



## Grand Chamber hearing concerning post-electoral dispute in Belgium

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 4 December 2019 at 9.15 a.m.** in the case of **Mugemangango v. Belgium** (application no. 310/15).

The case concerns 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.

*A recording of the hearing will be available from 2.30 p.m. on the Court's Internet site ([www.echr.coe.int](http://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 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 28 (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.

### Procedure

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](#)<sup>2</sup> of the application, with questions from the Court.

<sup>1</sup> 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."

<sup>2</sup> 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.

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 2019.

The European Commission for Democracy through Law (the Venice Commission) and Denmark were granted leave to intervene in the written proceedings as third parties.

## Composition of the Court

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

Linos-Alexandre **Sicilianos** (Greece), *President*,  
 Angelika **Nußberger** (Germany),  
 Robert **Spano** (Iceland),  
 Jon Fridrik **Kjølbro** (Denmark),  
 Ksenija **Turković** (Croatia),  
 Paul **Lemmens** (Belgium),  
 Ganna **Yudkivska** (Ukraine)  
 Julia **Laffranque** (Estonia),  
 Helen **Keller** (Switzerland),  
 Krzysztof **Wojtyczek** (Poland),  
 Valeriu **Grițco** (the Republic of Moldova),  
 Armen **Harutyunyan** (Armenia),  
 Stéphanie **Mourou-Vikström** (Monaco),  
 Jovan **Ilievski** (North Macedonia),  
 Ivana **Jelić** (Montenegro),  
 Arnfinn **Bårdsen** (Norway),  
 Raffaele **Sabato** (Italy), *judges*,  
 Lado **Chanturia** (Georgia),  
 Pere **Pastor Vilanova** (Andorra),  
 Síofra **O’Leary** (Ireland), *substitute judges*,

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

## Representatives of the parties

### Government

Isabelle **Niedlispacher**, *Agent*,  
 Isabelle **Leclercq**, Sandrine **Salmon**, Frédéric **Janssens**, Gaël **Lambison**, *Advisers*,  
 Jean-Claude **Marcourt**, *President of the Walloon Parliament*,

### Applicant

Marianne **Pétré** and Olivier **Stein**, *Counsel*,  
 Ivo **Flachet**, Selma **Benkhelifa**, Julie **Laurent** and Kristien **Van den Brande**, *Advisers*.

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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.