

STATEMENT OF JOSHUA HANNUM IZZARD
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TESTIFYING AS THE PARENT OF AN AMERICAN CHILD
WRONGFULLY REMOVED FROM THE UNITED STATES AND
DETAINED IN THE RUSSIAN FEDERATION

HEARING

BEFORE THE

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN
RIGHTS

CHRISTOPHER H. SMITH (R-NJ)

May 24, 2011

CONCERNING

INTERNATIONAL PARENTAL KIDNAPPING TO NON-HAGUE
COUNTRIES

TESTIMONY OF JOSHUA HANNUM IZZARD
PARENT OF ABDUCTED CHILD, MELISANDE IZZARD

SUBCOMMITTEE ON AFRICA, GLOBAL HEALTH, AND HUMAN RIGHTS
May 24, 2011

Thank you, Mr. Chairman, for inviting me to testify today regarding the ongoing tragedy of International Parental Kidnapping.

I am Joshua Hannum Izzard, bereaved father and sole legal guardian of Melisande Izzard, my American born-and-raised daughter and only child, who was taken almost 8 months ago to Perm, Russia; whose voice I haven't heard since January. I have been living for nearly 8 months with a hole in my life, while some, like Mr. Tom Sylvester, of Cincinnati, Ohio, who testified in 2009, and his daughter, and others like them, have lived with that hole for years. Our great country must stop this constant bleeding of its most important resource, its citizens. As a nation we need to construct legal mechanisms to facilitate resolution of existing parental kidnappings and put in place effective preventative mechanisms to assure that our citizens are not subjected to the daily, unbearable sorrow that comes in the wake of an international parental kidnapping.

I was in Rome, Italy when Tatiana Ivleva, my decade-long partner, the love of my life and wife of five years, the mother of my daughter, called to inform me that she and my little blue-eyed angel were in Russia and would never return, that I would never see my daughter again. In shock, I nearly collapsed on the street. I wrote the first of many letters for my daughter while flying home, speeding westward away from her to Chicago. My heart seemed a thread being unraveled across the world, my life unwinding as the distance between us grew.

At home I opened the door to our Chicago apartment overlooking Lake Michigan. Desolation overwhelmed me as the golden afternoon light filtering through the dead silence of our living room gently touched on the semicircle of my daughter's favorite toys, left exactly as she had been playing with them. No joyous "Daddy's home, hurrah!" Only silence, thundering silence.

Initial denial became steely resolve to protect my child, who now lives in grave danger; to bring her back to her loving, lawful home. Since the kidnapping my offers of compromise and reconciliation have gone unanswered, court orders and decisions ignored, and requests to at least have phone calls with my daughter unheeded. A local arrest warrant has been issued for Tatiana. The FBI, INTERPOL, the Chicago PD, the National Center for Missing and Exploited Children (NCMEC), State Department, and Congressmen's offices are all involved. I have given interviews to US and Russian media, each time imploring Tatiana to simply speak with me, to negotiate a solution.

Melisande was torn away from me and everyone and everything she had known from birth, in one cruel, selfish instant by her mother Tatiana, and maternal grandmother, Galina and abruptly plunged into a strange world of darkness, mental illness, and danger. Tatiana's own signed statements declare that she immediately moved in with her high school boyfriend in Russia, an abusive individual named Andrey Medvedev, with whom, it has been proven, she had been having an extramarital relationship for some time prior to the kidnapping. Mr. Medvedev is a violent alcoholic, with numerous citations for public intoxication, drunk driving (for which he lost his license), and physical violence, offences ranging from assaulting a bar employee to terrorizing neighbors with his drunken rages and loud music, to purported accusations of child molestation. Both his former wife and a long-time live-in partner report that his inability to control himself when drinking was a primary cause of the breakup of their relationships. He is reportedly a devoted adherent of a cult which advocates the use of psychoactive drugs, engaging in ritualistic sexual behavior, forcing women to submit to dominant males, and isolating themselves from society. This is what my ex-wife has done. Despite not working, Tatiana attended only two hearings before signing over her full power of attorney regarding all aspects of our divorce, including Melisande's upbringing and custody, to a violent alcoholic whose decisions will impact my daughter's life forever.

The role of the Russian Consulate in the abduction itself and the ensuing legal processes has seen Russia make a joke of its own laws and flaunt its impunity to the international community. To accomplish the abduction, Tatiana turned to the Russian Consulate in Washington D.C., for help. What she said is unknown, but she was issued a one-time Russian Repatriation Certificate with our American daughter's name written on it. This document allowed her to abduct our daughter, a US Citizen, from US soil and transport her directly to a non-Hague country. Imagine the situation: two nervous Russian women with a bewildered 2-year-old US citizen in tow passing through security and boarding a foreign-bound commercial flight at one of America's busiest airports, without passports, without the signed permission of the father.

Tatiana wrote to thank Russian diplomats Nikolay Teoglot and Ekaterina Polozkova for the certificate shortly after the kidnapping; this note is in the possession of the FBI. To reiterate: TSA officials accepted a travel document in lieu of a passport. The airline they flew with required no further checks as to why and how these individuals were boarding an international flight with no passports and no written permission from the other parent. At that very moment the father was happily scouting shops in Rome for presents to bring back to his beloved family. Diplomatic abuse and lack of exit controls and effective screening procedures made this abduction possible.

My daughter is half-Russian. I have many close friends in Russia. Sadly, it is a country in which not only International Laws and Human Rights are frequently violated, but one which does not follow the letter of its own law. Consider the fact that since July 2003, Russia has unilaterally refused to observe its duties under the 1965 Hague Service Convention. It will not serve its citizens with divorce papers from the US, yet it allows its citizens to argue in court that they were not served properly because the papers were not delivered by Hague Service Convention through the Ministry of Justice.

Despite this I was able to satisfy both American and Russian process service requirements and went on to win the American custody case when we were divorced on Dec. 29th, 2010. I proceeded to legalize the divorce decision at the Russian Consulate in Washington D.C., and this decision was affirmed by the Russian Government's Vital Records Office in Moscow, who stated that the American divorce was valid in Russia from the moment on Dec. 29th, 2010 that it went into effect. Now... prepare yourselves to enter a bizarre no-man's land of lawlessness and intrigue.

Provincial Russian Judge Olga Sherbakova, being in possession of the properly served American divorce petition and divorce decision (translated into Russian), allowed Tatiana to initiate a divorce suit with me as respondent. The first hearing was on January 20th, 2011, nearly a month after we were divorced with a decision that the Russian State already considered valid. Maxim Ivlev, Tatiana's brother, as former head of the legal department of the Perm Duma (Senate) is a person with deep political, judicial, and intelligence service connections. Within days a media smear campaign including primetime specials vilifying me was undertaken. The media campaign included public statements and letters by politicians Pavel Mikov and Ilya Neustroev both violated Russian constitutional law regarding separation of the political and judicial systems. They both approached judges – they themselves publicly declared so – and requested an expedited outcome in favor of the Russian mother. Politician Neustroev, Tatiana's brother's former superior, runs a live blog, in which he immediately published an entry about my family titled, "I am Against America". I then received serious threats against my life, so serious that I won't travel to Perm, lending 'credibility' to my former wife's publicized statement that I don't care enough about my daughter to visit her.

Please note, Mr. Chairman, there is never mention of the welfare of my daughter; rather, it's Russia against America and my daughter a disposable political pawn. The process leading up to my "second divorce" from my only wife on March 24th, 2011, was fraught with bias. Legal infractions were numerous. The presiding Judge met in private with Tatiana's side. Evidence was mysteriously introduced into the court clerk's files. Decisions consisting of several typed pages were ready within minutes or even seconds of the conclusion of each hearing, suggesting that the complete text had been prepared before the hearing had commenced. At one hearing, it was claimed that 2½ year old Melisande had said she did not wish to Skype with me, and it was argued that it would constitute child abuse to enforce Skype visitation – this argument was upheld by the courts. It was stated that I was currently in Perm, Russia, plotting a Rambo-like attempt to bring Melisande home, and was therefore forbidden to travel with Melisande. My passport proves that I have not travelled outside of the United States since I was in Rome. Russian Immigration and Border Control or the Consulate could confirm that I have not had a Russian visa, without which it is impossible to travel there, since 2007.

On March 24th, 2011, I was divorced from a person that Russia had acknowledged I was not married to, hadn't been for the preceding three months. During the hearing, 20 procedural norms of the Russian Code of Civil Procedure (CCP) and Civil Code (CC) were broken. Tatiana was awarded full custody and another divorce as well as child support which, if applied by Russian standards, would require a local father to pay 80% of his income. A complete list of these violations is available upon request, but here is a quick sampling in order of their breaking: 113, 6, 9, 415, 220, 71, 163, 62, 67, 61, 215, 55, and 139. By violating existing laws a Russian

court proceeded with 'legal' processes resulting in this decision. I was never served with any court documents, nor allowed to give testimony or present statements from scores of witnesses. My ex-wife's only witness, Mrs. Kseniya Vorontsova, gave fallacious, mendacious testimony against me. I was not given time for translation of the documents. My lawyer was denied or given delayed access to case materials. My legalized Russian court decision and Russian governmental proof that I was already divorced were not taken into consideration. A higher court process was ignored by a lower court. Courts refused to accept and register official evidence. The case was tried in a court which had no jurisdiction, no argument or proof presented that an American child could be under that court's jurisdiction. My daughter and I were denied (and continue to be denied) contact with each other during the course of the proceedings, explicitly violating Russian law.

So grievous were the violations that ten days ago an Appellate Court in Russia upheld my viewpoint, overturning the lower court's decision in its entirety, and sending the case back to a lower court to be retried by a different judge. My ex-wife and I may soon have the singular distinction of having been married once but divorced three times.

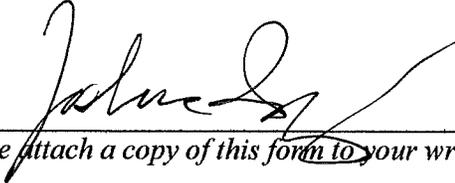
Mr. Chairman, I contend that my daughter and I have the inalienable right to a full and loving parental/child relationship. The Russian Consulate's, courts', and government's assistance to Ms. Ivleva and Mr. Medvedev have facilitated violation of my daughter's and my right to that most basic human relationship, eroding the foundations of law, international diplomacy, and of the most important element of society, the family. The alienation that is likely beginning now will have lifelong consequences for Melisande and me and for Melisande's entire family in the US. I can't imagine doing to Melisande what is being done to her. I deplore my family's tragedy being politicized. I appeal to Russia to look beyond political one-upmanship and to acknowledge that a horrible injustice is being done to a little girl who needs her father, and to a father and family that love her little golden head, sparkling eyes and joyous laugh.

Americans must take a decisive stance on defending our own citizens, our own inalienable rights to the most basic of relationships and bonds that a person has – those between children and their parents. I pray that our testimonies might lead to legislation which would unite all bereaved parties, which would prevent similar situations for other parents and children who might suffer due to selfish decisions of one or the other parent. Intervention by government agencies whose hands are tied by incomplete or non-existent laws and enforcement mechanisms can lead to one eventuality and one alone – in non-Hague cases and many Hague cases of child abduction, physical possession of the child spells complete control of the situation and of the other parent. This situation must be remedied for our children's future. Thank you.

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.

1. Name: Joshua Tizzard	2. Organization or organizations you are representing: Self
3. Date of Committee hearing: May 24, 2011	
4. Have <u>you</u> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	5. Have any of the <u>organizations you are representing</u> 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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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. 	
7. Signature: 	

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