



## Grand Chamber Panel's decisions

At its last meeting (Monday 16 February 2015), the Grand Chamber panel of five judges decided to refer two cases and to reject requests to refer 19 other cases<sup>1</sup>.

The following cases have been referred to the Grand Chamber of the European Court of Human Rights.

**Karácsony and Others v. Hungary** (application no. 42461/13) and **Szél and Others v. Hungary** (no. 44357/13): these cases concern complaints by members of the Hungarian Parliament of two opposition parties about having been fined, for gravely disturbing Parliament's work, following their protests against two legislative proposals.

### Referrals accepted

#### [Karácsony and Others v. Hungary \(no. 42461/13\)](#) and [Szél and Others v. Hungary \(no. 44357/13\)](#)

The applicants in the first case, Gergely Karácsony, Péter Szilágyi, Dávid Dorosz, and Rebeka Katalin Szabó, were born in 1975, 1981, 1985, and 1977 respectively and live in Budapest. They are members of the opposition party *Párbeszéd Magyarországért*. The applicants in the second case, Bernadett Szél, Ágnes Osztolykán, and Szilvia Lengyel, were born in 1977, 1974, and 1971 and live in Budakeszi, Budapest and Gödöllő respectively. They are members of the opposition party LMP.

During a Parliament session in April 2013, two of the applicants in the first case presented a billboard with the words "FIDESZ [the governing party]. You steal, you cheat and you lie." During the final vote on a law amending certain smoking-related acts in May 2013, two of the applicants showed a billboard stating "Here operates the national tobacco mafia". The applicants in the second case protested against a controversial legislative proposal on the transfer of agricultural lands, during the final vote on the bill in June 2013, by placing a small wheelbarrow filled with soil on a table in front of the Prime Minister and by displaying a banner with a slogan critical of the bill; one of the applicants used a megaphone to speak.

The applicants were fined between 170 euros (EUR) and EUR 600, respectively, for gravely disturbing Parliament's work. The fines were proposed by the Speaker of Parliament and adopted by the plenary without a debate.

The applicants complain in particular that the decisions to fine them violated their rights under Article 10 (freedom of expression) of the European Convention on Human Rights, notably stating that the measure was meant to discourage open debate and stressing that they did not endanger the functioning of Parliament. Relying, in particular, on Article 13 (right to an effective remedy) of the Convention read in conjunction with Article 10, they further complain that under Hungarian law they did not have any remedy available in respect of that complaint.

<sup>1</sup> 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.

In its Chamber [judgments](#) of 16 September 2014 the European Court of Human Rights held, unanimously, that there had been a violation of Article 10 of the Convention. The Court found that the sanctions had been disproportionate. In particular, they had been imposed by the Speaker of Parliament without compelling reasons, without a previous warning, and they had been adopted without a debate. The Court further found a violation of Article 13 in conjunction with Article 10, as the applicants did not have an effective remedy under Hungarian law in respect of their complaints.

As regards just satisfaction (Article 41 of the Convention), the Court held, unanimously, that Hungary was to pay the applicants the following amounts in respect of pecuniary damage: EUR 170, 600, 240 and 240 to Mr Karácsony, Mr Szilágyi, Mr Dorosz and Ms Szabó, respectively; and EUR 430, 510 and 430 to Ms Szél, Ms Osztoykán and Ms Lengyel, respectively. It further held, by a majority, that Hungary was to pay EUR 3,000 to each applicant in respect of non-pecuniary damage. Finally, it held unanimously, that Hungary was to pay EUR 6,000 to the applicants in the first case, jointly, and EUR 4,500 to the applicants in the second case, jointly, in respect of costs and expenses.

On 16 February 2015 the case was referred to the Grand Chamber at the request of the Hungarian Government.

## Requests for referral rejected

Judgments in the following 19 cases are now final<sup>2</sup>.

### Requests for referral submitted by the applicants

**Prezhdarovi v. Bulgaria** (application no. 8429/05), [judgment](#) of 30 September 2014

**Caligiuri and Others v. Italy** (nos. 657/10, 27897/10, 27908/10, and 64297/10), [judgment](#) of 9 September 2014

**P.F. v. Poland** (no. 2210/12), [judgment](#) of 16 September 2014

**Göthlin v. Sweden** (no. 8307/11), [judgment](#) of 16 October 2014

**Temizalp v. Turkey** (no. 36395/06), [judgment](#) of 21 October 2014

### Requests for referral submitted by the Government

**Trabelsi v. Belgium** (no. 140/10), [judgment](#) of 4 September 2014

**Bljakaj and Others v. Croatia** (no. 74448/12), [judgment](#) of 18 September 2014

**Al Nashiri v. Poland** (no. 28761/11) and **Husayn (Abu Zubaydah) v. Poland** (no. 7511/13), [judgments](#) of 24 July 2014

**Plechkov v. Romania** (no. 1660/03), [judgment](#) of 16 September 2014

**Chernetskiy v. Russia** (no. 18339/04), [judgment](#) of 16 October 2014

**Church of Scientology of St Petersburg and Others v. Russia** (no. 47191/06), [judgment](#) of 2 October 2014

**Konovalova v. Russia** (no. 37873/04), [judgment](#) of 9 October 2014

**Kosumova v. Russia** (no. 2527/09), [judgment](#) of 16 October 2014

**Makayeva v. Russia** (no. 37287/09), [judgment](#) of 18 September 2014

**Misan v. Russia** (no. 4261/04), [judgment](#) of 2 October 2014

<sup>2</sup> Under Article 44 § 2 (c) of the European Convention on Human Rights, the judgment of a Chamber becomes final when the panel of the Grand Chamber rejects the request to refer under Article 43.

**Petimat Ismailova and Others v. Russia** (nos. 25088/11, 44277/11, 44284/11, 44313/11, 48134/11, 49486/11, 52076/11, 52182/11, 55055/11, 56574/11, 64266/11 and 66831/11), [judgment](#) of 18 September 2014

**Sulygov and Others v. Russia** (nos. 42575/07, 53679/07, 311/08, 424/08, 3375/08, 4560/08, 35569/08, 62220/10, 3222/11, 22257/11, 24744/11, and 36897/11), [judgment](#) of 9 October 2014

**Mansur Yalçın and Others v. Turkey** (no. 21163/11), [judgment](#) of 16 September 2014

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#### Press contacts

[echrpress@echr.coe.int](mailto:echrpress@echr.coe.int) | tel: +33 3 90 21 42 08

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

Céline Menu-Lange (tel: + 33 3 90 21 58 77)

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

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

**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.