

“Resolving International Parental Child Abduction to Non-Hague
Convention Countries.”

United States Congressional Subcommittee on Global Human Rights
and International Organizations.

May 9, 2013

Congressman Smith and distinguished members of the subcommittee, my name is Michael Elias and I would like to thank you all once again for this opportunity to share with you my personal experience involving International Parental Child Abduction.

From August 2003 to November 2007, I was a Sergeant in the United States Marine Corps. I am currently employed as an officer with the Bergen County Sheriff Department in the state of New Jersey. I was stationed at Camp Foster in Okinawa, Japan from 2004 to 2005, where I met my future wife Mayumi Nakamura. Shortly thereafter, my unit returned to Camp Lejuene and Mayumi returned to her hometown of Saga, Japan. We remained in constant contact, and in late September I received a startling phone call from Mayumi informing me she was five months pregnant. I was stunned, however, at the same time I was excited at the prospect of becoming a father. Therefore in October, 2005, Mayumi came to the United States and we were married at an intimate ceremony in Rutherford, New Jersey. I then purchased a home for us in Jacksonville, NC, and our first child, Jade Maki Elias was born on January 5th 2006. In March 2007, I was deployed to Iraq for a nine month tour of duty while Mayumi, expecting our second child, moved in with my parents in Rutherford, NJ, so Mayumi and Jade would have full support and the assistance of my family. On August 2nd 2007, my son Michael Angel Elias was born at Hackensack Medical Center in New Jersey.

During my deployment, Mayumi started a relationship with a Japanese national Kenichiro Negishi, who worked as a travel agent in Manhattan. Sadly a few months after my return, Mayumi and I separated, and on October 29, 2008 I was awarded joint custody of my children. On that day, the Judge clearly ordered that

the children's passports, both American and Japanese, be turned over because it had clearly been demonstrated that my wife was a flight risk.

I felt I did everything I could to ensure the safety and well-being of my children. I was confident and had every reasonable expectation that my American born children would be protected from being kidnapped to Japan.

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 kidnapping of our children. Mayumi and Kenichiro flew to Chicago with my two children to obtain illegal replacement passports at the Japanese Consulate in Chicago, where she and her boyfriend Kenichiro exited the country via Chicago's O'Hare airport on December 6, 2008 with Jade and Michael. I still have in my possession their original passports. My family and I were 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 arrived in Japan, Mayumi contacted me to tell me she had unilaterally decided that she would raise our children in Japan. When I explained 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 in the Superior Court of Bergen County, New Jersey. The Judge ordered the immediate return of the children to the United States from Japan by means of "The Hague Convention". Unfortunately, the judge was unaware that Japan **was not** a signatory of the treaty, something that Mayumi seemingly understood.

Since the kidnapping my family and I have pleaded with Mayumi to return our children to the United States assuring her that there were no criminal charges pending. Since January 2009, my family and I continue to mail gifts, cards and care packages to the children, with no response or acknowledgement. After numerous emails and telephone calls, on January 5th 2010, I was granted the privilege to see my children via Skype on my daughter's 4th 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 heart ache 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 daughter’s face. Prior to our final contact on Jade’s birthday, Mayumi assured my parents and only my parents would be allowed to visit Jade and Michael.

In February 2011, my parents flew to Japan with the assistance of the United States Embassy in Tokyo, accompanied by Congressman Smith, his Chief of Staff Mary Noonan, and my attorney Patricia Apy. Congressman Smith, along with Ms. Noonan and Ms. Apy spent every waking moment meeting with Japanese officials trying to convince Japan to sign and ratify the Hague Convention. However, the Hague is not retroactive, so it would provide no benefit to the nearly 400 children abducted prior to Hague implementation, so they urged Japan to prepare a Memorandum of Understanding (MOU) to accompany their signing of the Hague which would cover the hundreds of pre-existing cases.

They also contacted Mayumi to ask if my parents could visit their Grandchildren, however Mayumi denied any access for. She told the Embassy she would not accept their calls and she told them to go home! While in Japan my attorney, Ms. Apy, spoke with the Deputy Foreign Minister of Japan and he informed her that the Japanese Government was moving forward with the prosecution of Mayumi. After numerous requests we had still not received any information about the investigation or prosecution of Mayumi’s case until December 2012. I received a call from my case worker from the Office of Children’s Issues, Ms. Leah George, informing me she had received information regarding Mayumi’s prosecution. However, she was unable to open the document or read Japanese, so we waited until February 21, 2013 for the letter I hold before you today from the Saga District Prosecutors Office in Japan. .

NOTICE: And I quote “This notice is in response to your inquiry regarding the criminal case of violation of the Passport Act.

With regards to this case, after conducting necessary and sufficient investigation, the prosecutor decided not to institute prosecution. Decision of the non-prosecution was made on October 29, 2010.

If you have further questions, regarding this notice, please contact the International Affairs Division, Criminal Affairs Bureau, Ministry of Justice, Japan ([Email:info@moj.go.jp](mailto:info@moj.go.jp), Tel+81-3-3592-7049).

Yours truly,

Takuya Komagata

Public Prosecutor

The timing of this decision clearly demonstrates the total “ **disregard**” Japan has for Americans and for our children. This decision was made two years ago and only now I receive the outcome! My only hope was that Japan would hold Mayumi responsible for her crimes. But like she so calmly stated “My country **will** protect me” and they did.

Since December 2008, there has been no visual confirmation on the whereabouts or well-being of my children in Japan. Mayumi had agreed to a Welfare Visit by the Office of Children’s Issues . This occurred a few years ago and at the last minute Mayumi informed the Case Worker she would meet with them at a local Mall. Mayumi showed up with a photo album of the children and that was good enough for the case worker, however, it was **highly unacceptable for me**. Right up until this day no one from the State Department or the American Embassy in Japan can say they have seen my children, know their whereabouts and are certain of their well-being. Mayumi is running the show and she is being permitted to do so. It is haunting to know that my children, along with thousands of other children from around the world, will suffer in silence because they are afraid to ask about their families who were left behind in **fear** of disappointing and upsetting their abductor. It appears their fate has already been determined.

I cannot think of anything more important than the fate of our children. What about all the American citizens who have been ripped from their homes in this from country **against** their will. What about MY children? I don’t know how to pick up the pieces and move on. My “pieces” are in Japan! A country that has knowingly aided and abetted the abduction of children from all over the world. A country that refused to prosecute my wife for crimes that are recognized worldwide as fundamental human rights violations.

Does the word “ **Parental**” in front of **Kidnapping** make it any less of a crime? If so, for whom, YOU or the children involved. The children who will be silenced, sacrificed and brain-washed. The very children who have been ripped from the only life they ever knew, the family they love and now will be programmed to **never look back**. This is where it becomes not only parental cruelty, it becomes child abuse. Can it be Japan has always felt it was a “private family matter” and never really cared or looked at it from the eyes of the children, my children.

I often wonder, when I look in the mirror why I don't see “ME” anymore. I see a reflection looking back at me, watching me...look at “HIM”. It makes me wonder if the same thing happens to my children. What do my children see when they look in the mirror. Will they ever know who they really are? Do they think like me? Do they act like me? **Do they dream with me?** What does Mayumi tell them? How does she silence them? Am I dead? Did I abandon them? Did I not love them enough? Did I do something **so** wrong for her to hate me **more** than she loves our children? How will I ever face them? **WILL** I ever face them? And most of all,, will they **ever** love me **AGAIN?**

As long as our government allows Japan to continue to “**disregard**” our children, the number of Parental Kidnappings will continue to rise. Countless families will suffer the same heartache. And Japan and its abductors will remain in control. **It is time for CHANGE!**

I have been waiting four and a half years, along with hundreds of other parents, some who have been waiting for decades. There is not a day that goes by that I don't pray for the return of my children. I am depending on Congress and the State Department to make that change.

As a nation that is always ready and willing to help all other countries, and shed the blood of our young men and women to protect their citizens, I cannot help but ask myself why we are not fighting harder for OUR most vulnerable citizens, our children. Why do I feel like I have to **BEG** for my Country to address this issue and resolve it!

I fought for this country, I did everything I was told to do no matter what the

outcome; so that every American can have a free, safe life and be able to **kiss their children goodnight**. While I have lost the ability to do so myself, I can only imagine what that would feel like. Forgive me if I sound angry and disappointed however four and a half years have passed and I have no idea where my children are! I am not a part of their lives or their hopes and their dreams. Japan and their abductors are in control.

If Japan adopts the Hague Convention, without a Memorandum of Understanding, it still does not give us the mechanism for the return of the hundreds of children abducted over the past 20 years. Japan's refusal to address those cases in any way, shape or form, clearly demonstrates that Japan is only signing the Hague to ease international pressure and make this issue go away. Japan needs to agree to an MOU to address the hundreds of existing cases, including the cases of my own children and provide for the return of our criminally abducted children. Even **Cuba**, who is not a party to the Hague Convention, returned **two** American children to the United States a few weeks ago with the assistance of the Cuban government! How many American children has Japan returned with the assistance of their government?? The answer *is still 0!*