most notably on the front stage for the devastating Russia-Ukraine war, which is the largest mobilization of military force in Europe in almost eighty years.²⁴¹

Ukrainian children are an innocent group that continues to suffer disproportionately from the consequences of this war. Genocide is one of the gravest crimes in international law. The adoption of the Genocide Convention signified the promise to “never again” witness another genocidal atrocity after World War II. However, time and time again, this promise has been broken.

Russia is orchestrating a well-organized process to unlawfully transfer and deport Ukrainian children. This unconscionable act became more reprehensible once the Kremlin started taking measures to re-educate these children about Russia and placing them up for adoption by Russian

²³⁸ Deportations and forcible transfers of Ukrainian children and other civilians to the Russian Federation or to Ukrainian territories temporarily occupied: create conditions for their safe return, stop these crimes and punish the perpetrators, EUR. PARL. DOC. (COM 15748) (2023).

²³⁹ *Id.* ¶ 16.

²⁴⁰ *Id.* ¶ 18.

²⁴¹ Eric Nagourney et. al., *The Roots of the Ukraine War: How the Crisis Developed*, N.Y. TIMES (Feb. 27, 2023), <https://www.nytimes.com/article/russia-ukraine-nato-europe.html> [<https://perma.cc/JUK8-F4BN>]. See generally *Russia-Ukraine War*, N.Y. TIMES, <https://www.nytimes.com/news-event/ukraine-russia> [<https://perma.cc/PB6Q-ZA8K>].

families. These systematic efforts illustrate Putin's intent to deny Ukrainian identity and culture, thus committing genocide. Examples in history ranging from boarding school programs aimed at destroying Native children's Indianness to the Nazi's racial policy goals of Germanizing Polish children exhibit patterns of vicious forces attempting to promote a new way of life. Tactics such as those used in these two examples are now evident in the Kremlin's actions against Ukrainian children. Putin's attempts to justify the transfer of children from Ukraine to Russia and Russia-occupied territories are refuted by his actions. Why would Putin conduct cultural and educational integration efforts and pass legislation to fast-track the adoption process if he only meant to protect Ukrainian children from the ongoing hostilities that *he* instigated? The growing evidence will only continue to show that the Kremlin is forcibly transferring Ukrainian children to Russia and Russia-occupied territories with the specific intent to destroy the Ukrainian group. And as the war continues, it becomes more doubtful that children will return to their families and homes in Ukraine. Russia's abuses will subsequently be added to the list of genocidal brutalities in history.