



America's Stolen Children

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Hundreds of kids are abducted abroad each year. Why won't our government fight to bring them home?

Seeking Help

When Barbara Mezo of Brooklyn, N.Y., separated from her husband, she was granted temporary custody of their two children, and he was awarded visitation rights. One month before a final divorce hearing, he whisked the kids to JFK Airport and fled to his homeland in Egypt. For years Mezo sought help from the U.S. State Department, which is supposed to help citizens with these conflicts. It said it could do little.

Again and again Mezo tried to get State to act. But when she requested documents in her case, she discovered that one Foreign Service officer had written that she "gives the impression of being mentally unbalanced" and "unusually combative and demanding" in seeking the return of her children. In another memo, a consular officer had remarked that Mezo wanted "to appear on talk shows as the spokesman for all righteous women." She still does not have custody of her kids.

When the daughter of a Texas man was abducted to Honduras by the girl's grandmother, he sought assistance from the State Department. It was no help. In an internal e-mail, an official commented, "Dad's name is Bubba<that should tell you something about him."

Cavalier Treatment

The ugly disrespect shown to American citizens in these child-custody cases-as well as the government's cavalier treatment of their legal rights-is not uncommon. Thousands of American children have been abducted abroad by estranged spouses, but when their parents turn to Washington, they are far too often met with delays, empty promises, even outright hostility. Many spend years trying to get their children back. Most never do.

It isn't supposed to be this way. In 1988 the United States signed a treaty, called the Hague Convention on the Civil Aspects of International Child Abduction, that requires the United States and 48 other signatories to "secure the prompt return of children wrongfully removed to or retained in" another member country, and "to ensure that rights of custody are effectively respected." Congress also passed the

International Parental Kidnapping Crime Act in 1993, making it a federal offense to take or retain a child outside the United States in violation of a custody order. This enables the government to seek extradition of the parent in any country.

Nevertheless, the United States rarely puts much pressure on other countries to abide by the treaty. For example, Mexico orders return or access to parents in less than three percent of the cases that make their way through its courts. By comparison, when asked to do so by other countries, the United States issues such orders more than 80 percent of the time.

David Thelen, CEO of the Committee for Missing Children, Inc., a nonprofit parent-advocacy group, speaks for many when he charges that "the State Department considers these children expendable in the name of maintaining good diplomatic relations." State denies this charge. "We deal with children's issues first and foremost," Mary Marshall, the director of the department's Office of Children's Issues, said in an interview. "What more can we do within the law?"

A lot more, says Ray Mabus, a former U.S. ambassador to Saudi Arabia. When he was ambassador, Pat Roush of San Francisco came to him for help. Her two daughters had been taken to Saudi Arabia by her ex-husband, a Saudi citizen. Like most countries in the Middle East, Saudi Arabia has refused to sign the Hague Convention and is widely regarded as one of the most difficult countries in the world from which to recover an abducted child.

Mabus tried. He suspended the visas of Roush's ex-husband and his family for travel to the United States, met with numerous Saudi officials, including the Saudi ambassador to Washington, and even got an agreement in 1996 to allow Roush's daughters to spend summers living with her in the United States.

Then, just as the deal was about to go through, Mabus resigned, and it collapsed. "Embassies take pretty good care of Americans who lose their passports overseas," he told Reader's Digest. "But if you lose your kids, it is going to be harder than it ought to be to get anybody to listen. It doesn't have to be this way."

The State Department says it has handled about 13,000 child-abduction cases since 1977. State also says it "closed" about 900 child-abduction cases between May 1997 and May 1999. But it considers a case closed when a foreign government denies a return request. State does not know how many kids have actually been returned.

No Justice

The state department is not the only government agency whose performance falls short. The Department of Justice is the other.

In September 1994 Tom Sylvester and his Austrian-born wife had a daughter they named Carina. But his wife became increasingly homesick and critical of the United

States. In October 1995 she fled from their home in West Bloomfield, Mich., to her hometown of Graz, Austria, taking Carina with her.

Sylvester sought help under the Hague Convention. His wife suddenly claimed "abuse." After a hearing, an Austrian court ruled that Carina should be returned to her father. Two more courts, including the country's supreme court, agreed. But she wasn't sent home. Sylvester then filed federal criminal charges under the international parental kidnapping statute. After more than two years of waiting, he learned that the Justice Department had not even forwarded an arrest and extradition request, because Austria typically does not extradite its citizens.

Nevertheless, Sen. Mike DeWine (R., Ohio) wondered why our Justice Department doesn't even try. Writing a letter to Attorney General Janet Reno, DeWine stated, "I am concerned that a small child would be taken from a parent in violation of the law without any law enforcement intervention." It took Justice nearly five months to respond, and even then it would still not say if it was planning to try extradition.

Says a veteran FBI special agent who has worked in several parental kidnapping cases and who requested anonymity, "This is happening more and more often. Our government has to pick up the ball and run with it." But prosecutors and law enforcement officials often don't want to get involved with these cases, because they are time-consuming and costly. Since the kidnapping law was passed in 1993, the Justice Department has issued all of 49 indictments and gotten 15 convictions.

In any event, indictments do not matter unless prosecutors file an extradition document known as a request for provisional arrest (PAR), describing the crime committed and explaining why the person should be detained. These PARs go to the Justice Department, which is supposed to forward them to foreign governments. Claiming that foreign countries rarely extradite for parental kidnapping, prosecutors often do not even file requests.

Shifting the blame

Even in cases where the government seems to try to help a parent, the results are unimpressive. In June 1994 Jean Henderson's eight-year-old son, Roman, was abducted by her ex-husband, Randell Lamar Henderson. A warrant was issued for Randell's arrest, and Henderson says she was told that "holds" were put on both his and Roman's passports.

Then Henderson learned that on two separate visits in 1996 Randell and Roman had walked into the U.S. embassy in Prague and renewed their passports. The State Department claims it had no knowledge of the kidnapping or arrest warrant and blames the FBI. Says Henderson, "It was ridiculous. Nobody knew what anybody else was doing, and they were all blaming each other."

The state department publishes a handbook for parents of internationally abducted children explaining the options available to them, such as retaining an attorney

overseas, but makes clear that "you, as the deprived parent, must direct the search and recovery operation yourself." Four pages later it reads as though the Hague Convention did not exist: "Child-custody disputes remain fundamentally private legal matters between the parents involved, over which the Department of State has no jurisdiction."

That is misleading, notes Thomas A. Johnson, a State Department attorney who has negotiated dozens of international agreements. "Crimes and international treaty violations are not private matters. These are also human-rights violations, and these are facts the State Department has been trying to avoid."

Ironically, Thomas Johnson's own 11-year-old daughter, Amanda, was illegally retained by his ex-wife in Sweden in 1995. A Virginia court order granted him "sole legal and physical custody." But the Hague Convention provides that a child should be in his or her place of habitual residence, and by the time the case reached Sweden's Supreme Administrative Court, Amanda had been in the country two years. The court claimed that this made her a "habitual resident" of Sweden and ruled that she should remain there. Sweden says it has fulfilled its treaty obligations.

Johnson says it has not, and feels that he has received no effective support from his own government. "If this can happen to me, an expert in the field," he says, "it can and will happen to other parents unless sweeping changes are made in U.S. policy."

Senator DeWine notes that the government has no more important responsibility than to stand up for the rights of American citizens, especially when they cannot stand up for themselves. "We go after countries that steal our products or violate patent and copyright laws," he says, "but not when they are supporting the theft of American children. What does that say about us as a country?"

In August 1998, Lawrence Whyte of Houston, Texas, handed his three-and-a-half year old daughter, Nina, over to his ex-wife so they could take a vacation together in France. Whyte and his Russian wife had been divorced for eight months and Nina had been living with her father the majority of the time.

For a while he heard from them every day, but suddenly they disappeared. Some three weeks after they left, his ex-wife called but refused to tell him where they were. Whyte hired private investigators to search for them and after nearly three months they were located in Moscow. But there was little he could do. Whyte says the State Department told him his chances of getting Nina back were slim because Russia was not a signatory to the Hague Convention.

Whyte also pursued criminal charges against his ex-wife, securing a warrant for her arrest.

Whyte, who has not spoken to Nina in nearly a year, says he is now working with the Russian government to try to arrange a regular schedule of visits with her in Moscow. He has already spent over \$300,000 on private investigators and in legal fees in his quest to see his daughter.

More Parents share their stories

On Christmas Day 1992 Maureen Dabbagh of Medina, Ohio, received a call she will never forget. Her two-year-old daughter, Nadia, had been with her ex-husband in Florida for a visit, but was scheduled to have returned nearly a month earlier. Nadia was on the phone that day and she was screaming, "Mommy, Mommy, I want to hold you!" Then the line was disconnected. Dabbagh has not seen or talked to her daughter since.

When Dabbagh learned that her ex-husband, Mohamad Dabbagh, a Syrian national, was in the Middle East she hired an attorney in Syria to try to get the local courts to enforce her U.S. custody order. Dabbagh could not believe her good fortune when a Syrian court agreed that she should be given custody and ordered him to turn Nadia over immediately to her mother. He was questioned by Syrian authorities, but Nadia had disappeared he had left her in the care of his relatives. In the meantime, Dabbagh knew nothing about her daughter's whereabouts or well-being.

Mohamad left Syria for Saudi Arabia, leaving Nadia behind. It is believed that Mohamad eventually regained custody of Nadia and they are now living in Riyadh, Saudi Arabia. State Department officials in Saudi Arabia have attempted to check on Nadia but Mohamad has refused to let them see her.

Dabbagh has waged a tireless campaign for her daughter's return and in 1994, she formed PARENT, an organization working for the recovery of internationally-abducted children. Dabbagh will not be satisfied until Nadia is back in her arms. After more than six years of waiting she admits that keeping hope alive is difficult. Says Dabbagh: "I feel like the wind has been kicked out of me. I just want to see my little girl, that's all."