

## Briefing paper

### Anomalies in the allocation of cases by the Kúria

Amnesty International Hungary's project monitored the case allocation system in the highest ordinary judicial forum in Hungary, the Kúria (the Supreme Court of Hungary), to see whether in practice cases are allocated according to the relevant written rules and whether the public can follow how the court determines the chambers adjudicating in each case, based on the information sheets published on the Kúria's website.

#### 1. Executive summary

The Hungarian Parliament passed a judicial reform in 2023 in order to meet the so-called super milestones aimed at restoring the independence of the judiciary set by the Council of the European Union as a precondition for accessing frozen EU funds under Hungary's Recovery and Resilience Fund (RRF). One requirement<sup>1</sup> was to bring transparency to the case allocation system at the Kúria.

**Amnesty International's research aimed at examining whether the Kúria has met this requirement by publishing online information sheets<sup>2</sup> of the cases arrived and their allocation to different chambers throughout thirty weeks in 2024.**

**Amnesty International's main finding is that although the system is more transparent to the public than before the reform<sup>3</sup>, the allocation of cases at the Kúria still raises many questions and concerns.**

Although very complicated, the rules of the Kúria's case allocation scheme are understandable, so in principle Amnesty International would have been able to monitor compliance. The cases must be allocated on a first-come, first-served basis, meaning that the time of arrival should decide which chamber receives a case in the specific groups of cases, based on pre-determined case allocation rules.

In spite of this, Amnesty International has documented limited transparency in the actual allocation of the cases. The errors presented in this briefing mean that the Kúria deviated from the pre-determined rules, without providing explanation thereto.

**First, it is difficult to monitor the case allocation practice based on the online information sheets:** each department's cases (i.e. criminal, administrative, civil departments and the inter-departmental cases) are uploaded as online sheets in bulk, in PDF format, on a weekly basis, so Amnesty International had to create a separate Excel spreadsheet to be able to monitor it at all. Although the data available on these sheets have improved since June 2023 (when the first sheets were published), there are still missing data that would be necessary to ensure transparency. For instance in election

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<sup>1</sup> C9.R16 Strengthening judicial independence of the Supreme Court (Kúria). Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Hungary, see: <https://data.consilium.europa.eu/doc/document/ST-15447-2022-ADD-1/en/pdf> p. 133.

<sup>2</sup> For each week and for each department, the Kúria publishes the list of cases and their respective allocated chambers on its website (<https://kuria-birosag.hu/hu/kuria-ugyelosztasi-rendszere>)

<sup>3</sup> Amnesty International Hungary, Eötvös Károly Institute, Hungarian Helsinki Committee: Joint assessment of Hungary's judicial reforms, May 2023, <https://www.amnesty.hu/joint-assessment-of-hungarys-judicial-reforms/>

cases, Amnesty International encountered the specific problem that cases arrived in the same minute or a few minutes apart, while the sheets did not allow to monitor the transparent distribution of these cases under the first come, first served rule. For these cases, even a second-by-second indication would only be a partial solution.

**Second, in many cases Amnesty International found that the case allocation scheme was simply not followed** and supposedly the case allocator (i.e. a court leader) made an error, allocating the case to the “wrong” chamber. Errors could easily have been inadvertent, but it cannot be ruled out that they have been deliberate (for example, to specifically ensure that a case was assigned to a specific chamber). In many cases, the application of a rule was inconsistent (especially in criminal cases), which is also worrying.

**Third, the law provides several vaguely defined grounds for deviating from the general rules for case allocation.**<sup>4</sup> Even if the sheets indicate that they have just deviated from the case allocation scheme (for example to ensure an even workload, or in case of merger of cases, or in case of a stand-by period) or that it is a reopened case<sup>5</sup>, **these deviations may not be monitored and explained without further background information that are not available:**

- no information is available about why there was a greater caseload at one chamber that required the case to be reassigned to another chamber,
- no information is available about which cases have been merged, or
- no information is available about which previous case has just been reopened.

In criminal cases, where the **deviations from the case allocation scheme** are usually shown in the information sheets, **the number of deviations is particularly high (22%)**. In civil and administrative matters, however, the court seemingly does not even indicate any deviations. Furthermore, re-allocations of cases are not explained, either.

**To sum up, numerous cases have been allocated erroneously or inexplicably, and in many cases they deviated from the case allocation system without providing an explanation thereto. Therefore it would still be necessary to change the case allocation rules and the publication method of the information sheets to ensure transparency.**

**Amnesty International’s findings, concerns and questions are detailed below in sections 4, 5 and 6, separately for the cases at the administrative, civil and criminal department, respectively.**

## **2. Methodology**

Amnesty International has monitored the operation of the case allocation system at the Kúria, to see whether cases are allocated according to the rules and how well the public can follow who (which Kúria chamber) will decide in these lawsuits. The monitoring was based on the Kúria’s case allocation

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<sup>4</sup> Act CLXI of 2011 on the Organisation and Administration of Courts, Article 10 (5)

<sup>5</sup> A reopened case must be decided by the same chamber that had decided in the original case; for example when a case is reopened after a decision by the Constitutional Court and a referral back to the Kúria.

scheme<sup>6</sup> and the information sheets published on the Kúria's website<sup>7</sup>. Amnesty International has examined all sheets of the Criminal, Administrative and Civil departments, concerning the period between 5 February 2024 and 8 September 2024, so over 30 weeks and compared them with the rules of the case allocation scheme to see if they were being followed and if cases were being allocated properly.

On 8 October 2024, Amnesty International has sent its questions based on its findings to the Kúria. The Kúria replied to the questions on 24 October 2024. The Kúria argued that, under the law, *"only the parties to the proceedings are entitled to verify compliance with the rules on the allocation of cases."* According to the Kúria, *"the compliance of specific cases with the case allocation rules cannot be contested by persons not involved in the litigation, in this case by civil society organisations"*.

Cases are not allocated to a specific judge at the Kúria, but to multi-judge chambers, so Amnesty International has examined the allocation to the various chambers of judges.

Amnesty International notes that there were missing case numbers in the sheets that may also explain some of the deviations and errors – however, it is unclear why these were not published in the case allocation sheets. Without knowing information about these cases, as well, it is difficult to follow the compliance with the case allocation scheme.

### **3. Background: billions of euros depended on case allocation**

On 30 November 2022, the European Commission proposed to the Council of the EU that the acquisition of certain EU funds be made conditional on the implementation of reforms to strengthen the independence of the Hungarian courts. One of the expectations was to make the procedural arrangements for allocating incoming cases between the different chambers (panels of judges who decide cases) in the Kúria more transparent (in the wording of the milestone, *"the parties to proceedings be able to verify on the basis of the case file whether the rules on case allocation have been duly applied"*).<sup>8</sup>

This was necessary because previously, the allocation of cases had been changed almost every month, the President of the Kúria had had considerable influence over the system and the complex rules had made it opaque to both clients and the public as to which cases were allocated to which chamber, according to which rules. The Council eventually required, among other things, that cases submitted electronically should be assigned a case number without human intervention and that cases should be allocated to the chambers on the basis of predefined, objective criteria. This was eventually passed into law by the Hungarian Parliament,<sup>9</sup> and partly thanks to this, billions of euros linked to court reform were released at the end of 2023.

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<sup>6</sup> The latest case allocation scheme (valid from 1 April 2024) is available here: [https://kuria-birosag.hu/sites/default/files/szabalyzatok/a\\_kuria\\_2024\\_januar\\_1\\_napjatol\\_hatalyos\\_ugyelosztasi\\_rendje\\_modositasokk\\_al\\_egyseges\\_szerkezetben\\_1.pdf](https://kuria-birosag.hu/sites/default/files/szabalyzatok/a_kuria_2024_januar_1_napjatol_hatalyos_ugyelosztasi_rendje_modositasokk_al_egyseges_szerkezetben_1.pdf)

<sup>7</sup> <https://kuria-birosag.hu/hu/kuria-ugyelosztasi-rendszer>

<sup>8</sup> Annex to the Council Implementing Decision on the approval of the assessment of the recovery and resilience plan for Hungary, see: <https://data.consilium.europa.eu/doc/document/ST-15447-2022-ADD-1/en/pdf> p. 133.

<sup>9</sup> Act X of 2023



The reform's aim was therefore to allocate cases according to objective, predefined criteria, and to make this transparent. The former is aimed in principle to be ensured by the case allocation system through complex mechanisms and allocation rules. The latter is ensured by the fact that, from June 2023, the website of the Kúria started to publish information about the case allocation (case arrivals with the case number, the date of arrival and allocation, and the name of the chamber assigned). At that time, the sheets were lacking lot of information, and for example, it was impossible to check whether a case had been allocated in the order of arrival without the exact time and minute of arrival being published. However, since the beginning of February 2024, more data has been included in the sheets on the website, that now look like as the samples included in *Annex 1*. (and that Amnesty International examined).

## 4. Administrative cases

### 4.1. Election and referendum cases

In electoral and referendum cases, the rule on the allocation of cases is that all chambers receive two of the cases on a first-come, first-served basis. Consequently, first, Chamber K.I. gets two, then Chamber K.III. gets two (Chamber K.II. is skipped as it only deals with cases related to local municipalities), and so on.<sup>10</sup> Most of the time the case allocation follows this rule, but there are some anomalies and discrepancies.

A few times Amnesty International could find an explanation to the deviation from the case allocation scheme, though not from the published sheets. One case was allocated to a chamber not according to the case allocation scheme because the case was merged with another (this is allowed by the law<sup>11</sup>) – the problem here was that this could be understood only from the text of the judgment,<sup>12</sup> and not from the published sheets. In another case, Amnesty International only understood after reading the text of the judgment that a case got reopened at the Kúria after a decision at the Constitutional Court, and that the original chamber deciding it in the first place received it<sup>13</sup> – it was problematic, however, that indicating the reopening of this case was omitted on the sheet.

More worrying were discrepancies for which Amnesty International could not find any explanation in the sheets or in the judgments. Amnesty International found the following inexplicable errors in election and referendum cases:

- case 39.021/2024 should have been assigned to Chamber K.VI., after preceding cases 39.016/2024 and 39.017/2024 having been assigned to Chamber K.V. (therefore, Chambers K.VI., K.VII. and K.I. were not included in the order, and the sheet did not explain why),
- case 39.035/2024 should have been again allocated to Chamber K.VII., after preceding case 39.033/2024 having been assigned to K.VII. Chamber (instead, it was allocated to Chamber K.VI.),
- case 39.106/2024 was originally allocated to Chamber K.I. according to the case allocation scheme, and then re-allocated to Chamber K.VII. in week 22, without any explanation.

The number of election lawsuits also increased in 2024 during the election period, especially in May–June,<sup>14</sup> as it is possible to challenge a decision of the election committees immediately at the Kúria<sup>15</sup>. For example, thirty-one election cases were brought before the Kúria in week 20 and sixty-five in week

<sup>10</sup> Case Allocation Scheme, VI.4.

<sup>11</sup> Article 10 (5) b), Act of CLXI of 2011 on the Organisation and Administration of Courts

<sup>12</sup> Cases 39.090/2024 and 39.091/2024

<sup>13</sup> Cases 39.055/2024 and 39.100/2024

<sup>14</sup> The Hungarian Helsinki Committee reported (see: <https://helsinkifigyelo.444.hu/2024/03/08/ugyes-elosztas-uj-ugyelosztasi-rend-a-kurian>) in March 2024 that a new rule was introduced for this year's European Parliament and local elections only, allowing the creation of four additional, unspecified boards in case the administrative “*electoral caseload of the administrative college adjudicating on electoral cases exceeds 15 cases per day for three calendar days*”. As this did not actually happen at the time of the 2024 elections, Amnesty International have no way of knowing who would have been sitting in this case - in any case, it undermines public confidence in the courts to change the rules on the appointment of judges to sit in election cases just before elections.

<sup>15</sup> According to the law, persons may file a judicial review application with the Kúria against the decision of the election committee at the second instance and against the decision of the National Election Committee. In such cases, the adjudicating court is immediately the Kúria. Articles 222 and 229, Act XXXVI of 2013.

25. The latter week was particularly busy, with many cases arriving in the same minute or within a few minutes of each other on certain days. The biggest concern regarding these weeks was that the seconds are not shown in the sheets and therefore Amnesty International could not identify a clear rule based on which these same-minute cases were allocated. Furthermore, if cases arrive by post,<sup>16</sup> it is not clear based on which rule one case is filed one minute later than another one or based on which rule does the court decide which case arrived first (if the cases arrived in the same minute).

There were several election cases where the cases arrived in the same minute (such as 39.129/2024 and 39.130/2024, 39.139/2024 and 39.140/2024, 39.155/2024 and 39.156/2024, 39.161/2024 and 39.162/2024, 39.169/2024 and 39.170/2024, 39.178/2024 and 39.179/2024, 39.194 and 39.195). There were even many more that arrived within a few minutes' time.<sup>17</sup>

Based on the above, it is unclear how election cases (arriving by e-mail or by post) in the same minute or within a few minutes' time were allocated.

#### 4.2. *General administrative review cases*

The largest number of cases in the administrative department are the general administrative review cases, where a person challenges the final decision of an administrative authority at court. The Kúria adjudicates these cases as a court of last instance. The allocation rule<sup>18</sup> for these cases depends on the case number of each case, in a way that

- cases ending in the number "1" are allocated to Chamber K.I.
- cases ending in the numbers "2" and "8" are allocated to Chamber K.III.
- cases ending in the numbers "3" and "4" are allocated to Chamber K.IV.
- cases ending in the number "5" are allocated to Chamber K.V.
- cases ending in the number "0" and "9" are allocated to Chamber K.VI.
- cases ending in the number "6" are allocated to Chamber K.IV. and Chamber K.VII.
- cases ending in the number "7" are allocated to Chamber K.VII.

Amnesty International found the following errors and discrepancies in these general administrative review cases:

- case 37.156/2024 should have been assigned to Chamber K.IV., after preceding case 37.146/2024 having been assigned to Chamber K.VII.,
- in week 19, five cases (37.285/2024, 37.287/2024, 37.288/2024, 37.289/2024, 37.291/2024) had originally been correctly allocated to different chambers, according to the case allocation scheme. However, in the same week they were all re-allocated to Chamber K.IV., without

<sup>16</sup> Election cases may be filed by post or by e-mail. Amnesty International does not know whether cases were filed by post or by e-mail.

<sup>17</sup> On 18 June, 13 election cases were received between 8:41 and 9:13 AM;

On 19 June, 5 election cases were received between 8:24 and 8:29 AM;

On 20 June, 4 election cases were received between 8:43 and 8:46 AM;

On 21 June, 6 election cases were received between 8:30 and 8:38 AM;

On 22 June, 5 election cases were received between 8:08 and 8:25 AM.

<sup>18</sup> Case Allocation Scheme, VI.6.1.

providing any explanation (these may be identical cases, but this is not clear from the sheets which are supposed to guarantee transparency),

- case 37.497/2024 was re-allocated to Chamber K.III. without further explanation,
- case 37.515/2024 was re-allocated to Chamber K.III. without further explanation.

There are also many cases where the Kúria's case allocator deviated from the case allocation scheme, because after a reopening of the case (for example, if the Constitutional Court overrules the Kúria's decision and accordingly the Kúria has to re-open the case) the court needs to allocate the case to the chamber that had decided in the case before.<sup>19</sup> Transparency is, however, impossible because the sheets do not indicate the previous case number.

#### 4.3. *Administrative appeal and other cases*

The rule is that administrative appeal and "other cases" (i.e. cases not belonging to any other category) are to be allocated to each chamber one by one, except for Chamber K.II.<sup>20</sup> The following error was found in this group of cases:

- case 39.039/2024 should have been allocated to K.VII., after preceding case 39.034/2024 having been allocated to Chamber K.VI.<sup>21</sup>

#### 4.4. *Cases related to public service, social security and labour authorities*

The following error was found in the group of cases concerning the public service, social security and labour authorities (the rule here is that the cases are allocated between Chambers K.III. and K.VII., based on case number endings)<sup>22</sup>:

- case 45.046/2024 was originally assigned to Chamber K.VII. according to the case allocation scheme, but was then re-allocated to Chamber K.III. in week 20, without providing any explanation.

#### 4.5. *Financial cases*

The rule<sup>23</sup> here is that

- cases ending in the numbers "0", "1", "2" and "3" are allocated to Chamber K.I.,
- cases ending in the numbers "5", "7", "8" and "9" are allocated to Chamber K.V.,
- cases ending in the numbers "4" and "6" are allocated to Chamber K.VI.

The following error was found in these financial cases:

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<sup>19</sup> Case Allocation Scheme, III.3.

<sup>20</sup> Case Allocation Scheme, VI.4.

<sup>21</sup> In the online information sheets, case 39.039/2024 follows case 39.034/2024 according to the time of their arrival.

<sup>22</sup> Case Allocation Scheme, VI.4. Cases ending with the numbers "0", "1", "2", "3", "4" are allocated to Chamber K.III., while cases ending with the numbers "5", "6", "7", "8", "9" are allocated to Chamber K.VII.

<sup>23</sup> Case Allocation Scheme, VI.4. and VI.6.1.

- case 35.189/2024 was initially allocated to Chamber K.V., according to the case allocation scheme, and then re-allocated to Chamber K.VI. in week 28, without providing any explanation.

## **5. Civil cases**

### *5.1. Contractual cases*

The complexity of the case allocation system has led to many errors in contractual cases (e.g. disputes regarding contracts). Here, the rule is that the Chamber P.I. is allocated three, Chamber P.II. one, Chamber P.III. two, Chamber P.V. one, and finally Chamber P.VI. three cases (in this order), and then the cycle starts all over again.<sup>24</sup>

In 84 out of the 374 contractual cases, cases were not allocated in this order, and Amnesty International could not find any explanation thereto (these 84 cases are listed in *Annex 2*). There were a few cases where not the time of arrival, but the time of allocation was considered when applying the allocation rules, which is completely contrary to the principle of the order of allocation (i.e. the first-come, first-served basis, based on time of arrival).

### *5.2. Cases regarding the execution of judgments*

Here the rule is that Chamber P.II. receives three cases and then Chamber P.V. receives one case.<sup>25</sup> Moreover, based on the Kúria's practice, re-opened cases should be considered as if they were left out of the queue. The following errors were found in cases regarding the execution of judgments:

- case 20.468/2024 should have been allocated to P.V. Chamber, after preceding case 20.467/2024 having been allocated to Chamber P.II.,
- case 20.833/2024 should have been allocated to Chamber P.V., after preceding case 20.832/2024 having been allocated to Chamber P.II.

### *5.3. Inheritance cases*

Here, the rule is that Chamber P.I. receives one case and then Chamber P.V. receives two cases.<sup>26</sup> In the group of inheritance cases, Amnesty International found the following error:

- case 20.735/2024 should have been allocated to Chamber P.V. again, after preceding case 20.709/2024 having been allocated to Chamber P.V.

### *5.4. Labour cases*

The rule here is that Chambers P.II., P.IV. and P.V. follow each other, one case each.<sup>27</sup> The following errors were found in the labour cases litigation group:

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<sup>24</sup> Case Allocation Scheme, V.4.

<sup>25</sup> Case Allocation Scheme, V.4.

<sup>26</sup> Case Allocation Scheme, V.4.

<sup>27</sup> Case Allocation Scheme, V.4.



- case 10.047/2024 should have been allocated to Chamber P.II., after preceding case 10.046/2024 having been allocated to Chamber P.V.,
- case 10.085/2024 should have been allocated to Chamber P.II., after preceding case 10.084/2024 having been allocated to Chamber P.V.

#### 5.5. *Commercial cases*

In the group of commercial litigation and non-litigation cases (except for bankruptcy, liquidation and registration of legal persons cases), the rule is that Chambers P.III. and P.VI. follow each other, one case each.<sup>28</sup> The following errors were found:

- although case 30.131/2024 came first, the following case 20.456/2024 was allocated earlier,
- case 30.210/2024 should have been allocated to Chamber P.VI., after preceding case 30.204/2024 having been allocated to Chamber P.III.

#### 5.6. *Cases of appeal*

In the group of appealed cases, the rule is that each chamber in the civil department receives one case.<sup>29</sup> The following errors were found:

- case 24.701/2024, should have been allocated to Chamber P.I., after preceding case 24.694/2024 having been allocated to Chamber P.VI.,
- case 24.714/2024 should have been allocated Chamber P.I., after preceding case 24.713/2024 having been allocated to Chamber P.VI.

#### 5.7. *Property cases*

Here, the rule is that Chamber P.I. receives one case and then Chamber P.V. receives two cases.<sup>30</sup> Here also, based on the Kúria's practice, re-opened cases should be considered as if they were left out of the queue. The following mistakes were found in property cases:

- case 20.202/2024 should have been allocated to Chamber P.I. (since preceding case 20.201/2024 was reopened, it should have been considered as being left out of the queue),
- case 20.215/2024 should have been allocated to Chamber V. again, after case 20.214/2024 having been allocated to Chamber P.V.,
- cases 30.136/2024 and 30.137/2024 were swapped, the former should have been allocated to Chamber P.I. and the latter to Chamber P.V.

#### 5.8. *Family law cases*

The rule here is that Chamber P.I. and P.II. follow each other, one case each.<sup>31</sup> In family law cases, the following errors were found:

- case 20.379/2024 should have been allocated to Chamber P.II., after preceding case 20.379/2024 having been allocated to Chamber P.I.,

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<sup>28</sup> Case Allocation Scheme, V.4.

<sup>29</sup> Case Allocation Scheme, V.4.

<sup>30</sup> Case Allocation Scheme, V.4.

<sup>31</sup> Case Allocation Scheme, V.4.

- case 20.453/2024 should have been allocated to Chamber P.II., after preceding case 20.447/2024 having been allocated to Chamber P.I.,
- case 20.477/2024 should have been allocated to Chamber P.II., after preceding case 20.465/2024 having been allocated to Chamber P.I.,
- case 20.594/2024 should have been allocated to Chamber P.I., after preceding case 20.587/2024 having been allocated to Chamber P.II.,
- case 20.654/2024 should have been allocated to Chamber P.I., after preceding case 20.652/2024 having been allocated to Chamber P.II.,
- case 20.710/2024 should have been allocated to Chamber P.I., after preceding case 20.697/2024 having been allocated to Chamber II.

### 5.9. Court designation cases

In the event of a conflict of jurisdiction or competence between courts, the court deciding is the Kúria. The rule is that each chamber receives one case.<sup>32</sup> Within this “designation of court” category in weeks 29, 30, 31, 32, 33, there was a complete departure from the case allocation scheme, as several cases were allocated to the same chamber in succession (without providing any explanation):

- cases 24.711/2024, 24.712/2024 in week 29,
- cases 24.716/2024, 24.717/2024, 24.718/2024, 24.719/2024, 24.720/2024, 24.721/2024, 24.722/2024, 24.723/2024, 24.724/2024 in week 30,
- cases 24.725/2024, 24.726/2024, 24.726/2024 in week 31,
- cases 24.727/2024, 24.728/2024, 24.729/2024, 24.730/2024, 24.731/2024, 24.733/2024, 24.734/2024, 24.735/2024 in week 32,
- cases 24.738/2024, 24.739/2024, 24.740/2024, 24.741/2024, 24.742/2024, 24.743/2024 in week 33.

## 6. Criminal cases

The rules in criminal cases are relatively simple, yet the Kúria either did not follow these rules in many instances, or not consistently.

The main rule is that the three criminal chambers (B.I., B.II., B.III.) come one after each other, receiving one case each.<sup>33</sup> A criminal traffic violation case is always allocated to Chamber B.II., and according to the Kúria’s established practice, such cases should be considered as if they were left out of the queue. However, – as an unwritten rule, based on practice – if the Kúria deviates from the case allocation scheme (to merge cases or to ensure an even workload, or during on-call or stand-by periods<sup>34</sup>) based on a legal possibility, the next chamber in line after the “diverted” chamber should come next.<sup>35</sup>

<sup>32</sup> Case Allocation Scheme, V.4.

<sup>33</sup> Case Allocation Scheme, IV.4.

<sup>34</sup> Article 10 (5), Act of CLXI of 2011 on the Organisation and Administration of Courts

<sup>35</sup> An example from week 6 of 2024:

188/2024		B.III.
<b>189/2024</b>		<b>B.I.</b>

However, these last two rules have not been observed eight times each (listed below), and in these 16 instances, cases have been allocated in an apparently completely random manner. Based on available data, Amnesty International could not assess whether these errors were a result of mere oversight, or if there have been a deliberate error in these cases.

The following errors were found in criminal cases:

- although the following cases each came after a criminal traffic violation case, they were assigned not according to the above-described rule:
  - 256/2024
  - 486/2024
  - 563/2024
  - 567/2024
  - 832/2024
  - 855/2024
  - 864/2024
  - 958/2024
- although the following cases came after “diverted” cases, they were not assigned according to the above-described rule:
  - 428/2024
  - 751/2024
  - 759/2024
  - 895/2024
  - 952/2024
  - 988/2024
  - 1046/2024
  - 1116/2024

There were two other errors, too:

- case 165/2024 should have been allocated to Chamber B.II., after preceding case 164/2024 having been allocated to Chamber B.I.,
- case 383/2024 was re-allocated from Chamber B.III. to Chamber B.II. in week 12, without providing any explanation.

<b>190/2024</b>	<b><i>Deviation based on Act CLXI of 2011 on the Organisation and Administration of Courts, Article 10 (5) c [i.e. deviation to ensure an even workload]</i></b>	<b>B.III.</b>
<b>191/2024</b>		<b>B.I.</b>
192/2024		B.II.
193/2024		B.III.
194/2024		B.I.
195/2024		B.II.
196/2024		B.III.

Apart from the above-presented errors, a high degree of deviation from the case allocation scheme was observed in criminal cases. Of the 981 criminal cases examined, 198 cases deviated from the case allocation scheme, a rate of more than 20%<sup>36</sup>. Here – unlike in administrative and civil cases – these deviations from the case allocation scheme were indicated in the sheets, but only by a simple reference to the piece of legislation allowing such deviation: (i) to merge cases,<sup>37</sup> (ii) to ensure an even workload,<sup>38</sup> or (iii) “*during on-call duty, stand-by duty or during an exceptional event affecting the operation of the Kúria, in order to ensure the timely disposal of the case*”.<sup>39</sup> Consequently, as a result of limited data, the public does not have the necessary information and data to enable the monitor of such deviations:

- Most of the time (in 146 instances) the deviation’s given reason was to ensure an even workload between chambers – however, there is no data available to the public to verify when and why a chamber was overloaded.
- In 32 cases, the reason to deviate was due to case mergers, but there is no information available to identify which cases had been merged.
- In 21 cases, on-call duty or stand-by duty was invoked as the reason for deviation, once again without providing any further information or explanation.

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<sup>36</sup> For example, in week 30, 25 out of 39 cases were not allocated according to the case allocation scheme.

<sup>37</sup> Act CLXI of 2011 on the Organisation and Administration of Courts, Article 10 (5) b)

<sup>38</sup> Act CLXI of 2011 on the Organisation and Administration of Courts, Article 10 (5) c)

<sup>39</sup> Act CLXI of 2011 on the Organisation and Administration of Courts, Article 10 (5) d)

**Annex 1**

**Samples of the case allocation online information sheets published on the Kúria's website, in Hungarian and in English**

In Hungarian:

**Közigazgatási Kollégium**

Időszak: 2024.09.02 - 2024.09.08

<b>35213/2024</b>	Érkezés időpontja:	2024.09.02 09:51
	Lajstromozás időpontja:	2024.09.02 10:03
	Kiosztás időpontja:	2024.09.03 08:33
	Ügycsoport:	pénzügyi tárgyú ügy
	Eljáró tanács:	K.I.
	Tanácsösszetétel:	Dr. Hajnal Péter Dr. Heinemann Csilla Dr. Banu Zsoltné dr. Szabó Judit Dr. Tóth Kincső Dr. Figula Ildikó
	Ügyelosztást végző vezető:	Dr. Kalas Tibor - elnökhelyettes
	Újraindult:	Igen
Ha történt eltérés, annak indoka:		
<b>45104/2024</b>	Érkezés időpontja:	2024.09.02 09:56
	Lajstromozás időpontja:	2024.09.02 10:08
	Kiosztás időpontja:	2024.09.03 08:35
	Ügycsoport:	közszolgálati, társadalombiztosítási, munkügyi hatósági ügy
	Eljáró tanács:	K.III.
	Tanácsösszetétel:	Dr. Bérces Nóra Dr. Sugár Tamás Dr. Ujhelyi-Gyurán Ildikó Dr. Farkas Katalin Dr. Kovács András
	Ügyelosztást végző vezető:	Dr. Kalas Tibor - elnökhelyettes
	Újraindult:	Nem
Ha történt eltérés, annak indoka:		

In English:

## Allocation of cases in a given period of time

### Department of Administrative Cases

Period of time: 2024.09.02. – 2024.09.08.

<b>35213/2024</b>	Time of arrival:	2024.09.02 09:51
	Time of filing:	2024.09.02 10:03
	Time of allocation:	2024.09.03 08:33
	Group of cases:	financial case
	Chamber:	K.I.
	Members of the adjudicating chamber:	Dr. Hajnal Péter Dr. Heinemann Csilla Dr. Banu Zsoltné dr. Szabó Judit Dr. Tóth Kincső Dr. Figula Ildikó
	Court leader performing the allocation:	Dr. Kalas Tibor – Vice-President of the Kúria
	Is it a reopened case?	Yes
	If there has been a deviation from the case allocation scheme, the reason thereof:	
<b>45104/2024</b>	Time of arrival:	2024.09.02 09:56
	Time of filing:	2024.09.02 10:08
	Time of allocation:	2024.09.03 08:35
	Group of cases:	cases concerning the public service, social security and labour authorities
	Chamber:	K.III.
	Members of the adjudicating chamber:	Dr. Bérces Nóra Dr. Sugár Tamás Dr. Ujhelyi-Gyurán Ildikó Dr. Farkas Katalin Dr. Kovács András
	Court leader performing the allocation:	Dr. Kalas Tibor – Vice-President of the Kúria
	Is it a reopened case?	No
	If there has been a deviation from the case allocation scheme, the reason thereof:	

**Annex 2**

In the following contractual cases, Amnesty International found that the Kúria did not follow the rules on case allocation (due to the high number of cases, the nature of the error is given in only a few cases below):

30050/2024
20161/2024
20183/2024
30059/2024
20200/2024
30063/2024
20220/2024
20222/2024
30064/2024
20226/2024
20227/2024
20232/2024
20247/2024
30070/2024
20250/2024
20254/2024
20272/2024
20303/2024
20314/2024
20339/2024
30091/2024
20343/2024
20357/2024
30099/2024
30100/2024

20370/2024
20371/2024
20372/2024
30101/2024
20382/2024
30111/2024 <i>(case 30.111/2024 arrived earlier, but case 20.403/2024 was allocated before that)</i>
20403/2024
20423/2024
30119/2024
30124/2024
20445/2024
20446/2024
20459/2024
20471/2024
30142/2024 <i>(case 30.142/2024 arrived earlier, but case 20.480/2024 was allocated before that)</i>
20480/2024
30148/2024 <i>(case 30.148/2024 arrived earlier, but case 20.487/2024 was allocated before that)</i>

20487/2024
30153/2024 <i>(case 30.153/2024 arrived earlier, but case 20.505/2024 was allocated before that)</i>
20505/2024
30161/2024 <i>(case 30.161/2024 arrived earlier, but cases 20.530/2024 and 20.533/2024 were allocated before that)</i>
20530/2024
20533/2024
20543/2024
30162/2024 <i>(case 30.162/2024 arrived earlier, but case 20.548/2024 was allocated before that)</i>
20548/2024
30166/2024
30168/2024 <i>(case 20.168/2024 arrived earlier, but case 20.566/2024 was allocated before that)</i>
20566/2024
30176/2024 <i>(case 30.176/2024 arrived</i>

<i>earlier, but case 20.595/2024 was allocated before that)</i>
20595/2024
30188/2024
20640/2024
30189/2024
20642/2024
20643/2024
20659/2024
30192/2024
30193/2024
20696/2024
30195/2024
20698/2024
30208/2024
20750/2024
30217/2024
20758/2024
30218/2024
20761/2024
20762/2024
20763/2024
30219/2024
30220/2024
20776/2024
20781/2024
30227/2024
20785/2024
20799/2024

30247/2024
20873/2024
30260/2024