



Forthcoming hearings in December 2019

The European Court of Human Rights will be holding the following two hearings in December 2019:

Mugemangango v. Belgium (application no. 310/15), concerning a post-electoral dispute relating to the current Belgian system: Mr Mugemangango alleges in particular that the procedure for the examination of the complaint which he lodged with the Walloon Parliament to challenge the results of the elections of 25 May 2014 was not accompanied by the minimum procedural safeguards against arbitrariness, *inter alia* because the Walloon Parliament was the only body with jurisdiction to determine his complaint.

Albert and Others v. Hungary (no. 5294/14), regarding legislation introducing the mandatory integration of two banks, of which the applicants were shareholders, into a state control scheme.

After these hearings the Court will begin its deliberations, which will be held in private. Its ruling in the cases will, however, be made at a later stage. A limited number of seats are reserved for the press in the hearing room. To be sure of having a seat, you need to book in advance by contacting the Press Unit at echrpess@echr.coe.int.

On 4 December 2019 at 9.15 a.m.: Grand Chamber hearing in the case **Mugemangango v. Belgium** (application no. 310/15)

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 forty-three votes to twenty-eight (and four abstentions), the Walloon parliament declared Mr Mugemangango's complaint admissible but unfounded, considering, in particular, 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 13 June 2014 the Walloon Parliament validated the credentials of its members without any recount.

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](#)¹ of the application, with questions from the Court.

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 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 Chamber to which the case had been allocated relinquished jurisdiction in favour of the Grand Chamber on 11 June 2019².

On 18 December 2019 at 9.15 a.m.: Grand Chamber hearing in the case *Albert and Others v. Hungary* (no. 5294/14)

The applicants are 234 shareholders in two savings banks, namely Kinizsi Bank Zrt. and Mohácsi Takarékos Bank Zrt. They are all Hungarian nationals.

The case concerns legislation which put their two banks under central supervising authorities.

The legislation, which entered into force in 2013, effectively integrated the applicants' banks into a scheme aimed at improving the credit institutions sector in Hungary.

The application was lodged with the European Court of Human Rights on 10 January 2014.

Relying on Article 1 of Protocol No. 1 (protection of property) to the European Convention, the applicants complain about the impact of the legislation on their right to influence the conduct and policy of the banks in which they were shareholders. In particular, in their view, it excessively interfered with their rights to establish and amend a memorandum of association, adopt annual reports, appoint board members and determine share capital or payment of dividends. Under the new legislation these issues became subject to the approval of the Integration Organisation and/or Savings Bank, two central bodies which were initially controlled by the State.

In its Chamber [judgment](#) of 29 January 2019, the Court held, by six votes to one, that there had been no violation of Article 1 of Protocol No. 1. It found in particular that the applicants could not claim to be victims of the alleged violation because it should normally be for the Kinizsi Bank and Mohácsi Bank, not the applicants, who did not hold 100% shares in the banks and were thus not the sole owners, to pursue an application before this Court. It further found that there were no exceptional circumstances to justify disregarding legal personality or the lifting of the corporate veil in the case.

On 24 June 2019 the Grand Chamber Panel accepted the applicants' request that the case be referred to the Grand Chamber³.

¹ 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.

² 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".

³ 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

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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.

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.