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THE ZEIT GIST

'It's a heartless country that would separate loved ones'

By MARK SMITH
Special to The Japan Times

President George W. Bush made this headline comment in April to Japanese mother Sakie Yokota, whose daughter Megumi was abducted at age 13 by North Korean agents.

But not so widely reported in the Japanese media are the cases of those non-Japanese parents whose children have also been internationally abducted, by Japanese citizens themselves.

Outside Japan, calls for reform are growing. During a June summit with Prime Minister Koizumi, Canadian Prime Minister Harper urged Japan to assent to The Hague Convention on the Civil Aspects of International Child Abduction.

This widely signed treaty would require Japan to expeditiously return abducted children to their country of habitual residence. As it is, foreign parents are forced to navigate a glacially moving court system that has never returned a child abducted by a Japanese parent.

After Samuel Lui's wife abducted their son Ezra to Japan, his U.S. custody order was perfunctorily validated by the Osaka District Court and confirmed four months later by the Appellate Court.


Yet the Family Court then granted him a mere three hours of visitation once a year. The Japanese mother had physical possession, and continued to deny Sam's custodial rights. At no point, even two years later after the Supreme Court validated Sam's custody, would a Japanese court or the police return his son. The intractability of the situation eventually forced Sam to give up custody in exchange for an unenforceable visitation agreement.

In January 2003, Yamila Castellanos alleges that her Japanese husband used a promise of living together to trick her into leaving daughter Emiri with relatives in Cuba and traveling to the United




U.S. President George W. Bush meets with Sakie Yokota, mother of abductee Megumi, in April. While the North Korea abductee issue garners huge headline space here, the abductions of children of international marriages by Japanese themselves receive scant attention. AP PHOTO


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States. He then flew to Cuba and abducted Emiri to Japan.

There, Yamila accuses him of forging her signature on a form for divorce by mutual consent that gave him full custody and gave her no spousal support. When filed, Yamila was not and had never been in Japan. Despite the testimony of handwriting experts in Yamila's favor, she has only seen her daughter three times since, for a total of 120 minutes. The case is still winding its way through Japanese courts.

During his divorce, Canadian Murray Wood was granted full custody of his children, Manami and Takara. Then, in November 2004, he agreed to let his children travel to Japan, allegedly to see their sick grandfather. But when his ex-wife's child support payment failed, Murray found out that she had shipped her belongings to Japan and moved out of her apartment.

Despite the premeditated nature of the abduction, the Saitama District Court subsequently assumed jurisdiction and transferred custody to their Japanese mother. Since then, Murray has been allowed to see his daughter just once, for 10 minutes in a tightly guarded court room.

The Web site of the Japan Children's Rights Network (www.crnjapan.com) contains a list of Japanese parents, who like Murray's ex-wife, are wanted for arrest on child-abduction related offenses. But the Japanese government will not extradite its citizens, claiming that parental abduction is not recognized as a crime in Japan.

In a May radio interview about Murray's case, Japanese Ambassador to Canada, Sadaki Numata said, "I have some difficulties in your talking about 'Japan' as if the government is making this decision. This is in the judiciary process."

But cases like that of Brett Weed make these words ring hollow. Brett's divorce decree allowed the Japanese mother to relocate their children, Takoda and Tiana, back to Japan, but granted him well-defined visitation rights. After arriving in Japan, the mother cut off all contact.

For nearly a year, Brett's attorney tried repeatedly to serve court documents on the mother, according to the "Hague Convention on Service Abroad," which Japan signed in 1970. The Ministry of Foreign Affairs, Japan's "central authority" for this treaty, returned all three attempts, with messages like "The address is correct but no one is ever there."

When the attorney tried to send the documents by postal mail directly, the only other option legal in Japan, they were returned, saying "Since the sender is considered to be a dangerous person, the Metropolitan Police Department has intervened and a temporary injunction and refusal of delivery have been issued by a court."

The U.S. court eventually transferred custody of the children to Brett.

But should he ever try to recover his children in Japan, the court will certainly dismiss his claim because the mother was not properly served with court documents, thanks to the Ministry of Foreign Affairs.

Through the eyes of these foreign parents, Japan appears to support international crimes of abduction. If this is not the case, then Japan should sign the Hague Convention on International Child Abduction, reform its family laws and apply them fairly.

Mark Smith is the pseudonym of the Web master of the Japan Children's Rights Network (www.crnjapan.com). He has been unable to see his 4-year-old son, Yoshiya, since March 2002. Send comments to: community@japantimes.co.jp

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