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Subcommittee Hearing: Hope Deferred: Securing Enforcement of the Goldman Act to Return  
Abducted American Children

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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.

As many of you know, the enactment of this legislation is of vital importance to the thousands of children who become victims of IPCA in our country each year. For many parents seeking the return of their illegally kidnapped children abroad, the Goldman Act is a source of hope in the otherwise dim realities that our lives become after our children are snatched from our lives, and theirs, exposed to the horrors of a life on the run, often aided by the governments of the foreign lands to which they are kidnapped. It is a source of hope that finally the right tools will be utilized to secure justice for our innocent children, ensuring the full force of the American government to secure their rights of protection as citizens, and to return home where they belong. That is the power, purpose and hope embodied in the Goldman Act that has brought us here today.

I am honored to have been invited to testify today, after having sat before this very committee, for the same purpose, just one year ago. I am also terribly saddened, personally for my own son, Eslam, who remains illegally detained in Tunisia<sup>1</sup>, and for the thousands of children who remain abducted or detained, as hostages, in foreign lands around the globe.

Exactly 4 years, 8 months and 3 days ago, my children, Eslam and Zainab Chebbi, were illegally abducted to Tunisia by their father, a Tunisian native. At the time of their kidnapping, 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.

In January of 2012, I boarded a plane to Tunisia to be close to my children while I pursued the application of my U.S. divorce and custody documents in order to bring them home. At the time, I was promised by my then Tunisian counsel that I would be in Tunis for a total of 3 weeks, and could return with both children to the United States in that time.

It wasn't until October of 2012 that I obtained a first ruling through the Tunisian judiciary upholding my rights of custody of Eslam and Zainab, here in the United States.

In May of 2013 a Tunisian Appellate court ruled for enforcement of Eslam and Zainab's return to me in the United States.

Having chosen to believe that, in the face of extensive interventions from the Department of State, the Department of Justice and by multiple members of Congress, Eslam would soon be returned to us, I decided to honor Zainab's wishes not to return to her father following a weekend visit, and to rely on the legal process for enforcement for our reunification with Eslam. I made that decision in September of 2013, and Eslam has remained isolated from his sister and I ever since.

Due to interference by the Tunisian government to prevent enforcement of its own court's judicial order, Eslam remains illegally detained as we continue to seek enforcement of that Appellate court judgment, today.

In March of 2014, the Supreme Court of Tunisia upheld the Appellate court, also demanding enforcement of Eslam and Zainab's return to me in the United States.

Due to illegal extrajudicial interference, Zainab and I last saw and hugged Eslam exactly 2 years and 15 days ago.

Zainab and I returned to the United States - without Eslam – in August 2014.

Within the past 2 years we received a second Tunisian primary judgement granting custody of Eslam and Zainab to me, in the United States, and a second Appellate Court ruling for enforcement of Eslam's return home to our family in the United States.

In March of this year, the Tunisian Ministry of Justice informed the U.S. consulate and ambassadorial staff that a judgment would be issued and enforced, leading to Eslam's return home to us, in the United States, by the end of May. Clearly that timeframe has passed.

Despite all of this, Eslam remains illegally detained by the Tunisian government today.

In the entirety of these 4 years, 8 months, and 3 days since Eslam and Zainab were kidnapped from their home in America, the Department of State, the FBI, and numerous esteemed members of Congress have mounted incredible political and diplomatic efforts in support of our family with the Tunisian government for its adherence to a rule-of-law, and compliance with its newly enacted constitution, for enforcement of its courts' judicial rulings and Eslam's return home. My family is ever grateful for these necessary and powerful steps. Yet, while we applaud these great efforts, we continue to accrue judicial order after judicial order, the Tunisian government continues to provide baseless assurances, and Eslam remains illegally detained in Tunisia.

I wish to step away from our family's circumstances for a moment, return to the Goldman Act, and address you as an advocate for our innocent children - the true victims of this crime. According to the FBI, more than 6 children are reported as abducted by a parent in this country - Every Day. Previous State Department statistics indicate that more than half of these children are kidnapped to foreign lands. In 2014 Congress unanimously voted, and the President signed into law, this powerful legislation that protects the rights of our abducted American children by ensuring that the strongest penalties will be rendered in the face of their prevented return to their homes, here in the United States.

Clearly, the U.S. government fully believed that the powers embodied by the Goldman Act were varied, necessary, and sufficient enough to secure the immediate return of the thousands of American children victimized by IPCA each year. Yet, to this day, the Goldman Act has only been enforced to the least extent possible, and mostly in demand, and review of, annual reports.

In turning to this year's report, as demanded by the Act, I would like to applaud the great strides that have been taken to present a clearer and honest picture of what is occurring with our abducted children abroad. In it, we have a stronger glimpse, not only of what actions have been taken in each country where American children have been kidnapped by another parent, but also of the recommended steps toward improved resolution of abduction cases in the future.

Sadly, not only was this report delivered late, but it also leaves the same alarming concerns regarding the enactment of this law that I addressed before this committee just one year ago. After reviewing this year's report I have no clearer understanding of how many children have been kidnapped internationally by a parent from the United States and whether there has been an increase, decrease, or no change in the incidence of this crime. Simply providing an 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.

Second, not once did any of the descriptions of actions taken with any of the cited countries, or the recommendations for future action, incorporate any of the prescribed options 3-8 as required to be taken with respect to noncompliant countries per Section 202d of the Goldman Act.

In fact, I have not witnessed one instance where any agency within our government has utilized the authority of actions granted through the Goldman Act to implement any of the prescribed actions to be taken with respect to noncompliant countries per Section 202d of the Goldman Act.

Respectfully, our children's lives do not rest on the actions of one governmental department, but on the collective and escalating actions of all government agencies, yielding both their combined and independent powers.

There has to come a point where *every* representative of the U.S. government becomes accountable for the utilization of the tools prescribed in section 202d to secure the protection of innocent American children kidnapped abroad and for their immediate return home. Sean Goldman, himself, was not reunited with his father on U.S. soil based on the actions of any one agency within our government. It took coordinated interventions across multiple agencies, and congressional action to prevent a financial exchange with Brazil, to secure his return home. It is my understanding that the lessons learned from the Goldman case were embodied in this Act with the implicit intention of securing immediate returns for other abducted children abroad - not as an opportunity to re-engage in, or intensify, long-term diplomatic efforts.

Given the Goldman example, and the authorities granted under this law, I, and thousands of other seeking parents, rejoiced at the hope that enforcement of the Goldman Act would result in the immediate return of our illegally detained and abducted children. Sadly, today, I stare at the photo of my then 5-year-old Eslam and wonder how I could look him in the eye when last we embraced some two years and 15 days ago and explain: that the government of the United States will enact a law granting authority to publicly condemn Tunisia for failing to uphold its new Constitution and rule-of-law, for harboring a criminal, and aiding in your continued kidnapping and illegal detainment; to delay or cancel any of the two official visits that Tunisian leadership has enjoyed at the White House since your abduction; or, to withdraw, limit or suspend any of the Billions of security and development assistance, paid for in U.S. tax dollars, to the Tunisian government - but that no one will act upon it. I wonder how Gabriel and Anastasia's father could look them in the eye when last they embraced 4 years, 7 months and 16 days ago and explain that, the United States could take strong, immediate action to secure their return home, but simply won't.

I wonder if any of us could you tell our children, with a straight face, that we are fully aware of the psychological, emotional and maybe even physical abuse that they are likely to incur as a result of being parentally abducted, but that politics and diplomacy take precedence?

Chairman Smith, esteemed members of this committee, and guests, what I need, what Eslam needs, what Gabriel and Anastasia need, what ALL of our children kidnapped abroad, victimized by this heinous crime need, is every representative of our government to take every opportunity as it arises to put our children first. We need every prescribed action embodied in section 202d of the Goldman Act, most specifically actions 3-8, to be enforced at every opportunity - whether within a committee of Congress; through the Federal budget with respect to foreign aid distributions to countries cited as persistently failing to return abducted children home; through a policy of consistent issuance of extradition warrants in all IPCA cases and persistent pursuit of their enforcement; or by the refusal of official state visits and the suspension or withholding of

development, security, or any other form of Foreign Assistance. The opportunities to secure our children's immediate return to their families in the United States are limitless.

We parents, and our abducted children, care not from where within our government action is initiated - we care only about the result in our children's return home. What I need from my government to secure Eslam's return home is the immediate and uninhibited enforcement of any or all of actions 4-7 as defined in section 202d of the Goldman Act with respect to Tunisia

What Gabriel and Anastasia need is the immediate and uninhibited enforcement of the prescribed action 8 as defined in section 202d of the Goldman Act with respect to Trinidad and Tobago.

I end my testimony with a reiteration of my statements before this committee one year ago: To be clear, the Goldman Act, 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 detained, abducted children abroad. It is my firm belief that, with the application of any of actions 4-8 as defined in Sec. 202(d) of the Act, Eslam Chebbi, and Gabriel and Anastasia Hunkovic will be returned to their homes in the U.S. with immediacy. Diplomacy and politics have a place and purpose, but when a country persistently fails to return illegally abducted American children home, swift and immediate action must be taken by all. As Secretary Kerry proclaimed: there can be no safe haven for abductors and all of the tools available must be used to help resolve cases of IPCA.

Thank you for your time and consideration and for the honor of testifying before you today.

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<sup>i</sup> According to the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment "Detained person" means any person deprived of personal liberty except as a result of conviction for an offence. Also, the Working Group on Arbitrary Detention considered as arbitrary those deprivations of liberty which for one reason or another are contrary to relevant international provisions laid down in the Universal Declaration of Human Rights or in the relevant international instruments ratified by States according to the Group, deprivation of liberty is arbitrary when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty or when the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 10 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights. While our abducted children could not, as minors, it is clearly impossible for them to invoke any legal basis justifying the deprivation of liberty. Additionally, the case of Eslam Chebbi deprives him of the exercise of the rights and freedoms guaranteed under articles 7, 10, and 13 of the Universal Declaration of Human Rights and Articles 12, 23, 24 and 26 of the International Covenant on Civil and Political Rights.