

**Name of Case**

One Member Court of First Instance of Athens (Monomeles Protodikeio Athinon)  
Decision No. 1362/1994

**Date of Decision**

1994

**Requesting State**

UNITED KINGDOM

**Requested State**

GREECE

**Name of Court**

One Member Court of First Instance of Athens (Monomeles Protodikeio Athinon)

**Status of Case**

First Instance

**Level of Court**

Court of First Instance

**Published / where available**

Legal Database "Nomos"; Armenopoulos 1995, p. 1039

**Articles considered**

3, 4, 5, 8, 9, 10, 11, 12, 14

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

3, 12, 13

**Order**

Return of the child to the mother was granted.

**Facts**

The couple was married in the United Kingdom in 1986 and had two children (boys) aged 7 and 5 at the time of alleged wrongful removal. The couple lived in the United Kingdom, but the father decided to move to Greece in the summer of 1992, in order to work in Zakynthos. During the winter of 1993 the father returned to England and in the summer of 1993 he went back to Greece. During the summer the mother with the two children came to Greece to visit the father, but at the date where it was programmed for them to return to the UK, the father destroyed the tickets of the children and wrongfully decided to keep the children with him. The mother left and could not return, as the father threatened that if she returned to Greece to take the children, he would abuse them; something that he was capable of doing, given his past. The mother asked for divorce in the United Kingdom.

**Ruling**

Given that less than a year has elapsed since the wrongful removal of the children and that the children live under bad conditions with their father (they live in a house in Athens with other people and they do not go to school) the request of the mother has to be

accepted and the children have to return to the United Kingdom, where their place of habitual residence is.

**Cases and authorities referred to**

*Voulgaris*, Nomiko Bima 38.14

**Judges**

Miltiadis Chatzigeorgiou

**Legal basis for decision**

**art. 12, 13**

Given the fact that less than a year had elapsed since the wrongful removal of the children from their mother, who exercised rights of custody, and taking into account the bad conditions under which they live with their father, the Court concluded that the children should return to their place of habitual residence in the United Kingdom.

**Procedural Matters**

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**Comments**

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