



## Two cases referred to the Grand Chamber concerning refusal to register an Orthodox clergy trade union in Romania and life imprisonment in the United Kingdom

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

**Sindicatul Păstorul Cel Bun v. Romania** (no. 2330/09), which concerns a union set up by members of the clergy and lay members of the Orthodox Church, and the refusal to register it as a trade union.

**Vinter and Others v. the United Kingdom** (nos. 66069/09, 130/10 and 3896/10), which concerns three murderers' complaint that their imprisonment for life amounted to inhuman and degrading treatment as they had no hope of release.

At its last meeting (9 July 2012), the Grand Chamber panel of five judges decided to refer the cases **Sindicatul Păstorul Cel Bun v. Romania** and **Vinter and Others v. the United Kingdom** and to reject requests to refer 20 other cases<sup>1</sup>.

### Referrals accepted

#### [Sindicatul 'Pastorul cel Bun' v. Romania \(no. 2330/09\)](#)

The applicant union, Păstorul cel Bun, was established on 4 April 2008 by 35 clerics and lay members of the Romanian Orthodox Church, the majority of them Orthodox priests in parishes of the Metropolis of Oltenia (a region in south-western Romania). The aim of the union, as set forth in its statutes, is to defend the professional, economic, social and cultural interests of its members, both clerics and lay members, in their dealings with the Church hierarchy and the Ministry of Cultural and Religious Affairs. The union made an application to the district court to be granted legal personality and to be entered in the official register of trade unions. The representative of the Archdiocese objected to the application, arguing that the internal regulations of the Orthodox Church prohibited the creation of any kind of association without the prior consent of the Archbishop. The public prosecutor supported the application, arguing that the establishment of the union was compatible with the law. The county court rejected Păstorul cel Bun's application. Relying on Article 11 (freedom of assembly and association) of the European Convention on Human Rights, the union submits that this refusal infringed its trade union rights.

In its [judgment](#) of 31 January 2012, the Court held, by five votes to two, that there had been a violation of Article 11 of the Convention.

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

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<sup>1</sup> 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.

**Vinter and Others v. the United Kingdom (nos. 66069/09, 130/10 and 3896/10)**

The applicants, Douglas Gary Vinter, Jeremy Neville Bamber and Peter Howard Moore, are British nationals who were born in 1969, 1961 and 1946 respectively. All three men are currently serving mandatory sentences of life imprisonment for murder. Mr Vinter was convicted of stabbing his wife in February 2008, having already been convicted of murdering a work colleague in 1996. Mr Bamber was convicted of shooting and killing his adoptive parents, sister and her two young children in August 1985. Mr Moore was convicted of stabbing four men with a large combat knife between September and December 1995. When convicted the applicants were sentenced to whole life orders, meaning they cannot be released other than at the discretion of the Secretary of State on compassionate grounds (for example, if they are terminally ill or seriously incapacitated). Relying in particular on Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights, all three applicants complain that their imprisonment without hope of release is cruel and amounted to inhuman and degrading treatment.

In its judgment of 17 January 2012, the Court held, by four votes to three, that there had been no violation of Article 3 of the Convention.

The case (covering all three joined applications) was referred to the Grand Chamber at the request of Mr Vinter, one of the applicants. A Grand Chamber hearing on the case will take place at the Human Rights Building, Strasbourg, on Wednesday 28 November 2012 at 9.15 a.m..

**Requests for referral rejected**

Judgments in the following 20 cases are now final<sup>2</sup>.

**Alimuçaj v. Albania** (no. 20134/05); judgment of 7 February 2012

**Al Hamdani v. Bosnia and Herzegovina** (no. 31098/10); judgment of 7 February 2012

**Al Husin v. Bosnia and Herzegovina** (no. 3727/08); judgment of 7 February 2012

**Mutishev and Others v. Bulgaria** (no. 18967/03); judgment of 28 February 2012 (just satisfaction)

**Choreftakis and Choreftaki v. Greece** (no. 46846/08); judgment of 17 January 2012

**Cara-Damiani v. Italy** (no. 2447/05); judgment of 7 February 2012

**Melnītis v. Latvia** (no. 30779/05); judgment of 28 February 2012

**D. D. v. Lithuania** (no. 13469/06), judgment of 14 February 2012

**Antwi and Others v. Norway** (no. 26940/10); judgment of 14 February 2012

**Gąsior v. Poland** (no. 34472/07); judgment of 21 February 2012

**Assunção Chaves v. Portugal** (no. 61226/08); judgment of 31 January 2012

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<sup>2</sup> 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.

**Kolyadenko and Others v. Russia** (nos. 17423/05, 20534/05, 20678/05, 23263/05, 24283/05 and 35673/05); judgment of 28 February 2012

**Proshkin v. Russia** (no. 28869/03); judgment of 7 February 2012

**Sakhvadze v. Russia** (no. 15492/09); judgment of 10 January 2012

**Sokurenko v. Russia** (no. 33619/04); judgment of 10 January 2012

**Vladimir Vasilyev v. Russia** (no. 28370/05); judgment of 10 January 2012

**Yuriy Lobanov v. Russia** (no. 15578/03); judgment of 14 February 2012 (just satisfaction)

**Lordos and Others v. Turkey** (no. 15973/90); judgment of 10 January 2012 (just satisfaction)

**Hardy and Maile v. the United Kingdom** (no. 31965/07); judgment of 14 February 2012

**Harkins and Edwards v. the United Kingdom** (nos. 9146/07 and 32650/07); judgment of 17 January 2012

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