



Forthcoming hearing in March 2016

The European Court of Human Rights will be holding the following hearing in March 2016:

Lupeni Greek-Catholic Parish and Others v. Romania (application no. 76943/11): concerning the restitution of places of worship belonging to the Greek-Catholic Church that were transferred to the ownership of the Orthodox Church under the totalitarian regime.

After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A limited number of seats are reserved for the press. To be sure of having a place, you need to book in advance by contacting the Press Unit (+33 (0)3 90 21 42 08).

On 2 March 2016 at 9.15 a.m.: Grand Chamber hearing in the case **Lupeni Greek-Catholic Parish and Others v. Romania (application no. 76943/11)**

The applicants are the Lupeni Greek-Catholic Parish, the Lugoj Greek-Catholic Diocese and the Lupeni Greek-Catholic Archpriesthood, all of which are situated in Romania. They belong to the Eastern-Rite Catholic (Greek-Catholic or Uniate) Church.

Following the dissolution in 1948 of the Lupeni Greek-Catholic Parish, the Lugoj Greek-Catholic Diocese and the Lupeni Greek-Catholic Archpriesthood, a church and an adjoining courtyard that had belonged to the Lupeni Greek-Catholic Parish were transferred in 1967 to the ownership of the Romanian Orthodox Church. The Lupeni Greek-Catholic Parish was legally re-established on 12 August 1996; it comes under the authority of the Lugoj Greek-Catholic Diocese (the second applicant) and the Lupeni Greek-Catholic Archpriesthood (the third applicant).

After the fall of the communist regime in 1989, legislation was passed in Romania (Legislative Decree no. 126/1990, as amended by Law no. 182/2005, hereafter the “special law”) specifying that the legal situation of property which had belonged to the Greek-Catholic parishes and been transferred to the ownership of the Orthodox Church would be decided by joint committees made up of representatives of both denominations, who were to take into account “the wishes of the adherents of the communities in possession of these properties”. In the event of disagreement, the party with an interest entitling it to bring proceedings could do so under ordinary law.

In 2001 the applicants brought proceedings to obtain the return of the church and the adjoining courtyard.

The county court granted the applicants’ action for recovery of possession in 2009, but it was dismissed by the court of appeal in 2010. By a final judgment of 15 June 2011, the High Court of Cassation and Justice confirmed the court of appeal’s judgment, finding that it had correctly applied the special law and its criterion concerning the wishes of the (mostly Orthodox) adherents of the community in possession of the property, while at the same time drawing attention to irregularities in the reasoning of the first-instance court, which had merely compared the title deeds and disregarded the special law.

Complaining of a refusal by the Romanian courts to adjudicate under ordinary law on what they consider to be their ownership rights over a religious building, the applicants complain in particular of an infringement of their right of access to a court and of the principle of legal certainty as

protected by Article 6 § 1 (right to a fair hearing within a reasonable time) of the European Convention on Human Rights. Under the same Article, they also complain about the length of the procedure for restitution of the church in question. Lastly, they allege that there was an interference with their right to peaceful enjoyment of their possessions, protected by Article 1 (protection of property) of Protocol No. 1 to the Convention, a breach of their freedom of religion (Article 9) and a violation of the prohibition on discrimination (Article 14).

In its Chamber [judgment](#) of 19 May 2015, the Court held, unanimously, that there had been no violation of Article 6 § 1 of the Convention as regards the right of access to a court and the question of legal certainty, a violation of Article 6 § 1 with regard to the length of the proceedings, and no violation of Article 14 taken in conjunction with Article 6 § 1.

On 19 October 2015 the Grand Chamber panel of five judges accepted the applicants' request to refer the case to the Grand Chamber¹.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: [@ECHRpress](http://www.echr.coe.int/RSS/en).

Press contacts

echrpress@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)

Nina Salomon (tel: + 33 3 90 21 49 79)

Denis Lambert (tel: + 33 3 90 21 41 09)

Inci Ertekin (tel: + 33 3 90 21 55 30)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe Member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.

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.