



Ab 22<sup>nd</sup> 5770  
August 2<sup>nd</sup> 2010

To  
Mrs. Oshrat Ben-Haim

Dear Mrs. Ben-Haim,

**Re: Mr. Sharon Ben-Haim's request to return his daughter according to Hague Convention**

We write you by the request of Mr. Sharon Ben-Haim, requesting our aid according to Hague Convention regarding the civil aspects of international abduction of children (hereinafter: "Hague Convention"), in order to return his daughter Ofir Ben-Haim to USA.

According to his request, applied through the central authority in USA, on March 24<sup>th</sup> 2010 you've arrived with your husband Sharon and your joint daughter Ofir from USA, in which you've resided, at Israel for a family visit. According to what the request describes, since arriving at Israel you've prevented Sharon from seeing your daughter, and even forbidden him to remove her from Israel and return her to your home in USA as was planned, all that in spite of the fact that the law in USA grants joint custody to both parents, as long as it wasn't decided differently. On April 19<sup>th</sup> 2010, Mr. Ben-Haim has returned to USA. Mr. Ben-Haim has purchased plane tickets back to USA for you and your daughter for June 20<sup>th</sup> 2010, but until this day you haven't yet returned to USA with the child.

We turn to you in order for you to consider returning Ofir to USA voluntarily, before Mr. Ben-Haim would commence legal proceedings according to Hague Convention.

On December 1<sup>st</sup> 1991, Hague Convention came into force in Israel and in USA. One of the purposes of this Convention is establishing a mechanism for the quick returning of abducted children to their habitual residence. When the child is not returned voluntarily, the Convention allows commencement of legal proceedings in order to return the child. These proceedings are not related to the issue of custody over the child, since the idea at the root of the Convention is that the custodial issue will be best decided in the child's habitual residence.

Should you refuse to return Ofir voluntarily, the father will consider commencing civil legal proceedings against you, in which you will have the right to defend yourself and to be

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**Office of the State Attorney**  
*Department of the International Affairs*



represented by a lawyer. Upon you will be laid the burden of proving why the court should refrain from ordering the return of the child to USA.

In case the court will accept Mr. Ben-Haim's request and order the return of the child, you may be ordered to pay for Mr. Ben-Haim's legal expenditures, including flights costs, legal expenses and any other expense related to returning the child to USA.

Mr. Ben-Haim requested to send this letter, hoping you will agree to reach some kind of arrangement with him and return Ofir voluntarily, thus saving the parties financial expenses and emotional distress.

Should you agree to return Ofir voluntarily, please contact us by telephone 972-2-5419608 or 972-2-5419614, within two weeks from the date in which this letter was written. Should we not receive your answer before August 15<sup>th</sup> 2010, or should you choose to refrain from returning the child of your own free will, we will be forced to make use of our authorities according to Hague Convention, during the legal proceedings Mr. Ben-Haim will commence in order to return the child to USA; all this, subject to our opinion as central authority according to the Convention.

For any question you may have, please do not hesitate and contact us.

Respectfully,

Regina Tapuhi

First senior deputy of the state's attorney

International department

Office of the State Attorney