

14<sup>th</sup> December 2021

**His Excellency  
President of the Russian Federation  
Vladimir V. Putin**

**Your Excellency,**

With all due respect I, **Jason Sven Kuusk** and my wife **Anastasia Maree Kuusk** with whom we celebrated already our 10 years of a happy marriage kindly ask for your help and assistance to return us our almost 2 years old children **Sophie Maree Kuusk** and **Oscar Sven Kuusk**.

For years we were dreaming about a big family, about having children of our own. As my wife was unable to carry a child, we were to opt for surrogacy. We chose Russia instead of the USA as we liked your great country and strongly believed Russian IVF doctors who can work miracles. We chose the best Russian IVF clinic – **EMC (European Medical Center)**<sup>1</sup> based in Moscow. Due to a health condition of Anastasia we were to apply for an egg donation program as well.

On **March 02<sup>nd</sup>, 2020** our children **Sophie and Oscar** were born in Moscow by a Russian gestational surrogate Ms. [REDACTED], to whom we are immensely thankful.

Upon birth the surrogate - as stipulated by the Russian law - gave her consent so that we could be listed as parents of our children in the Acts of birth and the birth certificates.

Because of the outbreak of the COVID-19 pandemic and related bans for international flights we were unable to get our children personally. When I came to Domodedovo airport. on March 18<sup>th</sup>, 2020, to receive Russian birth certificates and get **Sophie and Oscar** back home to Australia, I was denied the entry and literally expelled, sent back the same day to Australia from Russia due to a Russian government COVID-19 protection measures regulation as of March 16<sup>th</sup>, 2020<sup>2</sup>. It took effect when I was on the plane already.

We were waiting for lifting of these protective measures to come back to Russia for our children, but in April 2020 **Sophie and Oscar** were put in an orphanage<sup>3</sup>.

The Investigative committee considers our children to be a proof of an alleged “baby-selling” and “human trafficking” scheme<sup>4</sup>.

Since then, we have no information about **Sophie and Oscar**. We had only one chance to meet them this summer<sup>5</sup>. We’ve never met them since then as the children protection authority, acting on the instruction of the Investigative Committee, prohibits us from seeing the children. We don’t know anything about their condition, about their health. We even don’t know if they are alive or not.

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<sup>1</sup> Европейский медицинский центр (ЕМИЦ)

<https://www.emcmos.ru/clinics/klinika-reproduktivnoy-i-prenatalnoy-mediciny/>

<sup>2</sup> Распоряжение Правительства РФ №635-р «О временном ограничении въезда в Российскую Федерацию иностранных граждан и лиц без гражданства и временном приостановлении оформления и выдачи виз и приглашений».

<sup>3</sup> Центр содействия семейному воспитанию «Центральный», г. Москва

<sup>4</sup> <https://echo.msk.ru/blog/ksvitnev/2943630-echo/>

<sup>5</sup> <https://surrogacy.ru/news/pervye-foto-dzhejsona-kuuska-s-detmi-nezakonno-uderzhivaemymi-v-rf/>



The origin of **Sophie and Oscar** was established on August 25<sup>th</sup>, 2020 by the decision<sup>6</sup> the Kalininsky district court of the city of Ufa. On August 26<sup>th</sup>, 2020 a state registration authority (ZAGS) as stipulated by the Russian law according to clause 51 of the Russian Family code and the law on Acts on Civil Status as of 15.11.97 No.143-FZ made related inscriptions in the Birth Register [redacted] and [redacted] accordingly and issued official birth certificates [redacted] and [redacted]. Copies of their birth certificates are attached.

On September 30<sup>th</sup> 2020, Australia recognized Sophie and Oscar as Australian Citizens. On December 03<sup>rd</sup>, 2020 Australian passports for Sophie and Oscar were issued.

My direct genetic link to the children, my fathership was proved by the European Medical Center in Moscow where the IVF took place and confirmed by a special court DNA expertise<sup>7</sup>, the same expertise proved that there is not any genetic linkage between the surrogate and our children.

Nevertheless, **Sophie and Oscar** remain at an orphanage, against our will and against the best interests of our children. We tried to contact the authorities and custody services through our lawyers in Russia, but all our questions and demands were rejected referring to ongoing criminal investigation regarding our children.

On March 20<sup>th</sup>, 2021, I personally came to Russia to get **Sophie and Oscar** back home, but my request was denied by the orphanage citing ongoing criminal investigation regarding our children and referring an explicit ban to release the children made by the Investigative committee. We filed a suit to get back our children, but a representative of the Investigative committee insisted on keeping our children in Russia. Our demand was rejected by the court<sup>8</sup>.

The Investigative committee of Russia falsely claims that egg donation in combination with surrogacy is illegal in Russia and constitutes a baby-selling, and a direct genetic linkage of the children to their father is irrelevant.

**But you cannot buy your own child, genetically related to you, who is already yours due to his or her origin.** Egg donation in Russia is officially allowed by law<sup>9</sup> and is widely used in combination with gestational surrogacy<sup>10</sup>. A recent decision of a St. Petersburg city court<sup>11</sup>, on an identical case confirmed it again. The Health Ministry of the Russian Federation officially reconfirmed it in a recent letter<sup>12</sup>.

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<sup>6</sup> Калининский районный суд г. Уфы. Решение по делу №2-4068/2020 от 25.08.20, судья Тимербаев Р.А. [https://drive.google.com/file/d/1JYP8I67hbIVLRRjPZ0f4lP\\_qotRepJXR/view](https://drive.google.com/file/d/1JYP8I67hbIVLRRjPZ0f4lP_qotRepJXR/view)

<sup>7</sup> Заключение судебной молекулярно-генетической экспертизы №145-2020 ФГБУЗ «Российский центр судебно-медицинской экспертизы»

<sup>8</sup> Симоновский районный суд г. Москвы. Решение по делу №2а-1249/2021 от 12.07.21, судья Соболева М.А.

<sup>9</sup> п. 2 ст. 55 Федерального закона "Об основах охраны здоровья граждан в Российской Федерации" от 21.11.2011 N 323-ФЗ

<sup>10</sup> Приказ 107н Минздрава РФ от 30.08.2012г. <https://minzdrav.gov.ru/documents/8023-prikaz-o-poryadke-ispolzovaniya-vspomogatelnyh-reproduktivnyh-tehnologiy-protivopokazaniyah-i-ogranicheniyah-k-ih-primeneniyu>

<sup>11</sup> Дело №33-20549/2021, судья Утенко Р.В. [https://sankt-peterburgsky--spb.sudrf.ru/modules.php?name=sud\\_delo&srv\\_num=1&name\\_op=case&case\\_id=48073280&case\\_uid=ef70fd8f-03d5-40da-854a-aacdc81fcf8a&delo\\_id=5&new=5&fbclid=IwAR0y8Qqi7BghBipISRQxU1CA85PeLfB1KYQmFxUU5b5mXxH9xijG14grGo](https://sankt-peterburgsky--spb.sudrf.ru/modules.php?name=sud_delo&srv_num=1&name_op=case&case_id=48073280&case_uid=ef70fd8f-03d5-40da-854a-aacdc81fcf8a&delo_id=5&new=5&fbclid=IwAR0y8Qqi7BghBipISRQxU1CA85PeLfB1KYQmFxUU5b5mXxH9xijG14grGo)

<sup>12</sup> Письмо от 15 октября 2021г. №15-4/1911 за подписью врио Директора департамента Олиной А.А.



Nevertheless, Russian courts evidently influenced by the Investigative Committee of Russia repeatedly denied our demands to release our children, though a direct genetic linkage between father and the children was confirmed, Russian birth certificates to the name of both parents were issued, the Australian passports received.

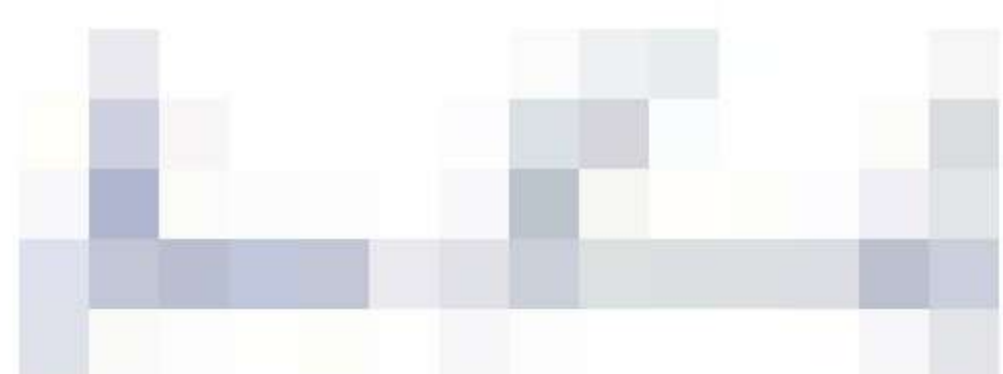
On Nov. 30th, 2021, Zamoskvoretsky District court of Moscow was to order an immediate release our children<sup>13</sup>, I came personally to Moscow to attend the court meeting and get our children back home, but instead of that the court quite unexpectedly refused<sup>14</sup> to release **Sophie and Oscar**, Australian citizens citing “ongoing investigation”<sup>15</sup>. Again.

We know that Russian courts started to return children born through surrogacy to their foreign parents, married couples who are in identical situation as our family, who applied for surrogacy at Russian IVF clinics and became parents in Russia through gestational surrogacy combined with egg donation. For instance, on Nov. 25<sup>th</sup>, 2021, a court of the Vidnoe city obliged<sup>16</sup> the custody services to release twins from the Philippines to their rightful parents, a family of the Philippine high-ranking politicians<sup>17</sup>.

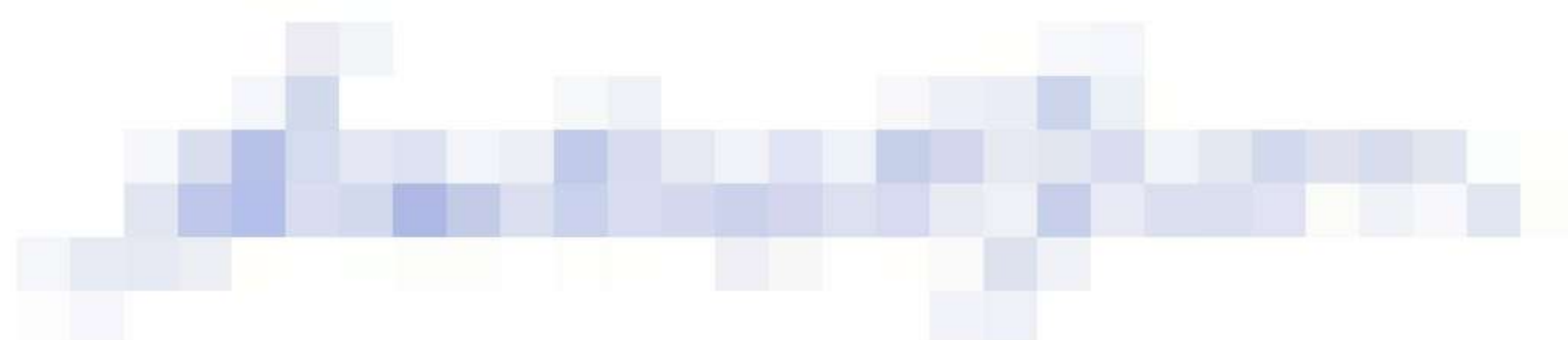
We are immensely grateful to you and to your country for a possibility to parent through surrogacy in Russia **Sophie and Oscar**. Now we pledge you to help us to get **Sophie and Oscar** back home to complete our family.

Family and children have always been a traditional value in Russia – same as in the Australia – protected by our Constitutions. Please help us to return **Sophie and Oscar** to our family.

Best personal regards,



Jason Sven Kuusk



Anastasia Maree Kuusk

Australia, December 14, 2021

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<sup>13</sup> <https://surrogacy.ru/news/sudba-avstralijskih-malyshej-reshitsya-30-noyabrya-v-zamoskvoreche/>

<sup>14</sup> Замоскворецкий районный суд г. Москвы. Решение по делу № 02-3543/2021 от 30.11.21. Судья Хайретдинова Н.Г.

<sup>15</sup> <https://surrogacy.ru/news/avstralijskie-dvojnyashki-ostalis-v-rossijskom-priyute/>

<sup>16</sup> Видновский городской суд. Решение по делу 2-124/2021 от 25.11.21. Судья Гоморева Е.А.

<sup>17</sup> ТАСС: Подмосковный суд обязал передать двух детей по делу о «торговле ими» семье гражданина Филиппин [https://tass.ru/proisshestviya/13025717?fbclid=IwAR2WJWtsG2\\_ALtjdL40i4IzjGL-PBFWp8ARff7VqLumyoAYWnmYet7IwXwM](https://tass.ru/proisshestviya/13025717?fbclid=IwAR2WJWtsG2_ALtjdL40i4IzjGL-PBFWp8ARff7VqLumyoAYWnmYet7IwXwM)

«Московский комсомолец» 26.11.21: Филиппинской паре вернули двойняшек, фигурирующих в деле врачей. [https://www.mk.ru/social/2021/11/26/filippinskoy-pare-vernuli-dvoynyashek-figuriruyushhikh-v-dele-vrachey.html?fbclid=IwAR1iv\\_AGm\\_kbth5sj5tVqXSwitxTJFcpBJsak1L2hx5QqtdqYFbIo-sLsJ8](https://www.mk.ru/social/2021/11/26/filippinskoy-pare-vernuli-dvoynyashek-figuriruyushhikh-v-dele-vrachey.html?fbclid=IwAR1iv_AGm_kbth5sj5tVqXSwitxTJFcpBJsak1L2hx5QqtdqYFbIo-sLsJ8)

«Комсомольская правда» 26.11.21: Двухлетние филиппинские близнецы вернутся на Родину. <https://www.kp.ru/daily/28362.5/4509913/?fbclid=IwAR2qVMpaTbyS67KQ-tavxAgF3iRfhxEalIjTMnHd7MCPEWE0wZZVEwm6niw>



**P.S.** According to our information this outrageous and still lasting iniquity was committed in the course of investigation of a criminal case № 12002460008000005 (№ 12002007703000018) opened on Jan. 14<sup>th</sup>, 2020 by investigator of high priority cases of the Investigative department of the city of Odintsovo of the Main Investigative department of the Moscow region Senior Lieutenant Shuvalova A.J. on signs of crimes stipulated by part 1 art. 109, clauses «б, г, з» part 2 art. 127.1 of the Criminal code of the Russian Federation. Later the case went to the Main Investigative Department of the Investigative Committee of the Russian Federation. Now it's a case №**1200200770300175**, opened on July 07<sup>th</sup>, 2020 on signs of crimes stipulated by clauses «В» part 3 art. 127.1., part 3 art. 30 and «а», «В», part 3 art. 127.1 of the Criminal code of the Russian Federation, the investigator responsible for the case is Major of Justice Smirnova Liubov Vladimirovna, an investigator of high priority cases regarding crimes against underaged of the Investigative Committee of the Russian Federation.