



COUR EUROPÉENNE DES DROITS DE L'HOMME  
EUROPEAN COURT OF HUMAN RIGHTS

# RULES OF COURT

(March 2005)

**REGISTRY OF THE COURT**

STRASBOURG

### **Note by the Registry**

This new edition of the Rules of Court includes the amendments adopted by the plenary Court on 13 December 2004 which enter into force on 1 March 2005. It should be noted that the general revision of the Rules in the light of the Court's evolving practice is continuing and that further amendments must therefore be expected within the not too distant future.

A new feature of the present edition is the supplementation of the Rules by practice directions issued by the President of the Court under Rule 32. They are meant to provide guidance to the parties on various aspects of their contacts with the Court and at the same time to introduce more standardized procedures with a view to facilitating the Court's processing of cases. Three practice directions have been adopted so far and more are to follow. Any additional texts and updates will be made public on the Court's website ([www.echr.coe.int](http://www.echr.coe.int)).

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The European Court of Human Rights,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto,

Makes the present Rules:

*Rule 1<sup>1</sup>*  
(Definitions)

For the purposes of these Rules unless the context otherwise requires:

(a) the term “Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto;

(b) the expression “plenary Court” means the European Court of Human Rights sitting in plenary session;

(c) the expression “Grand Chamber” means the Grand Chamber of seventeen judges constituted in pursuance of Article 27 § 1 of the Convention;

(d) the term “Section” means a Chamber set up by the plenary Court for a fixed period in pursuance of Article 26 (b) of the Convention and the expression “President of the Section” means the judge elected by the plenary Court in pursuance of Article 26 (c) of the Convention as President of such a Section;

(e) the term “Chamber” means any Chamber of seven judges constituted in pursuance of Article 27 § 1 of the Convention and the expression “President of the Chamber” means the judge presiding over such a “Chamber”;

(f) the term “Committee” means a Committee of three judges set up in pursuance of Article 27 § 1 of the Convention;

(g) the term “Court” means either the plenary Court, the Grand Chamber, a Section, a Chamber, a Committee or the panel of five judges referred to in Article 43 § 2 of the Convention;

(h) the expression “*ad hoc* judge” means any person, other than an elected judge, chosen by a Contracting Party in pursuance of Article 27 § 2 of the Convention to sit as a member of the Grand Chamber or as a member of a Chamber;

(i) the terms “judge” and “judges” mean the judges elected by the Parliamentary Assembly of the Council of Europe or *ad hoc* judges;

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1. As amended by the Court on 7 July 2003.

(j) the expression “Judge Rapporteur” means a judge appointed to carry out the tasks provided for in Rules 48 and 49;

(k) the term “delegate” means a judge who has been appointed to a delegation by the Chamber and the expression “head of the delegation” means the delegate appointed by the Chamber to lead its delegation;

(l) the term “delegation” means a body composed of delegates, Registry members and any other person appointed by the Chamber to assist the delegation;

(m) the term “Registrar” denotes the Registrar of the Court or the Registrar of a Section according to the context;

(n) the terms “party” and “parties” mean

- the applicant or respondent Contracting Parties;
- the applicant (the person, non-governmental organisation or group of individuals) that lodged a complaint under Article 34 of the Convention;

(o) the expression “third party” means any Contracting Party or any person concerned who, as provided for in Article 36 §§ 1 and 2 of the Convention, has exercised its right or been invited to submit written comments or take part in a hearing;

(p) the terms “hearing” and “hearings” mean oral proceedings held on the admissibility and/or merits of an application or held in connection with a request for revision, interpretation or an advisory opinion;

(q) the expression “Committee of Ministers” means the Committee of Ministers of the Council of Europe;

(r) the terms “former Court” and “Commission” mean respectively the European Court and European Commission of Human Rights set up under former Article 19 of the Convention.



## TITLE I

### ORGANISATION AND WORKING OF THE COURT

#### Chapter I

#### **Judges**

##### *Rule 2*

##### (Calculation of term of office)

1. The duration of the term of office of an elected judge shall be calculated as from the date of election. However, when a judge is re-elected on the expiry of the term of office or is elected to replace a judge whose term of office has expired or is about to expire, the duration of the term of office shall, in either case, be calculated as from the date of such expiry.
2. In accordance with Article 23 § 5 of the Convention, a judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of the predecessor's term.
3. In accordance with Article 23 § 7 of the Convention, an elected judge shall hold office until a successor has taken the oath or made the declaration provided for in Rule 3.

##### *Rule 3*

##### (Oath or solemn declaration)

1. Before taking up office, each elected judge shall, at the first sitting of the plenary Court at which the judge is present or, in case of need, before the President of the Court, take the following oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will exercise my functions as a judge honourably, independently and impartially and that I will keep secret all deliberations.”

2. This act shall be recorded in minutes.

##### *Rule 4*

##### (Incompatible activities)

In accordance with Article 21 § 3 of the Convention, the judges shall not during their term of office engage in any political or administrative activity or any professional activity which is incompatible with their independence or impartiality or with the demands of a full-time office. Each judge shall declare to the President of the Court any additional activity. In the event of a disagreement between the President and the judge concerned, any question arising shall be decided by the plenary Court.

*Rule 5*  
(Precedence)

1. Elected judges shall take precedence after the President and Vice-Presidents of the Court and the Presidents of the Sections, according to the date of their election; in the event of re-election, even if it is not an immediate re-election, the length of time during which the judge concerned previously held office as a judge shall be taken into account.
2. Vice-Presidents of the Court elected to office on the same date shall take precedence according to the length of time they have served as judges. If the length of time they have served as judges is the same, they shall take precedence according to age. The same rule shall apply to Presidents of Sections.
3. Judges who have served the same length of time as judges shall take precedence according to age.
4. *Ad hoc* judges shall take precedence after the elected judges according to age.

*Rule 6*  
(Resignation)

Resignation of a judge shall be notified to the President of the Court, who shall transmit it to the Secretary General of the Council of Europe. Subject to the provisions of Rules 24 § 4 in fine and 26 § 3, resignation shall constitute vacation of office.

*Rule 7*  
(Dismissal from office)

No judge may be dismissed from his or her office unless the other judges, meeting in plenary session, decide by a majority of two-thirds of the elected judges in office that he or she has ceased to fulfil the required conditions. He or she must first be heard by the plenary Court. Any judge may set in motion the procedure for dismissal from office.

## Chapter II<sup>1</sup>

### **Presidency of the Court and the role of the Bureau**

#### *Rule 8*

(Election of the President and Vice-Presidents of the Court  
and the Presidents and Vice-Presidents of the Sections)

1. The plenary Court shall elect its President, two Vice-Presidents and the Presidents of the Sections for a period of three years, provided that such period shall not exceed the duration of their terms of office as judges. They may be re-elected.
2. Each Section shall likewise elect for a renewable period of three years a Vice-President, who shall replace the President of the Section if the latter is unable to carry out his or her duties.
3. The Presidents and Vice-Presidents shall continue to hold office until the election of their successors.
4. If a President or a Vice-President ceases to be a member of the Court or resigns from office before its normal expiry, the plenary Court or the relevant Section, as the case may be, shall elect a successor for the remainder of the term of that office.
5. The elections referred to in this Rule shall be by secret ballot; only the elected judges who are present shall take part. If no judge receives an absolute majority of the elected judges present, a ballot shall take place between the two judges who have received most votes. In the event of a tie, preference shall be given to the judge having precedence in accordance with Rule 5.

#### *Rule 9*

(Functions of the President of the Court)

1. The President of the Court shall direct the work and administration of the Court. The President shall represent the Court and, in particular, be responsible for its relations with the authorities of the Council of Europe.
2. The President shall preside at plenary meetings of the Court, meetings of the Grand Chamber and meetings of the panel of five judges.
3. The President shall not take part in the consideration of cases being heard by Chambers except where he or she is the judge elected in respect of a Contracting Party concerned.

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1. As amended by the Court on 7 July 2003.

*Rule 9A<sup>1</sup>*  
(Role of the Bureau)

1. (a) The Court shall have a Bureau, composed of the President of the Court, the Vice-Presidents of the Court and the Section Presidents. Where a Vice-President or a Section President is unable to attend a Bureau meeting, he/she shall be replaced by the Section Vice-President or, failing that, by the next most senior member of the Section according to the order of precedence established in Rule 5.

(b) The Bureau may request the attendance of any other member of the Court or any other person whose presence it considers necessary.

2. The Bureau shall be assisted by the Registrar and the Deputy Registrars.

3. The Bureau's task shall be to assist the President in carrying out his/her function in directing the work and administration of the Court. To this end the President may submit to the Bureau any administrative or extra-judicial matter which falls within his/her competence.

4. The Bureau shall also facilitate co-ordination between the Court's Sections.

5. The President may consult the Bureau before issuing practice directions under Rule 32 and before approving general instructions drawn up by the Registrar under Rule 17 § 4.

6. The Bureau may report on any matter to the Plenary. It may also make proposals to the Plenary.

7. A record shall be kept of the Bureau's meetings and distributed to the Judges in both the Court's official languages. The secretary to the Bureau shall be designated by the Registrar in agreement with the President.

*Rule 10*  
(Functions of the Vice-Presidents of the Court)

The Vice-Presidents of the Court shall assist the President of the Court. They shall take the place of the President if the latter is unable to carry out his or her duties or the office of President is vacant, or at the request of the President. They shall also act as Presidents of Sections.

*Rule 11*  
(Replacement of the President and the Vice-Presidents of the Court)

If the President and the Vice-Presidents of the Court are at the same time unable to carry out their duties or if their offices are at the same time vacant, the office of President of the Court shall be assumed by a President of a Section or, if none is available, by another elected judge, in accordance with the order of precedence provided for in Rule 5.

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1. Inserted by the Court on 7 July 2003.

*Rule 12<sup>1</sup>*  
(Presidency of Sections and Chambers)

The Presidents of the Sections shall preside at the sittings of the Section and Chambers of which they are members and shall direct the Sections' work. The Vice-Presidents of the Sections shall take their place if they are unable to carry out their duties or if the office of President of the Section concerned is vacant, or at the request of the President of the Section. Failing that, the judges of the Section and the Chambers shall take their place, in the order of precedence provided for in Rule 5.

*Rule 13*  
(Inability to preside)

Judges of the Court may not preside in cases in which the Contracting Party of which they are nationals or in respect of which they were elected is a party.

*Rule 14*  
(Balanced representation of the sexes)

In relation to the making of appointments governed by this and the following chapter of the present Rules, the Court shall pursue a policy aimed at securing a balanced representation of the sexes.

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1. As amended by the Court on 17 June and 8 July 2002.

### Chapter III

#### The Registry

##### *Rule 15*

##### (Election of the Registrar)

1. The plenary Court shall elect its Registrar. The candidates shall be of high moral character and must possess the legal, managerial and linguistic knowledge and experience necessary to carry out the functions attaching to the post.
2. The Registrar shall be elected for a term of five years and may be re-elected. The Registrar may not be dismissed from office, unless the judges, meeting in plenary session, decide by a majority of two-thirds of the elected judges in office that the person concerned has ceased to fulfil the required conditions. He or she must first be heard by the plenary Court. Any judge may set in motion the procedure for dismissal from office.
3. The elections referred to in this Rule shall be by secret ballot; only the elected judges who are present shall take part. If no candidate receives an absolute majority of the elected judges present, a ballot shall take place between the two candidates who have received most votes. In the event of a tie, preference shall be given, firstly, to the female candidate, if any, and, secondly, to the older candidate.
4. Before taking up office, the Registrar shall take the following oath or make the following solemn declaration before the plenary Court or, if need be, before the President of the Court:

“I swear” – or “I solemnly declare” – “that I will exercise loyally, discreetly and conscientiously the functions conferred upon me as Registrar of the European Court of Human Rights.”

This act shall be recorded in minutes.

##### *Rule 16*

##### (Election of the Deputy Registrars)

1. The plenary Court shall also elect two Deputy Registrars on the conditions and in the manner and for the term prescribed in the preceding Rule. The procedure for dismissal from office provided for in respect of the Registrar shall likewise apply. The Court shall first consult the Registrar in both these matters.
2. Before taking up office, a Deputy Registrar shall take an oath or make a solemn declaration before the plenary Court or, if need be, before the President of the Court, in terms similar to those prescribed in respect of the Registrar. This act shall be recorded in minutes.

*Rule 17*  
(Functions of the Registrar)

1. The Registrar shall assist the Court in the performance of its functions and shall be responsible for the organisation and activities of the Registry under the authority of the President of the Court.
2. The Registrar shall have the custody of the archives of the Court and shall be the channel for all communications and notifications made by, or addressed to, the Court in connection with the cases brought or to be brought before it.
3. The Registrar shall, subject to the duty of discretion attaching to this office, reply to requests for information concerning the work of the Court, in particular to enquiries from the press.
4. General instructions drawn up by the Registrar, and approved by the President of the Court, shall regulate the working of the Registry.

*Rule 18*  
(Organisation of the Registry)

1. The Registry shall consist of Section Registries equal to the number of Sections set up by the Court and of the departments necessary to provide the legal and administrative services required by the Court.
2. The Section Registrar shall assist the Section in the performance of its functions and may be assisted by a Deputy Section Registrar.
3. The officials of the Registry, including the legal secretaries but not the Registrar and the Deputy Registrars, shall be appointed by the Secretary General of the Council of Europe with the agreement of the President of the Court or of the Registrar acting on the President's instructions.

## Chapter IV

### **The Working of the Court**

#### *Rule 19*

##### (Seat of the Court)

1. The seat of the Court shall be at the seat of the Council of Europe at Strasbourg. The Court may, however, if it considers it expedient, perform its functions elsewhere in the territories of the member States of the Council of Europe.
2. The Court may decide, at any stage of the examination of an application, that it is necessary that an investigation or any other function be carried out elsewhere by it or one or more of its members.

#### *Rule 20*

##### (Sessions of the plenary Court)

1. The plenary sessions of the Court shall be convened by the President of the Court whenever the performance of its functions under the Convention and under these Rules so requires. The President of the Court shall convene a plenary session if at least one-third of the members of the Court so request, and in any event once a year to consider administrative matters.
2. The quorum of the plenary Court shall be two-thirds of the elected judges in office.
3. If there is no quorum, the President shall adjourn the sitting.

#### *Rule 21*

##### (Other sessions of the Court)

1. The Grand Chamber, the Chambers and the Committees shall sit full time. On a proposal by the President, however, the Court shall fix session periods each year.
2. Outside those periods the Grand Chamber and the Chambers shall be convened by their Presidents in cases of urgency.

#### *Rule 22*

##### (Deliberations)

1. The Court shall deliberate in private. Its deliberations shall remain secret.
2. Only the judges shall take part in the deliberations. The Registrar or the designated substitute, as well as such other officials of the Registry and interpreters whose assistance is deemed necessary, shall be present. No other person may be admitted except by special decision of the Court.



3. Before a vote is taken on any matter in the Court, the President may request the judges to state their opinions on it.

*Rule 23*  
(Votes)

1. The decisions of the Court shall be taken by a majority of the judges present. In the event of a tie, a fresh vote shall be taken and, if there is still a tie, the President shall have a casting vote. This paragraph shall apply unless otherwise provided for in these Rules.
2. The decisions and judgments of the Grand Chamber and the Chambers shall be adopted by a majority of the sitting judges. Abstentions shall not be allowed in final votes on the admissibility and merits of cases.
3. As a general rule, votes shall be taken by a show of hands. The President may take a roll-call vote, in reverse order of precedence.
4. Any matter that is to be voted upon shall be formulated in precise terms.

*Rule 23A<sup>1</sup>*  
Decision by tacit agreement

Where it is necessary for the Court to decide a point of procedure or any other question other than at a scheduled meeting of the Court, the President may direct that a draft decision be circulated to the judges and that a deadline be set for their comments on the draft. In the absence of any objection from a judge, the proposal shall be deemed to have been adopted at the expiry of the deadline.

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1. Inserted by the Court on 13 December 2004.

## Chapter V

### The Composition of the Court

#### *Rule 24<sup>1</sup>*

#### (Composition of the Grand Chamber)

1. The Grand Chamber shall be composed of seventeen judges and at least three substitute judges.

2. (a) The Grand Chamber shall include the President and the Vice-Presidents of the Court and the Presidents of the Sections. Any Vice-President of the Court or President of a Section who is unable to sit as a member of the Grand Chamber shall be replaced by the Vice-President of the relevant Section.

(b) The judge elected in respect of the Contracting Party concerned or, where appropriate, the judge designated by virtue of Rule 29 or Rule 30 shall sit as an *ex officio* member of the Grand Chamber in accordance with Article 27 §§ 2 and 3 of the Convention.

(c) In cases referred to the Grand Chamber under Article 30 of the Convention, the Grand Chamber shall also include the members of the Chamber which relinquished jurisdiction.

(d) In cases referred to the Grand Chamber under Article 43 of the Convention, the Grand Chamber shall not include any judge who participated in the original Chamber's deliberations on the admissibility or merits of the case, except the President of that Chamber and the judge who sat in respect of the Contracting Party concerned.

(e) The judges and substitute judges who are to complete the Grand Chamber in each case referred to it shall be designated from among the remaining judges by a drawing of lots by the President of the Court in the presence of the Registrar. The modalities for the drawing of lots shall be laid down by the Plenary Court, having due regard to the need for a geographically balanced composition reflecting the different legal systems among the Contracting Parties.

3. If any judges are prevented from sitting, they shall be replaced by the substitute judges in the order in which the latter were selected under paragraph 2(e) of this Rule.

4. The judges and substitute judges designated in accordance with the above provisions shall continue to sit in the Grand Chamber for the consideration of the case until the proceedings have been completed. Even after the end of their terms of office, they shall continue to deal with the case if they have participated in the consideration of the merits.

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1. As amended by the Court on 8 December 2000 and 13 December 2004.

5. (a) The panel of five judges of the Grand Chamber called upon to consider requests submitted under Article 43 of the Convention shall be composed of

- the President of the Court;
- the Presidents or, if they are prevented from sitting, the Vice-Presidents of the Sections other than the Section from which was constituted the Chamber that dealt with the case whose referral to the Grand Chamber is being sought;
- a further judge designated in rotation from among the judges other than those who dealt with the case in the Chamber.

(b) No judge elected in respect of, or who is a national of, a Contracting Party concerned may be a member of the Panel.

(c) Any member of the panel unable to sit shall be replaced by another judge who did not deal with the case in the Chamber, who shall be designated in rotation.

#### *Rule 25* (Setting up of Sections)

1. The Chambers provided for in Article 26 (b) of the Convention (referred to in these Rules as “Sections”) shall be set up by the plenary Court, on a proposal by its President, for a period of three years with effect from the election of the presidential office-holders of the Court under Rule 8. There shall be at least four Sections.

2. Each judge shall be a member of a Section. The composition of the Sections shall be geographically and gender balanced and shall reflect the different legal systems among the Contracting Parties.

3. Where a judge ceases to be a member of the Court before the expiry of the period for which the Section has been constituted, the judge’s place in the Section shall be taken by his or her successor as a member of the Court.

4. The President of the Court may exceptionally make modifications to the composition of the Sections if circumstances so require.

5. On a proposal by the President, the plenary Court may constitute an additional Section.

*Rule 26<sup>1</sup>*  
(Constitution of Chambers)

1. The Chambers of seven judges provided for in Article 27 § 1 of the Convention for the consideration of cases brought before the Court shall be constituted from the Sections as follows.

(a) Subject to paragraph 2 of this Rule and to Rule 28 § 4, last sentence, the Chamber shall in each case include the President of the Section and the judge elected in respect of any Contracting Party concerned. If the latter judge is not a member of the Section to which the application has been assigned under Rule 51 or 52, he or she shall sit as an *ex officio* member of the Chamber in accordance with Article 27 § 2 of the Convention. Rule 29 shall apply if that judge is unable to sit or withdraws.

(b) The other members of the Chamber shall be designated by the President of the Section in rotation from among the members of the relevant Section.

(c) The members of the Section who are not so designated shall sit in the case as substitute judges.

2. The judge elected in respect of any Contracting Party concerned or, where appropriate, another elected judge or *ad hoc* judge appointed in accordance with Rules 29 and 30 may be dispensed by the President of the Chamber from attending meetings devoted to preparatory or procedural matters. For the purposes of such meetings the Contracting Party concerned shall be deemed to have appointed in place of that judge the first substitute judge, in accordance with Rule 29 § 1.

3. Even after the end of their terms of office judges shall continue to deal with cases in which they have participated in the consideration of the merits.

*Rule 27*  
(Committees)

1. Committees composed of three judges belonging to the same Section shall be set up under Article 27 § 1 of the Convention. After consulting the Presidents of the Sections, the President of the Court shall decide on the number of Committees to be set up.

2. The Committees shall be constituted for a period of twelve months by rotation among the members of each Section, excepting the President of the Section.

3. The judges of the Section who are not members of a Committee may be called upon to take the place of members who are unable to sit.

4. Each Committee shall be chaired by the member having precedence in the Section.

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1. As amended by the Court on 17 June and 8 July 2002.

*Rule 28<sup>1</sup>*  
(Inability to sit, withdrawal or exemption)

1. Any judge who is prevented from taking part in sittings which he or she has been called upon to attend shall, as soon as possible, give notice to the President of the Chamber.
2. A judge may not take part in the consideration of any case if
  - (a) he or she has a personal interest in the case, including a spousal, parental or other close family, personal or professional relationship, or a subordinate relationship, with any of the parties;
  - (b) he or she has previously acted in the case, whether as the Agent, advocate or adviser of a party or of a person having an interest in the case, or as a member of another national or international tribunal or commission of inquiry, or in any other capacity;
  - (c) he or she, being an ad hoc judge or a former elected judge continuing to sit by virtue of Rule 26 § 3, engages in any political or administrative activity or any professional activity which is incompatible with his or her independence or impartiality;
  - (d) he or she has expressed opinions publicly, through the communications media, in writing, through his or her public actions or otherwise, that are objectively capable of adversely affecting his or her impartiality;
  - (e) for any other reason, his or her independence or impartiality may legitimately be called into doubt.
3. If a judge withdraws for one of the said reasons he or she shall notify the President of the Chamber, who shall exempt the judge from sitting.
4. In the event of any doubt on the part of the judge concerned or the President as to the existence of one of the grounds referred to in paragraph 2 of this Rule, that issue shall be decided by the Chamber. After hearing the views of the judge concerned, the Chamber shall deliberate and vote, without that judge being present. For the purposes of the Chamber's deliberations and vote on this issue, he or she shall be replaced by the first substitute judge in the Chamber. The same shall apply if the judge sits in respect of any Contracting Party concerned. In that event, the Contracting Party concerned shall be deemed to have appointed the first substitute judge to sit in his or her stead, in accordance with Rule 29 § 1.
5. The provisions above shall apply also to a judge's participation in a Committee, save that the notice required under paragraph 1 or 3 shall be given to the President of the Section.

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1. As amended by the Court on 17 June and 8 July 2002 and 13 December 2004.

*Rule 29<sup>1</sup>*  
(*Ad hoc* judges)

1. (a) If the judge elected in respect of a Contracting Party concerned is unable to sit in the Chamber, withdraws, or is exempted, or if there is none, the President of the Chamber shall invite that Party to indicate whether it wishes to appoint to sit as judge either another elected judge or an *ad hoc* judge and, if so, to state at the same time the name of the person appointed.

(b) The same rule shall apply if the person so appointed is unable to sit or withdraws.

(c) An *ad hoc* judge shall possess the qualifications required by Article 21 § 1 of the Convention, must not be unable to sit in the case on any of the grounds referred to in Rule 28 of these Rules, and must be in a position to meet the demands of availability and attendance provided for in paragraph 5 of this Rule.

2. The Contracting Party concerned shall be presumed to have waived its right of appointment if it does not reply within thirty days or by the end of any extension of that time granted by the President of the Chamber. The Contracting Party concerned shall also be presumed to have waived its right of appointment if it twice appoints as *ad hoc* judge persons who the Chamber finds do not satisfy the conditions laid down in paragraph 1 (c) of this Rule.

3. The President of the Chamber may decide not to invite the Contracting Party concerned to make an appointment under paragraph 1 (a) of this Rule until notice of the application is given to it under Rule 54 § 2 of these Rules. In that event, pending any appointment by it, the Contracting Party concerned shall be deemed to have appointed the first substitute judge to sit in place of the elected judge.

4. An *ad hoc* judge shall, at the beginning of the first sitting held to consider the case after the judge has been appointed, take the oath or make the solemn declaration provided for in Rule 3. This act shall be recorded in minutes.

5. *Ad hoc* judges are required to make themselves available to the Court and, subject to Rule 26 § 2, to attend the meetings of the Chamber.

*Rule 30<sup>2</sup>*  
(Common interest)

1. If two or more applicant or respondent Contracting Parties have a common interest, the President of the Chamber may invite them to agree to appoint a single judge elected in respect of one of the Contracting Parties concerned as common-interest judge who will be called upon to sit *ex officio*. If the Parties are unable to agree, the President shall choose the common-interest judge by lot from the judges proposed by the Parties.

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1. As amended by the Court on 17 June and 8 July 2002.  
2. As amended by the Court on 7 July 2003.

2. The President of the Chamber may decide not to invite the Contracting Parties concerned to make an appointment under paragraph 1 of this Rule until notice of the application has been given under Rule 54 § 2 of these Rules.
3. In the event of a dispute as to the existence of a common interest or as to any related matter, the Chamber shall decide, if necessary after obtaining written submissions from the Contracting Parties concerned.

## TITLE II

**PROCEDURE**

## Chapter I

**General Rules***Rule 31*

(Possibility of particular derogations)

The provisions of this Title shall not prevent the Court from derogating from them for the consideration of a particular case after having consulted the parties where appropriate.

*Rule 32*

(Practice directions)

The President of the Court may issue practice directions, notably in relation to such matters as appearance at hearings and the filing of pleadings and other documents.

*Rule 33<sup>1</sup>*

(Public character of documents)

1. All documents deposited with the Registry in connection with an application, except those deposited within the framework of friendly-settlement negotiations as provided for in Rule 62, shall be accessible to the public unless the President of the Chamber, for the reasons set out in paragraph 2 of this Rule, decides otherwise, either of his or her own motion or at the request of a party or any other person concerned.
2. Public access to a document or to any part of it may be restricted in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the President in special circumstances where publicity would prejudice the interests of justice.
3. Any request for confidentiality made under paragraph 1 of this Rule must include reasons and specify whether it is requested that all or part of the documents be inaccessible to the public.
4. Decisions and judgments given by a Chamber shall be accessible to the public. The Court shall periodically make accessible to the public general information about decisions taken by Committees under Rule 53 § 2.

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1. As amended by the Court on 17 June and 8 July 2002 and on 7 July 2003.



*Rule 34<sup>1</sup>*  
(Use of languages)

1. The official languages of the Court shall be English and French.
2. In connection with applications lodged under Article 34 of the Convention, and for as long as no Contracting Party has been given notice of such an application in accordance with these Rules, all communications with and oral and written submissions by applicants or their representatives, if not in one of the Court's official languages, shall be in one of the official languages of the Contracting Parties. If a Contracting Party is informed or given notice of an application in accordance with these Rules, the application and any accompanying documents shall be communicated to that State in the language in which they were lodged with the Registry by the applicant.
3. (a) All communications with and oral and written submissions by applicants or their representatives in respect of a hearing, or after notice of an application has been given to a Contracting Party, shall be in one of the Court's official languages, unless the President of the Chamber grants leave for the continued use of the official language of a Contracting Party.  
  
(b) If such leave is granted, the Registrar shall make the necessary arrangements for the interpretation and translation into English or French of the applicant's oral and written submissions respectively, in full or in part, where the President of the Chamber considers it to be in the interests of the proper conduct of the proceedings.  
  
(c) Exceptionally the President of the Chamber may make the grant of leave subject to the condition that the applicant bear all or part of the costs of making such arrangements.  
  
(d) Unless the President of the Chamber decides otherwise, any decision made under the foregoing provisions of this paragraph shall remain valid in all subsequent proceedings in the case, including those in respect of requests for referral of the case to the Grand Chamber and requests for interpretation or revision of a judgment under Rules 73, 79 and 80 respectively.
4. (a) All communications with and oral and written submissions by a Contracting Party which is a party to the case shall be in one of the Court's official languages. The President of the Chamber may grant the Contracting Party concerned leave to use one of its official languages for its oral and written submissions.  
  
(b) If such leave is granted, it shall be the responsibility of the requesting Party  
  
(i) to file a translation of its written submissions into one of the official languages of the Court within a time-limit to be fixed by the President of the Chamber. Should that Party not file the translation within that time-limit, the Registrar may make the necessary arrangements for such translation, the expenses to be charged to the requesting Party;

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1. As amended by the Court on 13 December 2004.

(ii) to bear the expenses of interpreting its oral submissions into English or French. The Registrar shall be responsible for making the necessary arrangements for such interpretation.

(c) The President of the Chamber may direct that a Contracting Party which is a party to the case shall, within a specified time, provide a translation into, or a summary in, English or French of all or certain annexes to its written submissions or of any other relevant document, or of extracts therefrom.

(d) The preceding sub-paragraphs of this paragraph shall also apply, *mutatis mutandis*, to third-party intervention under Rule 44 of these Rules and to the use of a non-official language by a third party.

5. The President of the Chamber may invite the respondent Contracting Party to provide a translation of its written submissions in the or an official language of that Party in order to facilitate the applicant's understanding of those submissions.

6. Any witness, expert or other person appearing before the Court may use his or her own language if he or she does not have sufficient knowledge of either of the two official languages. In that event the Registrar shall make the necessary arrangements for interpreting or translation.

#### *Rule 35*

#### (Representation of Contracting Parties)

The Contracting Parties shall be represented by Agents, who may have the assistance of advocates or advisers.

#### *Rule 36<sup>1</sup>*

#### (Representation of applicants)

1. Persons, non-governmental organisations or groups of individuals may initially present applications under Article 34 of the Convention themselves or through a representative.

2. Following notification of the application to the respondent Contracting Party under Rule 54 § 2 (b), the applicant should be represented in accordance with paragraph 4 of this Rule, unless the President of the Chamber decides otherwise.

3. The applicant must be so represented at any hearing decided on by the Chamber, unless the President of the Chamber exceptionally grants leave to the applicant to present his or her own case, subject, if necessary, to being assisted by an advocate or other approved representative.

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1. As amended by the Court on 7 July 2003.

4. (a) The representative acting on behalf of the applicant pursuant to paragraphs 2 and 3 of this Rule shall be an advocate authorised to practise in any of the Contracting Parties and resident in the territory of one of them, or any other person approved by the President of the Chamber.

(b) In exceptional circumstances and at any stage of the procedure, the President of the Chamber may, where he or she considers that the circumstances or the conduct of the advocate or other person appointed under the preceding sub-paragraph so warrant, direct that the latter may no longer represent or assist the applicant and that the applicant should seek alternative representation.

5. (a) The advocate or other approved representative, or the applicant in person who seeks leave to present his or her own case, must even if leave is granted under the following sub-paragraph, have an adequate understanding of one of the Court's official languages.

(b) If he or she does not have sufficient proficiency to express himself or herself in one of the Court's official languages, leave to use one of the official languages of the Contracting States may be given by the President of the Chamber under Rule 34 § 3.

#### *Rule 37<sup>1</sup>*

(Communications, notifications and summonses)

1. Communications or notifications addressed to the Agents or advocates of the parties shall be deemed to have been addressed to the parties.

2. If, for any communication, notification or summons addressed to persons other than the Agents or advocates of the parties, the Court considers it necessary to have the assistance of the Government of the State on whose territory such communication, notification or summons is to have effect, the President of the Court shall apply directly to that Government in order to obtain the necessary facilities.

#### *Rule 38*

(Written pleadings)

1. No written observations or other documents may be filed after the time-limit set by the President of the Chamber or the Judge Rapporteur, as the case may be, in accordance with these Rules. No written observations or other documents filed outside that time-limit or contrary to any practice direction issued under Rule 32 shall be included in the case file unless the President of the Chamber decides otherwise.

2. For the purposes of observing the time-limit referred to in paragraph 1 of this Rule, the material date is the certified date of dispatch of the document or, if there is none, the actual date of receipt at the Registry.

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1. As amended by the Court on 7 July 2003.

*Rule 38A<sup>1</sup>*  
(Examination of matters of procedure)

Questions of procedure requiring a decision by the Chamber shall be considered simultaneously with the examination of the case, unless the President of the Chamber decides otherwise.

*Rule 39*  
(Interim measures)

1. The Chamber or, where appropriate, its President may, at the request of a party or of any other person concerned, or of its own motion, indicate to the parties any interim measure which it considers should be adopted in the interests of the parties or of the proper conduct of the proceedings before it.
2. Notice of these measures shall be given to the Committee of Ministers.
3. The Chamber may request information from the parties on any matter connected with the implementation of any interim measure it has indicated.

*Rule 40*  
(Urgent notification of an application)

In any case of urgency the Registrar, with the authorisation of the President of the Chamber, may, without prejudice to the taking of any other procedural steps and by any available means, inform a Contracting Party concerned in an application of the introduction of the application and of a summary of its objects.

*Rule 41<sup>2</sup>*  
(Case priority)

Applications shall be dealt with in the order in which they become ready for examination. The Chamber or its President may, however, decide to give priority to a particular application.

*Rule 42 (former 43)*  
(Joinder and simultaneous examination of applications)

1. The Chamber may, either at the request of the parties or of its own motion, order the joinder of two or more applications.
2. The President of the Chamber may, after consulting the parties, order that the proceedings in applications assigned to the same Chamber be conducted simultaneously, without prejudice to the decision of the Chamber on the joinder of the applications.

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1. Inserted by the Court on 17 June and 8 July 2002.  
2. As amended by the Court on 17 June and 8 July 2002.

*Rule 43<sup>1</sup> (former 44)*  
(Striking out and restoration to the list)

1. The Court may at any stage of the proceedings decide to strike an application out of its list of cases in accordance with Article 37 of the Convention.
2. When an applicant Contracting Party notifies the Registrar of its intention not to proceed with the case, the Chamber may strike the application out of the Court's list under Article 37 of the Convention if the other Contracting Party or Parties concerned in the case agree to such discontinuance.
3. The decision to strike out an application which has been declared admissible shall be given in the form of a judgment. The President of the Chamber shall forward that judgment, once it has become final, to the Committee of Ministers in order to allow the latter to supervise, in accordance with Article 46 § 2 of the Convention, the execution of any undertakings which may have been attached to the discontinuance, friendly settlement or solution of the matter.
4. When an application has been struck out, the costs shall be at the discretion of the Court. If an award of costs is made in a decision striking out an application which has not been declared admissible, the President of the Chamber shall forward the decision to the Committee of Ministers.
5. The Court may restore an application to its list if it considers that exceptional circumstances justify such a course.

*Rule 44<sup>2</sup>*  
(Third-party intervention)

1. (a) When notice of an application lodged under Article 34 of the Convention is given to the respondent Contracting Party under Rule 54 § 2 (b), a copy of the application shall at the same time be transmitted by the Registrar to any other Contracting Party one of whose nationals is an applicant in the case. The Registrar shall similarly notify any such Contracting Party of a decision to hold an oral hearing in the case.  
  
 (b) If a Contracting Party wishes to exercise its right under Article 36 § 1 of the Convention to submit written comments or to take part in a hearing, it shall so advise the Registrar in writing not later than twelve weeks after the transmission or notification referred to in the preceding sub-paragraph. Another time limit may be fixed by the President of the Chamber for exceptional reasons.
2. (a) Once notice of an application has been given to the respondent Contracting Party under Rule 51 § 1 or Rule 54 § 2 (b), the President of the Chamber may, in the interests of the proper administration of justice, as provided in Article 36 § 2 of the Convention, invite, or grant leave to, any Contracting Party which is not a party to the proceedings, or any person concerned who is not the applicant, to submit written comments or, in exceptional cases, to take part in a hearing.

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1. As amended by the Court on 17 June and 8 July 2002 and on 7 July 2003.  
 2. As amended by the Court on 7 July 2003.

(b) Requests for leave for this purpose must be duly reasoned and submitted in writing in one of the official languages as provided in Rule 34 § 4 not later than twelve weeks after notice of the application has been given to the respondent Contracting Party. Another time limit may be fixed by the President of the Chamber for exceptional reasons.

3. (a) In cases to be considered by the Grand Chamber the periods of time prescribed in the preceding paragraphs shall run from the notification to the parties of the decision of the Chamber under Rule 72 § 1 to relinquish jurisdiction in favour of the Grand Chamber or of the decision of the panel of the Grand Chamber under Rule 73 § 2 to accept a request by a party for referral of the case to the Grand Chamber.

(b) The time-limits laid down in this Rule may exceptionally be extended by the President of the Chamber if sufficient cause is shown.

4. Any invitation or grant of leave referred to in paragraph 2 (a) of this Rule shall be subject to any conditions, including time-limits, set by the President of the Chamber. Where such conditions are not complied with, the President may decide not to include the comments in the case file or to limit participation in the hearing to the extent that he or she considers appropriate.

5. Written comments submitted under this Rule shall be drafted in one of the official languages as provided in Rule 34 § 4. They shall be forwarded by the Registrar to the parties to the case, who shall be entitled, subject to any conditions, including time-limits, set by the President of the Chamber, to file written observations in reply or, where appropriate, to reply at the hearing.

#### *Rule 44A<sup>1</sup>*

(Duty to cooperate with the Court)

The parties have a duty to cooperate fully in the conduct of the proceedings and, in particular, to take such action within their power as the Court considers necessary for the proper administration of justice. This duty shall also apply to a Contracting State not party to the proceedings where such cooperation is necessary.

#### *Rule 44B<sup>1</sup>*

(Failure to comply with an order of the Court)

Where a party fails to comply with an order of the Court concerning the conduct of the proceedings, the President of the Chamber may take any steps which he or she considers appropriate.

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1. Inserted by the Court on 13 December 2004.

*Rule 44C<sup>1</sup>*  
(Failure to participate effectively)

1. Where a party fails to adduce evidence or provide information requested by the Court or to divulge relevant information of its own motion or otherwise fails to participate effectively in the proceedings, the Court may draw such inferences as it deems appropriate.
2. Failure or refusal by a respondent Contracting Party to participate effectively in the proceedings shall not, in itself, be a reason for the Chamber to discontinue the examination of the application.

*Rule 44D<sup>1</sup>*  
(Inappropriate submissions by a party)

If the representative of a party makes abusive, frivolous, vexatious, misleading or prolix submissions, the President of the Chamber may exclude that representative from the proceedings, refuse to accept all or part of the submissions or make any other order which he or she considers it appropriate to make, without prejudice to Article 35 § 3 of the Convention.

*Rule 44E<sup>1</sup>*  
(Failure to pursue an application)

In accordance with Article 37 § 1 (a) of the Convention, if an applicant Contracting Party or an individual applicant fails to pursue the application, the Chamber may strike the application out of the Court's list under Rule 43 of these Rules.

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1. Inserted by the Court on 13 December 2004.

## Chapter II

### **Institution of Proceedings**

#### *Rule 45* (Signatures)

1. Any application made under Articles 33 or 34 of the Convention shall be submitted in writing and shall be signed by the applicant or by the applicant's representative.
2. Where an application is made by a non-governmental organisation or by a group of individuals, it shall be signed by those persons competent to represent that organisation or group. The Chamber or Committee concerned shall determine any question as to whether the persons who have signed an application are competent to do so.
3. Where applicants are represented in accordance with Rule 36, a power of attorney or written authority to act shall be supplied by their representative or representatives.

#### *Rule 46* (Contents of an inter-State application)

Any Contracting Party or Parties intending to bring a case before the Court under Article 33 of the Convention shall file with the Registry an application setting out

- (a) the name of the Contracting Party against which the application is made;
- (b) a statement of the facts;
- (c) a statement of the alleged violation(s) of the Convention and the relevant arguments;
- (d) a statement on compliance with the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention;
- (e) the object of the application and a general indication of any claims for just satisfaction made under Article 41 of the Convention on behalf of the alleged injured party or parties; and
- (f) the name and address of the person(s) appointed as Agent;

and accompanied by

- (g) copies of any relevant documents and in particular the decisions, whether judicial or not, relating to the object of the application.



*Rule 47<sup>1</sup>*  
(Contents of an individual application)

1. Any application under Article 34 of the Convention shall be made on the application form provided by the Registry, unless the President of the Section concerned decides otherwise. It shall set out

- (a) the name, date of birth, nationality, sex, occupation and address of the applicant;
- (b) the name, occupation and address of the representative, if any;
- (c) the name of the Contracting Party or Parties against which the application is made;
- (d) a succinct statement of the facts;
- (e) a succinct statement of the alleged violation(s) of the Convention and the relevant arguments;
- (f) a succinct statement on the applicant's compliance with the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention; and
- (g) the object of the application;

and be accompanied by

- (h) copies of any relevant documents and in particular the decisions, whether judicial or not, relating to the object of the application.

2. Applicants shall furthermore

- (a) provide information, notably the documents and decisions referred to in paragraph 1 (h) of this Rule, enabling it to be shown that the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention have been satisfied; and

- (b) indicate whether they have submitted their complaints to any other procedure of international investigation or settlement.

3. Applicants who do not wish their identity to be disclosed to the public shall so indicate and shall submit a statement of the reasons justifying such a departure from the normal rule of public access to information in proceedings before the Court. The President of the Chamber may authorise anonymity in exceptional and duly justified cases.

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1. As amended by the Court on 17 June and 8 July 2002.

4. Failure to comply with the requirements set out in paragraphs 1 and 2 of this Rule may result in the application not being examined by the Court.
5. The date of introduction of the application shall as a general rule be considered to be the date of the first communication from the applicant setting out, even summarily, the object of the application. The Court may for good cause nevertheless decide that a different date shall be considered to be the date of introduction.
6. Applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application.

## Chapter III

### Judge Rapporteurs

#### *Rule 48<sup>1</sup>* (Inter-State applications)

1. Where an application is made under Article 33 of the Convention, the Chamber constituted to consider the case shall designate one or more of its judges as Judge Rapporteur(s), who shall submit a report on admissibility when the written observations of the Contracting Parties concerned have been received.
2. The Judge Rapporteur(s) shall submit such reports, drafts and other documents as may assist the Chamber and its President in carrying out their functions.

#### *Rule 49<sup>1</sup>* (Individual applications)

1. Where an application is made under Article 34 of the Convention, the President of the Section to which the case has been assigned shall designate a judge as Judge Rapporteur, who shall examine the application.
2. (a) In their examination of applications Judge Rapporteurs
  - (i) may request the parties to submit, within a specified time, any factual information, documents or other material which they consider to be relevant;
  - (ii) shall, subject to the President of the Section directing that the case be considered by a Chamber, decide whether the application is to be considered by a Committee or by a Chamber.
- (b) Where, in the opinion of the Judge Rapporteur, the material submitted by the applicant is on its own sufficient to disclose that the application is inadmissible or should be struck out of the list, the application shall be considered by a Committee unless there is some special reason to the contrary.
3. The Judge Rapporteur shall submit such reports, drafts and other documents as may assist the Committee, the Chamber or its President in carrying out their functions.

#### *Rule 50* (Grand Chamber proceedings)

Where a case has been submitted to the Grand Chamber either under Article 30 or under Article 43 of the Convention, the President of the Grand Chamber shall designate as Judge Rapporteur(s) one or, in the case of an inter-State application, one or more of its members.

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1. As amended by the Court on 17 June and 8 July 2002.

## Chapter IV

### Proceedings on Admissibility

#### Inter-State applications

##### *Rule 51<sup>1</sup>*

(Assignment of applications and subsequent procedure)

1. When an application is made under Article 33 of the Convention, the President of the Court shall immediately give notice of the application to the respondent Contracting Party and shall assign the application to one of the Sections.
2. In accordance with Rule 26 § 1 (a), the judges elected in respect of the applicant and respondent Contracting Parties shall sit as *ex officio* members of the Chamber constituted to consider the case. Rule 30 shall apply if the application has been brought by several Contracting Parties or if applications with the same object brought by several Contracting Parties are being examined jointly under Rule 42.
3. On assignment of the case to a Section, the President of the Section shall constitute the Chamber in accordance with Rule 26 § 1 and shall invite the respondent Contracting Party to submit its observations in writing on the admissibility of the application. The observations so obtained shall be communicated by the Registrar to the applicant Contracting Party, which may submit written observations in reply.
4. Before the ruling on the admissibility of the application is given, the Chamber or its President may decide to invite the Parties to submit further observations in writing.
5. A hearing on the admissibility shall be held if one or more of the Contracting Parties concerned so requests or if the Chamber so decides of its own motion.
6. Before fixing the written and, where appropriate, oral procedure, the President of the Chamber shall consult the Parties.

#### Individual applications

##### *Rule 52<sup>1</sup>*

(Assignment of applications to the Sections)

1. Any application made under Article 34 of the Convention shall be assigned to a Section by the President of the Court, who in so doing shall endeavour to ensure a fair distribution of cases between the Sections.

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1. As amended by the Court on 17 June and 8 July 2002.

2. The Chamber of seven judges provided for in Article 27 § 1 of the Convention shall be constituted by the President of the Section concerned in accordance with Rule 26 § 1.

3. Pending the constitution of a Chamber in accordance with paragraph 2 of this Rule, the President of the Section shall exercise any powers conferred on the President of the Chamber by these Rules.

*Rule 53<sup>1</sup>*  
(Procedure before a Committee)

1. The Judge Rapporteur and the judge elected in respect of a respondent Contracting Party, if not members of the Committee, may be invited to attend the deliberations of the Committee.

2. In accordance with Article 28 of the Convention, the Committee may, by a unanimous vote, declare inadmissible an application or strike it out of the Court's list of cases where such a decision can be taken without further examination. This decision shall be final. The applicant shall be informed of the Committee's decision by letter.

3. If no decision pursuant to paragraph 2 of this Rule is taken, the application shall be forwarded to the Chamber constituted under Rule 52 § 2 to examine the case.

*Rule 54<sup>1</sup>*  
(Procedure before a Chamber)

1. The Chamber may at once declare the application inadmissible or strike it out of the Court's list of cases.

2. Alternatively, the Chamber or its President may decide to

(a) request the parties to submit any factual information, documents or other material considered by the Chamber or its President to be relevant;

(b) give notice of the application to the respondent Contracting Party and invite that Party to submit written observations on the application and, upon receipt thereof, invite the applicant to submit observations in reply;

(c) invite the parties to submit further observations in writing.

3. Before taking its decision on the admissibility, the Chamber may decide, either at the request of a party or of its own motion, to hold a hearing if it considers that the discharge of its functions under the Convention so requires. In that event, unless the Chamber shall exceptionally decide otherwise, the parties shall also be invited to address the issues arising in relation to the merits of the application.

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1. As amended by the Court on 17 June and 8 July 2002.

*Rule 54A<sup>1</sup>*

## (Joint examination of admissibility and merits)

1. When deciding to give notice of the application to the responding Contracting Party pursuant to Rule 54 § 2 (b), the Chamber may also decide to examine the admissibility and merits at the same time in accordance with Article 29 § 3 of the Convention. In such cases the parties shall be invited to include in their observations any submissions concerning just satisfaction and any proposals for a friendly settlement. The conditions laid down in Rules 60 and 62 shall apply *mutatis mutandis*.
2. If no friendly settlement or other solution is reached and the Chamber is satisfied, in the light of the parties' arguments, that the case is admissible and ready for a determination on the merits, it shall immediately adopt a judgment including the Chamber's decision on admissibility.
3. Where the Chamber considers it appropriate, it may, after informing the parties, proceed to the immediate adoption of a judgment incorporating the decision on admissibility without having previously applied the procedure referred to in § 1 above.

**Inter-State and individual applications***Rule 55*

## (Pleas of inadmissibility)

Any plea of inadmissibility must, in so far as its character and the circumstances permit, be raised by the respondent Contracting Party in its written or oral observations on the admissibility of the application submitted as provided in Rule 51 or 54, as the case may be.

*Rule 56<sup>2</sup>*

## (Decision of a Chamber)

1. The decision of the Chamber shall state whether it was taken unanimously or by a majority and shall be accompanied or followed by reasons.
2. The decision of the Chamber shall be communicated by the Registrar to the applicant. It shall also be communicated to the Contracting Party or Parties concerned and to any third party where these have previously been informed of the application in accordance with the present Rules.

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1. Inserted by the Court on 17 June and 8 July 2002 and amended on 13 December 2004.  
 2. As amended by the Court on 17 June and 8 July 2002.

*Rule 57<sup>1</sup>*  
(Language of the decision)

1. Unless the Court decides that a decision shall be given in both official languages, all decisions of Chambers shall be given either in English or in French.
2. Publication of such decisions in the official reports of the Court, as provided for in Rule 78, shall be in both official languages of the Court.

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1. As amended by the Court on 17 June and 8 July 2002.

## Chapter V

**Proceedings after the Admission of an Application***Rule 58<sup>1</sup>*  
(Inter-State applications)

1. Once the Chamber has decided to admit an application made under Article 33 of the Convention, the President of the Chamber shall, after consulting the Contracting Parties concerned, lay down the time-limits for the filing of written observations on the merits and for the production of any further evidence. The President may however, with the agreement of the Contracting Parties concerned, direct that a written procedure is to be dispensed with.
2. A hearing on the merits shall be held if one or more of the Contracting Parties concerned so requests or if the Chamber so decides of its own motion. The President of the Chamber shall fix the oral procedure.

*Rule 59<sup>1</sup>*  
(Individual applications)

1. Once an application made under Article 34 of the Convention has been declared admissible, the Chamber or its President may invite the parties to submit further evidence and written observations.
2. Unless decided otherwise, the parties shall be allowed the same time for submission of their observations.
3. The Chamber may decide, either at the request of a party or of its own motion, to hold a hearing on the merits if it considers that the discharge of its functions under the Convention so requires.
4. The President of the Chamber shall, where appropriate, fix the written and oral procedure.

*Rule 60<sup>2</sup>*  
(Claims for just satisfaction)

1. An applicant who wishes to obtain an award of just satisfaction under Article 41 of the Convention in the event of the Court finding a violation of his or her Convention rights must make a specific claim to that effect.
2. The applicant must submit itemised particulars of all claims, together with any relevant supporting documents, within the time-limit fixed for the submission of the applicant's observations on the merits unless the President of the Chamber directs otherwise.

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1. As amended by the Court on 17 June and 8 July 2002.  
2. As amended by the Court on 13 December 2004.



3. If the applicant fails to comply with the requirements set out in the preceding paragraphs the Chamber may reject the claims in whole or in part.
4. The applicant's claims shall be transmitted to the respondent Government for comment.

*Rule 61 deleted*

*Rule 62<sup>1</sup>*  
(Friendly settlement)

1. Once an application has been declared admissible, the Registrar, acting on the instructions of the Chamber or its President, shall enter into contact with the parties with a view to securing a friendly settlement of the matter in accordance with Article 38 § 1 (b) of the Convention. The Chamber shall take any steps that appear appropriate to facilitate such a settlement.
2. In accordance with Article 38 § 2 of the Convention, the friendly-settlement negotiations shall be confidential and without prejudice to the parties' arguments in the contentious proceedings. No written or oral communication and no offer or concession made in the framework of the attempt to secure a friendly settlement may be referred to or relied on in the contentious proceedings.
3. If the Chamber is informed by the Registrar that the parties have agreed to a friendly settlement, it shall, after verifying that the settlement has been reached on the basis of respect for human rights as defined in the Convention and the Protocols thereto, strike the case out of the Court's list in accordance with Rule 43 § 3.
4. Paragraphs 2 and 3 apply *mutatis mutandis* to the procedure under Rule 54A.

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1. As amended by the Court on 17 June and 8 July 2002.

## Chapter VI

### Hearings

#### *Rule 63<sup>1</sup>*

##### (Public character of hearings)

1. Hearings shall be public unless, in accordance with paragraph 2 of this Rule, the Chamber in exceptional circumstances decides otherwise, either of its own motion or at the request of a party or any other person concerned.
2. The press and the public may be excluded from all or part of a hearing in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the Chamber in special circumstances where publicity would prejudice the interests of justice.
3. Any request for a hearing to be held in camera made under paragraph 1 of this Rule must include reasons and specify whether it concerns all or only part of the hearing.

#### *Rule 64<sup>1</sup>*

##### (Conduct of hearings)

1. The President of the Chamber shall organise and direct hearings and shall prescribe the order in which those appearing before the Chamber shall be called upon to speak.
2. Any Judge may put questions to any person appearing before the Chamber.

#### *Rule 65<sup>1</sup>*

##### (Failure to appear)

Where a party or any other person due to appear fails or declines to do so, the Chamber may, provided that it is satisfied that such a course is consistent with the proper administration of justice, nonetheless proceed with the hearing.

#### *Rules 66 to 69 deleted*

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1. As amended by the Court on 7 July 2003.

*Rule 70<sup>1</sup>*  
(Verbatim record of a hearing)

1. If the President of the Chamber so directs, the Registrar shall be responsible for the making of a verbatim record of the hearing. Any such record shall include:

- (a) the composition of the Chamber;
- (b) a list of those appearing before the Chamber;
- (c) the text of the submissions made, questions put and replies given;
- (d) the text of any ruling delivered during the hearing;

2. If all or part of the verbatim record is in a non-official language, the Registrar shall arrange for its translation into one of the official languages.

3. The representatives of the parties shall receive a copy of the verbatim record in order that they may, subject to the control of the Registrar or the President of the Chamber, make corrections, but in no case may such corrections affect the sense and bearing of what was said. The Registrar shall lay down, in accordance with the instructions of the President of the Chamber, the time-limits granted for this purpose.

4. The verbatim record, once so corrected, shall be signed by the President of the Chamber and the Registrar and shall then constitute certified matters of record.

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1. As amended by the Court on 17 June and 8 July 2002.

## Chapter VII

### Proceedings before the Grand Chamber

#### *Rule 71<sup>1</sup>*

(Applicability of procedural provisions)

1. Any provisions governing proceedings before the Chambers shall apply, *mutatis mutandis*, to proceedings before the Grand Chamber.
2. The powers conferred on a Chamber by Rules 54 § 3 and 59 § 3 in relation to the holding of a hearing may, in proceedings before the Grand Chamber, also be exercised by the President of the Grand Chamber.

#### *Rule 72*

(Relinquishment of jurisdiction by a Chamber  
in favour of the Grand Chamber)

1. In accordance with Article 30 of the Convention, 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 it 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 has objected in accordance with paragraph 2 of this Rule. Reasons need not be given for the decision to relinquish.
2. The Registrar shall notify the parties of the Chamber's intention to relinquish jurisdiction. The parties shall have one month from the date of that notification within which to file at the Registry a duly reasoned objection. An objection which does not fulfil these conditions shall be considered invalid by the Chamber.

#### *Rule 73*

(Request by a party for referral of a case to the Grand Chamber)

1. In accordance with Article 43 of the Convention, any party to a case may exceptionally, within a period of three months from the date of delivery of the judgment of a Chamber, file in writing at the Registry a request that the case be referred to the Grand Chamber. The party shall specify in its request the serious question affecting the interpretation or application of the Convention or the Protocols thereto, or the serious issue of general importance, which in its view warrants consideration by the Grand Chamber.

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1. As amended by the Court on 17 June and 8 July 2002.

2. A panel of five judges of the Grand Chamber constituted in accordance with Rule 24 § 5 shall examine the request solely on the basis of the existing case file. It shall accept the request only if it considers that the case does raise such a question or issue. Reasons need not be given for a refusal of the request.

3. If the panel accepts the request, the Grand Chamber shall decide the case by means of a judgment.

## Chapter VIII

### Judgments

#### *Rule 74*

#### (Contents of the judgment)

1. A judgment as referred to in Articles 42 and 44 of the Convention shall contain
  - (a) the names of the President and the other judges constituting the Chamber concerned, and the name of the Registrar or the Deputy Registrar;
  - (b) the dates on which it was adopted and delivered;
  - (c) a description of the parties;
  - (d) the names of the Agents, advocates or advisers of the parties;
  - (e) an account of the procedure followed;
  - (f) the facts of the case;
  - (g) a summary of the submissions of the parties;
  - (h) the reasons in point of law;
  - (i) the operative provisions;
  - (j) the decision, if any, in respect of costs;
  - (k) the number of judges constituting the majority;
  - (l) where appropriate, a statement as to which text is authentic.
2. Any judge who has taken part in the consideration of the case shall be entitled to annex to the judgment either a separate opinion, concurring with or dissenting from that judgment, or a bare statement of dissent.

#### *Rule 75<sup>1</sup>*

#### (Ruling on just satisfaction)

1. Where the Chamber finds that there has been a violation of the Convention or the Protocols thereto, it shall give in the same judgment a ruling on the application of Article 41 of the Convention if a specific claim has been submitted in accordance with Rule 60 and the question is ready for decision; if the question is not ready for decision, the Chamber shall reserve it in whole or in part and shall fix the further procedure.

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1. As amended by the Court on 13 December 2004.

2. For the purposes of ruling on the application of Article 41 of the Convention, the Chamber shall, as far as possible, be composed of those judges who sat to consider the merits of the case. Where it is not possible to constitute the original Chamber, the President of the Court shall complete or compose the Chamber by drawing lots.

3. The Chamber may, when affording just satisfaction under Article 41 of the Convention, direct that if settlement is not made within a specified time, interest is to be payable on any sums awarded.

4. If the Court is informed that an agreement has been reached between the injured party and the Contracting Party liable, it shall verify the equitable nature of the agreement and, where it finds the agreement to be equitable, strike the case out of the list in accordance with Rule 43 § 3.

*Rule 76<sup>1</sup>*  
(Language of the judgment)

1. Unless the Court decides that a judgment shall be given in both official languages, all judgments shall be given either in English or in French.

2. Publication of such judgments in the official reports of the Court, as provided for in Rule 78, shall be in both official languages of the Court.

*Rule 77*  
(Signature, delivery and notification of the judgment)

1. Judgments shall be signed by the President of the Chamber and the Registrar.

2. The judgment may be read out at a public hearing by the President of the Chamber or by another judge delegated by him or her. The Agents and representatives of the parties shall be informed in due time of the date of the hearing. Otherwise the notification provided for in paragraph 3 of this Rule shall constitute delivery of the judgment.

3. The judgment shall be transmitted to the Committee of Ministers. The Registrar shall send certified copies to the parties, to the Secretary General of the Council of Europe, to any third party and to any other person directly concerned. The original copy, duly signed and sealed, shall be placed in the archives of the Court.

*Rule 78*  
(Publication of judgments and other documents)

In accordance with Article 44 § 3 of the Convention, final judgments of the Court shall be published, under the responsibility of the Registrar, in an appropriate form. The Registrar shall in addition be responsible for the publication of official reports of selected judgments and decisions and of any document which the President of the Court considers it useful to publish.

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1. As amended by the Court on 17 June and 8 July 2002.

*Rule 79*

## (Request for interpretation of a judgment)

1. A party may request the interpretation of a judgment within a period of one year following the delivery of that judgment.
2. The request shall be filed with the Registry. It shall state precisely the point or points in the operative provisions of the judgment on which interpretation is required.
3. The original Chamber may decide of its own motion to refuse the request on the ground that there is no reason to warrant considering it. Where it is not possible to constitute the original Chamber, the President of the Court shall complete or compose the Chamber by drawing lots.
4. If the Chamber does not refuse the request, the Registrar shall communicate it to the other party or parties and shall invite them to submit any written comments within a time-limit laid down by the President of the Chamber. The President of the Chamber shall also fix the date of the hearing should the Chamber decide to hold one. The Chamber shall decide by means of a judgment.

*Rule 80*

## (Request for revision of a judgment)

1. A party may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown to the Court and could not reasonably have been known to that party, request the Court, within a period of six months after that party acquired knowledge of the fact, to revise that judgment.
2. The request shall mention the judgment of which revision is requested and shall contain the information necessary to show that the conditions laid down in paragraph 1 of this Rule have been complied with. It shall be accompanied by a copy of all supporting documents. The request and supporting documents shall be filed with the Registry.
3. The original Chamber may decide of its own motion to refuse the request on the ground that there is no reason to warrant considering it. Where it is not possible to constitute the original Chamber, the President of the Court shall complete or compose the Chamber by drawing lots.
4. If the Chamber does not refuse the request, the Registrar shall communicate it to the other party or parties and shall invite them to submit any written comments within a time-limit laid down by the President of the Chamber. The President of the Chamber shall also fix the date of the hearing should the Chamber decide to hold one. The Chamber shall decide by means of a judgment.



*Rule 81*

(Rectification of errors in decisions and judgments)

Without prejudice to the provisions on revision of judgments and on restoration to the list of applications, the Court may, of its own motion or at the request of a party made within one month of the delivery of a decision or a judgment, rectify clerical errors, errors in calculation or obvious mistakes.

Chapter IX  
**Advisory Opinions**

*Rule 82*

In proceedings relating to advisory opinions the Court shall apply, in addition to the provisions of Articles 47, 48 and 49 of the Convention, the provisions which follow. It shall also apply the other provisions of these Rules to the extent to which it considers this to be appropriate.

*Rule 83*

The request for an advisory opinion shall be filed with the Registry. It shall state fully and precisely the question on which the opinion of the Court is sought, and also

(a) the date on which the Committee of Ministers adopted the decision referred to in Article 47 § 3 of the Convention;

(b) the names and addresses of the person or persons appointed by the Committee of Ministers to give the Court any explanations which it may require.

The request shall be accompanied by all documents likely to elucidate the question.

*Rule 84*

1. On receipt of a request, the Registrar shall transmit a copy of it to all members of the Court.

2. The Registrar shall inform the Contracting Parties that the Court is prepared to receive their written comments.

*Rule 85*

1. The President of the Court shall lay down the time-limits for filing written comments or other documents.

2. Written comments or other documents shall be filed with the Registry. The Registrar shall transmit copies of them to all the members of the Court, to the Committee of Ministers and to each of the Contracting Parties.

*Rule 86*

After the close of the written procedure, the President of the Court shall decide whether the Contracting Parties which have submitted written comments are to be given an opportunity to develop them at an oral hearing held for the purpose.

*Rule 87*

If the Court considers that the request for an advisory opinion is not within its consultative competence as defined in Article 47 of the Convention, it shall so declare in a reasoned decision.

*Rule 88*

1. Advisory opinions shall be given by a majority vote of the Grand Chamber. They shall mention the number of judges constituting the majority.
2. Any judge may, if he or she so desires, attach to the opinion of the Court either a separate opinion, concurring with or dissenting from the advisory opinion, or a bare statement of dissent.

*Rule 89*

The advisory opinion shall be read out in one of the two official languages by the President of the Court, or by another judge delegated by the President, at a public hearing, prior notice having been given to the Committee of Ministers and to each of the Contracting Parties.

*Rule 90*

The opinion, or any decision given under Rule 87, shall be signed by the President of the Court and by the Registrar. The original copy, duly signed and sealed, shall be placed in the archives of the Court. The Registrar shall send certified copies to the Committee of Ministers, to the Contracting Parties and to the Secretary General of the Council of Europe.

## Chapter X

### Legal Aid

#### *Rule 91*

1. The President of the Chamber may, either at the request of an applicant having lodged an application under Article 34 of the Convention or of his or her own motion, grant free legal aid to the applicant in connection with the presentation of the case from the moment when observations in writing on the admissibility of that application are received from the respondent Contracting Party in accordance with Rule 54 § 2 (b), or where the time-limit for their submission has expired.

2. Subject to Rule 96, where the applicant has been granted legal aid in connection with the presentation of his or her case before the Chamber, that grant shall continue in force for the purposes of his or her representation before the Grand Chamber.

#### *Rule 92*

Legal aid shall be granted only where the President of the Chamber is satisfied

- (a) that it is necessary for the proper conduct of the case before the Chamber;
- (b) that the applicant has insufficient means to meet all or part of the costs entailed.

#### *Rule 93*

1. In order to determine whether or not applicants have sufficient means to meet all or part of the costs entailed, they shall be required to complete a form of declaration stating their income, capital assets and any financial commitments in respect of dependants, or any other financial obligations. The declaration shall be certified by the appropriate domestic authority or authorities.

2. The Contracting Party concerned shall be requested to submit its comments in writing.

3. After receiving the information mentioned in paragraphs 1 and 2 of this Rule, the President of the Chamber shall decide whether or not to grant legal aid. The Registrar shall inform the parties accordingly.

*Rule 94*

1. Fees shall be payable to the advocates or other persons appointed in accordance with Rule 36 § 4. Fees may, where appropriate, be paid to more than one such representative.
2. Legal aid may be granted to cover not only representatives' fees but also travelling and subsistence expenses and other necessary expenses incurred by the applicant or appointed representative.

*Rule 95*

On a decision to grant legal aid, the Registrar shall fix

- (a) the rate of fees to be paid in accordance with the legal-aid scales in force;
- (b) the level of expenses to be paid.

*Rule 96*

The President of the Chamber may, if satisfied that the conditions stated in Rule 92 are no longer fulfilled, revoke or vary a grant of legal aid at any time.

## TITLE III

## TRANSITIONAL RULES

*Rules 97 and 98 deleted*

*Rule 99*

(Relations between the Court and the Commission)

1. In cases brought before the Court under Article 5 §§ 4 and 5 of Protocol No. 11 to the Convention the Court may invite the Commission to delegate one or more of its members to take part in the consideration of the case before the Court.
2. In cases referred to in paragraph 1 of this Rule the Court shall take into consideration the report of the Commission adopted pursuant to former Article 31 of the Convention.
3. Unless the President of the Chamber decides otherwise, the said report shall be made available to the public through the Registrar as soon as possible after the case has been brought before the Court.
4. The remainder of the case file of the Commission, including all pleadings, in cases brought before the Court under Article 5 §§ 2 to 5 of Protocol No. 11 shall remain confidential unless the President of the Chamber decides otherwise.
5. In cases where the Commission has taken evidence but has been unable to adopt a report in accordance with former Article 31 of the Convention, the Court shall take into consideration the verbatim records, documentation and opinion of the Commission's delegations arising from such investigations.

*Rule 100*

(Chamber and Grand Chamber proceedings)

1. In cases referred to the Court under Article 5 § 4 of Protocol No. 11 to the Convention, a panel of the Grand Chamber constituted in accordance with Rule 24 § 6<sup>1</sup> shall determine, solely on the basis of the existing case file, whether a Chamber or the Grand Chamber is to decide the case.
2. If the case is decided by a Chamber, the judgment of the Chamber shall, in accordance with Article 5 § 4 of Protocol No. 11, be final and Rule 73 shall be inapplicable.
3. Cases transmitted to the Court under Article 5 § 5 of Protocol No. 11 shall be forwarded by the President of the Court to the Grand Chamber.
4. For each case transmitted to the Grand Chamber under Article 5 § 5 of Protocol No. 11, the Grand Chamber shall be completed by judges designated by rotation within one of the groups mentioned in Rule 24 § 3<sup>1</sup>, the cases being allocated to the groups on an alternate basis.

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1. Former version, before 8 December 2000.

*Rule 101*  
(Grant of legal aid)

Subject to Rule 96, in cases brought before the Court under Article 5 §§ 2 to 5 of Protocol No. 11 to the Convention, a grant of legal aid made to an applicant in the proceedings before the Commission or the former Court shall continue in force for the purposes of his or her representation before the Court.

*Rule 102<sup>1</sup>*  
(Request for revision of a judgment)

1. Where a party requests revision of a judgment delivered by the former Court, the President of the Court shall assign the request to one of the Sections in accordance with the conditions laid down in Rule 51 or 52, as the case may be.

2. The President of the relevant Section shall, notwithstanding Rule 80 § 3, constitute a new Chamber to consider the request.

3. The Chamber to be constituted shall include as *ex officio* members

(a) the President of the Section;

and, whether or not they are members of the relevant Section,

(b) the judge elected in respect of any Contracting Party concerned or, if he or she is unable to sit, any judge appointed under Rule 29;

(c) any judge of the Court who was a member of the original Chamber that delivered the judgment in the former Court.

4. (a) The other members of the Chamber shall be designated by the President of the Section by means of a drawing of lots from among the members of the relevant Section.

(b) The members of the Section who are not so designated shall sit in the case as substitute judges.

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1. As amended by the Court on 13 December 2004.

## TITLE IV

## FINAL CLAUSES

*Rule 103*

(Amendment or suspension of a Rule)

1. Any Rule may be amended upon a motion made after notice where such a motion is carried at the next session of the plenary Court by a majority of all the members of the Court. Notice of such a motion shall be delivered in writing to the Registrar at least one month before the session at which it is to be discussed. On receipt of such a notice of motion, the Registrar shall inform all members of the Court at the earliest possible moment.

2. A Rule relating to the internal working of the Court may be suspended upon a motion made without notice, provided that this decision is taken unanimously by the Chamber concerned. The suspension of a Rule shall in this case be limited in its operation to the particular purpose for which it was sought.

*Rule 104<sup>1</sup>*

(Entry into force of the Rules)

The present Rules shall enter into force on 1 November 1998.

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1. The amendments adopted on 8 December 2000 entered into force immediately. The amendments adopted on 17 June 2002 and 8 July 2002 entered into force on 1 October 2002. The amendments adopted on 7 July 2003 entered into force on 1 November 2003. The amendments adopted on 13 December 2004 entered into force on 1 March 1005.



## ANNEX TO THE RULES<sup>1</sup>

### (concerning investigations)

#### *Rule A1*

#### (Investigative measures)

1. The Chamber may, at the request of a party or of its own motion, adopt any investigative measure which it considers capable of clarifying the facts of the case. The Chamber may, *inter alia*, invite the parties to produce documentary evidence and decide to hear as a witness or expert or in any other capacity any person whose evidence or statements seem likely to assist it in carrying out its tasks.
2. The Chamber may also ask any person or institution of its choice to express an opinion or make a written report on any matter considered by it to be relevant to the case.
3. After a case has been declared admissible or, exceptionally, before the decision on admissibility, the Chamber may appoint one or more of its members or of the other judges of the Court, as its delegate or delegates, to conduct an inquiry, carry out an on-site investigation or take evidence in some other manner. The Chamber may also appoint any person or institution of its choice to assist the delegation in such manner as it sees fit.
4. The provisions of this Chapter concerning investigative measures by a delegation shall apply, *mutatis mutandis*, to any such proceedings conducted by the Chamber itself.
5. Proceedings forming part of any investigation by a Chamber or its delegation shall be held in camera, save in so far as the President of the Chamber or the head of the delegation decides otherwise.
6. The President of the Chamber may, as he or she considers appropriate, invite, or grant leave to, any third party to participate in an investigative measure. The President shall lay down the conditions of any such participation and may limit that participation if those conditions are not complied with.

#### *Rule A2*

#### (Obligations of the parties as regards investigative measures)

1. The applicant and any Contracting Party concerned shall assist the Court as necessary in implementing any investigative measures.
2. The Contracting Party on whose territory on-site proceedings before a delegation take place shall extend to the delegation the facilities and co-operation necessary for the proper conduct of the proceedings. These shall include, to the full extent necessary, freedom of movement within the territory and all adequate security arrangements for the delegation, for the applicant and for all witnesses, experts and others who may be heard by the delegation. It shall be the responsibility of the Contracting Party concerned to take steps to ensure that no adverse consequences are suffered by any person or organisation on account of any evidence given, or of any assistance provided, to the delegation.

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1. Inserted by the Court on 7 July 2003.

*Rule A3*

(Failure to appear before a delegation)

Where a party or any other person due to appear fails or declines to do so, the delegation may, provided that it is satisfied that such a course is consistent with the proper administration of justice, nonetheless continue with the proceedings.

*Rule A4*

(Conduct of proceedings before a delegation)

1. The delegates shall exercise any relevant power conferred on the Chamber by the Convention or these Rules and shall have control of the proceedings before them.
2. The head of the delegation may decide to hold a preparatory meeting with the parties or their representatives prior to any proceedings taking place before the delegation.

*Rule A5*

(Convocation of witnesses, experts and of other persons  
to proceedings before a delegation)

1. Witnesses, experts and other persons to be heard by the delegation shall be summoned by the Registrar.
2. The summons shall indicate
  - (a) the case in connection with which it has been issued;
  - (b) the object of the inquiry, expert opinion or other investigative measure ordered by the Chamber or the President of the Chamber;
  - (c) any provisions for the payment of sums due to the person summoned.
3. The parties shall provide, in so far as possible, sufficient information to establish the identity and addresses of witnesses, experts or other persons to be summoned.
4. In accordance with Rule 37 § 2, the Contracting Party in whose territory the witness resides shall be responsible for servicing any summons sent to it by the Chamber for service. In the event of such service not being possible, the Contracting Party shall give reasons in writing. The Contracting Party shall further take all reasonable steps to ensure the attendance of persons summoned who are under its authority or control.
5. The head of the delegation may request the attendance of witnesses, experts and other persons during on-site proceedings before a delegation. The Contracting Party on whose territory such proceedings are held shall, if so requested, take all reasonable steps to facilitate that attendance.

6. Where a witness, expert or other person is summoned at the request or on behalf of a Contracting Party, the costs of their appearance shall be borne by that Party unless the Chamber decides otherwise. The costs of the appearance of any such person who is in detention in the Contracting Party on whose territory on-site proceedings before a delegation take place shall be borne by that Party unless the Chamber decides otherwise. In all other cases, the Chamber shall decide whether such costs are to be borne by the Council of Europe or awarded against the applicant or third party at whose request or on whose behalf the person appears. In all cases, such costs shall be taxed by the President of the Chamber.

#### *Rule A6*

(Oath or solemn declaration by witnesses and experts  
heard by a delegation)

1. After the establishment of the identity of a witness and before testifying, each witness shall take the oath or make the following solemn declaration:

“I swear” – or “I solemnly declare upon my honour and conscience” – “that I shall speak the truth, the whole truth and nothing but the truth.”

This act shall be recorded in minutes.

2. After the establishment of the identity of the expert and before carrying out his or her task for the delegation, every expert shall take the oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will discharge my duty as an expert honourably and conscientiously.”

This act shall be recorded in minutes.

#### *Rule A7*

(Hearing of witnesses, experts and other persons by a delegation)

1. Any delegate may put questions to the Agents, advocates or advisers of the parties, to the applicant, witnesses and experts, and to any other persons appearing before the delegation.

2. Witnesses, experts and other persons appearing before the delegation may, subject to the control of the head of the delegation, be examined by the Agents and advocates or advisers of the parties. In the event of an objection to a question put, the head of the delegation shall decide.

3. Save in exceptional circumstances and with the consent of the head of the delegation, witnesses, experts and other persons to be heard by a delegation will not be admitted to the hearing room before they give evidence.

4. The head of the delegation may make special arrangements for witnesses, experts or other persons to be heard in the absence of the parties where that is required for the proper administration of justice.

5. The head of the delegation shall decide in the event of any dispute arising from an objection to a witness or expert. The delegation may hear for information purposes a person who is not qualified to be heard as a witness or expert.

#### *Rule A8*

##### (Verbatim record of proceedings before a delegation)

1. A verbatim record shall be prepared by the Registrar of any proceedings concerning an investigative measure by a delegation. The verbatim record shall include:

(a) the composition of the delegation;

(b) a list of those appearing before the delegation, that is to say Agents, advocates and advisers of the parties taking part;

(c) the surname, forenames, description and address of each witness, expert or other person heard;

(d) the text of statements made, questions put and replies given;

(e) the text of any ruling delivered during the proceedings before the delegation or by the head of the delegation.

2. If all or part of the verbatim record is in a non-official language, the Registrar shall arrange for its translation into one of the official languages.

3. The representatives of the parties shall receive a copy of the verbatim record in order that they may, subject to the control of the Registrar or the head of the delegation, make corrections, but in no case may such corrections affect the sense and bearing of what was said. The Registrar shall lay down, in accordance with the instructions of the head of the delegation, the time-limits granted for this purpose.

4. The verbatim record, once so corrected, shall be signed by the head of the delegation and the Registrar and shall then constitute certified matters of record.

## PRACTICE DIRECTION<sup>1</sup>

### REQUESTS FOR INTERIM MEASURES

(Rule 39 of the Rules of Court)

Applicants or their legal representatives<sup>2</sup> who make a request for an interim measure pursuant to Rule 39 of the Rules of Court, should comply with the requirements set out below.

Failure to do so may mean that the Court will not be in a position to examine such requests properly and in good time.

#### I. Requests to be made by facsimile, e-mail or courier

Requests for interim measures under Rule 39 in urgent cases, particularly in extradition or deportation cases, should be sent by facsimile or e-mail<sup>3</sup> or by courier. The request should, where possible, be in one of the official languages of the Contracting Parties. All requests should bear the following title which should be written in bold on the face of the request:

***“Rule 39 – Urgent/Article 39 – Urgent”***

Requests by facsimile or e-mail should be sent during working hours<sup>4</sup> unless this is absolutely unavoidable. If sent by e-mail, a hard copy of the request should also be sent at the same time. Such requests should not be sent by ordinary post since there is a risk that they will not arrive at the Court in time to permit a proper examination.

If the Court has not responded to an urgent request under Rule 39 within the anticipated period of time, applicants or their representatives should follow up with a telephone call to the Registry during working hours.

#### II. Making requests in good time

Requests for interim measures should normally be received as soon as possible after the final domestic decision has been taken to enable the Court and its Registry to have sufficient time to examine the matter.

However, in extradition or deportation cases, where immediate steps may be taken to enforce removal soon after the final domestic decision has been given, it is advisable to make submissions and submit any relevant material concerning the request before the final decision is given.

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1. Issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 5 March 2003.

2. Full contact details should be provided.

3. To the e-mail address of a member of the Registry after having first made contact with that person by telephone. Telephone and facsimile numbers can be found on the Court’s website ([www.echr.coe.int](http://www.echr.coe.int)).

4. Working hours are 8am – 6pm, Monday -Friday. French time is one hour ahead of GMT.

Applicants and their representatives should be aware that it may not be possible to examine in a timely and proper manner requests which are sent at the last moment.

### **III. Accompanying information**

It is essential that requests be accompanied by all necessary supporting documents, in particular relevant domestic court, tribunal or other decisions together with any other material which is considered to substantiate the applicant's allegations.

Where the case is already pending before the Court, reference should be made to the application number allocated to it.

In cases concerning extradition or deportation, details should be provided of the expected date and time of the removal, the applicant's address or place of detention and his or her official case-reference number.

PRACTICE DIRECTION<sup>1</sup>**INSTITUTION OF PROCEEDINGS<sup>2</sup>**

(individual applications under Article 34 of the Convention)

**I. General**

1. An application under Article 34 of the Convention must be submitted in writing. No application may be made by phone.
2. An application must be sent to the following address:  
  
The Registrar  
European Court of Human Rights  
Council of Europe  
F – 67075 STRASBOURG CEDEX.
3. An application should normally be made on the form<sup>3</sup> referred to in Rule 47 § 1 of the Rules of Court. However, an applicant may introduce his complaints in a letter.
4. If an application has not been submitted on the official form or an introductory letter does not contain all the information referred to in Rule 47, the Registry may ask the applicant to fill in the form. It should as a rule be returned within 6 weeks from the date of the Registry's letter.
5. Applicants may file an application by sending it by facsimile ("fax")<sup>4</sup>. However, they must send the signed original copy by post within 5 days following the dispatch by fax.
6. The date on which an application is received at the Court's Registry will be recorded by a receipt stamp.
7. An applicant should be aware that the date of the first communication setting out the subject-matter of the application is considered relevant for the purposes of compliance with the six-month rule in Article 35 § 1 of the Convention.
8. On receipt of the first communication setting out the subject-matter of the case, the Registry will open a file, whose number must be mentioned in all subsequent correspondence. Applicants will be informed thereof by letter. They may also be asked for further information or documents.

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

2. This practice direction supplements Rules 45 and 47 of the Rules of Court.

3. The relevant form can be downloaded from the Court's website ([www.echr.coe.int](http://www.echr.coe.int)).

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

9. (a) An applicant should be diligent in conducting correspondence with the Court's Registry.

(b) A delay in replying or failure to reply may be regarded as a sign that the applicant is no longer interested in pursuing his application.

10. Failure to satisfy the requirements laid down in Rule 47 §§ 1 and 2 and to provide further information at the Registry's request (see paragraph 8) may result in the application not being examined by the Court.

11. Where, within a year, an applicant has not returned an application form or has not answered any letter sent to him by the Registry, the file will be destroyed.

## **II. Form and contents**

12. An application must contain all information required under Rule 47 and be accompanied by the documents referred to in paragraph 1 (h) of that Rule.

13. An application should be written legibly and, preferably, typed.

14. Where, exceptionally, an application exceeds 10 pages (excluding annexes listing documents), an applicant must also file a short summary.

15. Where applicants produce documents in support of the application, they should not submit original copies. The documents should be listed in order by date, numbered consecutively and given a concise description (e.g. letter, order, judgment, appeal, etc.).

16. An applicant who already has an application pending before the Court must inform the Registry accordingly, stating the application number.

17. (a) Where an applicant does not wish to have his or her identity disclosed, he or she should state the reasons for his or her request in writing, pursuant to Rule 47 § 3.

(b) The applicant should also state whether, in the event of anonymity being authorised by the President of the Chamber, he or she wishes to be designated by his or her initials or by a single letter (e.g. "X", "Y", "Z", etc.).



## PRACTICE DIRECTION<sup>1</sup>

### 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")<sup>2</sup>.
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.).

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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](http://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.<sup>1</sup>

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.

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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).

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1. The sub-categories are normally listed in alphabetical order, but in some cases they are set out in an order that reflects logical, hierarchical or chronological criteria. Transitional Rules are in italics.

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