



Grand Chamber to examine case concerning post-electoral dispute in Belgium

The Chamber of the European Court of Human Rights to which the case **Mugemangango v. Belgium** (application no. 310/15) had been allocated has **relinquished jurisdiction in favour of the Grand Chamber of the Court**¹.

The application concerns a post-electoral dispute relating to the current Belgian system: Mr Mugemangango, who is the Chairman of the Belgian Labour Party (PTB) for the Province of Hainaut, complains that the legislative assemblies themselves have jurisdiction to verify any irregularities in the electoral process. He alleges in particular that the complaint he made to the Walloon parliament to challenge the results of the elections of 25 May 2014 was not accompanied by the minimum procedural safeguards against arbitrariness.

Mugemangango v. Belgium (application no. 310/15)

Principal facts

The applicant, Germain Mugemangango, is a Belgian national who was born in 1973 and lives in Charleroi (Belgium).

On 25 May 2014 Mr Mugemangango stood as the leading candidate for election to the parliament of the Walloon region on the "PTB-GO !" list, which exceeded the 5% threshold in the constituency of Charleroi (Hainaut province), obtaining 16,554 votes. Mr Mugemangango was not elected to the Walloon parliament.

On 6 June 2014 Mr Mugemangango lodged a complaint with the Walloon parliament requesting a review of the 21,385 ballots declared blank, invalid or contested in the Charleroi constituency. In support of his request he pointed to numerous problems that had arisen during the count. The Walloon parliament's Credentials Committee, which considered Mr Mugemangango's complaint to be admissible and well-founded, asked the parliament not to validate the credentials of the elected representatives of Hainaut province but to hold a recount of the ballots declared blank, invalid or contested in the Charleroi constituency.

On 13 June 2014, by 43 votes to 32, the Walloon parliament declared Mr Mugemangango's complaint admissible but unfounded, considering that there was no evidence of irregularities in the counting of the votes. This decision was notified to Mr Mugemangango on 24 June 2014. On the same day, the Walloon parliament validated the credentials of its members without any recount.

Complaints and procedure

Relying on Article 3 of Protocol No. 1 (right to free elections) to the European Convention on Human Rights, and on Article 13 (right to an effective remedy) of the Convention, Mr Mugemangango complains of irregularities during the elections which, he alleges, rendered the results unreliable, resulted in his failure to obtain a seat and hindered the free expression of the opinion of the people in the choice of the legislature. He also complains that the Walloon parliament validated the credentials of its own members and ruled on his complaint without any right of appeal before an

¹ Under Article 30 of the European Convention of Human Rights "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case objects."

independent and impartial tribunal. In his view, the complaints procedure before the Walloon parliament was not therefore accompanied by the minimum procedural safeguards against arbitrariness.

The application was lodged with the European Court of Human Rights on 22 December 2014.

On 27 November 2017 the Belgian Government were given [notice](#)² of the application, with questions from the Court.

The Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 11 June 2019.

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: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHRpress](https://twitter.com/ECHRpress).

Press contacts

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

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

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

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

Patrick Lannin (tel: + 33 3 90 21 44 18)

Somi Nikol (tel: + 33 3 90 21 64 25)

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.

² In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges may decide to bring to the attention of a Convention State's Government that an application against that State is pending before the Court (the so-called "communications procedure"). Further information about the procedure after a case is communicated to a Government can be found in the Rules of Court.