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Subcommittee Hearing: The Goldman Act to Return Abducted American Children: Assessing the Compliance Report and Required Action  
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Chairman Smith, Ranking Member Bass, and other members of the Committee. Thank you for committing your time today to address this issue of International Parental Child Abduction (IPCA) and the implementation of the Goldman Act, henceforth referred to as the International Child Abduction Prevention and Return Act (ICAPRA). I am inspired by your continued concern for, and pursuit of justice in, the cases of our illegally abducted children. Without your constant vigilance over ICAPRA and its implementation by the Department of State (State), I, and the thousands of others who have been victimized by IPCA, would be all alone. Many of us have spent years begging to be heard, to be properly represented for the sake of our children, by our government. Thank you for answering our plea!

In my own family's case, my children, Eslam (9) and Zainab (6) Chebbi, were illegally abducted to Tunisia, a non-Convention, non-bilateral procedure country, by their father, a Tunisian native, in November of 2011. At the time, I had full custody of the children, and retained a judicial order preventing either of us from traveling outside of the United States with either child.

Because there are no formal legal agreements between the U.S. and Tunisia, I relocated to Tunis in January 2012 in order to pursue the application of my custody rights, through their courts. In October of 2012 I obtained a Tunisian primary court ruling upholding my rights of custody of both Eslam and Zainab in the United States. That ruling was appealed, and in May 2013, I obtained an Appellate Court ruling, also upholding my rights of custody of both children in the United States. In March 2014, the Tunisian Supreme Court not only upheld my custody of the children, but also declared that their best interest would be served by their return to the United States, their home of residence. Despite all of these judicial decrees, the Tunisian government has refused to implement its laws, and these judgments remain unenforced to this day.

Prior to the passing of ICAPRA, The Department of State, Department of Consular Affairs, Office of Children's Issues (OCI), through my country desk officers, the U.S. consulate in Tunisia, the U.S. Ambassador to Tunisia, and Ambassador Susan Jacobs, had been very active in our case. This support, coupled with the avid representation I've received from Senators Cardin and Mikulski, and the FBI through its legal attaché in Tunisia, assured me that, with the passing of ICAPRA, and its implementation through State, our case would be immediately resolved, and our family would be reunited here on U.S. soil.

Unfortunately, that is not the case. Despite having every available tool at its disposal to secure the return of my baby boy, he remains illegally retained with his father in Tunisia. I firmly believe that this is due to intentional resistance on behalf of State to ICAPRA and the likely

unpopular diplomatic and political consequences of its full enforcement. I defer to The Department of State Bureau of Consular Affairs 2014 Annual Report on International Parental Child Abduction (Compliance Report) to support these claims.

In CY 2011, nearly four American children were abducted by a parent from the United States every day. In CY 2012, that average became three children per day. According to reported cases of International Parental Child Abduction (IPCA) to the Department of State Office of Children's Issues (OCI), that average remained steady for CY 2013. And in CY 2014, we have no idea.

While the Compliance Report makes consistent reference to cases throughout, there is not one instance where an abducted child is counted. My question is simple: Why? Why wasn't a single child accounted for in CY 2014? How did the Central Authority for the United States lose sight of the significance for every searching parent that it represents to have his/her abducted child(ren) counted? Simply providing evasive accounting of cases, without identifying a total number of children affected, does not bring us any closer to an understanding of the breadth of this crime on the American public.

After scrutinizing the 42 page report as submitted to Congress I have no clearer understanding of how many cases of IPCA occur in the United States, how many children are affected, and no means of assessing whether the number of abductions has increased, decreased, or remained the same.

I refer you to the Tunisia section of Table 2 as an example of the incomprehensible accounting pattern utilized throughout the report. We have zero newly reported cases, zero unresolved cases, zero unresolved cases due to poor law enforcement, three resolved cases – giving us a 38% resolution rate, and zero unresolved cases involving military parents. With zero cases in any other category, how do we obtain a 38% resolution rate? And 38% of what? Of all open cases in Tunisia? Of all newly reported cases in Tunisia? And, is my daughter, Zainab, who returned home with me in 2014, included in this rate? If so (and even if not), then why isn't Eslam accounted for in either of the unresolved case columns?

Aside from the gross numerical manipulations, the compliance report explicates State's disinterest in pursuing the stronger remedies required by ICAPRA (see section 5.2 of the compliance report). It also clearly articulates its policy of increasing the number of signatories to the Convention as its major goal (see section 2.3). While the Convention is an important tool, the constant pursuit of accession in non-Convention countries is counterproductive toward the resolution of existing cases in those countries. Additionally, this policy of pushing the Convention as a remedy has not been shown to affect a resolution in any existing case. I believe the devastating repercussions for our families with abductions to Japan provide strong evidence of that.

To be clear, ICAPRA, as it is written, is a fair and powerful law that includes strong remedies, which, if applied, will result in the return of our illegally retained, abducted children abroad. It is my firm belief that, had State applied any of remedies 4-7 as provided for in Sec. 202(d) of ICAPRA, Eslam Chebbi would be home with his family today. The policy and directive of OCI

to promote accession to the Convention, and to avoid politically and diplomatically contentious remedies for the return of our innocent American citizens, speaks volumes.

Consider the families whose children are abducted to noncompliant Convention countries, where the average length of abduction exceeds three years. In these cases, State declares: For all Convention countries demonstrating a pattern of noncompliance in CY 2014 as defined by ICAPRA, noneconomic policy options have not been reasonably exhausted to resolve the patterns of noncompliance. My question again, is, why? In more than three years' time, why haven't all noneconomic policy options been exhausted? And, are we to understand by this declaration that the policy of State is to forego the most effective means of ensuring the return of illegally retained American citizens abroad to pursue more diplomatically sensitive, but demonstrably ineffective options?

At this time, my baby, Eslam, is not only an American child illegally abducted from the United States by his father. He is also a vulnerable United States citizen who is being denied his constitutional rights under Tunisian law, through international law, and through United States law. Eslam Chebbi is being arbitrarily detained in Tunisia at the behest of the Tunisian government. And despite the extensive efforts of the Tunisian country officers, the U.S. Ambassador to Tunisia, Ambassador Susan Jacobs, my United States Senators and Representative, the FBI, and legal counsel, the Tunisian government continues to eschew our case, while opening its pockets to the ever increasing financial allotments that State provides to the Republic annually. Clearly, if Eslam Chebbi counts, if every American child illegally retained abroad counts, then State must redouble its efforts to account for EVERY abducted child in its reports, and apply EVERY actionable remedy provided for in ICAPRA, to ensure their return, without haste.

Given time constraints, I must conclude my testimony here. As you well know, there is so much more that can and must be said about this very important topic of Parental Child Abduction and the use of ICAPRA to effect the return of our abducted children. I would like to offer my time and services to assist in the advancement of awareness, prevention, and return efforts as the need may arise in the future. Thank you again, for the honor of testifying before you today.

**Recommendations for actions by the government to move my case forward:**

1. Cease further engagement in any non-emergency related agreements, contracts or negotiations with the Republic of Tunisia until they ensure the enforcement of their laws, and allow Eslam Chebbi, and any other illegally retained, parentally abducted child(ren), to return home to the United States.
2. Ensure that ICAPRA is implemented with the spirit in which it was created with the primary concern for the return of Eslam, and every illegally retained, parentally abducted child abroad.
3. As a policy, every Congressional representative should routinely engage in appropriate advocacy with representatives of the country of abduction, utilizing their distinctive

influences to effectuate the return of Eslam, and every illegally retained, parentally abducted child abroad.

All of my Maryland Congressional representatives have engaged Tunisian governmental authorities, both in person, and in writing, advocating for adherence to their country's laws, and seeking the return of my children. These efforts ensure that that lesser remedies for effecting Eslam's release are continually accomplished, leaving State a documentable path toward the implementation of stronger remedies provided for in ICAPRA.

4. Utilize every opportunity to pursue the remedies afforded to State through ICAPRA for the return of Eslam to the extent afforded each Congressional Representative. For instance, more than \$80 Million US dollars are requested in State's FY 2016 Foreign Operations budget for Tunisia. It should be the policy of the Congressional Appropriations committees to withhold non-humanitarian, non-security funding requested for non-compliant countries until such country takes the appropriate steps to ensure the safe and immediate return of illegally abducted American children. Each member of Congress has an opportunity to advance our case through their various committees served.
5. Update ICAPRA with an explicit requirement of accountability for the total existing cases of IPCA, by country, including newly reported cases, and the total number of children involved in each case represented in future reports by State to Congress.
6. Utilize every official visit to Tunisia as a means to share the deep concern for the return of Eslam, and every illegally retained, parentally abducted child.