

/National emblem of the Republic of Belarus/

Code according to the National Classifier of Governmental Authorities 40020

**Supreme Court
of the Republic of Belarus**

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January 13, 2020 ref. No. 03H – 72

Your ref. No. _____ of _____

Nikolas Cheropoulos,
Dansbanevägen 28, 126 31 Hägersten,
Stockholm, Sweden

Re: Consideration of appeal

The Supreme Court of the Republic of Belarus has performed a supervisory review of the case on a dispute between you and L.A. Trafimovich regarding the return of the children in accordance with the Convention on the Civil Aspects of International Child Abduction.

In accordance with the decision of the Oktyabrsky District Court of the City of Minsk of July 12, 2018, upheld by the ruling of the Judicial Panel for Civil Cases of the Minsk City Court of September 10, 2018, the claims were denied.

Considering court orders to be unlawful and ungrounded, you demand for their reversal.

The appeal is dismissed on the basis of the following.

According to Article 12 of the Convention on the Civil Aspects of International Child Abduction (concluded in the Hague on October 25, 1980) (hereinafter referred to as the Convention), where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith.

Notwithstanding the provisions of the preceding Article, the judicial or administrative authority of the requested State is not bound to order the return of the child if the person, institution or other body which opposes its return establishes that there is a grave risk that his or her return would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation (Article 13 of the Convention).

The court established that between 2008 and April 2017 you lived in Stockholm together with L.A. Trafimovich, with whom you have daughters Anthie Anthoula Cheropoulou, born on June 8, 2012, and Alexandra Cheropoulou, born on April 01, 2015, who are both citizens of the Republic of Belarus and citizens of the Kingdom of Sweden.

On April 18, 2017 L.A. Trafimovich flew with the children to Belarus.

After returning to the Republic of Belarus, your daughters, together with their mother, were registered and permanently reside in a comfortable three-room apartment No. 24 in building No. 64 at Kizhevatova Street in Minsk.

In the materials of the case it is established that the children attend kindergarten No. 480 in Minsk, are observed in the healthcare institution “City Children’s Outpatient Clinic No. 13”.

Anthie Anthoula is a member of the aesthetic team gymnastics sports group.

Your daughters are characterized as sociable, friendly, inquisitive children who easily come into contact with adults and children. Their good level of physical and intellectual development and a penchant for creative activity are especially noted.

According to the results of a psychodiagnostic examination of the children, it was found that your daughters are emotionally attached to both parents. At the same time, while they experience the need to communicate with you, the girls have a closer and trusting relationship with their mother, who takes care of them, is engaged in their upbringing and provides parental care.

The court found that L.A. Trafimovich properly fulfills parental responsibilities, has created the appropriate conditions for the development and education of the children in the Republic of Belarus.

These circumstances were confirmed in court by a representative of the competent guardianship authority.

Considering the children’s young age, their special affection for the mother, who has been caring for them since birth and has been properly fulfilling parental responsibilities, the court reasonably agreed with the opinion of the guardianship authority that separation of the children from their mother and return to their country of permanent residence are not in their best interests and can cause them psychological damage.

In such circumstances, the court has rightfully refused to satisfy your claims.

Court decisions in the case were made in accordance with the actual circumstances and requirements of the law. The court did not allow violations of procedural rules entailing the abolition of court decisions by way of supervision.

For the stated reasons, it was refused to bring the protest to reverse the court decisions.

Please note that this decision in no way excludes the possibility of your participation in raising your daughters, including the establishment by the court of the procedure for your communication with the children.

Annex: 48 sheets, 1 copy

Deputy Chairman
of the Supreme Court
of the Republic of Belarus

/signed/

A.A. Zabara