

Testimony

of

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Parent of an Abducted Child**

U.S. Senate

Committee on Foreign Relations

February 27, 2014

Chairman Menendez, Ranking Member Corker and members of the Committee, on behalf of my six-year-old daughter, Muna, my family, and my fellow parents who also have had their children kidnapped to far away lands, I thank you for recognizing the issue of international parental child abduction as one of great concern.

Modern society is a global society. Today in the US there are more couples of mixed citizenship (nationalities) than ever. But when these relationships fail and the family unit breaks apart, these children become more than victims of divorce, they often become victims of international kidnappings. This current scourge wreaks emotional havoc on children and families with alarming frequency. Indeed it is time to create meaningful legislation to contain this pandemic and eradicate the terrible pain caused all too often.

I would like to share my personal story and offer some ideas that this distinguished body - you - can take to strengthen laws, support legal remedies and prompt changes in the way that our federal government and our federal agencies work in concert with parents and other organizations to bring our children back home.

My daughter, Muna, was taken from our home in Morehead, Kentucky, in December 2011. Just two days after Muna, her sister Rysa and I had spent a sweet Christmas together, she was spirited away by her father

without my knowledge or consent to his home country of Bamako, Mali, West Africa.

Previously in October of that year, a Kentucky circuit court judge had issued a joint custody ruling granting Muna's father and me equal parenting, recognizing each's fundamental right to parent our child.

That same decision ordered that I retain possession of Muna's U.S. passport. It stipulated that her father must give me a detailed itinerary if he wished to travel overseas with her. The judge understood there was a risk that her father would take the very action that brings me before you today.

When I took Muna to the designated custody exchange location, her father demanded the passport from me. I refused to give it to him because he did not provide me with a travel itinerary as the order stipulated.

Even then, I anticipated what was about to happen, but I was powerless because I had no proof that he was about to take her. A week later on New Year's Day as I sat at the restaurant waiting for their return, the time passed when he was supposed to return her to my custody... my stomach knotted with every passing minute and I knew.

The FBI later confirmed that my Muna was taken away from the only home she had known on December 27, on a Mali-bound plane out of JFK airport.

I immediately opened a case with the Department of State Office of Children's Issues and the National Center for Missing and Exploited Children. It would take 13 very long days, a state felony warrant for custodial interference, and pleadings from me to local law enforcement before Muna and her father would be entered into INTERPOL and the National Crime Information Center (NCIC) database.

As I tried to get Muna back home, across the world in Mali where she had been taken, a civil war broke out. Imagine my horror! My four-year-old daughter, a US citizen born in Kentucky, was illegally taken away to a war zone and nothing I have done so far has brought her back home. We need to fix this.

For over two years now, I have done what any mother can do to bring her back home. I've contacted high-ranking officials of the Malian government here and in that country. I've stage a protest in front of the Mali Embassy here in Washington. I've met with the Malian ambassador to the United Nations. I've rallied my family, my Morehead community and global support, thanks to social media. I've made several trips to Washington to lobby for her return here in Congress, and last summer I traveled to Mali to petition for her return...unsuccessfully!

I'm pleased to say that I have the unified support of my Kentucky delegation. Senator Paul has reached out to the Mali government on Muna's behalf. In the U.S. House of Representatives, Chairman Rogers has been consistent in

his support and outreach efforts to the State Department and to officials of the Mali government.

I don't even have time allotted today to tell you of Senate Minority Leader Mitch McConnell and his varied, creative, unwavering and action-oriented support. From the first day I made Muna's case known to him, he has been at my side, pressing for her return in the Department of State and in the Department of Justice. Yet still...my Muna is not home.

Muna's kidnapping speaks to the greater problem of why there must be fundamental changes in the way international parental child abduction is addressed at the federal level.

I have spent more than \$20,000 in my efforts to return Muna. That amount includes attorney fees, the costs of numerous trips to Washington, overseas travel and other expenses.

My family's own meager resources quickly dwindled, but thanks to my home community, online supporters and total strangers, Muna's cause continues. My expenses pale in comparison to other parents who have spent upwards of \$100,000, some of whom have come to financial ruin as they pursue their God-given rightful roles to parent their own children.

Four months after Muna was taken, the Office of Children's Issues showed me proof of life, my daughter's life, in the form of a photograph taken by the consular

officer in Bamako after they conducted a routine welfare and whereabouts visit with her and her father.

That first photograph and report that she was alive and physically okay meant everything to me, because in Mali a political coup toppled a democratically-elected president and that country was in turmoil. Before that report, I didn't know whether Muna was alive or dead.

Subsequent checks yielded additional pictures, and at the strong and consistent urging of Senator McConnell, the consular officer continued to attempt to reach out to her father to check on Muna, sometimes with success, sometimes not. Sadly, the latter has been the case most recently.

When I traveled to Bamako last summer to petition the courts there to recognize pre-existing U.S. custodial and return orders, I was unsuccessful. Yet, it was the consular officer's presence at a hearing that gave me comfort. By design, the State Department can do nothing to facilitate Muna's return--- only create avenues for me to pursue that end. In Bamako, I begged to spend time with my own child, but the courts would not affirm my status as her mother.

Broken hearted, I returned from Bamako without Muna but with an even stronger resolve to advocate for Muna's rights as a U.S. Citizen and for every U.S. child that is unlawfully removed from U.S. soil, often in violation of

court orders, and always in violation of the internationally-recognized principles of the rule of law.

In addition to my delegation's efforts and the work of the Office of Children's Issues, I believe that part of my success in keeping Muna's case before this body and the Department of State lies in my specialized knowledge of government organization and operation, which I acquired through education and through my former service to the nation as an intern in the office of Senator Jay Rockefeller.

Still, none of this has yielded the goal. Muna is still not home. And what of my fellow parents who do not know how or by what means to press this matter? One of them is (figuratively) paralyzed by his inability to engage his case at the federal level. This is why the process for parents to work with Congress and federal agencies must be re-evaluated and streamlined.

It is my opinion that the logical next step is to recognize that international child abductions are foremost a matter of justice rather than diplomacy, though diplomacy has its place.

There is continued need for the Department of State to facilitate inter-country relations in these matters when it advances opportunities for initial welfare and whereabouts checks; and the assistance of country consular officers when a left behind parent travels to a country for visitation and/or legal proceedings is invaluable. In this regard, the Department of State is helpful to an extent, but I and other

parents know that the State Department can never return our children.

The focus of this issue and action must properly be transferred to the Department of Justice because, in nearly all cases, this is a matter of criminality. Parental abduction is child abuse. Sometimes, I force myself not to think of what Muna must be feeling in the 793 days since she was taken from her mother, her sister, her extended family, her preschool, her church family and all of the people and places that I know she remembers.

I don't have to wonder about the psychological toll, because the FBI's website makes clear the long-term effects of parental alienation when a child is separated from his or her primary attachment figure...who in the case of Muna...is me!

In this nation, courts typically are quick to take action to address child abuse when it occurs in towns and cities across the land. It follows that the federal government should do likewise when U.S. citizens are unlawfully removed from U.S. soil, and their abductions are facilitated by the parent and, by extension, sanctioned by the country to which the children are taken.

Most of these countries enjoy friendly relations with the United States, and enjoy all of the economic, political and cultural benefits that such friendships engender. Our federal government should be asking for more than the

principle of sovereignty dictates that our friendly nations should give.

We must urge the nations to place greater pressure upon their own citizens to adhere to the rule of law and return these children to their home country. In conjunction with such urgings, the Justice Department should make the issuance of federal warrants under the International Parental Kidnapping Crime Act of 1993 (Crime Act) standard practice.

I would like to see this happen in my own case. The efforts of my family, my delegation, and even the FBI to generously incentivize Muna's father to return with her have utterly failed. Justice is our only recourse. This body has heard testimony about the Hague Convention as a means for justice and remedy.

Though I cannot comment from personal experience about the efficacy of the Hague Convention, as the Republic of Mali is not a signatory, I can relay the sentiment of several fellow parents whose children are abducted to signatory nations. It is, in essence, a convoluted paper tiger that compounds their personal grief and financial woe, rather than serves as a means to an end that brings their children home.

My friend Alissa Zagaris, who went the route of the Hague Convention, was confounded at every turn until the FBI rightly issued a federal warrant under the Crime Act, and soon after, her son Leo was in these United States under

his mother's roof once again. This is one of the actions that I recommend this body consider as a frontline defense and deterrent.

A final point that I urge the committee to consider is how the federal government might enact strong prevention mechanisms to foil attempts to unlawfully remove our children from the country in the first place.

Exit controls must be a key element of any meaningful legislation and implementation. To this day, I don't know how she left this country without her passport. In the same way that the Department of Homeland Security attempts to monitor persons entering this country, it should employ equal or greater scrutiny of persons leaving it, especially children.

In closing, I want to thank you again, Mr. Chairman, for allowing this issue to come before committee for insight and discussion. I believe in my country and what it stands for. I have studied and have seen with my own eyes this great nation solve what were thought be intractable problems.

International parental child abduction is no exception. I implore you, for Muna and all of our children unlawfully held in foreign lands, to work cooperatively with the Executive Branch, the Judicial Branch and organizations like NCMEC to enact meaningful legislation that returns our children unto our borders. This is a goal to which I am irrevocably committed-- it is my life's work.

I stand with my fellow parents including Rick Myers, whose sons Dean and Adi are abducted to Israel, Yedi Flaquer, whose infant son, Eliav, also is in Israel, and Sally Plink, whose children, Jared and Cassidy, were abducted to the Netherlands, the very seat of the Hague Convention, in pleading with our government to find better solutions to return our children.

Parental kidnapping is a crime of the heart and a crime against our most vulnerable citizens who cannot defend themselves. They need us. They need justice.

This nation was founded on the fundamental principle of liberty, and they have been deprived of this inalienable right. The only right remedy for this deprivation is justice, and there can be no rest for those persons or nations who thwart liberty until justice rolls down and we look up and see our children returning home. Thank you.