

WRITTEN TESTIMONY OF CHAYA WEINBERGER

BEFORE THE HOUSE FOREIGN AFFAIRS SUBCOMMITTEE ON AFRICA, GLOBAL
HEALTH, AND HUMAN RIGHTS HEARING

“THE U.S. STATE DEPARTMENT’S INADEQUATE RESPONSE TO HUMAN RIGHTS
CONCERNS IN BOLIVIA: THE CASE OF AMERICAN JACOB OSTREICHER”

JUNE 6, 2012

Thank you, Chairman Smith, and the other members of the Subcommittee for scheduling this hearing. A hearing like this has been long overdue, and I am thankful that my fathers’ case is finally getting the attention it deserves.

My name is Chaya Weinberger, and although I find it difficult to speak about such a personal matter, I do so for my father, Jacob Ostreicher, who is an upstanding American citizen begging his country to intervene on his behalf. He, together with all those who love him and want him home are waiting. We are waiting to see the demonstration of liberty on which our country is based upon. We are anticipating seeing justice emerge. We are hoping that our country won’t let us down. That the U.S. Government will do more than “monitor the case,” as the American embassy in La Paz, Bolivia has been telling us for the past twelve months. Monitoring is not enough. Things have gone from bad to worse and we have not seen the State Department respond effectively.

My father is an innocent man. He has over 1000 documents attesting to that. The Bolivians have not charged him with any crime, for there is no crime to charge him with.

When his first hearing was scheduled ten family members travelled to Bolivia to attend the hearing. They came from England, Canada and the United States. The courtroom was filled to capacity with loved ones. The shock and devastation when the judge decided to postpone the hearing was evident on our faces. We were outraged that we would have to return home without actually attending the hearing. Several other family members travelled to Bolivia for the next scheduled hearing. That hearing was postponed as well. I had a hard time controlling my emotions and burst into uncontrollable tears. My father tried to console me but wasn’t successful. I would have to travel back home because I left five little children and was distraught that I had to leave my father behind. This scenario repeated itself when I returned for a third time in March to attend yet another scheduled hearing.

In the meantime, my father is sitting in the notorious Palmasola prison, where he is clinging onto his sanity. He is on the verge of collapse, both mentally and physically. On my third visit to the prison, he had changed so drastically that I could hardly recognize the gaunt skeleton of a man that faintly resembled my father, who had always been so strong and vigorous. During the span of five weeks, between my second and third visit, he had weakened so drastically and was so agitated that he could no longer focus on reading more than one paragraph at a time. He stared, uncomprehending when I asked him a question, and appeared totally confused. I was very alarmed when I saw him shaking with his head and his eyes taking on a hazy, vacant look. I have not seen him since his hunger strike, which he began on April 15th and I cannot bear to imagine his present condition.

My father's lawyers have been urging the judge – the third judge assigned to my father's case – for over three weeks to sign an order that would grant him permission to be admitted into a hospital. The judge refuses to sign the order. The U.S. State Department and the U.S. Embassy tell us that my father first needs to be seen by the prison doctor. But there is no licensed doctor in the prison! The doctor is a prisoner, as other prisoners are the guards, cooks, and storekeepers.

I am extremely anxious that my father's medical needs be taken care of; his situation is life threatening.

My father's lawyers tell us that they do not understand why no one in the U.S. Government is taking any drastic steps to secure his release. We do not understand it either – how can my father be allowed to suffer one more day in that misery? **The American people are watching you now. They want to see how safe they really are. When innocent Americans are jailed abroad, will their country fight for her citizens, or will she abandon them in their time of need?**

Recently, the Bolivian market was flooded with rice. That rice was stolen from my father, who together with investors had invested millions into it and stood to eventually own a huge percent of the market. Because Bolivia is run by a president who controls every aspect of the economy, this was a tremendous threat to him. My father represented the American ideals of democracy and free markets, and I believe they hated him for it. With him now conveniently out of the picture, they are free to control the price of whatever they export without having to deal with competition. Moreover, “coincidentally,” a six year ban in the country on exporting rice was lifted a month later.

Chairman Smith and Members of the Subcommittee, we are tired. We are exhausted from months of appealing to various Members of Congress and other U.S. Government officials with no response. It has been a frustrating, painful year and we are at the end of our strength. We beg of you, Congress, and the U.S. State Department to act now. Soon it may be too late. The only one who can get my father out of this nightmare is the U.S. Government, with the help of the Almighty.

There are many people heartbroken about my father's condition. He is not just my father – he is a beloved husband, grandfather, uncle, brother and devoted son and grandson. His many friends whom he has always helped are deeply concerned about his welfare and have his situation at the forefront of their hearts and minds. His entire extended family, who have missed him terribly during the recent holidays, ask about him constantly.

When will he be coming home? That is the question that my father's 97 year old grandmother, who has unfortunately found out about his terrible situation, asks every day amid tears. His predicament weighs on her heart, affecting her health. At this late stage in her life, when she should be experiencing the joy of family and children, she is instead spending her days weeping for her imprisoned grandson.

My father's father does not cry about his son, for he does not know about his predicament. We have not told him, for fear that the news would be too much for him to bear. He is 86 years old with a heart condition. Hearing that his son is in jail in faraway Bolivia for a crime he did not commit, would kill him. When he constantly asks about my father we are compelled to lie, telling him that only passport difficulties are preventing him from coming home. But it is only a matter of time before he will find out the truth. We hope our father comes home before it's too late.

My children are hurt. They assume that their grandfather is away on an extended business trip and believe that they are not as important to him as his business. They cannot be more wrong, but I cannot assuage their feelings by telling them the real reason their grandfather is away. They are traumatized enough. My 7 year old niece told her mother that she already forgot what her grandfather looks like. Not only can we not tell the kids about their grandfather's situation, but I cannot tell my father what the children are thinking. It would be too painful for him to hear that they are hurt, and he can do nothing to help them.

We need him home. Every day that he is gone brings a new agony, a new question from my children as to his whereabouts.

The grandchildren hear their parents conversing in hushed, scared voices, and they are confused. They are confused and hurting. Kids in school ask them many questions about their grandfather, and they remain silent. They don't know what to say, and neither do we. Who can find words to explain this madness? Who can tell little children that their grandfather is being held hostage in a third world country for no reason at all? I cannot. And so, I appeal to you, the government of the country I have always loved. Let me tell my children and the world a different story, one that will show them the greatness of their homeland, an advocator of liberty. Let me tell them a story that has a happy ending. Let me tell them that their grandfather is finally coming home.

I would again like to thank the Subcommittee for arranging this hearing, especially Chairman Chris Smith, for being the first elected official to have his office meet with me as soon as he found out about this travesty of justice. Our community, family and friends will never forget that he brought my father's case to the forefront, and we will be forever grateful. Thank you for giving us hope.