FORENSIC LEGAL & DIPLOMATIC ANALYSIS

THE CASE OF

NICOLAOS CHEROPOULOS

v.

THE KINGDOM OF SWEDEN

AND THE REPUBLIC OF BELARUS

Systemic Failure of Consular Protection | De Facto Abandonment of Sovereign Duty
Violations of International Law | Nine-Year Institutional Dereliction

Analysis Type	Forensic Legal & Geopolitical
Classification	URGENT — ONGOING HARM TO CHILDREN
Period Covered	April 2017 — April 2026 (Nine Years)
Primary Sources	496-page MFA Correspondence Binder (2017–2025); UN OHCHR Submission (April 2026); CRC Optional Protocol Communication (April 2026)
Forensic Report Compiled By	Nicolaos Cheropoulos, Stockholm, Sweden
Children Concerned	Anthie Cheropoulou (b. 8 June 2012) & Alexandra Cheropoulou (b. 1 April 2015) — Swedish-Greek nationals

April 2026

TABLE OF CONTENTS

TABLE OF CONTENTS 2
EXECUTIVE SUMMARY 3
I. FACTUAL AND PROCEDURAL MATRIX 4
A. The Abduction and Initial Response (April 2017) 4
B. The Södertörn District Court Judgment (19 September 2018) 4
C. Institutional Isolation: The St. Elisabeth Monastery, Minsk 4
D. Timeline of MFA Contact and Administrative Closures (2021–2025) 5
II. STRUCTURAL FAILURE OF STATE PROTECTION 6
A. The "Monitoring" Paradigm and Its Legal Insufficiency 6
B. Collapse of the Hague Convention Application Process 6
C. Passive Diplomatic Posture: Evidence from the Documentary Record 7
III. BREACHES OF INTERNATIONAL LEGAL OBLIGATIONS 8
A. The 1980 Hague Convention on the Civil Aspects of International Child Abduction 8
B. The Vienna Convention on Consular Relations (VCCR), 1963 8
C. The UN Convention on the Rights of the Child (CRC) 9
D. Customary International Law: Diplomatic Protection and State Responsibility 9
IV. REFRAMING: FROM CONSULAR MATTER TO UNLAWFUL DETENTION PARADIGM 10
A. The Inadequacy of the «Consular» Matter Classification 10
B. Criteria for the Unlawful Detention/Hostage Paradigm 10
V. INSTITUTIONAL ACCOUNTABILITY AND TRANSPARENCY FAILURES 12
A. Decision-Making Opacity Within the MFA 12
B. The «No Compilation» Admission and Its Legal Implications 12
C. Institutional Responsibility: A Framework 12
VI. DIPLOMATIC INERTIA AS DELIBERATE POLICY FAILURE 14
A. Risk Aversion and the Subordination of Citizen Protection to Bilateral Stability 14
B. Administrative Process as a Surrogate for Substantive Obligation 14
VII. FINAL DETERMINATION 15
A. Has Sweden Failed to Uphold Its Sovereign Duty of Protection? 15
B. Passive Complicity Through Inaction 15
C. Isolated Failure or Systemic Breakdown? 15

EXECUTIVE SUMMARY

This report constitutes a forensic legal and geopolitical analysis of the Swedish Ministry for Foreign Affairs (**MFA/Utrikesdepartementet, UD**) and its handling of the international child abduction case involving Swedish citizen **Nicolaos Cheropoulos** and his two minor daughters, **Anthie** (born 8 June 2012) and **Alexandra** (born 1 April 2015), both Swedish-Greek nationals. The children were unlawfully removed from Sweden to Belarus in April 2017 by their mother, Liudmila Trafimovich, and have remained there for nine years, institutionally isolated within the St. Elisabeth Monastery complex in Minsk.

The analysis is grounded in three primary evidentiary sources: **(1)** a 496-page binder of email communications between Mr. Cheropoulos and the MFA of Sweden spanning 2017 to 2025; **(2)** a formal communication to UN High Commissioner for Human Rights Volker Türk in April 2026; and **(3)** a formal communication submitted to the UN Committee on the Rights of the Child (CRC) under the Optional Protocol on a Communications Procedure (OPIC), also lodged in April 2026.

CORE DETERMINATION

The documented record establishes a systemic, nine-year failure of consular protection and diplomatic inaction by the Kingdom of Sweden, constituting **constructive state abandonment** of two minor Swedish citizens. This failure is not attributable to impossibility of action. It reflects institutionalized risk aversion, procedural substitution for substantive outcome, and a deliberate choice to subordinate citizen protection to bilateral diplomatic comfort. It constitutes a breach of Sweden's obligations under the 1980 Hague Convention, the Vienna Convention on Consular Relations, and the United Nations Convention on the Rights of the Child.

I. FACTUAL AND PROCEDURAL MATRIX

A. The Abduction and Initial Response (April 2017)

In April 2017, Liudmila Trafimovich removed Anthie and Alexandra from Sweden to the Republic of Belarus without the consent of their father, Nicolaos Cheropoulos, and in direct violation of his parental rights under Swedish law. Mr. Cheropoulos immediately initiated legal proceedings and filed a Hague Convention application for the children's return with the Swedish Central Authority (MFA, Unit for Consular and Civil Law) in April 2017. The Swedish Central Authority duly transmitted this application to the Belarusian Central Authority.

From the outset, the Belarusian proceedings were characterized by delay, procedural obstruction, and jurisdictional disputes regarding which Belarusian court had competence to hear the matter. MFA correspondence reveals that the initial Swedish response, while formally correct in transmitting the application, failed to establish any proactive monitoring or escalation protocol to address the predictable pattern of Belarusian delay.

B. The Södertörn District Court Judgment (10 September 2018)

On 10 September 2018, formally entering into force on 10 October 2018, the Södertörn District Court (Case T 6168-17) issued a binding judgment granting Nicolaos Cheropoulos **sole custody** of both Anthie and Alexandra. This judgment has been duly certified with Apostille. It is legally final and binding under Swedish law and constitutes the authoritative legal basis for all subsequent Swedish consular and diplomatic obligations.

> **CRITICAL LEGAL ANCHOR**
>
> The Södertörn judgment of 10 September 2018 is not merely a custody order. As the sole-custody determination of the children's state of habitual residence, it is the binding legal instrument against which all subsequent consular and diplomatic obligations of Sweden must be measured. Belarus's persistent non-recognition of this judgment, and Sweden's documented failure to forcefully pursue its enforcement through available international mechanisms, constitutes the central legal dereliction analyzed in this report.

The Belarusian courts subsequently issued a conflicting custody ruling on 27 December 2018, awarding sole custody to Trafimovich. This ruling was procured in proceedings characterized by procedural irregularity, contradictions and conducted in defiance of Hague Convention Article 16, which expressly prohibits courts of the requested state from making substantive custody determinations while a return application remains pending. The Belarusian Supreme Court rejected the Hague return appeal on 13 January 2020 and the parallel custody appeal on 22 May 2020.

C. Institutional Isolation: The St. Elisabeth Monastery, Minsk

By 2020, both children were enrolled at the Ichthys School operated by the St. Elisabeth Monastery in Minsk, an institution operating under the spiritual authority of Archpriest Andrei Lemeshonok. This institutional placement was disclosed to the MFA through correspondence

from at least 2020 onwards. Mr. Cheropoulos characterized the institution explicitly as a «chauvinistic, hard-core pro-Putin» establishment whose leadership is «openly criticized by other Belarusian churches». The MFA's documented response to this disclosure was limited to acknowledgment of receipt.

No escalation protocol was activated. No welfare assessment was commissioned. No Embassy visit to the school was arranged.

By 2024, photographic evidence submitted to the MFA depicted the elder daughter Anthie in visibly distressed physical and emotional condition at monastery activities. Independent investigative reporting cited in the CRC communication documents that Ichthys school students have been engaged since 2023 in activities supporting the Russo-Ukrainian war and promoting the ideology of the «Russian World». The children's isolation intensified progressively following Russia's invasion of Ukraine in February 2022.

D. Timeline of MFA Contact and Administrative Closures (2021–2025)

In February 2021, MFA officer *Elin Klockars Pontén* notified Mr. Cheropoulos that the MFA was proceeding to **close the Hague return file**, citing the Belarusian Central Authority's confirmation that access rights could only be secured through court proceedings, which were assessed as unviable. This closure was formally contested by Mr. Cheropoulos and his Greek legal representative, Attorney Martha Poni.

In May 2024, following an extended period of no meaningful contact, Mr. Cheropoulos sent an email to the MFA with the subject line: *«Mina Bortförda Barn – Levande eller Döda?»* («My Abducted Children – Alive or Dead?»). This communication prompted renewed engagement from Deputy Director *Wissam El Soudi*, who offered to contact the Swedish Embassy in Minsk.

In April 2025, Departmental Secretary *Shriti Radia* issued the final administrative closure notice: *«Då vi inte mottagit begärda handlingarna från dig som du ombetts inkomma med, avslutar vi ditt ärende hos oss».* («Since we have not received the requested documents from you as requested, we are closing your case with us»)

ADMINISTRATIVE FINALITY – 2 APRIL 2025

On 2 April 2025, the Swedish Central Authority closed the protection file of two Swedish citizen children held in a foreign institutional environment, following a nine-year record of failed return proceedings. The closure was predicated on an alleged administrative deficiency by the applicant – non-receipt of procedural documents – without any substantive determination that the children's welfare had been secured, without confirmation that available diplomatic channels had been exhausted, and without any formal record of escalation measures taken.

II. STRUCTURAL FAILURE OF STATE PROTECTION

A. The «Monitoring» Paradigm and Its Legal Insufficiency

The most characteristic and legally significant feature of the MFA's approach over nine years is the recurring formulation, appearing verbatim on multiple occasions in the documented correspondence, that the MFA is *«continuing to follow and monitor the case»* (*«fortsätter vi att följa och bevaka ditt ärende»*). This phrase, and its near-identical variants, was deployed as the substantive content of MFA responses at critical junctures when international law required active escalation.

> *«Som jag nämnt tidigare så fortsätter vi att följa och bevaka ditt ärende, och vid varje givet tillfälle tar vi ställning till på vilken nivå och i vilken form som är lämpligast att lyfta frågor. Vi kan inte alltid i detalj redogöra för detta...» [«As I have mentioned before, we continue to follow and monitor your case, and at every given occasion we consider at what level and in what form it is most appropriate to raise issues. We cannot always account for this in detail...»] – MFA Response, approximately October 2018 (repeated in near-identical form, 2018–2025)*

This formulation is legally and diplomatically significant for what it conceals rather than what it discloses. The phrase *«cannot always account for this in detail»* was invoked not to protect confidential diplomatic channels, but to evade accountability for the absence of concrete action. When Mr. Cheropoulos formally requested, in March 2021, the names, dates, and protocol numbers of any complaints or protests Sweden had lodged regarding Belarus's Hague Convention violations, the MFA's response was that *«there is no separate compilation of the information you request».*

CRITICAL FINDING: ABSENCE OF ACTION REGISTER

The MFA's own admission that it maintained no compilation of measures taken is not merely an administrative deficiency. In the context of ongoing, documented violations of the rights of Swedish citizen children, it constitutes evidence of institutional incoherence incompatible with the standard of due diligence required under international law. The burden of demonstrating fulfilment of positive obligations rests with the state, ***not the citizen***. The «no compilation» response discharges that burden against Sweden.

B. Collapse of the Hague Convention Application Process

Belarus acceded to the 1980 Hague Convention on the Civil Aspects of International Child Abduction in 1998. The following documented cascade of Convention violations occurred, and Sweden's response to each failure is recorded:

- Belarus failed to determine the return application within the Article 11 six-week mandatory timeframe. The MFA was informed of this delay and requested an explanation, but did not pursue formal non-compliance mechanisms or notify the Permanent Bureau of the Hague Conference.

- The Belarusian court awarded sole custody to Trafimovich on 27 December 2018 while the Hague return application remained formally pending – a direct violation of Article 16. The MFA was informed of this violation by both Mr. Cheropoulos and his counsel. No formal diplomatic protest is documented.
- Response No. 13083 from the Minsk City Court (8 November 2018) confirmed that the Swedish sole-custody judgment of 19 September 2018 was automatically valid in Belarus under the 1980 Convention without requiring formal recognition. Despite this acknowledgment, Belarusian authorities failed to implement or enforce the decision in practice. Sweden took no follow-up action to compel enforcement.
- The Belarusian Supreme Court rejected the return application on 13 January 2020, misapplying Article 12 and the Article 13(b) grave risk exception to deny return. No formal diplomatic protest from Sweden is recorded. By failing to challenge a decision that disregards a binding Swedish sole-custody judgment, Sweden failed its positive obligation to contest the ruling through diplomatic channels and to notify the Permanent Bureau.
- The MFA delayed invocation of Article 21 (Right of Access) until mid-2024, seven years into the proceedings, having previously discouraged its use to avoid perceived de facto recognition of the contested Belarusian custody decision. The subsequent Article 21 application was administratively closed in April 2025 without substantive adjudication, citing procedural non-compliance by the applicant.

C. Passive Diplomatic Posture: Evidence from the Documentary Record

The 496-page correspondence record establishes a consistent pattern of process compliance substituting for outcome achievement. Key evidentiary examples include:

- When Belarusian courts were slow to respond, the MFA's documented action was to issue what its own correspondence described as a «polite inquiry» to the Belarusian Central Authority. No escalation protocol was activated.
- When both children were enrolled in the St. Elisabeth Monastery school in 2020, and the institution's extremist political character was reported and documented to the MFA, no action beyond receipt of the information is recorded.
- In December 2020, the MFA's «diplomatic engagement» had been reduced to mediating Sunday telephone call access for the children through their abducting parent – notwithstanding a legally binding sole-custody judgment in the father's favor.
- When formally asked in February 2021 whether Sweden intended to protest to any international organization regarding Belarus's Hague violations, the MFA responded that "the issue has been raised on several occasions and we will continue to raise the challenges." No specific organizations, dates, or actions were named.

STRUCTURAL DETERMINATION

The documented conduct of the MFA over nine years does not constitute due diligence under international law. The repetition of monitoring language, the absence of an action register, the failure to invoke escalation mechanisms following documented Convention violations, and the eventual administrative closure of the case without substantive resolution constitute, in the aggregate, constructive state ***abandonment of two Swedish minor citizens***.

III. BREACHES OF INTERNATIONAL LEGAL OBLIGATIONS

A. The 1980 Hague Convention on the Civil Aspects of International Child Abduction

Sweden is the requesting state under the Hague Convention. Its obligations under Article 7 require it to take *«all appropriate measures»* to secure the return of abducted children. Under the autonomous interpretation of the Convention, «all appropriate measures» encompasses not merely the transmission of applications to the requested state's Central Authority, but – when that authority fails to comply – the deployment of bilateral diplomatic channels, formal communication with the Permanent Bureau of the Hague Conference on Private International Law, and, where warranted, the exercise of political pressure at intergovernmental level.

The documented failure to invoke any of these escalation mechanisms, even after the Belarusian Supreme Court's definitive rejection in January 2020, is incompatible with the Article 7 standard. The Hague Conference's *Guide to Good Practice* explicitly recognizes that Central Authority obligations do not terminate upon judicial rejection of a return application where the underlying child welfare situation persists and no substantive resolution has been achieved.

B. The Vienna Convention on Consular Relations (VCCR), 1963

Article 5(e) of the Vienna Convention on Consular Relations defines consular functions to include *«helping and assisting nationals of the sending State».* In cases involving minor children, the CRC Committee and inter-American human rights jurisprudence have established that consular officers bear a positive obligation to safeguard the interests of child nationals, including ensuring that judicial decisions of the receiving state have evaluated and given primary consideration to the best interests of the child.

The documentary record evidences repeated requests by Mr. Cheropoulos for the Swedish Embassy in Minsk to: **(a)** establish direct contact with his daughters independent of their mother; **(b)** independently verify their welfare and physical condition; and **(c)** formally protest the non-recognition of the binding Swedish sole-custody judgment. None of these requests were fulfilled in any sustained or legally effective manner. When contact was finally re-initiated through the Embassy in 2024, the result was a telephone call to Ms. Trafimovich – the abducting parent – and not independent consular engagement with the children themselves.

> *«Ambassaden i Minsk borde insistera att få tala med Anthie' direkt och inte med mamman!» [«The Embassy in Minsk should insist on speaking directly with Anthie, not with the mother!»] – Nicolaos Cheropoulos to MFA, May/June 2024*

This request – for direct consular contact with the child nationals – was not fulfilled in the documented record. The VCCR positive obligation to facilitate such contact, read in conjunction with CRC Articles 9(3) and 12, required the Embassy to insist on independent access to the children as a matter of consular duty, not discretion. The failure to do so constitutes a breach of the Vienna Convention's consular protection mandate as applied to minor nationals.

C. The UN Convention on the Rights of the Child (CRC)

Sweden ratified the CRC on 2 September 1990. Belarus ratified on 1 October 1990. Both states bear Convention obligations. The CRC Communication submitted to the Committee in April 2026 alleges violations of Articles 3, 7, 8, 9, 11, 12, 16, 19, 29, 32, 35, 36, 38, and 39 – a comprehensive indictment covering the children's best interests, identity, family separation, illicit transfer, cultural rights, and protection from exploitation and political indoctrination.

From Sweden's perspective as the state of nationality and habitual residence, the following CRC obligations are most directly engaged:

- Article 9(4): The state party must provide information about the whereabouts of an absent parent or child where such information would not be detrimental to the child's wellbeing. Sweden's failure to formally demand welfare verification from Belarus engages this obligation.
- Article 11(2): States parties shall take measures to combat the illicit transfer and non-return of children abroad through bilateral and multilateral agreements. Sweden has not invoked this provision as the legal basis for formal inter-state action against Belarus.
- Article 3(1): The best interests of the child must be a primary consideration. Closing an active protection file for children resident in an institutional environment characterized by documented political indoctrination, militarization, and enforced isolation from their custodial parent cannot be reconciled with this standard under any interpretive framework.

D. Customary International Law: Diplomatic Protection and State Responsibility

Under customary international law, as codified in the ILC Articles on Diplomatic Protection (2006), a state is entitled – and in cases approaching peremptory norm violations, arguably obligated – to exercise diplomatic protection on behalf of its nationals. The children's circumstances: enforced isolation, placement in an institution with documented extremist political affiliations, systematic severance of contact with their custodial parent, and exposure to active militarization activities – collectively raise issues approaching the threshold of internationally wrongful acts by Belarus for which Sweden could and should exercise diplomatic protection.

The ILC Articles require exhaustion of local remedies as a precondition. That threshold is unambiguously satisfied: the Belarusian Supreme Court rejected all available appeals by May 2020. What remains unexercised is ***Sweden's right and duty to claim redress at the international level***. No inter-state complaint, no formal diplomatic protest, and no multilateral pressure action is documented anywhere in the nine-year record.

IV. REFRAMING: FROM CONSULAR MATTER TO UNLAWFUL DETENTION PARADIGM

A. The Inadequacy of the «Consular Matter» Classification

Throughout the nine-year record, the MFA has consistently treated this case as a *«consular matter»* – a classification that, under Swedish administrative doctrine, implies limited remedial capacity, citizen-led process management, and deference to private legal channels. This classification was always analytically insufficient, and has become progressively indefensible as the factual matrix has intensified.

A consular matter is one in which state intervention is supplementary to the individual's own legal remedies. The case of Anthie and Alexandra Cheropoulou ceased to constitute a consular matter in any legally meaningful sense when: **(a)** all Belarusian judicial remedies were exhausted in May 2020; **(b)** the abducting parent severed all contact between the children and their father; **(c)** the children were placed in an institutional environment characterized by documented political and religious extremism; and **(d)** the father was reduced to formally asking the Swedish government whether his daughters were

> ***«Levande eller Döda?» — «Alive or Dead?» (May 2024)***

B. Criteria for the Unlawful Detention/Hostage Paradigm

International law does not require a formal state declaration of «hostage-taking» to engage the legal framework associated with the unlawful deprivation of liberty of minors. The relevant criteria, derived from the 1979 International Convention Against the Taking of Hostages and the jurisprudence of the UN Working Group on Arbitrary Detention, are substantially satisfied:

- Deprivation of liberty without legal basis recognized in international law: The children are held in Belarus pursuant to a custody order procured in direct violation of Hague Convention Article 16 and in defiance of a legally binding Swedish sole-custody judgment.
- Denial of access to consular or legal representatives: Total isolation of the children from their custodial parent and from the Swedish Embassy is documented over multiple years.
- Isolation in an institutional environment with restricted independent communication: The children attend a monastery school with documented military and political activities, with no independent access to their father.
- Use of the children as a coercive instrument: In July 2025, Ms. Trafimovich contacted Mr. Cheropoulos claiming the children wished to send birthday greetings and that a parcel had been dispatched – the first such contact in approximately nine years. However, a Swedish postal notice dated 5 September 2025 identified the sender not as the mother or children, but as «Zakhar Nikolaev», an employee within the Monastery's institutional sphere under Archpriest Lemeshonok. The parcel was never collected, and no explanation has been provided by Ms. Trafimovich for why purportedly voluntary communication was routed through an institutionally affiliated third party. This discrepancy is incompatible with claims of free and uninfluenced contact, and instead indicates institutional control over parent-child communication.

ANALYTICAL REFRAMING

When the factual matrix is assessed against the criteria above, the classification of this case as a «consular matter» is legally untenable. The appropriate analytical framework is the unlawful detention and isolation of minor Swedish nationals in a foreign institutional environment, in defiance of a binding judicial order of their state of nationality. The political and institutional context – a Lukashenko-aligned monastery with documented ties to Russian World ideology – adds a dimension of state-tolerated ideological captivity that further removes the case from the ordinary «consular» domain.

V. INSTITUTIONAL ACCOUNTABILITY AND TRANSPARENCY FAILURES

A. Decision-Making Opacity Within the MFA

The correspondence record reveals a structural feature of MFA conduct that transcends the actions of any individual officer: the complete absence of any documented escalation framework, any benchmark for outcome measurement, or any public accountability mechanism for consular protection failures in adversarial third-state contexts.

The chain of MFA contacts documented over nine years includes: *Liselott Agerlid; Erica Neiglick* (Special Adviser, Head of Section, Central Authority for Child Abduction Cases); *Elin Klockars Pontén; Christina Johannesson* (former Ambassador); *Wissam El Soudi* (Deputy Director, Unit for Consular and Civil Law); *Miran Crnalic; Nadia Yousri;* and *Shriti Radia.* Each officer operated in a transactional correspondence capacity without any documented institutional review of whether the cumulative posture was appropriate to the gravity and duration of the situation.

B. The «No Compilation» Admission and Its Legal Implications

When Mr. Cheropoulos formally demanded, in March 2021, the names of organizations, with corresponding protocol numbers and dates, to which the MFA had submitted complaints and protests regarding Belarus's Hague violations, officer Erica Neiglick – identified as «Special Adviser, Head of Section» and «Swedish Central Authority on the civil aspects of international child abduction» — responded that «***there is no separate compilation of the information you request***».

In public law terms, the burden of demonstrating fulfilment of positive international obligations rests with the state. The MFA's simultaneous assertion that actions had been taken, and its documented inability to specify what those actions were, cannot be resolved in the state's favor. The «no compilation» response is, on its face, a failure to discharge that burden. It constitutes prima facie evidence that no systematic record of escalation activity was maintained, which is itself incompatible with the standard of due diligence required of a Central Authority under the Hague Conference's *Guide to Good Practice.*

C. Institutional Responsibility: A Framework

Based on the documentary record, the following institutional responsibilities are identifiable:

- The Unit for Consular and Civil Law / International Civil Law Section: Primary institutional responsibility for case management and Hague Convention application. Documented failures include: absence of escalation following Article 11 violations; closure of return file in February 2021; failure to invoke any inter-state complaint mechanism.
- The Swedish Central Authority for Child Abduction Cases: Institutional responsibility for transmitting applications, monitoring compliance, and escalating non-compliance. The «***no compilation***» admission reveals an absence of systematic action tracking incompatible with the Central Authority's mandate under the Convention.

- The Swedish Embassy in Minsk: Responsible for consular welfare assessments and direct contact with Swedish nationals. The record shows the Embassy was occasionally mobilized to contact the abducting parent, but was never directed to independently verify the welfare of the children or demand direct, unsupervised access to them.
- The Ministry for Foreign Affairs at ministerial level: No documented instance of ministerial-level engagement with this case appears in the record spanning 2017–2025. The failure of political leadership to escalate a nine-year case involving the institutional isolation of Swedish minors in a foreign extremist environment constitutes a ***governance failure at the highest level of the Swedish executive***.

VI. DIPLOMATIC INERTIA AS DELIBERATE POLICY FAILURE

A. Risk Aversion and the Subordination of Citizen Protection to Bilateral Stability

The documented conduct of the MFA reflects a broader pattern of diplomatic risk aversion that systematically prioritized bilateral relationship management over the enforcement of individual rights. The case developed against the backdrop of Sweden-Belarus relations calibrated to avoid direct confrontation. The Belarusian political crisis of 2020–2021, following the fraudulent re-election of Lukashenko, was explicitly referenced by MFA officer Elin Klockars Pontén as a reason for the Embassy's «strained situation», yet was never leveraged as a catalyst for escalation of the child welfare case. The existence of international pressure against Belarus at that moment – EU sanctions, diplomatic isolation, increased international attention on Minsk – made it precisely the period during which Swedish diplomatic intervention would have carried maximum leverage. It was not used.

B. Administrative Process as a Surrogate for Substantive Obligation

The April 2025 administrative closure is the most unambiguous expression of process substituting for substance. The MFA closed the file because Mr. Cheropoulos had not submitted procedural documents by a deadline – not because the welfare of the children had been confirmed; not because a legal remedy had been achieved; and not because the Swedish state had exhausted available escalation pathways. The administrative process (receipt of documents) was treated as the substance of the state's obligation; ***the outcome (protection of children) was treated as secondary or irrelevant to the closure decision***.

> *«Prolonged reliance on monitoring in the face of judicial defiance, child isolation, and foreign non-compliance is not diplomacy – it is institutional paralysis. When a state refuses to escalate, it does not remain neutral; it defaults into abandonment».*

VII. FINAL DETERMINATION

A. Has Sweden Failed to Uphold Its Sovereign Duty of Protection?

The answer, on the evidence of the documented record, is unambiguously affirmative. The indicia of this failure are as follows:

- Nine years of Hague Convention process without any documented formal diplomatic protest or inter-state escalation following the Belarusian Supreme Court's final rejection in January 2020.
- Administrative closure of the protection file in February 2021, and again in April 2025, without securing any substantive welfare outcome for the children and without exhausting available international mechanisms.
- The «no compilation» admission: the MFA's documented inability to account for what specific actions had been taken at the international level over nine years.
- Persistent refusal to reclassify the case from a «consular matter» despite mounting and documented evidence of institutional isolation, political indoctrination, and total communication blackout.
- Failure to directly and independently contact the children through the Swedish Embassy, despite repeated requests from the custodial parent and despite the children's identifiable, documented presence at the St. Elisabeth Monastery school.
- Failure to invoke the inter-state complaint mechanism under the CRC's Optional Protocol, or any analogous inter-state mechanism, against Belarus for violations of the rights of Swedish citizen children.

B. Passive Complicity Through Inaction

The concept of passive complicity through inaction in international law is most precisely articulated as a failure to exercise *due diligence* – the standard of conduct that would prevent an internationally wrongful act or mitigate ongoing harm. Due diligence is an obligation of conduct, not of result: a state that takes all available measures in good faith and nonetheless fails to achieve the return of abducted children does not bear international responsibility for that failure. A state that substitutes monitoring language for concrete action, and closes protection files without substantive resolution, has not met the due diligence standard.

On the specific facts of this case, Sweden's conduct approaches the threshold of passive complicity. By repeatedly acknowledging the documented violations, declining to escalate, and ultimately closing the file, Sweden has allowed Belarus's violations to persist without consequence. The political and reputational cost of this posture has been zero for Sweden – which is itself evidence that the accountability mechanisms necessary to compel due diligence are absent from Sweden's consular protection framework.

C. Isolated Failure or Systemic Breakdown?

The case of Anthie and Alexandra Cheropoulou is, in its specific factual details, unique. But the pattern of conduct it reveals – the monitoring formula, the absence of action registers, the case closure without outcome, the substitution of process for substance – is consistent with a

systemic deficit in Sweden's consular protection doctrine for high-complexity cases involving hostile or non-cooperative third states.

Sweden's consular protection framework is demonstrably not designed for cases in which the host state is non-cooperative, the abducting parent is institutionally embedded in a network hostile to Swedish legal authority, and traditional diplomatic channels have been formally exhausted without result. In such cases, the documented framework defaults to bureaucratic management rather than escalation – ***and the citizen bears the consequences***.

FINAL DETERMINATION

The Kingdom of Sweden has failed to uphold its sovereign duty of protection toward two Swedish-born minor citizens held in institutional isolation in Belarus for nine years. This failure constitutes, in the aggregate: **(1)** A breach of the due diligence standard under the 1980 Hague Convention, evidenced most acutely by the absence of any formal diplomatic protest following the Belarusian Supreme Court's rejection of the return application on 13 January 2020 on grounds that misapplied the Article 13(b) grave risk exception and disregarded the binding Swedish sole-custody judgment of 19 September 2018. **(2)** A failure to invoke Article 21 of the 1980 Hague Convention as an independent access-rights mechanism for seven years, followed by the administrative closure of the resulting application in April 2025 without substantive outcome. **(3)** A failure of positive obligations under the Vienna Convention on Consular Relations as applied to minor nationals, including the failure to secure direct, independent, and unsupervised consular contact with the children. **(4)** A failure of Sweden's own obligations under the UN Convention on the Rights of the Child as the state of the children's nationality, including under Articles 9(4) and 11(2). **(5)** De facto constructive abandonment through the administrative closure of protection proceedings without substantive resolution, in circumstances where Belarus had simultaneously enacted domestic legal architecture – the December 2024 SDS amendments, Article 19.11 of the Code of Administrative Offences, and Article 361-1 of the Criminal Code – specifically designed to foreclose remaining remedies available to the complainant. ***This case reflects both an isolated failure of case management and a systemic deficit in Sweden's consular protection doctrine for adversarial third-state contexts.***

«The prolonged reliance on 'monitoring' in the face of judicial defiance, child isolation, and foreign non-compliance is not diplomacy – it is institutional paralysis. When a state refuses to escalate, it does not remain neutral; it defaults into abandonment»

Nicolaos Cheropoulos | Stockholm, Sweden | April 2026

nicolas.cheropoulos@gmail.com | actionagainstchildabduction.com