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Personally to: The Ukrainian Minister of Justice Mr Pavlo Petrenko

Dear Mr Petrenko,

referring to the case of my abducted daughter Sabina [REDACTED] it is my understanding, that you received my letter addressed to you April 13, 2015, approximately 9 days before the 2nd session took place in Cassation Court on April 22. In that letter, I was complaining (amongst other issues) about the „unbalanced“ jury of 4 female + 1 male judge (April 8), being an unsuitable compilation in a case of child abduction.

Again, I appeared in Cassation Court on April 22, 2015 to observe the procedure:

At first sight, I was impressed, noticing, that the original „unbalanced“ jury was topped up with 2 additional male judges.

I would have almost believed it, had one of those additional judges not left the room with us, as we were all sent out during the internal debate (done entirely by the original jury of April 8 (4 + 1)).

Only then did I realize, that the whole scenario was just a theatrical presentation. Also, a Cassation Court jury can only exist of 5 judges.

If my 3 year old daughter would set up such games, I would find it quite amusing. But if a government body resorts to such misleading procedures, I see reason for serious concern !

But nothing surprises me in Ukraine any more:

I came to the Cassation Court sessions as an „observer“, as it is my understanding, that the Cassation Court makes it's own *internal* decision, only by reviewing the existing files and documents, and does not accept any new evidence!

But again, this is not what happened: On April 22nd, my daughter's grand father was present. As always, he was representing the child's mother. He was given the chance by the court to provide „new“ evidence. But the evidence was not new ! He raised issues, that were argued in all previous court hearings before. It was the same old issue, that the child was born in Ukraine and has a Ukrainian mother . . .

But this is not what Hague Convention is about ! Hague Convention does not deal with places of birth or national status. It also does not deal with social status, age, race, financial status or religion.

Hague Convention simply defines, that a child has to be returned to the „habitual place of residence“ from where it was taken. Nothing else !

And that the child (and the mother) had it's habitual place of residence in Germany has been proven over and over again. The mother had a full title to live in Germany, enjoying all privileges German citizens have (except to vote in political elections).

Mother and child were registered in Germany. Both of them had a social insurance number, tax number, medical coverage, pension plan, bank account etc. . . . It was the mother herself, who signed all necessary papers thereto and who applied for her title. Such documents have been filed with your Ministry as evidence. If the mother had come to Germany as a visitor only, this kind of documentation would not have been necessary. It was the mother's own wish to live in Germany and also, that the child bears my family name.

The Cassation Court is (or should have been) in possession of the above mentioned evidence, but none of it was taken into consideration.

Instead, Cassation Court took the grand father's very well known and old statements as a convenient instrument, to return the case to Khmelnitzkij Court, apparently for some „formal mistakes“, therefore

prolonging the case once again.

By allowing additional evidence to be brought up, Cassation Court has made a formal mistake itself.

The concept of „gaining time“ has always been evident right from the very beginning. Ukrainian authorities have been extremely reluctant to deal with the case. For the first 14 months, nothing was happening at all. It has taken 1-1/2 years until the first hearing in family court took place. And since Khmelnytzkiy court issued a return-verdict on Dec 22, 2014 (whose execution order was cancelled on the same day of issuing the execution) it has taken another 3-1/2 months until Cassation Court finally came into session the first time on April 8, 2015 – only to adjourn the case once again to April 22, then prolonging the case further . . .

Hague Convention cases are suppose to be treated as a „quick process“ !

Since Dec 22, 2014, I have had not one single chance to get in contact with my daughter. More so, trying to see her in person on April 15, 2015, I could only witness from a close distance, how she was kidnapped and taken to an unknown place by her grand parents once again. The mother was – as usual – not present.

The family is aiming to achieve a complete father -/child alienation. Not only my custody rights have been violated, but also my rights of contact with my own daughter. This is not even in compliance with your own Ukrainian Family Law !

But Cassation Court demonstrated no interest thereto, clearly taking the side of the defending party !

My daughter is being retained by her grand parents. They are the true initiators of this abduction. They have taken possession of a child that is none of their own. This is true kidnapping and a matter of crime ! The mother herself lives in Kiew, 300 km away. Only occasionally does she travel to Shepetivka to see the child. She does not execute her custody rights. Besides, the grand parents are seriously ill and incapable to insure a proper ubringing of the child (evidence thereto has been provided).

As you are aware, this is not a single case. Another father, Dr. [REDACTED] is going through very similar experiences regarding his abducted son „Emil“ in Kiev.

And it is obvious to anyone involved, that Ukraine is simply not willing to fullfill it's obligations under the Hague Convention Treaty.

Delays by your courts and authorities, forwarding of incomplete files and documents, failure to advise of court hearings (in time or not at all) by your Ministry, misleading representations, support of the violation of custody rights / rights of contact (under Hague Convention, ICC/ECHR Human Rights and Ukrainian Family Law).

The 29th of April is my daughter's birthday. She will be turning „4“. Unfortunately, I do not know where she is. Neither will I have a chance to see her or talk to her.

I therefore urgently request to your Ministry and your legal authorities to -

- 1.) immediately ensure, that I can have proper contact with my child by phone, internet-video-communication and in person;
- 2.) return my child according to the Hague Convention and to treat this matter with the necessary urgency without any further delay;
- 3.) to press criminal charges against the child's grand parents - [REDACTED] - for initiating and conspiring in the abduction of a minor, and for wrongfully retaining a minor in their possession who is none of their own child.

Abduction of a minor is not a „sport“. It is a serious criminal offence and a matter, that can cause serious psychological damage to a child. It is a crime in which Ukraine is currently actively participating.

Sincerely, Uwe [REDACTED] [REDACTED] 28.4. 2015