

Father's Christmas miracle: US girl returned

By Mira Oberman (AFP) – Dec 24, 2011

MILWAUKEE, Wisconsin — For the first time since his ex-wife spirited their daughter away to Japan nearly four years ago, a Wisconsin doctor was able to tuck his little girl into bed after a bitter court battle that brought her home just in time for Christmas.

"Karina is at home and it's a miracle," Moises Garcia told reporters Saturday.

Garcia fought passionately -- and spent about \$350,000 -- to get his daughter back after her mother, Emiko Inoue, took the five-year-old girl to Japan in February 2008.

The liver transplant doctor learned to speak Japanese so he could communicate with a daughter whose English was slipping away.

He hired lawyers in Japan and flew across the Pacific nine times to press his case and try to see his daughter. He enlisted the help of the US State Department and his native Nicaragua. He became active in an advocacy group -- Global Future -- run by US parents whose children were taken to Japan.

Garcia won a major victory in 2009 when the Japanese courts -- which did not recognize the US court that granted Garcia full custody -- determined he should have visitation rights. And he kept fighting when his ex-wife appealed and the case dragged on for years.

In all that time, he only saw his daughter three times. The longest visit was for just under two hours at a hotel restaurant. Another visit lasted ten short minutes at a school open house.

Karina is the first US child abducted by a Japanese parent who was returned to the United States with the aid of the court system.

Her case remains an anomaly, however, because Karina likely never would have been returned if her mother hadn't flown to Hawaii in April and been arrested on child abduction charges.

Inoue spent months in a Wisconsin jail until she reached a plea deal with

prosecutors: her parents would send Karina home to Garcia and Inoue would be given probation instead of a lengthy prison sentence.

"This kind of thing should not happen in this civilized world," Garcia said.

Japan is the only member of the Group of Eight industrialized powers that is not party to a 1980 convention requiring countries to return wrongfully held children to their countries of usual residence.

Mindful of international criticism, Japan has agreed in principle to sign the Hague treaty.

But the move would only apply to future cases and not to the more than 120 ongoing cases in which US parents are seeking children in Japan.

Secretary of State Hillary Clinton raised the issue again at a meeting Monday with Foreign Minister Koichiro Gamba, pressing Japan to "take decisive steps" to accede to the treaty and "address outstanding cases."

Congressman Christopher Smith, who has been active for years on child abduction cases, said the Garcia case is "an additional wake-up call for the Japanese government that they need to move expeditiously to resolve these cases."

"Other parents are still spending another Christmas living in agony as their children remain unlawfully detained by abducting parents," Smith, a Republican from New Jersey, told AFP.

Smith, the author of landmark legislation a decade ago against human trafficking, said he planned to move ahead next year on a bill that he hoped would give the US government greater tools to resolve abduction cases.

Under the legislation, the United States would be required to assess every country's efforts on child abductions -- regardless of whether it is party to the Hague convention -- and potentially impose sanctions.

"What this does is make it a country-to-country fight rather than David vs. Goliath," Smith said.

Until laws change in Japan -- and family courts gain the power to enforce custody rights -- it will be nearly impossible for other parents to be reunited with their children, Garcia said.

"When my ex-wife was arrested we finally got the enforcement that was missing from the Japanese courts," he said at a press conference in a Milwaukee hotel.

"If my ex-wife had never been arrested, Karina's alienation would have been completed."

The stress of the past few months have taken a toll on Karina, who has lost weight and is anxious about the move to the United States, Garcia said.

They are slowly getting to know each other again. But despite four years apart, some things haven't changed. She still lines up all her dolls on her bed and she remembered their bed-time ritual.

"She left the blanket open for me to close it. That was the moment I knew she was at home."