

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIFTH SECTION

DECISION

Application no. 5937/12
Terje LESTEBERG and Helena SIEMONS-LESTEBERG
against Germany

The European Court of Human Rights (Fifth Section), sitting on 13 November 2012 as a Committee composed of:

Boštjan M. Zupančič, *President,*
Ann Power-Forde,
Angelika Nußberger, *judges,*

and Stephen Phillips, *Deputy Section Registrar,*

Having regard to the above application lodged on 23 January 2012,

Having regard to the decision to grant priority to the above application under Rule 41 of the Rules of Court,

Having regard to the Government's submissions and to the applicants' submissions in reply,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicants, Mr Terje Lesteberg and Ms Helena Siemons-Lesteberg, are Norwegian nationals, who were born in 1973 and 1979 respectively and live in Mellinghausen in Germany. They were represented before the Court by Mr L. Brettschneider, a lawyer practising in Sulingen.

The German Government ("the Government") were represented by their Agent, Mrs K. Behr, of the Federal Ministry of Justice. The Norwegian Government, who had been informed of their right to intervene under Article 36 of the Convention, did not make use of this right.

COUNCIL OF EUROPE CONSEIL DE L'EUROPE

The applicants complained under Article 8 of the Convention about a return order issued by the Celle Court of Appeal on 30 September 2011 under Article 12 of the Hague Convention on the Civil Aspects of International Child Abduction. On 9 July 2012 the Court decided to give notice to the Government of the applicants' complaint detailed above.

On 11 Septermber 2012 the Government informed the Court that the subject matter of the applicant's complaint had been resolved as the applicants had returned to Norway with their daughter and the Norwegian County Appeals Board had retransferred parental authority to the applicants.

On 4 October 2012 the applicants' representative confirmed that the subject matter of the applicant's complaint had been resolved.

THE LAW

In the light of the foregoing, and in the absence of any special circumstances regarding respect for the rights guaranteed by the Convention or its Protocols, the Court, in accordance with Article 37 § 1 (a) of the Convention, considers that it is no longer justified to continue the examination of the application.

Accordingly, the case should be struck out of the list.

For these reasons, the Court unanimously

Decides to strike the application out of its list of cases.

Stephen Phillips
Deputy Registrar

Boštjan M. Zupančič
President