



Grand Chamber hearing concerning a refusal to issue visas to a Syrian family wishing to apply for asylum in Belgium

The European Court of Human Rights is holding a **Grand Chamber**¹ hearing today, **Wednesday 24 April 2019, at 9.15 a.m.** in the case of **M.N. and Others v. Belgium** (application no. 3599/18).

The case concerns a couple and their two children, all Syrian nationals, who were refused the short-stay visas for which they had applied to the Belgian embassy in Beirut with a view to seeking asylum in Belgium.

A recording of the hearing will be available from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). 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.

The applicants, M.N., B.H., O.N. and T.N., a married couple and their two children, are Syrian nationals who were born in 1978, 1984, 2011 and 2008 respectively and live in Aleppo (Syria).

On 13 September 2016 the Belgian Aliens Office (OE) refused to issue visas that they had requested from the Belgian embassy in Beirut on the basis of the Community Code on Visas. However, on 7 October 2016, the Aliens Appeals Board (CCE), acting under the extremely urgent procedure, ordered a stay of execution of the Aliens Office's decisions. It held that, having regard to the political and security situation in Aleppo, there was a serious risk of a violation of Article 3 of the European Convention of Human Rights. The Aliens Appeal Board instructed the State to take new decisions within 48 hours. The Aliens Office subsequently issued new decisions refusing the visa requests, the execution of which was again suspended by the CCE. On 20 October 2016 the CCE instructed the State to issue the applicants with a laissez-passer or visas that were valid for 3 months in order to protect their interests. In the meantime, the applicants lodged applications for judicial review of the OE's decisions, but these were dismissed by the CCE on the grounds that the decisions of 13 September 2016 refusing to issue the visas had become final.

Since the Belgian authorities refused to execute the Aliens Appeal Board's judgment of 7 October 2016, the applicants then brought proceedings before the Brussels French-language Court of First Instance (TPI), which ordered the State to comply with that judgment, subject to a penalty for non-compliance. On 7 December 2016 the Brussels Court of Appeal delivered a judgment upholding the order that the State was to execute the CCE's judgment of 20 October 2016, subject to penalties for non-compliance. However, given the outcome of the applications for judicial review before the CCE, the Court of Appeal held on 30 June 2017 that the judgment of 7 December 2016 was no longer relevant and that no penalties were due.

Procedure

The application was lodged with the European Court of Human Rights on 10 January 2018.

¹ Under Article 30 of the European Convention on 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."

On 26 April 2018 the Belgium Government was given [notice](#)² of the application, with questions from the Court.

Relying on Article 1 (obligation to respect human rights) of the European Convention of Human Rights, as well as Articles 3 (prohibition of inhuman or degrading treatment), 6 § 1 (right to a fair trial) and 13 (right to an effective remedy), the applicants complain about the Belgian authorities' refusal to execute the measures ordered by the Aliens Appeal Board in its judgment of 20 October 2016, alleging that they were maintained in a situation contrary to Article 3 of the Convention with no possibility of remedying it effectively. They also complain that, as a result of the court of appeal's judgment of 30 June 2017, it was impossible for them to pursue, through the courts, the execution of the measures ordered by the Aliens Appeal Board.

Following the communication of the application, 11 States were given leave to intervene in the procedure before the Court, in accordance with Rule 44 § 3 (a) of the Rules of Court: the Czech Republic, Croatia, Denmark, France, Germany, Hungary, Latvia, Norway, the Netherlands, Slovakia, and the United Kingdom.

Several national and international non-governmental organisations were also given leave to intervene in the procedure before the Court: the Human Rights League (LDH), the International Federation of Human Rights Leagues (FIDH), the Centre for Advice on Individual Rights in Europe (the AIRE Centre), the European Council on Refugees and Exiles (ECRE), the International Commission of Jurists, the Dutch Council for Refugees, and the Bar Council of French-speaking and German-speaking Lawyers of Belgium (OBFG).

On 20 November 2018 the Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber.

Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Guido Raimondi (Italy), *President*,
Angelika Nußberger (Germany),
Linos-Alexandre Sicilianos (Greece),
Robert Spano (Iceland),
Vincent A. De Gaetano (Malta),
Jon Fridrik Kjølbro (Denmark),
Helen Keller (Switzerland),
Paul Lemmens (Belgium),
Krzysztof Wojtyczek (Poland),
Iulia Antoanella Motoc (Romania),
Mārtiņš Mits (Latvia),
Stéphanie Mourou-Vikström (Monaco),
Pauliine Koskelo (Finland),
Georgios A. Serghides (Cyprus),
Marko Bošnjak (Slovenia),
Ivana Jelić (Montenegro),
Darian Pavli (Albania), *judges*,
Jovan Ilievski (North Macedonia),
André Potocki (France),
Arnfinn Bårdsen (Norway) *substitute judges*,

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.

and also Johan Callewaert, *Deputy Grand Chamber Registrar*.

Representatives of the parties

Government of Belgium

Isabelle Niedlispacher, *Agent*,
Elisabeth Derriks, *Counsel*,
Melissa De Sousa and Gregory Vanwittenburg, *Advisers*,

Applicants

Olivier Stein and Loïca Lambert, *Counsels*,
Jacques Englebert and Joke Callewaert, *Advisers*,

Third parties

Government of France

Florence Merloz, *Co-agent*,
Eglantine Leblond, *Adviser*,

Government of Latvia

Kristīne Līce, *Agent*,
Elīna Luīze Vītola, *Adviser*,

Government of Norway

Marius Emberland, *Agent*,

Government of the United Kingdom

Geoffrey Cox QC, *Attorney General*,
Chanaka Wickremasinghe, *Agent*,
James Eadie QC, David Blundell, *Counsels*,

Bar Council of French-speaking and German-speaking Lawyers of Belgium

Frédéric Krenc, *Counsel*.

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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.