

Upon the fact that, although regularly convened by the Registry of the Court, the Defendant Gail COOPER did not attend nor was she represented at Our 22 February 2012 Hearing ;

That as far as she is concerned the Court shall rule by default and without further examination, on the basis of the means, files, and conclusions presented and provided by the attending parties ;

I. OBJECT AND ADMISSIBILITY OF THE REQUEST

Given the request, formulated by the conclusions provided to the Registry of the Court on 31 January 2012 for Nigel COOPER, on the basis of article 11 of the European Regulations No. 2201/2003 of 27 November 2003, also known as "Brussels II bis" and article 1322 bis of the judicial Code, is disposed to grant to Nigel COOPER primary custody of his daughter Bailie Kate COOPER, born on 1 August 2003 in Coventry (united Kingdom) from his union with Gail COOPER, and therefore order immediate return of the child to the Kingdom of Belgium, in this case to the domicile of her father, registered in 7020 MONS (Belgium), rue Grande, 205/2.2 and in this respect, on forfeiture of a penalty of 500 euros per day of delay, Our decision being additionally supplemented by the passport certificate in accordance with the "BRUSSELS II bis" Regulation, under the conditions, modalities and authorizations better outlined in the arrangement scheme of the initiating proceedings ; that subsequently the request is pursuing the right for secondary custody in favor of Nigel COOPER regarding his daughter Bailie Kate COOPER, the modalities being better detailed in the operative part of the conclusions ;

That this request, justified in its means and submitted within the legal deadline, shall be receivable ;

II. CAUSE FOR THE REQUEST

Brief background facts

Considering that the applicant Nigel COOPER settled in Belgium in January 2006 as he was hired as Principal Consultant for Network Security at SHAPE ;

Considering that he was later joined by his daughter on 12 October 2006 as attested by the residence certificate written and signed by the Civil Registrar of the City of Mons on 30 September 2011, based on a private power of attorney provided by the defendant Gail COOPER on 5 August 2006, which reads as follows : "I, Gail COOPER, mother of Bailie Kate COOPER, authorize Bailie Kate COOPER to live with her father Nigel COOPER" ;

That the defendant later joined the applicant and his daughter on 20 January 2007 to live with him, first in Mons, than later in Lessines ;

Considering that during the period of the time they lived together, the applicant obviously catered to the well-being of his daughter, mainly by himself and because of the clear addiction to drugs and alcohol which already afflicted the defendant at the time ;

