

DECREE

On 16 October 2017 the judicial panel for civil cases of the Minsk City Court consisting of Presiding Justice N. N. Pesenko, the judges O. Ye. Antonenko, Ye. B. Rudnitskaya reviewed in the open court the civil case concerning the individual appeal of the plaintiff's representative against the judgment of the Oktyabrsky District Court in Minsk of 23 August 2017 on termination of the proceedings of the case on the lawsuit by Nikolas Cheropoulos against Liudmila Arkadeyevna Trafimovich for the return of the minor children to the place of their permanent residence.

Having heard the report by the judge N. N. Pesenko, the explanations of the plaintiff N. Cheropoulos, his representative – the lawyer A. S. Danilevich, who asked to reverse the court judgment, the counter-arguments of the defendant L. A. Trafimovich, who asked to leave the court judgment unchanged, the judicial panel

FOUND:

In his court statement the plaintiff indicated that during the period from 2008 to April of 2017 he lived together with L. A. Trafimovich in the city of Stockholm. In their conjugal life they have two daughters: Anthie, born on 08 June 2012, and Alexandra, born on 01 April 2015.

On April 18, 2017 the defendant illegally removed the children from Sweden to the Republic of Belarus.

In accordance with the Convention on the Civil Aspects of International Child Abduction of 1980, he asked to return his daughters Anthie and Alexandra to the place of their permanent residence in the city of Stockholm, the Kingdom of Sweden.

By the judgment of the Oktyabrsky District Court in Minsk of 23 August 2017, the proceedings in the case were terminated according to paragraph 1 Article 164 of the Civil Procedure Code of the Republic of Belarus.

The plaintiff's representative in the individual claim asks to reverse the court judgment considering it to be illegal and inconsistent.

Having considered the arguments in the individual appeal, having examined the case files, the judicial panel believes that there are no grounds for reversal of the court judgment in view of the following.

According to Part 1 Article 8 of the Convention on Civil Aspects of International Child Abduction entered into in the Hague on 25 October 1980, any person, institution or other authority raising a claim that the child is removed or retained to the detriment of his/her right of residence may appeal both to the Central body at the place of permanent residence and the central body of any other State Party in order to contribute to the return of the child.

In accordance with Article 6 of the Convention, the State Party shall appoint the Central body to exercise duties imposed on such bodies by the Convention.

The federal states, the states that have several legal systems or the states that have autonomous territorial entities shall be entitled to appoint several central bodies independently and determine territorial boundaries of their powers. In case the state appoints several bodies it must appoint the central body whereto applications can be addressed in order to be submitted to the relevant central body within the boundaries of this state.

In accordance with paragraph 1 Part 1 Article 164 of the Civil Procedure Code the court terminates the proceedings on the case if the case is not subject to review in the court due to its lack of jurisdiction.

In his court statement N. Cheropoulos indicated that the defendant illegally removed the children from Sweden to the Republic of Belarus and illegally retained them in the Republic of Belarus, he asked the court to return the minor daughters to Sweden under Convention on the Civil Aspects of International Child Abduction.

The court having established that the claim declared by the plaintiff was not subject to review through civil proceedings reasonably terminated the proceedings on the case due to its lack of jurisdiction.

In view of the foregoing, the arguments of the individual appeal does not imply a reversal of the court judgment.

The judicial panel considers that the court judgment is legal and consistent, there are no grounds for its reversal and satisfaction.

Being guided by paragraph 1 Article 435 of the Civil Procedure Code of the Republic of Belarus, the Judicial Panel

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To leave the judgment of the Oktyabrsky District Court in Minsk of 23 August 2017 unchanged, and the individual appeal – denied.

Presiding Justice	<i>/signed/</i>	N. N. Pesenko
Judges of the judicial panel	<i>/signed/</i>	O. Ye. Antonenko
	<i>/signed/</i>	Ye. B. Rudnitskaya