

“International Child Abduction: Broken Laws and Bereaved Lives”

House Committee on Foreign Affairs

Subcommittee on Africa, Global Health, and Human Rights

Testimony of Michael Elias

May 24, 2011

Congressman Smith and distinguished members of the subcommittee, my name is Michael Elias and I would like to thank you all for this opportunity to share with you my personal experience involving international child abduction. I would like to first extend my deepest sympathies to the people of Japan affected by the devastation of the earth quake, tsunami, and nuclear disasters.

I am a former Sergeant of the United States Marine Corps, from August 2003 to November 2007. I am currently a Bergen County Sheriff in the state of New Jersey. While stationed in Japan in 2004-2005, I met my wife Mayumi Nakamura. Shortly thereafter I was stationed in Camp Lejuene, North Carolina. She contacted me and informed me that she was pregnant. In September of 2005, Mayumi relocated to the United States and on October 18<sup>th</sup> 2005 we were married in Rutherford, New Jersey. Our first child, Jade Maki Elias, was born on January 5<sup>th</sup> 2006, at the naval hospital in Camp Lejeune. In March 2007, I was deployed to Iraq. On August 2<sup>nd</sup> 2007, while I was serving my country, my son Michael Angel Elias was born at Hackensack Medical Center in New Jersey. This inspired new levels of patriotism and responsibility inside of me that were matched with love for my family and children.

While I was deployed Mayumi and our children lived with my parents in New Jersey. During that time Mayumi started a relationship with a Japanese national Kenichiro Negishi, who was her travel agent. When I returned from serving my country in Iraq, Mayumi, my children, and extended family, were all reunited and living together in New Jersey. Sadly a few months after my return, Mayumi and I separated. I was then served with a document from Mayumi, headlining “An Agreement for Travel and Residency” stating that I, Michael Elias, allow Mayumi and my two children “to visit Japan without any restrictions under any circumstances” if these conditions were not met, I would have to “surrender any custody rights of Jade and Michael, to Mayumi... this would also result in a relocation of Mayumi and our two children to Japan from the United States if Mayumi elects to do so.” The document then stated “whether or not any actions of Michael Elias is complied with the conditions above are determined by Mayumi Elias, and Michael Elias must respect her decision at anytime. Also, **regardless** of the courts’ decisions, Michael Elias respects and follows the terms stated above.” I sought counsel after Mayumi asked me to sign the document that she had already signed on September 26<sup>th</sup> 2008.

On October 29, 2008 before The Honorable Judge Alexander H. Carver, of the Superior Court of Bergen County New Jersey I was awarded joint custody of my children. On that day, Judge Carver clearly ordered “**three times**” that the children’s passports, both American and Japanese, be turned over to her attorney Victor Nezu because she was an obvious flight risk.

I did everything I could to ensure the safety and well being of my children. I felt confident and had every reasonable expectation in our legal system, with the ruling of Judge Carver and the strength of the United States Government, that my American born children would be protected from being kidnapped to Japan.

I was wrong.

Mayumi was an employee of the Japanese Consulate in New York City issuing visas and passports. She used her position at the Consulate as a tool to carefully collaborate the abduction of our children. Mayumi had replacement passports issued at the Japanese Consulate in Chicago, where she and her boyfriend Kenechiro exited the country through Chicago's O'Hare airport. They carried out the abduction of our children on Japanese Airline, flight number 9, bound for Tokyo Narita airport in Japan on December 6 2008. I still have in my possession their original passports. My family and I are horrified and sickened by Mayumi's actions. We have repeatedly attempted to contact the Japanese consulate in New York, Chicago and Washington DC and continue to receive no cooperation what so ever.

Shortly after she had arrived in Japan, I was contacted by Mayumi. She had unilaterally decided that she would raise the children in Japan. When explaining to her that she had kidnapped our children, she maintained that, I quote, "**it's not kidnapping, my country will protect me.**" Thereafter I was awarded full custody of our children here in the United States. The judge also ordered the immediate return of the children to the United States from Japan by means of "The Hague Convention". Unfortunately, the judge was unaware of Japan **not** being a signatory of the treaty and Japan's lack of accession, something that Mayumi seemingly understood.

To date, no child has ever been returned by the Japanese Government. According to the State Department's statistics, there are 321 documented cases of abduction from the U.S. to Japan alone. If we include numbers of American children abducted while living in Japan, statistics would be significantly higher. It is no doubt that these heinous crimes will continue and at the time of our next State Department meeting, these figures will have risen as more children will continue to be unwillingly and unlawfully abducted.

Since the abduction I have pleaded with Mayumi to return our children back to the United States assuring her that there were no criminal charges pending in fear that she will not return under those conditions. On January 5<sup>th</sup> 2010, I was granted the privilege to see my children via Skype. It was my daughter's 4<sup>th</sup> birthday. Although it was very hard to see my children through a monitor, it was very satisfying to see them so happy to see me. My daughter, Jade, looked at her mother in heartache and said to her ever so softly something in Japanese. When I asked Mayumi what Jade had said, she replied "she wants to be with you" the monitor immediately went black and that was last time I ever saw my daughters face.

February of this year, my parents flew to Japan. With the assistance of the United States Embassy in Tokyo, Congressman Smith, and my attorney Patricia Apy they tried to contact Mayumi to ask if they could visit their grandchildren. After countless emails and phone calls were ignored, the US Embassy was able to reach Mayumi and she denied any access for my parents. She also told the Embassy she will not be accepting any of their calls. Needless to say, my parents were devastated, but not shocked.

The sense of longing for my children can be completely unbearable and crippling at times. It does not get better with time; it only grows deeper and deeper, along with the sense of hopelessness. As a father who no longer has his children to hold in his arms I cannot deal with the sorrow so I try my best to stay strong and keep fighting for their return. All my hopes and dreams for their future now lie in the hands of others. I am begging our Government to help not only my family, but **hundreds** of other heartbroken families as well, to **demand** the return of our American children who are being held in Japan and in most cases **never seen or heard from again**. This goes against everything we stand for as Americans and especially for our children's lives and wellbeing. This is not just a family issue or an International issue; this is a **Human Rights issue**. Our children are too young to speak for themselves. I am expecting our Government to be their voice.

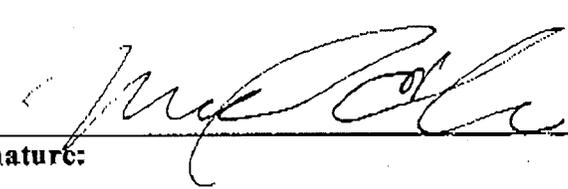
In conclusion, I would like to read the names of the following American children abducted to and/or wrongfully retained in Japan who are unaccounted for since the earthquake/tsunami and the ongoing nuclear disaster.

Kianna Berg  
Gunnar Berg  
Keisuke Collins  
Michiru Donaldson  
Kai Endo  
David Gesselman  
Joshua Gesselman  
Ayako Lucy Greenberg  
Shanon Yuda Ishida  
Riki Ishida  
Ricky Kephart  
Noelle Kephart  
Mary Victoria Lake  
Yuuki McCoy  
"Mochi" Atomu Imoto Morehouse  
Rui Prager  
Rion Suzuki  
Tiana Weed  
Takoda Weed  
Kaya Wong

United States House of Representatives  
Committee on Foreign Affairs

“TRUTH IN TESTIMONY” DISCLOSURE FORM

Clause 2(g) of rule XI of the Rules of the House of Representatives and the Rules of the Committee require the disclosure of the following information. A copy of this form should be attached to your written testimony and will be made publicly available in electronic format, per House Rules.

<p><b>1. Name:</b></p> <p>Michael Elias</p>	<p><b>2. Organization or organizations you are representing:</b></p>
<p><b>3. Date of Committee hearing:</b></p> <p>Tuesday May 24, 2011</p>	
<p><b>4. Have you received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</b></p> <p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>	<p><b>5. Have any of the organizations you are representing received any Federal grants or contracts (including any subgrants and subcontracts) since October 1, 2008 related to the subject on which you have been invited to testify?</b></p> <p><input type="checkbox"/> Yes      <input checked="" type="checkbox"/> No</p>
<p><b>6. If you answered yes to either item 4 or 5, please list the source and amount of each grant or contract, and indicate whether the recipient of such grant was you or the organization(s) you are representing. You may list additional grants or contracts on additional sheets.</b></p>	
<p><b>7. Signature:</b></p> 	

Please attach a copy of this form to your written testimony.