

PRACTICE DIRECTION¹

WRITTEN PLEADINGS

I. Filing of pleadings

General

1. A pleading must be filed with the Registry within the time-limit fixed in accordance with Rule 38 and in the manner described in paragraph 2 of that Rule.
2. The date on which a pleading or other document is received at the Court's Registry will be recorded on that document by a receipt stamp.
3. All pleadings, as well as all documents annexed thereto, should be submitted to the Court's Registry in 3 copies sent by post with 1 copy sent, if possible, by fax.
4. Secret documents should be filed by registered post.
5. Unsolicited pleadings shall not be admitted to the case file unless the President of the Chamber decides otherwise (see Rule 38 § 1).

Filing by facsimile

6. A party may file pleadings or other documents with the Court by sending them by facsimile ("fax")².
7. The name of the person signing a pleading must also be printed on it so that he or she can be identified.

II. Form and contents

Form

8. A pleading should include:
 - (a) the application number and the name of the case;
 - (b) a title indicating the nature of the content (e.g. observations on admissibility [and the merits]; reply to the Government's/the applicant's observations on admissibility [and the merits]; observations on the merits; additional observations on admissibility [and the merits]; memorial etc.).

1. Issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 1 November 2003.

2. Fax no. +00 33 (0)3 88 41 27 30; other facsimile numbers can be found on the Court's website (www.echr.coe.int).

9. A pleading should normally in addition
 - (a) be on A4 paper having a margin of not less than 3.5 cm wide;
 - (b) be wholly legible and, preferably, typed;
 - (c) have all numbers expressed as figures;
 - (d) have pages numbered consecutively;
 - (e) be divided into numbered paragraphs;
 - (f) be divided into chapters and/or headings corresponding to the form and style of the Court's decisions and judgments ("Facts" / "Domestic law [and practice]" / "Complaints" / "Law"; the latter chapter should be followed by headings entitled "Preliminary objection on ..."; "Alleged violation of Article ...", as the case may be);
 - (g) place any answer to a question by the Court or to the other party's arguments under a separate heading;
 - (h) give a reference to every document or piece of evidence mentioned in the pleading and annexed thereto.
10. If a pleading exceeds 30 pages, a short summary should also be filed with it.
11. Where a party produces documents and/or other exhibits together with a pleading, every piece of evidence should be listed in a separate annex.

Contents

12. The parties' pleadings following communication of the application should include:
 - (a) any comments they wish to make on the facts of the case; however,
 - (i) if a party does not contest the facts as set out in the statement of facts prepared by the Registry, it should limit its observations to a brief statement to that effect;
 - (ii) if a party contests only part of the facts as set out by the Registry, or wishes to supplement them, it should limit its observations to those specific points;
 - (iii) if a party objects to the facts or part of the facts as presented by the other party, it should state clearly which facts are uncontested and limit its observations to the points in dispute;

(b) legal arguments relating first to admissibility and, secondly, to the merits of the case; however,

(i) if specific questions on a factual or legal point were put to a party, it should, without prejudice to Rule 55, limit its arguments to such questions;

(ii) if a pleading replies to arguments of the other party, submissions should refer to the specific arguments in the order prescribed above.

13. (a) The parties' pleadings following the admission of the application should include:

(i) a short statement confirming a party's position on the facts of the case as established in the decision on admissibility;

(ii) legal arguments relating to the merits of the case;

(iii) a reply to any specific questions on a factual or legal point put by the Court.

(b) An applicant party submitting claims for just satisfaction at the same time should do so in the manner described in the practice direction on filing just satisfaction claims.¹

14. In view of the confidentiality of friendly-settlement proceedings (see Article 38 § 2 of the Convention and Rule 62 § 2), all submissions and documents filed within the framework of the attempt to secure a friendly settlement should be submitted separately from the written pleadings.

15. No reference to offers, concessions or other statements submitted in connection with the friendly settlement may be made in the pleadings filed in the contentious proceedings.

III. Time-limits

General

16. It is the responsibility of each party to ensure that pleadings and any accompanying documents or evidence are delivered to the Court's Registry in time.

Extension of time-limits

17. A time-limit set under Rule 38 may be extended on request from a party.

18. A party seeking an extension of the time allowed for submission of a pleading must make a request as soon as it has become aware of the circumstances justifying such an extension and, in any event, before the expiry of the time-limit. It should state the reason for the delay.

19. If an extension is granted, it shall apply to all parties for which the relevant time-limit is running, including those which have not asked for it.

1. Not yet issued, for the time being see Rule 60.

IV. Failure to comply with requirements for pleadings

20. Where a pleading has not been filed in accordance with the requirements set out in paragraphs 8-15 of this practice direction, the President of the Chamber may request the party concerned to resubmit the pleading in compliance with those requirements.

21. A failure to satisfy the conditions listed above may result in the pleading being considered not to have been properly lodged (see Rule 38 § 1 of the Rules of Court).