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Minister of Justice

Munich, April 12 2015

Mr. Pavlo Petrenko - FOR PERSONAL ATTENTION / URGENT -

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Emil [REDACTED] child-abduction case - Urgent help request

Dear Minister Mr Petrenko

Since July 2013, my son Emil [REDACTED] German citizen, born in 2012, is **abducted from Germany to Kyiv** by my wife Iryna [REDACTED] Ukrainian citizen, born in 1977. The German Embassy and you have been informed about the case in detail several times - see attachments.

Six weeks after the abduction, I filed a **child-return claim** to the Central Authority for International Custody Conflicts within your Ministry of Justice, on ground of the **Hague Convention against International Child Abduction**. It was accepted, because

1. Emil's habitual place of residence was Germany, as agreed by both parents before the German authorities,
2. I had actually exercised my custody rights since Emil's birth and
3. the child's retention in Ukraine was wrongful and illegal.

Emil's case is very parallel to **Sabina** [REDACTED] one. Her father, Mr Uwe [REDACTED] from Germany, and I are sharing **extremely negative experience with the Ukrainian legal system**.

In both cases, the abductor mothers, out of their radical self-interest, have **broken off contact** and provide no more information about the children's conditions and whereabouts. Emil and Sabina shall forget their fathers and spend their childhood without them. It shows the mothers' destructive attitude, **at the cost of children's welfare**. They have **turned our innocent children into instruments** of a needless power struggle.

The Ministry of Justice, the Central Authority, the Solomyanskiy militia, the Solomyanskiy Children Issues Office and the Kyiv Prosecution Office were not ready to help on my manifold requests in 2014 and 2015. They tolerate - or even support - **heavy discrimination against me as a foreign father**. It is a **violation of basic human rights** - not only in terms of the Hague Convention, but by any international legal and moral standard.

I was shocked once more by the lessons from Sabina [REDACTED] return-claim procedure before the Kyiv Cassation Court last week. They perfectly reflect the **perversion of law** which I have experienced before the Kyiv Court of Appeal in December 2014. The obviously incompetent judges asked Mr [REDACTED] questions just about the role and prospects of his wife. There was absolutely **zero concern about the child's situation: abducted, missing, isolated, without contact to the father**. Again, the judges seemed to anticipate a (mother-friendly) final settlement of custody rights, for which only (!) Germany's courts are responsible.

When meeting Germany's Ambassador Dr. Weil in January 2015, you, Minister Petrenko, committed yourself to **properly applying the Hague Convention** on the current international child-abduction cases. After the latest Sabina proceeding, I doubt that this promise

will be fulfilled. What is going on here, is nothing less than the **cold legalization of nasty child-abduction crimes**. Ukraine offers a wide **lawless space** for it.

Therefore, I fully support Mr [REDACTED] statement submitted to you two days ago. The **deep violation of our parental rights by Ukraine is systematic** and not singular at all.

My severe **complaints**:

1. The child-return procedure is **dragging for almost two years now** - although the Hague Convention prescribes **urgency**, for preserving the abducted child's welfare. It was you to empower the Central Authority for putting the case to trial only in summer 2014. The effective progress in returning Emil or **restoring the cut father-son contact** has been absolutely zero !!!
2. The Hague Convention assigns an active role to the Central Authority [REDACTED]
[REDACTED] According to Article 7, it has to organize or to provide
 - a. full access to the abducted child,
 - b. search for the child when missing and
 - c. protection of the child against mistreatment (e.g. permanent displacement and isolation).The Central Authority has failed over all of these duties from the beginning of both abductions.
3. As a common response to child abduction, the German Family Court's ruling of December 2013 gave me the **exclusive right to determine Emil's place of residence**. It is **continuously ignored by all Ukrainian authorities**. This marks another breach of the Hague Convention and of the International Child Protection Agreement: Accordingly, the **jurisdiction of the child's country of origin has to prevail**. Subsequently, Emil was hidden on Crimea four months long - when the peninsula was under Russian attack.
4. In September 2014, the Pechersky District Court **declared Emil's retention in Ukraine as illegal and ordered his immediate return to Germany**. The order was deliberately not enforced by the Solomyanskiy enforcement agency, and Emil was again secretly displaced by his mother. In December 2014, in a short procedure in

Emil's and his mother's absence, the Kyiv Court of Appeal **overturned the return order**. The main reason was outright discriminating and far apart from any legal ground: A child should be with the mother rather than the father. Until today, those Soviet judges have cost me another half year without my son - and enormous amounts of energy and money.

5. In Emil's Appeal Court trial as well as in Sabina's Cassation Court procedure, the (mainly female) **judges have shown incompetence, unprofessionalism and strong bias in favour of the Ukrainian abductor mothers**. In full disregard of the Hague Convention, they heavily **discriminate against the applicant fathers for their sex and nationality**. They try to **impose outfashioned Soviet views** on the case and pay **no respect for the German culture**, in which the father plays a role as important as the mother. They do not consider at all the central question, whether **Emil's and Sabina's retention in Ukraine is illegal** or not. And, of course, it is illegal, because the fathers have not consented to it.
6. Most embarrassing and scandalous is: All these Soviet-styled "mother-only" judges take **no interest in the children themselves**. Sabina and Emil are **retained in isolation, captivity and poverty**. They are deliberately shifted them from place to place. They are **not given a healthy perspective for their future life**, because the abductor mothers do not have one themselves. In **Germany**, however, Sabina and Emil face paradise-like conditions of **stability, continuity and prosperity**. Their legal German places of residence in Munich have everything of which a child can dream: a modern and peaceful environment without war and crisis - a beautiful apartment with their own child room and a big balcony - a clean and quiet condominium with almost no car traffic, with many families and children around, with a number of playgrounds, a lake and a beach nearby, with excellent kindergartens and schools in a footwalk's distance. All this offers them not only the **best chances for their development and a happy childhood**, but also for their **higher education** - which is essential in an ever more changing and challenging world.
7. Since the abduction, Emil's mother is living on my money transfers and her mother's small pension. She cannot properly care for him. On all my visits to Kyiv, she is

denying me any contact, even for checking his health. Now Little **Emil is having neither bilingual education nor the physical and medical treatment** which he needs to overcome his growth disorder. He is **kept like a prisoner**, with little fresh air and sun, with no swimming and no other sports. Thus his mother is putting **Emil's health, welfare and future at risk**, and all **Ukrainian authorities turn a blind eye to it**.

8. One year after the Maidan Revolution, the **old corrupt and dysfunctional legal system is alive and well**. The abductor mothers are exploiting it without any sanction. **Immediate victims are Sabina and Emil. To avoid still bigger damage to their childhood, they must return to Germany !**

My **urgent requests** to you:

1. Take an **active role in overcoming contempt for international law** within the Ukrainian justice system. **Respect the Hague Convention** and send back our abducted children.
2. Provide Mr [REDACTED] and me **immediate access to our children** - if necessary, with the support of other Ukrainian state bodies. We know very well: Ukraine can do - and can do even very fast -, if there is a will and high-level order.
3. Investigate **Emil's and Sabina's whereabouts** and **protect them from further illegal displacement**.
4. Employ **competent, professional and neutral judges** for the cassation procedure, with a proper mix of male and female ones.
5. Make sure that **child-return orders** are really **enforced**.
6. In recognition of the total failure of Ukraine's legal system over Emil's and Sabina's return-claim procedures: Best of all, send both children back just by an **executive order**. **Article 18** of the Hague Convention allows you to do so.

By signing the Hague Convention, Ukraine has accepted the existence of **cultural differences between the signatory states**. This shall **rule out any discriminating "mother-only"**

judgment. If Ukraine wants to be recognized as a reliable and respectable international partner, it must comply with the standards of the civilized world.

Some considerations:

- You invoke the **international law** to restore Ukrainian sovereignty over **Crimea and Donbass**. And what do you do, if the same international law requests from you **respect for human rights, i.e. also the parental rights of foreign citizens** ?
- You want to join the **European Union**. So, will you observe the European rules, when it is about the severe crime of **cross-border child abduction** by Ukrainian mothers ?
- You praise **Western values and the rule of law**. How about the **equality of fathers and mothers - and of nationals and foreigners** - before Ukrainian courts ?

Most urgently, I request access to my beloved son. The Hague Convention is very, very clear on this - right down from its Article 1. My prime target is to restore the important father-son relationship. For the sake of my son, I am ready to cooperate with the abductor mother.

Mr [REDACTED] and I have to inform you, that, if necessary, we will turn the case to the **European Court in Straßburg**. Already now, **Ukraine's flagrant breach of international law is drawing increasing government and media attention in Germany**. This not any more about "Slava Ukraini" ...

Please act now with urgency ! Time is pressing hard, and there are **strong signals for the next perversion of law at Ukrainian courts**. Ukraine must send back our abducted children - with **no more delays, excuses and elusions !**

Treat this case, as if it was your own child being abducted to another country.

Sincerely

[REDACTED]