

Respectively Submitted By:
Paul Marinkovich
1572 Glacier Street
Simi Valley California 90363

Written Testimony before the Senate Foreign Relations Committee, October 1, 1998

I wish to thank the Committee for the honor of speaking about America's most precious resource, our children.

My 6-year-old son Gabriel was lost to an act of International Parental Abduction on August 19, 1996. Over the last 773 days I have been engaged in a battle on several fronts for his safe return. As both a father and as an executive director and co-founder of the International Child Rescue League, I find it important to hold the proper context in both my case and interacting with others. Our mission statement is as follows:

By holding the sacred bond of parent and child in its highest regard, we stand for the right of all children to receive the love of both their parents. We have faith that all parents really want to do what is best for their children, but realize that sometimes decisions are made out of anger rather than love. It is our firm belief, that through individual case support of missing and abducted children and by enrolling the people of every nation in this vision, that a miracle is indeed possible. We work toward the day when children everywhere will be blessed with a world in which parental kidnapping is no longer a threat to their growth, development, and stability.

I am here today in support of that miracle. One dictionary defines a miracle as "an event believed to be an act of God or of a supernatural power." I contend that a miracle is a shift in ones perception or their thinking. If we can start to change the way we all think about International Child Abduction then we can indeed create a miracle here today.

Justice Department

Lets first look at the actual act of parental abduction itself and how it relates to children. The National Center for Missing and Exploited Children created a federally funded publication to educate and advise law enforcement officials in their investigation of parental abduction cases called Missing and Abducted Children, Law Enforcement Guide to Case Investigation and Management. It advises law enforcement officers as follows: "the emotional scarring caused by these events requires that officers recognize family abduction not as a harmless offense where two parents are arguing over who 'loves the child more,' but instead as an insidious form of child abuse."

In 1993, the American people and this Congress spoke their will and passed into law the International Parental Kidnapping Crime Act of 1993. It states, and I quote, "Whoever removes a child from the United States or retains a child outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more that 3 years, or both.

According to a August 31, 1998 newspaper article in the Ventura County Star about my case, Nancy Nayak who is the Assistant Director of the National Center for Missing and Exploited Children, quoted the following, "In 1993, case workers estimated about 10,000 children were abducted in the United States and taken abroad in parental abductions. While the exact numbers can not be determined today, experts acknowledge that it is significantly higher. Also since 1993, only 10 arrest warrants have been filed for these parents, and only one has been successfully prosecuted."

I visited Washington D.C. in June of this year and talked to several members of the Senate and Congress. I was told that we are a nation of laws. I also was informed that laws are created more as a deterrent to crime rather than a punishment for crime. It was also explained to me that the stricter a law is enforced, the higher percentage of compliance is achieved. So if strict enforcement of laws are a deterrent to crime, then what type of message is our Justice Department giving the American people by prosecuting only 1/100th of one percent of those who violate the International Parental Kidnapping Crime Act of 1993? How effective of a deterrent to the crime of International Parental Kidnapping is the issuance of a warrant for 1/10th of one percent of those who violate the International Parental Kidnapping Crime Act of 1993?

Is it any wonder that the National Center for Missing and Exploited Children report that International Child Abduction out of the United States has tripled since 1986? While some are quick to point that the rise in international marriages in the United States have fueled this dramatic increase, I believe that some, if not most, of this increase can be directly attributed to the inexcusable disregard for enforcement of the International Parental Kidnapping Act of 1993 by our Justice Department.

In my case after a long emotional and financial drain, I was able to join the ranks of the 1/10th of one percent of the cases that result in a warrant. This was only achieved after a 6 month full background check into my affairs, having to fly my present family out from California to Texas for an FBI interview, drumming up support from my Congressman and local media and thousands of man hours and at least one hundred letters. I believe it was my persistence that persevered and not the willingness of my U.S. Attorney to cooperate.

My son has been abducted into an underground organization in Sweden. I have won my Hague cases in Sweden and have full custody in both the United States and Sweden. The Swedish Government has uncovered conclusive proof that my son was registered in Sweden under a fraudulent birth certificate and a fraudulent United States Passport that was obtained with this fraudulent birth certificate. Both the Swedish Government and myself have provided proof beyond a shadow of a doubt of this action. I have requested that the U.S. Attorney issue a charge of Passport Fraud to no avail. The evidence is included within the handouts of the written account of my testimony.

The Swedish prosecutor indicated that with an issuance of passport fraud he could expand the search for my son to include obtaining the phone and bank records of those known to be illegally hiding my son. Without the Passport Fraud warrant he will do nothing. He indicated to my attorney,

that if the United States is not willing to address this issue then why should the Swedes. His request makes sense. Why should other countries take child abduction seriously if we are not willing to?

If we can prosecute parents who abduct on more than one crime, then we can increase the chances of extradition. If we can have their passports revoked, then we have the possibility of deportation which has worked in the past. If we show these other countries that we are serious by our actions and requests, then they start getting serious about the return of our children. The context very clearly starts here with our own Justice Department. If we don't treat the abduction of our children as a serious matter, than how can we expect those other countries involved to fight for our children's return.

Up until recently, the huddled masses of left behind parents and their abducted children have been isolated in their patient sufferance. Everyday these parents experience the agony only a parent can feel when their child has been stolen away. They become bitter at the indifference they experience from the government officials sworn to uphold the laws of their country. They have been kept at bay by hundreds, perhaps thousands, of U.S. Attorneys who refuse to issue International Parental Abduction Warrants. How much longer will the United States Judicial System remain deaf to the futile cries of these left behind parents and their abducted children?

The tide is changing. Left behind parents of abducted children are standing up and starting to be heard. We are crawling out of our isolated existence and realizing that we are not alone. We are now networking together and finding we share a common injustice at the hands of our own Justice Department. It is evident that it is the will of the American people to do something drastic about this growing problem.

The miracle we can create today, is for the Justice Department to start taking this crime seriously and to support the wishes of the American people and this Congress by strictly enforcing the International Parental Kidnapping Act of 1993 and start cooperating with parents.

Ms. Reno as the Attorney General, you have the unique honor of being part of the growing tide of change and becoming a part of the solution. You have before you, an opportunity to send out a clear message that the United States is not going to stand for the abduction of children, period.

State Department

In a recent July 30, 1998 article in the Los Angeles Daily Journal (a well recognized legal newspaper) featuring my case, Nancy Nayak from the National Center for Missing and Exploited Children quoted that, "The Hague process is very lengthy and expensive and at best it can take from 6 months to a year" (not six weeks as quoted by the publication I received from the OCI). She further states, "Even with the Hague Treaty, the State Department reports there is only a 30 percent chance of getting your child back." Most of that 30 percent are made up of voluntary returns. In some countries, such as Sweden, Germany, and Austria, the return rate is even worse. I was never informed that my chances of getting my son back via the Hague Convention are less than 30 percent. Is that level of return acceptable to the United States?

I can sit here and complain about the Swedish Government who granted the abductor of my son secrecy protection (the equivalent to our witness protection program) because she presented the Swedish authorities with false documentation and false claims that her life was in danger. I can complain about the lack of police effort in Sweden to find my son, when in fact, he was attending a local public school three blocks from the police station under his correct name and Swedish ID number. I can complain about the releasing of police investigation files to the abductor's attorney detailing the scope and methodology of their search for her. I can complain that the Swedish Government financially assists the abductor, who is an American citizen, with legal aid and welfare but yet claims they do not know her location. This is not the forum to complain about Sweden. I have directly confronted the Swedish Government with these issues and will continue to do so. Already, some changes are taking place.

We are here today with many left behind parents questioning the lack of compliance of the Hague Convention by other countries, as we should, but it is equally disturbing that our own State Department Office of Children's Issues is sending a clear message out to all the Central Authorities involved that we are not concerned about our children. This is shown by their lack of return correspondence, their constant turning over of personal, their ridiculously vague and soft treatment of violations by other Central Authorities, their inherent lack of knowledge and training regarding foreign laws, and their overall lack of concern for the parents they are supposed to support. If I use my terribly mismanaged case as a barometer as to how the OCI is doing, then I can't begin to imagine the lack of support other parents with softer voices are receiving from the OCI.

As I understand it, new consulars have little formal training in their new post and are taking on an incredible work load. My consular had three days of on the job training before taking the post over. After writing to Mary A. Ryan, the Assistant Director of Consular Affairs about these concerns, she indicated that a consular handles between 140 to 150 cases. This is an impossible workload even for an experienced consular who has been in that post for two years. To turn over that level of workload to an inexperienced person with no formal training is tragic because it concerns the welfare of missing and abducted children and each mistake, each lack of quick action, each unanswered correspondence directly affects a child's life. The Department is left to relearn the lessons already learned. The price paid for those lessons were the souls and the loss of childhood that the countless numbers of past abducted children have already paid. Now are we to rob countless others again because we simply have an inefficient system of inadequate training that clearly doesn't work? It is perfectly clear to me that we have a very serious problem and it is our children who will once again pay the price. Please name another area within the State Department that handles a commodity more precious than our children.

Other nations look to us for world leadership and to deliver an example in which to follow. It is any wonder that we have such a problem with Hague compliance abroad? If we are sending out a message that we are soft on the international parental abduction of our children, than how can we expect other countries to hold the higher standard necessary to increase returns above 30 percent? Every child who is not returned is subject to a flagrant violation of their human rights. Remember 7 out of 10 children will never see American soil again.

Our miracle here is for the United States to stand as a world leader with an aggressive context that we are not going to stand for the abduction of our children. This can be put forth by every State Department official in every letter and phone call. We must change the way in which we lead the world for the benefit of our children.

Solutions

We need strict enforcement by the Justice Department of the International Kidnapping Crime Act of 1993.

We need to educate our U.S. Attorneys about parental abduction and instruct them to take an aggressive stance in prosecuting these cases.

We need a person in Washington D.C. at the Justice Department's Office of International Affairs who is only in charge of International Parental Kidnapping. They would provide a consistency so that left behind parents can get a universal answer and solution to their problems and strict enforcement can be assured.

We need to have every international abduction case broadcasted worldwide. In a bold and heroic effort by the International Broadcasting Bureau of the United States Informational Agency, a program is now underway to broadcast our search for these fugitives who have abducted our children. These broadcasts represent a two front war against international abductions and illustrates one attempt of direct action by the United States Government to solve this problem. The first front offers a very real chance to provide the international public with the information needed to affect the successful returns of these abducted children but the second front sets the stage for a much larger picture. These broadcasts will serve as a forum for the United States to deliver how serious they deal with the international abduction of their children. Mr. Charles Goolsby and the International Broadcasting Bureau of the United States Informational Agency is to be commended for their valiant effort towards assisting in the return of these abducted children and should stand as an example for all Justice Department officials everywhere.

We need to move the Office of Children's Issues from the State Department to the Civil Branch of the Justice Department or to a private organization such as the National Center for Missing and Exploited Children. If that is not possible, we need to at least double the number of consulars handling these cases.

We need to have studies into the individual compliance records of each of the countries in which we deal with. We absolutely should not pass further treaties with countries who are not currently in compliance with the Hague Convention.

We should impose further duty on imports from countries and put that money in a fund to help searching parents in those countries in direct relation to the amount of non-compliance they are exhibiting.