

Mr. Sharon S. Ben-Haim  
6-05 Saddle River Road, #225  
Fair Lawn, NJ 07410

[BringOfirHome@gmail.com](mailto:BringOfirHome@gmail.com)  
[www.BringOfirHome.org](http://www.BringOfirHome.org)

February 22<sup>nd</sup>, 2012

Hon. Secretary of State - Hillary R. Clinton  
U.S. Department of State, 7th Floor  
2201 C. Street, NW, Washington, DC 20520-2818

**RE: Assistance needed due to the State of Israel violating The Hague Convention provisions, retaining my abducted daughter (US citizen) from returning home**

Hon. Secretary Clinton,

In April 2010 my daughter, Ofir Ben-Haim, a United States citizen, was unlawfully removed from the US to Israel, as determined by Israeli and New Jersey State Superior courts. This letter is written as a desperate request for your intervention due to the fact that my daughter is being retained by the State of Israel in violation of The Hague Convention.

Every court that has reviewed this case has determined Ofir was wrongly abducted to Israel. On May 17, 2011, the Israeli Supreme Court found Ofir was wrongly abducted to Israel. Nonetheless, one judge found I had acquiesced to the abduction and one judge found I consented to the decision, while a third judge found there was no acquiescence or consent.

Following the Supreme Court's decision Ms. Lesley Kaufman, Senior Deputy of the Israeli Attorney General from the Dep. of Int'l Affairs in State Attorney's Office, on behalf of the Israeli Central Authority, issued, an acute letter to the Israeli Supreme Court stating **the Israeli Supreme court's ruling** [that my daughter would stay in Israel] **contradicts the previous law determined by the Supreme Court and international law regarding international abduction of children according to Hague Convention Act** (Please find attached letter – **Exhibit "A"**).

On August 25<sup>th</sup> 2011, New Jersey Superior Court Judge – Hon. Judge Bonnie Mizdol, determined the Israeli Supreme Court acted against the Hague Convention and therefore The New Jersey Superior Court cannot afford comity to the decision of the Israeli court. In addition, Hon. Judge Bonnie Mizdol determined that:

***I cannot afford comity to the decisions made by Israeli court. Full faith and credit is to be accorded to participants of the Hague Convention provided that the underlying decision was properly made. The rule of comity is grounded in the policy of avoiding conflicts. However, it is only afforded if the underlying issue was decided correctly.***

***I cannot agree with the final determination of the Israeli court. I find that the Hague application. I find, as did every other judge who has entertained this application, found that New Jersey us the habitual residence of the child. And I find that child must be returned to New Jersey. The Israeli court failed to follow the provisions established within the Hague. I find that the decisions were not based in the facts and that they have exceeded their boundaries. And as such,***

**I will not accept that decision. I will not afford it comity. And I am going to order that the child be returned to the state of New Jersey. I am going to order that that be done not later than September 10<sup>th</sup>.** (Please find attached NJ Superior Court Transcript [Page 15] – Exhibit "B")

In accordance with Hague Convention provisions, the authorized court, which has jurisdiction to determine the custody award regarding my daughter is the court of the country the child was abducted from. Since the Israeli court ruled that my wife unlawfully removed the child from her habitual residence (The United States) in violation of Hague Convention Law, the Family Court of the State of New Jersey has the **sole** jurisdiction to discuss this custody issue and any other matters regarding my daughter. However, the Israeli courts are allowing my wife to ignore the warrants and rulings issued by the New Jersey Superior Court.

Unfortunately, and in spite of the above opinions and determinations, the state of Israel is unwilling to cooperate and follow The Convention provisions, and since this case has reached the highest level of judicial [Israeli] authority, it has become beyond my capacity and reached a dead end. Therefore, it is clear that only a diplomatic intervention will help move this case forward in order to resolve it and finally let me reunite with my beloved daughter, Ofir.

**As a father to a child, with a strong commitment and parental desire to be with my beautiful daughter, I thank you for your assistance in this matter, and ask you to please feel free to contact me at any time for any futher information or whether I can be of any assistance in this case.**

Yours sincerely and gratefully,

\*

\_\_\_\_\_  
**Sharon S. Ben Haim**

Cc:

**Mr. William J. Burns**  
Deputy Secretary of State D(S)

**Mr. Thomas R. Nides**  
Deputy Secretary of State D(L)

**Governor, Mr. Chris Christie (R-NJ)**

**Sen, Mr. Frank Lautenberg (D-NJ)**  
**Sen, Mr. Robert Menendez (D-NJ)**  
**Sen, Mr. Robert Gordon (D-NJ 38th District)**

**Rep, Mr. Steven Rothman (D-NJ 9th District)**

**Rep, Mr. Christopher Smith (R-NJ 4th District)**

**Ms. Connie Terranova Wagner**

**Mr. Eric Mark, Esq.**  
P.O. Box 9151  
Paramus, NJ 07653-9151  
P. 201-394-4676  
F. 973-265-7677  
[EricMarkEsq@gmail.com](mailto:EricMarkEsq@gmail.com)  
<http://ericmarklaw.com>

**Ms. Galit Moskowitz, Esq.**  
**60 Court Street**  
Suite 3  
Hackensack, New Jersey 07601  
(201) 488-3388- (phone)  
(201) 488-3387- (facsimile)  
[galit@lawyerslm.com](mailto:galit@lawyerslm.com)  
[www.lawyerslm.com](http://www.lawyerslm.com)