

That, no less than twenty-five independent testimonies were written and provided to the file of the applicant in order to attest of the true attentive care he was providing his daughter, as well as the quality of the level of education he was offering her ;

Considering that on 3 March 2011, the defendant committed a felony by taking the child Bailie Kate to the United Kingdom, and did so after having willingly misled to local authorities of the City of Lessines, in playing on the existing similarity of names between the applicant, herself, and a someone named Paul COOPER, who was her first husband, and father of a daughter named Keeva-Rae, the so-called Paul COOPER granting the defendant, after signing a private power of attorney on 7 December 2007, full authority to leave the Kingdom of Belgium with his daughter Keeva-Rae COOPER ;

That on 5 November 2011, the Mayor of the City of Lessines acknowledged that he had indeed been completely misled and as a result stated so in writing, explaining that in fact the applicant Nigel COOPER had never given to the defendant Gail COOPER the written authorization to leave the Belgian territory accompanied by their daughter Bailie COOPER;

That in accordance to the provisions of the Hague Convention of 25 October 1980 on the civil aspects of international child abduction, the applicant COOPER contacted on 21 September 2011 the Belgian Central Authority, i.e. the Federal Public Service of Justice to notify them of the parental abduction and thus asked for the immediate return of the child to Belgium ;

That, in addition, the child contacted her father again as early as 13 November 2011 to let him know that she felt unsafe with her mother and her new partner, this once again proving the alcoholism and drug abuse of the defendant, Gail COOPER ;

That the British High Court of Justice ordered against the return of the child on 25 November 2011 ;

And that following a decision that can be criticized on many grounds, which were clearly taken out of context or subject to a utterly subjective and inadequate interpretation, Our British counterpart considered that the applicant Nigel COOPER had simply, through his mere acts, given his consent to the mother to take the child, under article 13 of the Hague Convention ;

Debate

Considering that We do not wish to remind of the legal, international, and internal provisions applicable in this case, since "no one is supposed to ignore the Law" ;

That the request of Nigel COOPER, which aims to grant him custody of his daughter, is fundamentally based on article 11.7 of the Brussels II Regulations ;

That there is no doubt whatsoever that the whole family was residing in Belgium until the defendant Gail COOPER committed a felony ;

That the child Bailie Kate was therefore indeed a legal resident in Belgium ;

