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# Toronto mom pleads for children's return from Afghanistan

**Woman's ex-husband allegedly abducted children during overseas trip in June**

[CBC News](#)

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A Toronto mother is locked in a legal battle to see her two young children again after her ex-husband allegedly abducted them and fled to Afghanistan.

Zaiba Zaiba has full custody of seven-year-old Mateen and four-year-old Hosna and approved for their father to take them both on a trip to Europe in June.

Several weeks later, she unexpectedly received a call from a number in the Middle East and realized her children's fate.

"When I saw the number I was shocked because I don't get (many) calls from Afghanistan," she said. "When I said 'hello' and recognized his voice I was in tears and I knew that he took them."

The weeks since have been an emotional struggle, which she has spent pleading with the Department of Foreign Affairs, the RCMP, Toronto police and even her local member of Parliament for help in bringing her Canadian-born children back home.

## Parental abductions go unpunished, Canadian dads say

"I don't understand why the government cannot bring my children back," she told CBC News in an exclusive interview.

Foreign Affairs said it's been made aware of Zaiba's case and is continuing to provide "consular assistance."

But family lawyer Andrew Feldstein said Zaiba will face an uphill battle because Afghanistan is a country that has not signed on to the Hague Convention — an international agreement that, in part, protects children from abduction.

"Which means you would need a court in Afghanistan to agree that the children ought to be returned to Canada," Feldstein said. "You're subject to their laws because that's where, regrettably, the children are right now."

## Sharia law

Feldstein said a judge in Afghanistan would interpret Sharia law, which has very different limits to custody rights when compared to Canadian law.

"It is a tough battle and it's a horrible situation to be that mother right now. She has my sympathy," he said, suggesting Zaiba may be able to freeze her ex-husband's assets or obtain an order requiring him to surrender his Canadian passport — as a means of negotiating the safe return of her children.

Zaiba last spoke to her children on July 21 when her daughter cried out and said she missed her mother before the line was disconnected.

Despite the odds against her, Zaiba said she'll keep fighting because of the unthinkable alternative.

"I just need my children back. I don't know how I'm (going to) live without them. It's so hard," she said.

<http://www.cbc.ca/news/canada/toronto/story/2013/08/20/toronto-afghanistan-europe-custody-children.html>

With a report from the CBC's Marivel Taruc