

That the later was supposed to report to a service called "The Head Project", sponsored by the same university and meant to help abusive and violent individuals, this invitation obviously being a consequence of the similar invitation made to the defendant COOPER... ;

Considering that in planning the hearings of the British High Court of Justice scheduled on 24 and 25 November 2011, an independent consulting organization called "CAFCASS" as per the translation "Service of counsel and support to the family court" provided a child abduction report, which made us believe beyond any reasonable doubt that what Bailie Kate COOPER genuinely wished for was to go back and live under the roof of her father, as Mrs Liliane ODZE reports ;

That this report indeed shows that even if the child remains, and it is by far understandable, torn apart by the inevitable conflict of loyalty between parents, she does not however shows any clear preference in her wishes in remaining in England but rather she insists on going back to her father's home, while expressing her wish to meet regularly with her maternal grandfather, and, of course, her mother ;

That the British Judge should have, in view of all the elements which were given to his appreciation, ordered the evident return of the child in the country of her choice, i.e. the Kingdom of Belgium ;
That We shall order this course of action, which also obviously meets the greater and objective interests of the child ;

That no guarantee can be obtained in this regard within the home of her mother, knowing that the removal and/or control precautions of the mother and her partner as described in the agreement made on 12 January 2012 do not strictly constitute a binding constraint or even an obligation ;

Considering finally that Our decision will be supplemented with the passport certificate as referred to in article 42 of the Brussels II bis Regulation; passport certificate which is to be handed to the applicant Nigel COOPER, along with this decision ;

That based on the Rule of Law, the home of the parent who is honorable and capable to respect the prerogatives of the custody of his child must be preferred to any other care structure or any other home of replacement, as respectable as these may be ;

That Nigel COOPER effectively complies with these conditions and requirements in this case ;

FOR THOSE REASONS,

We, Xavier HIERNAUX, Single Judge, assisted by Christine VACHAUDEZ, Registrar ;

Upon the provisions of the law of 15 June 1935 applied in this case, and article 107 of the law of 22 December 1998 ;

Upon article 11 of the European Regulations Nr. 2201/2003 of 27 November 2003, also known as "Brussels II bis" and article 1322 bis of the judicial Code ;

Translated from French to English by Catherine Van Rysselberge, sworn in translator by the Mons County Court, on 16 March 2012.

