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THE TRAGEDY OF PARENTAL ABDUCTION AND HOW TO STOP IT

The legal route does not always successfully get kids back

Less than a week before Christmas 2006 at a resort in Lebanon, Melissa Engdahl saw her daughters — six- year- old Hannah and three- year- old Cedar — for the first time in seven months.



Murray Wood, with partner Brett Whitelaw, Takara and Manami, before the children were kept in Japan.

The last time she'd seen them was in July at the Calgary airport when

they left for Australia with her ex- husband, Joseph Hawach, for a three- week visit with his family.

A few days later, Engdahl had a call from her ex- brother- in- law. Her daughters were in Lebanon where a war was raging between Israel and the Hezbollah. And, he said, Joseph — a dual citizen of Australia and Lebanon — had no intention of bringing them back.

Engdahl ran out into her backyard and was physically ill. A few days later, she called the police and hired the first of many lawyers. She got in touch with the Missing Children Society of Canada and the children's issues section in Canada's foreign affairs department's consular division.

Twice, she went to Australia. Finally in December, Engdahl was tipped to where her daughters were being held. After confirming they were indeed at the resort, Engdahl and her father, Jim, got on a plane to Beirut uncertain what might happen.

They hired two mercenaries with the help of Canada's diplomatic staff, found lawyers and private investigators they could trust.

Because they'd been told armed guards protected the girls, the mercenaries wanted to grab the girls. Engdahl said no. She didn't want her daughters further traumatized. So, on Dec. 20, while the girls were playing, unsupervised, at the resort's park, Engdahl was alone when she called out to Hannah. The six- year- old ran to her calling " Mama, Mama." Cedar came along behind.

She led them by the hand to the nearby parking lot where her " security team" waited in a van. They drove out of the resort and switched vehicles around the corner.

The two mercenaries were arrested the same day at Beirut airport. They were jailed, but later released.

Engdahl was also at risk. She is still wanted for child abduction in Lebanon, just as there are outstanding warrants for her ex- husband in Canada.

For two months, she and her daughters hid in safe houses, waiting for the right moment to cross the Lebanese border and begin the long journey home through Jordan and Syria. That day came on Feb. 17.

The rescue cost Engdahl and her family close to \$ 750,000. But she accomplished what many of the left- behind parents of the nearly 300 Canadian children abducted each year can only dream of.

She told her story at a forum on parental abductions this week in Vancouver as a happy counterpoint to Murray Wood's tragic story.

On Nov. 26, 2004, he kissed his 10- year- old son, Takara, and seven-year-old daughter, Manami, goodbye at the Vancouver airport. Wood, who had earlier been granted sole custody of them by the B. C. Supreme Court, was nervous about them going to Japan with his ex-wife, Ayako Maniwa-Wood. But he had a court order that specified the date and time that Maniwa-Wood had to return them to his care.

They never came home. In the past four years, the Richmond teacher has seen his children twice and then only briefly. He has spent tens of thousands of dollars trying to get Japanese courts to enforce the Canadian court orders and the Canadian warrant for his ex- wife's arrest.

He took the counsel of his Japanese lawyers and resisted the urge to snatch them back and risk his own arrest. But after hearing Engdahl's story this week, one of those lawyers — Canadian Wilf Wakely — apologized to Wood. Lawyers, he said, are taught not to encourage clients to break the law.

Neither Japan nor Lebanon is a signatory to the Hague Convention on the Rights of the Child. If they were, Canadian custody orders would be recognized and the children returned.

Yet even getting children returned from Hague Convention countries isn't simple as the high profile case of Nathalie Getliffe-Grant proved. Just a few months before Engdahl flew to Lebanon, Getliffe-Grant was convicted of child abduction in B. C. Supreme Court and sentenced to 16 months in jail and three years' probation.

For five years with the help of friends and relatives, Getliffe-Grant hid her Vancouver- born children in France. She vilified the father, turning the children against him and alienating them not only physically but linguistically. By the time the French government returned them to Vancouver, they were eight and 11 and scarcely able to speak English.

Both Wood and Engdahl believe Canada should pressure other countries to sign the Hague convention. But Engdahl, who is now a

spokesperson for the Missing Children Society, says that's not enough.

What she and the society recommend are reasonable and simple enough that there should be no reason not to put them in place.

Family and friends who assist a parent in the abduction need to be held accountable.

There need to be safeguards in Canada to prevent parental abductions, including tighter exit controls that would require every adult to produce legal documents proving that they have legal custody of all children traveling with them.

Airport staff, police and even travelers need to be more aware of the risk of parental child abduction and ask questions if they spot a distraught child in the airport.

But it's not only up to the government. Engdahl says divorced parents need to think long and hard about whether to let their children leave the country because once they're gone, it's almost impossible to get them back.



November 8, 2008

Dear Editor,

Thank you for publishing Daphne Bramham's November 8 article "The tragedy of parental abduction and how to stop it." I hope that Ms. Bramham's description of the difficulties that my family and Ms. Engdahl's family have faced will help others to protect their children.

In the article Ms. Bramham mentions that I have spent tens of thousands of dollars trying to get the Japanese courts to return my

children. I would like to make it clear that the money I spent was only a small fraction of what it should have cost to sustain the legal battle that we undertook.

My lawyers in Japan, Masayuki Honda and Wilf Wakely, took on my case in January 2005. Given the existing Canadian Orders, they recommended a habeas corpus application at the District Court in Saitama Japan. A process that should have taken a matter of weeks stretched over months and then years. Knowing that our finances had been exhausted, both Mr. Honda and Mr. Wakely stuck with us until all legal avenues had been explored. When our file was finally closed Mr. Honda, having done hundreds of hours of work on our case, had received compensation for little more than his clerical expenses while acting on our behalf.

Mr. Wakely has never requested any financial compensation for the countless hours of work he has done on our behalf. He simply asks that we continue to pursue justice for Takara and Manami and other children who have been, or are in danger of being, abducted.

Sincerely,

Murray Wood
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