



Two cases - concerning deportation and inheritance rights - referred to Grand Chamber of European Court

The following two cases have been referred to the Grand Chamber of the European Court of Human Rights:

De Souza Ribeiro v. France (no. 22689/07), which concerns the applicant's complaint that he could not challenge the validity of an order for his deportation before it was enforced; and,

Fabris v. France (no. 16574/08), which concerns the inheritance rights of the applicant, born from an adulterous relationship, whose maternal affiliation was only judicially established when he was 40 years old.

At its last meeting (28 November 2011), the Grand Chamber panel of five judges decided to refer these two cases and to reject requests to refer 51 other cases¹.

Referrals accepted

[De Souza Ribeiro v. France \(no. 22689/07\)](#)

The applicant, Luan de Souza Ribeiro, is a Brazilian national who was born in 1988 and lives in Remire Montjoly (French Guiana). In 2005 he was arrested for drug offences and sentenced to two months in prison with probation. In January 2007 he was arrested for failing to produce valid official documents and deported to Brasil. Relying on Articles 8 (right to respect for private and family life and home) and 13 (right to an effective remedy) of the European Convention on Human Rights, he complained that it had been impossible for him to challenge the validity of an order for his deportation before it was enforced. Following his removal from Guiana, he returned illegally and is now lawfully resident there.

In its Chamber [judgment](#) of 30 June 2011, the Court found, by a majority, no violation of Article 13 taken together with Article 8.

The case was referred to the Grand Chamber at the applicant's request.

[Fabris v. France \(no. 16574/08\)](#)

The applicant, Henry Fabris, is a French national who was born in 1943 and lives in Orleans (France). He was born from an adulterous relationship, and his maternal affiliation was established by a court when he was 40 years old. On his mother's death, he applied for the portion of her and her husband's estate that was reserved to him. His action was declared inadmissible by the domestic courts since his mother had previously consented to an *inter vivos* distribution of the estate among her legitimate children. Relying on Article 14 (prohibition of discrimination) taken together with Article 1 of

¹ Under Article 43 of the European Convention on Human Rights, within three months from the date of a Chamber judgment, any party to the case may, in exceptional cases, request that the case be referred to the 17-member Grand Chamber of the Court. In that event, a panel of five judges considers whether the case raises a serious question affecting the interpretation or application of the Convention or its protocols, or a serious issue of general importance, in which case the Grand Chamber will deliver a final judgment. If no such question or issue arises, the panel will reject the request, at which point the judgment becomes final. Otherwise Chamber judgments become final on the expiry of the three-month period or earlier if the parties declare that they do not intend to make a request to refer.

Protocol No. 1 (protection of property) and Article 8 (right to respect for private and family life) of the Convention, Mr Fabris complained that he was denied his inheritance.

In its Chamber [judgment](#) of 21 July 2011, the Court held, by a majority, that there had been no violation of Article 14 taken together with Article 1 of Protocol No. 1.

The case was referred to the Grand Chamber at the applicant's request.

Requests for referral rejected

Judgments in the following 51 cases are now final²

Trévalec v. Belgium (no. 30812/07), judgment of 14 June 2011;

Anatoliy Ponomarov and Vitaliy Ponomarov v. Bulgaria (no. 5335/05), judgment of 21 June 2011;

Ivanov and Petrova v. Bulgaria (no. 15001/04), judgment of 14 June 2011;

Krnjak v. Croatia (no. 11228/10), judgment of 28 June 2011;

Diallo v. the Czech Republic (no. 20493/07), judgment of 23 June 2011;

Schmitz v. Germany (no. 30493/04), judgment of 9 June 2011;

Fix v. Greece (no. 1001/09), judgment of 12 July 2011;

Konostas v. Greece (no. 53466/07), judgment of 24 May 2011;

Kontalexis v. Greece (no. 59000/08), judgment of 31 May 2011;

Negrepontis-Giannisis v. Greece (no. 56759/08), judgment of 3 May 2011;

Agrati and others v. Italy (nos. 43549/08, 6107/09 and 5087/09), judgment of 7 June 2011;

Toumi v. Italy (no. 25716/09), judgment of 5 April 2011;

Lígeres v. Latvia (no. 17/02), judgment of 28 June 2011;

Borisov v. Lithuania (no. 9958/04), judgment of 14 June 2011;

Bellizzi v. Malta (no. 46575/09), judgment of 21 June 2011;

R.R. v. Poland No. 2 (no. 33475/08), judgment of 26 May 2011;

Sikorska v. Poland (no. 19616/08), judgment of 28 June 2011;

Włoch v. Poland No. 2 (no. 33475/08), judgment of 10 May 2011;

Pinto Coelho v. Portugal (no. 28439/08), judgment of 28 June 2011;

Andrei Iulian Roşca v. Romania (no. 37433/03), judgment of 3 May 2011;

² Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

Antochi v. Romania (no. 36632/04), judgment of 12 July 2011;

Association "21 December 1989" and others v. Romania (nos. 33810/07 and 18817/08), judgment of 24 May 2011;

Csiki v. Romania (no. 11273/05), judgment of 5 July 2011;

Florin Ionescu v. Romania (no. 24916/05), judgment of 24 May 2011;

Sbârnea v. Romania (no. 2040/06), judgment of 21 June 2011;

Chudun v. Russia (no. 20641/04), judgment of 21 June 2011;

Gadamauri and Kadyrbekov v. Russia (no. 41550/02), judgment of 5 July 2011;

Gerasiyev and others v. Russia (no. 28566/07), judgment of 7 June 2011;

Giriyeva and others v. Russia (no. 17879/08), judgment of 21 June 2011;

Isayev and others v. Russia (no. 43368/04), judgment of 21 June 2011;

Khodorkovskiy v. Russia (no. 5829/04), judgment of 31 May 2011;

Kosumova and others v. Russia (no. 27441/07), judgment of 7 June 2011;

Maayevy v. Russia (no. 7964/07), judgment of 24 May 2011;

Makharbiyeva and others v. Russia (no. 26595/08), judgment of 21 June 2011;

Malika Alikhadzhiyeva v. Russia (no. 37193/08), judgment of 24 May 2011;

Movsayevy v. Russia (no. 20303/07), judgment of 14 June 2011;

Nakayev v. Russia (no. 29846/05), judgment of 21 June 2011;

Shimovolos v. Russia (no. 30194/09), judgment of 21 June 2011;

Sutyagin v. Russia (no. 30024/02), judgment of 3 May 2011;

Vitayeva and others v. Russia (no. 27459/07), judgment of 7 June 2011;

Dobrić v. Serbia (nos. 2611/07 and 15276/07), judgment of 21 June 2011;

Ruspoli Morenes v. Spain (no. 28979/07), judgment of 28 June 2011;

Tendam v. Spain (no. 25720/05), judgment of 28 June 2011;

Adamov v. Switzerland (no. 3052/06), judgment of 21 June 2011;

Ağnidis v. Turkey (no. 21668/02), judgment of 24 May 2011;

Anat and others v. Turkey (no. 37899/04), judgment of 26 April 2011;

Içen v. Turkey (no. 45912/06), judgment of 31 May 2011;

Loizou and others v. Turkey (no. 16682/90), judgment of 24 May 2011;

Parlak v. Turkey (no. 22459/04), judgment of 19 July 2011;

E.G. v. the United Kingdom (no. 41178/08), judgment of 31 May 2011;

Sufi and Elmi v. the United Kingdom (nos. 8319/07 and 11449/07), judgment of 28 June 2011

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