



**Fwd: Closing the file: Hague return case: child Sabina
MERTENS, born on 29 April 2011; our ref.: [REDACTED]**

[REDACTED]

Von: [REDACTED]

Datum: 13. August 2018 um 17:21

Betreff: WG: [Closing the file: Hague return case: child Sabina MERTENS, born on 29 April 2011; our ref.: II3 - SR - U5 - A - 232/13](#)

An: umertens1@gmail.com

Sehr geehrter Herr Mertens,

die unten stehende E-Mail vom 10.08.2018 sowie das offizielle Schreiben der Zentralen Behörde der Ukraine vom 09.08.2018 nebst Anlage wird Ihnen zur Kenntnisnahme übersandt.

Die ZB Ukraine teilt mit, dass mit der beigefügten Entscheidung des Kassationsgerichts vom 06.06.2018 die durch Ihren privaten Anwalt eingelegte Kassationsbeschwerde zurückgewiesen wurde und die **ablehnende Entscheidung des Berufungsgerichts vom 07.12.2016 über die Nichtrückführung des Kindes beibehalten wurde.**

[REDACTED]

Jetzt besteht für Sie nur noch die Möglichkeit, ggf. einen [REDACTED]

[REDACTED]

mit freundlichen Grüßen

<...>

Referat II/3 (Internationale Sorgerechtskonflikte)

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-----Ursprüngliche Nachricht-----

Von: Пупа А.П. Мінюст

Gesendet: Freitag, 10. August 2018 12:25

An: intsorgerecht <int.sorgerecht@bfj.bund.de>

Betreff: Closing the file: Hague return case: child Sabina MERTENS, born on 29 April 2011; our ref.: II3 - SR - U5 - A - 232/13

Dear Ms <...>,

I hope this message finds you well.

Referring to the above named case, please, find enclosed the copy of the official letter of the CA of Ukraine concerning the above named case dated August 9, 2018, original of which was sent to your Office by mail.

Taking this opportunity let me thank you and your colleagues from the German CA who were involved into this case for the mutual cooperation in this case.

Please, feel free to contact our Office should you need any clarification pertaining to the issue.

With respect,
for the CA of Ukraine
Andrew RUPA
Main Specialist

Dateianhänge

- letter from 09.08.2018.PDF



**МІНІСТЕРСТВО
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№ _____

Ha № _____

**Federal Office of Justice of the
Federal Republic of Germany
Central Authority
(International Custody Conflicts)**

53014, Bonn, Germany

Referring to the case on return of the minor **Sabina Mertens**, please, be informed that according to the information from the State Register of Court Decisions of Ukraine _____

_____, lodged by the applicant's private attorney, and left the Decision of the Appeal Court of Khmelnytska oblast dated December 7, 2016, on _____ without changes.

Please, be informed that the _____ Thus, please, be informed that the Central Authority of Ukraine has no legal grounds to carry out further actions on return. As there is no possibility to proceed with this case anymore, we proceed to _____.

We also kindly remind that in Ukraine the cassation court stands for the observation of the unified application of the law by the courts of lower instances and does not consider the case on merits.

Please, bring this information to the applicant's attention and keep him apprised that he has the right to file the application on access under Article 21 of the Child Abduction Convention.

We take this opportunity to renew the Central Authority of the Federal Republic of Germany for the Abduction Convention the assurance in the highest consideration.

Enclosure: on 4 pages (only by e-mail).

**Head of the Directorate
on International Law**

Tamara Andriieva

003258

Andrew RUPA
a.rupa@minjust.gov.ua

UWE -E

incorrect application by the appellate court of the rules.
material rights and violations of procedural law, do not refute the conclusions
of the court. In solving this case
the appellate court correctly defined the nature of the legal relationship
between the parties, the law that regulates them is correctly applied.
Taking into account that the conclusions of the Court of Appeal correspond to
the circumstances established in the case, the court decision was adopted with
due observance
the rules of substantive and procedural law, the cassation appeal must be left
without satisfaction, and the judicial decision unchanged,
in accordance with the provisions of Article 410 of the Civil Code of Ukraine.
Guided by Articles 402, 409, 410, 416 of the Civil Code of Ukraine, the Supreme
Court in the composition of the board of judges of the First Cassation Chamber
civil court

Chairperson D. D. Lupenyk

Judges: O. V. Bilokon

E. V. Synelnikov

S. F. Hopta

Yu. V. Chernyak