

Chronology of events

April 2010: Marriage of Peter Rodgers (UK citizen) with Maria Satanovska (Ukraine national) in Kyiv

September 2011: Alexander Rodgers is born in Sheffield

- Alexander is registered with the Medical Services at Sloan Medical Centre, Sheffield
- Alexander has a National Health Insurance Number in the UK: UK 4054 1008

9th Dec 2011: Alexander is registered as a British citizen.

January 2012: Maria and her parents visit the Ukrainian Embassy in London and without my knowledge, register Alexander as a Ukrainian citizen – this is illegal under Ukrainian law, which does not support dual citizenship – but this fact has continually been ignored by the Ukrainian authorities.

11th April 2012: Maria, Alexander and I travel to Kyiv for ten-day holiday. Alexander enters Ukraine on his British passport.

April 14th 2012: I return to Sheffield alone as a result of intimidation and threats from Maria's family in Kyiv. I leave Maria with the air tickets and Alexander's British passport for her and Alexander to return to UK as planned on 22/04/2012. Maria promises to return with Alexander on 22/04/2012.

April - July 2012: I repeatedly ask Maria to return to the UK with our son. Maria refuses all my offers to organise travel arrangements (emails confirm this). I found out that Maria had taken all documents relating to our son (NHS records, child benefit details, 3 birth certificates, marriage certificates) with her to Ukraine. This was done without my knowledge.

July 2012: I make an application through Hague Convention 1980 for International Abduction for the return of my son Alexander to his home in Sheffield, UK via ICACU in London.

10 August 2012: Ukraine Ministry of Justice registered the case (NB Legal proceedings to commence no later than 2 months after registration)

December 2012: Ministry of Justice Ukraine commenced the legal process (more than 2 months after registering the case in the Pechersk District Court, Kyiv). I was not informed about any legal representation.

2/3 January 2013: I was told the case was to be the following week, but I was only able to speak with the appointed State lawyer 2 days before the hearing (as she was not available). She seemed disinterested, nor did anyone else in the Ukraine Ministry of Justice seem interested, so I decided to appoint my own lawyer.

Between January and June 2013 – numerous court hearings took place. Dates were constantly changed and the hearings postponed on more than six occasions (once by me to gather evidence) and five times by Maria. Maria called witnesses into the court hearings who I had never seen before.

18th March 2013: Alexander Rodgers was made a Ward of the Family Division of the

High Court of England and Wales. The High Court demanded that Maria return to the UK with Alexander immediately. Maria refused to do this.

The court in Ukraine took no notice of the Wardship Order.

5 June 2013: Pechersk District Court rejected my application for the return of my son.

June 2013: I had to decide whether to put in a request for an appeal BEFORE I knew the judgement of the 5 June 2013 court case.

3 September 2013: I won my appeal and the Appeal court in Kyiv ordered the return of my son.

23 October 2013: This decision was upheld (defendant had appealed) and importantly the RETURN ORDER states that this decision is final and cannot be appealed.

The process to facilitate the return of the child commenced. I had two correspondences with the defendant, through the Ukraine Ministry of Justice. The defendant did not want the compulsory return order executed so said she was willing to return with our son on the basis of financial conditions – demanding over £100,000 to return to the UK. **Importantly, Maria stated that she was willing to return the child to the UK.**

January 2014: The execution of the Return Order was ordered by a local Court in Ukraine.

From this juncture I received no updates from the Central Authority in Ukraine about how they were planning to execute and enforce the Return Order.

February 2014: Maria applied to the Higher Specialised Court for Civil and Criminal Matters in Ukraine to review the case according to procedural law, using 2/3 previous cases as examples.

17 March 2014: The High Specialised Court **REJECTED** Maria's application and importantly stated that the decision was **NOT APPEALABLE**.

April/May 2014: However, the Court decided that a second application by the defendant citing 5 previous cases (the ones above plus another 2 cases) be granted and was to be passed on to the Supreme Court for review.

2 July 2014: The Supreme Court in Ukraine ordered the case to be reheard at the Higher Specialised Court for Civil and Criminal Matters. **I had no legal representation.**

9th September 2014: The Higher Specialised Court for Civil and Criminal Matters returned the matter to the Appeal Court of the City of Kyiv.

December 2014: The City Appeal Court of Kyiv stated that the child should remain in Ukraine because of the 'serious risks to the child' of a return to the U.K. No reasons were given for this judgement other than the child is being breastfed and is attached to the mother. (Alexander is now 3½.)

I put in for an appeal of this decision with the Ukrainian Ministry of Justice.

April 2015: The Higher Specialised Court of Ukraine 'partially' agrees with me and

decides to send the whole case back to Stage 1 of the process again!!

May 2015: I am informed only 6 days before the court case that there will be a court hearing by the Ministry of Justice in Ukraine. No information is given about whether I will be given any legal representation. On the morning of the court hearing, I am informed that I will be represented and a phone number is given for my legal counsel, eight hours before the hearing!

Note: the legal counsel doesn't speak English and there is no facility for translation fortunately I speak fluent Russian and some Ukrainian.

May – December 2015: More postponements at the Pechersk District Court asked for by Maria – not by me.

Jan – April 2016: More postponements at the Pechersk District Court asked for by Maria – not by me.

27th May 2016: Pechersk District Court in Ukraine rejects my application for the return of Alexander to Sheffield.

Between May – November 2016 – NO EXPLANATION is given for this decision. ICACU in London and myself repeatedly ask the Central Authority of Ukraine for an explanation for this decision. Central Authority of Ukraine say they do not know the reasoning.

May 2016: After deliberation with ICACU, I ask Central Authority in Ukraine if we can make an ADDITIONAL Hague 1996 application for the return of Alexander to UK with the recognition of the Wardship Order in addition to the ongoing 1980 application. Central Authority in Ukraine state this is acceptable and ask me to organise relevant documentation. Please note that they have already had the Wardship Documentation since 2013.

Documentation is organised and forwarded to Central Authority in Ukraine yet again.

August 2016: Central Authority in Ukraine informs the date in September 2016 for the Appeal of the 1980 Hearings. Still no reasoning/explanations are given for the 27th May 2016 decision.

21st September 2016: Appeal Hearing takes place in Kyiv. No information is provided to me about this or the result of the hearing.

10th October 2016: Central Authority of Ukraine informs me that they will not recognise the Wardship Order and commence Hague 1996 proceedings – stating that foreign orders must be executed in Ukraine within 3 years of their coming into legal force. I respond via email stating that Ukraine has an OBLIGATION as being a signatory of the Hague 1996 Convention to accept the Wardship Order and also that the Wardship Order has been recognised within Ukraine's court system since 2013 but dismissed as irrelevant. No response given.

1st November 2016 – Central Authority of Ukraine FINALLY provide court papers from the 27th May 2016 hearing and also inform that the Appeal has been rejected.

The reasoning for the rejection of my application is two-fold; the accusation that I did not exercise my rights of custody of Alexander AFTER he was retained in Ukraine!! Secondly, that it would be a grave and serious risk if Alexander was

returned to the UK.

In my opinion, both of these reasons are incorrect and do not align with the clear guidelines given to Hague Signatory countries regarding reasons for the possible rejection of Hague applications and also do not align with clear guidelines given to Ukraine Judges in July 2014 in how to deal with Hague Abduction Cases. This was made clear in the Judgement of a Committee of Ukraine's Supreme Court. It was noted in these guidelines that if these conditions were not met, cases would likely be referred to the European Court of Human Rights.

1st November 2016 – Central Authority of Ukraine sends a letter stating that they agree with the grounds for the non-return of Alexander and are therefore closing the case. No legal representation will now be given to me for the final, third stage at the Higher Specialised Court in Ukraine. They also inform me that the time has now elapsed for an application for making an appeal to the Higher Specialised Court.

“International cooperation?” – I don't think so.

Where do I go from here?

In Ukrainian legislation in terms of responsibility regarding the Hague Convention there is a 3 stage process:

i) **District Court**

ii) **City Appeal Court**

iii) **Higher Specialised Court – its decision is final and non-appealable.**

However, following the Return Order granted by the Higher Specialised Court in Ukraine in October 2013, which states is ‘final and non-appealable’ – Maria has been able and allowed to continue to appeal this decision and retain my son in Ukraine illegally.

Part of the *Hague Convention*, article 14/15, states that wherever a child is habitually resident any court orders should be taken into consideration. Therefore the return order from the UK (Ward of the High Court) must be taken into consideration – this has consistently been ignored by the Ukrainian Authorities.

The Hague Convention says: responding states have an OBLIGATION to facilitate the FAST and SPEEDY return of the child to its place of habitual residence. Four and a half years since Alexander's illegal retention in Ukraine, I feel totally let down by the Central Authority in Ukraine. I have had little faith in the genuine intentions of the Ukrainian Ministry of Justice for a long time but have sought to persevere with exploring all legal avenues in Ukraine. I believe that the process over the last four and a half years in Ukraine is farcical whilst also being tragic. For this reason, I am seeking legal support to take my case to the European Court of Human Rights in terms of the failure of the Central Authority of Ukraine to protect my Article 8 ‘Rights for Family Life’. I have been in contact with REUNITE since October 2012 who have been excellent in providing on-going support for me. They have on several occasions sought to ask Maria to enter into mediation, all such attempts have been rejected.

If required, I can provide additional documents to support the above.



Dr. Peter Rodgers, 3rd November 2016.