

**Name of Case**

Court of Appeal of Corfu (Efeteio Kerkyras) Decision No. 135/1994

**Date of Decision**

1994

**Requesting State**

UNITED STATES OF AMERICA

**Requested State**

GREECE

**Name of Court**

Efeteio Kerkyras (Court of Appeal of Corfu)

**Status of Case**

Final

**Level of Court**

Appellate Court

**Published / where available**

Elliniki Dikaiosyni 1995, p. 1295

**Articles considered**

1, 2, 3, 4, 5, 6, 11, 12, 16, 17, 18, 19

**Articles or provision upon which disposition of case based**

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**Order**

The First Instance Court ordered return of the child to the father in the United States.

**Facts**

The case involves the petition of a father for the return of his children, who he claims, have been wrongfully removed by the mother.

**Ruling**

First Instance decision upheld. First instance decision cannot be appealed, since it is a decision for provisional measures.

**Cases and authorities referred to**

Supreme Court Plenary Session (Olomeleia Areiou Pagou) Decision No. 754/1986; Supreme Court Plenary Session (Olomeleia Areiou Pagou) Decision No. 47/1990; *Voulgaris Ioannis*, "The Hague Convention of 1980 on the civil aspects of international child abduction", *NoB* 38, 14-26; One Member Court of First Instance of Thesprotia (Monomeles Protodikeio Thesprotias) Decision No 160/1994.

**Judges**

Pavlos Meidanis (Chairman); Nikolaos Amugdalos (Rapporteur)

**Legal basis for decision**

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**Procedural Matters**

The decision of the first instance court on matters relating to the Hague Convention cannot be appealed, since these decision are issued according to the civil procedure of provisional measures.

**Comments**

Only the legal reasoning (and not the substantive ruling) of the decision has been published in this case. The legal rationale of the court in this case (i.e. that a decision of the first instance court on matters relating to the Hague Convention cannot be appealed, since these decision are issued according to the civil procedure of provisional measures) has not been followed by the courts in later cases (where it has been held that the decisions of the First Instance Courts can be appealed).