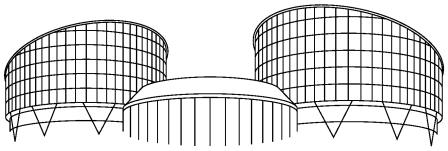

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Rules of Court

28 April 2025

Registry of the Court

Strasbourg

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Note by the Registry

This edition of the Rules of Court incorporates amendments in respect of Rules 46 (g), 51 §§ 5 and 7 and 58 § 2 adopted by the Plenary Court.

This edition entered into force on 28 April 2025.

Any additional texts and updates will be made public on the Court's website (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[1] – 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 26 § 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 25 (b) of the Convention and the expression "President of the Section" means the judge elected by the plenary Court in pursuance of Article 25 (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 26 § 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 26 § 1 of the Convention and the expression "President of the Committee" means the judge presiding over such a "Committee";

(g) the expression "single-judge formation" means a single judge sitting in accordance with Article 26 § 1 of the Convention;

(h) the term "Court" means either the plenary Court, the Grand Chamber, a Section, a Chamber, a Committee, a single judge or the panel of five judges referred to in Article 43 § 2 of the Convention and in Article 2 of Protocol No. 16 thereto;

(i) the expression "*ad hoc* judge" means any person chosen in pursuance of Article 26 § 4 of the Convention and in accordance with Rule 29 to sit as a member of the Grand Chamber or as a member of a Chamber;

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

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

(l) the term "non-judicial rapporteur" means a member of the Registry charged with assisting the single-judge formations provided for in Article 24 § 2 of the Convention;

(m) 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;

1. As amended by the Court on 7 July 2003, 13 November 2006 and 19 September 2016.

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

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

(p) 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;

(q) the expression “third party” means any Contracting Party or any person concerned or the Council of Europe Commissioner for Human Rights who, as provided for in Article 36 §§ 1, 2 and 3 of the Convention and in Article 3 of Protocol No. 16, has exercised the right to submit written comments and take part in a hearing, or has been invited to do so;

(r) the terms “hearing” and “hearings” mean oral proceedings held on the admissibility and/or merits of an application or in connection with a request for revision or an advisory opinion, a request for interpretation by a party or by the Committee of Ministers, or a question whether there has been a failure to fulfil an obligation which may be referred to the Court by virtue of Article 46 § 4 of the Convention;

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

(t) 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[1] – Calculation of term of office

1. Where the seat is vacant on the date of the judge's election, or where the election takes place less than three months before the seat becomes vacant, the term of office shall begin as from the date of taking up office which shall be no later than three months after the date of election.

2. Where the judge's election takes place more than three months before the seat becomes vacant, the term of office shall begin on the date on which the seat becomes vacant.

3. In accordance with Article 23 § 2 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[2] – Incompatible activities

1. In accordance with Article 21 § 4 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.

2. A former judge shall not represent a party or third party in any capacity in proceedings before the Court relating to an application lodged before the date on which he or she ceased to hold office. As regards applications lodged subsequently, a former judge may not represent a party or third party in any capacity in proceedings before the Court until a period of two years from the date on which he or she ceased to hold office has elapsed.

Rule 5[3] – 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 taking up office in accordance with Rule 2 §§ 1 and 2.

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

1. As amended by the Court on 13 November 2006 and 2 April 2012.
2. As amended by the Court on 29 March 2010 and 1 June 2015.
3. As amended by the Court on 14 May 2007.

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 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[1] – Dismissal from office

No judge may be dismissed from his or her office unless the other elected judges in office, meeting in plenary session, decide by a majority of two-thirds that he or she has ceased to fulfil the required conditions. Any judge may set in motion the procedure for dismissal from office. The judge in respect of whom such a motion has been made shall have access to the documents relating to the institution of the procedure for dismissal from office and must be heard by the plenary Court. The judge concerned shall not have access to the documents relating to the conduct of the procedure for dismissal from office before the plenary Court and shall not attend the deliberations or take part in the vote within the framework of the procedure for dismissal from office.

Rule 7A[2] – Waiver of the immunity

1. In accordance with Article 4 of the Sixth Protocol to the General Agreement on the Privileges and Immunities of the Council of Europe, the plenary Court alone is competent to waive the immunity of a judge. Such a decision shall be taken by an absolute majority of the elected judges in office with the exception of the judge whose immunity is subject to the request for a waiver. The judge concerned shall have access to the documents relating to the institution of the waiver procedure and must be heard by the plenary Court. The judge concerned shall not have access to the documents relating to the conduct of the waiver procedure before the plenary Court and shall not attend the deliberations or take part in the vote within the framework of the waiver procedure.

2. The provisions of this Rule shall apply *mutatis mutandis* to proceedings concerning the examination of a question related to the immunity enjoyed by spouses and minor children of judges within the meaning of Article 2 of the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe, as well as to proceedings concerning the examination of any issue related to the immunity enjoyed by a judge after the end of his or her term of office in accordance with Article 3 of the Sixth Protocol to the General Agreement on Privileges and Immunities of the Council of Europe.

1. As amended by the Court on 23 June 2023.
2. Inserted by the Court on 23 June 2023.

Chapter II[1] – Presidency of the Court and the role of the Bureau

Rule 8[2] – 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 and two Vice-Presidents for a period of three years as well as the Presidents of the Sections for a period of two years, provided that such periods shall not exceed the duration of their terms of office as judges.

2. Each Section shall likewise elect a Vice-President for a period of two years, provided that such period shall not exceed the duration of his or her term of office as judge.

3. A judge elected in accordance with paragraphs 1 or 2 above may be re-elected but only once to the same level of office.

4. The Presidents and Vice-Presidents shall continue to hold office until the election of their successors.

5. The elections referred to in paragraph 1 of 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 votes cast, an additional round or rounds shall take place until one candidate has achieved an absolute majority. After the first round, any candidate receiving fewer than five votes shall be eliminated, and the vote shall take place between the remaining candidates. If none of the candidates has received fewer than five votes in the first round, the candidate who has received the least number of votes shall be eliminated. In each subsequent round, the candidate who has received the least number of votes shall be eliminated. If there is more than one candidate in this position, only the candidate who is lowest in the order of precedence in accordance with Rule 5 shall be eliminated. If there are only two candidates left and in two rounds of voting neither of them has achieved an absolute majority of the votes cast, the candidate who obtains a majority of the votes cast in the next round, excluding blank and invalid votes, shall be elected. In the event of a tie between two candidates in the final round, preference shall be given to the judge having precedence in accordance with Rule 5.

6. The rules set out in the preceding paragraph shall apply to the elections referred to in paragraph 2 of this Rule. However, where more than one round of voting is required until one candidate has achieved the required majority, only the candidate who has received the least number of votes shall be eliminated after each round.

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.

1. As amended by the Court on 7 July 2003.
2. As amended by the Court on 7 November 2005, 20 February 2012, 14 January 2013, 14 April 2014, 1 June 2015, 19 September 2016, 2 June 2021 and 30 May 2022.

Rule 9A[1] – 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 or 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 or 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 or her competence.

4. The Bureau shall also facilitate coordination 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.

Rule 12[2] – 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.

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

Rule 13[1] – 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, or in cases where they sit as a judge appointed by virtue of Rule 29 § 1 (a) or Rule 30 § 1.

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.

1. As amended by the Court on 4 July 2005.

Chapter III – The Registry

Rule 15[1] – 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 votes cast, an additional round or rounds of voting shall take place until one candidate has achieved an absolute majority. After each round, any candidate receiving fewer than five votes shall be eliminated; and if more than two candidates have received five votes or more, the one who has received the least number of votes shall also be eliminated. In the event of a tie in an additional round of voting, 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[2] – Election of the Deputy Registrars

1. The plenary Court shall also elect one or more 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.

1. As amended by the Court on 14 April 2014.
2. As amended by the Court on 14 April 2014.

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[1] – 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 shall be appointed by the Registrar under the authority of the President of the Court. The appointment of the Registrar and Deputy Registrars shall be governed by Rules 15 and 16 above.

Rule 18A[2] – Non-judicial rapporteurs

1. When sitting in a single-judge formation, the Court shall be assisted by non-judicial rapporteurs who shall function under the authority of the President of the Court. They shall form part of the Court's Registry.

2. The non-judicial rapporteurs shall be appointed by the President of the Court on a proposal by the Registrar. Section Registrars and Deputy Section Registrars, as referred to in Rule 18 § 2, shall act *ex officio* as non-judicial rapporteurs.

Rule 18B[3] – Jurisconsult

For the purposes of ensuring the quality and consistency of its case-law, the Court shall be assisted by a Jurisconsult. He or she shall be a member of the Registry. The Jurisconsult shall provide opinions and information, in particular to the judicial formations and the members of the Court.

1. As amended by the Court on 13 November 2006 and 2 April 2012.
2. Inserted by the Court on 13 November 2006 and amended on 14 January 2013.
3. Inserted by the Court on 23 June 2014.

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[1] – 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 among 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.

1. Inserted by the Court on 13 December 2004.

Chapter V – The Composition of the Court

Rule 24[1] – 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 26 §§ 4 and 5 of the Convention.

(c) In cases referred to it under Article 43 of the Convention, the Grand Chamber shall not include any judge who sat in the Chamber which rendered the judgment in the case so referred, with the exception of the President of that Chamber and the judge who sat in respect of the State Party concerned, or any judge who sat in the Chamber or Chambers which ruled on the admissibility of the application.

(d) 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.

(e) In examining a request under Article 46 § 4 of the Convention, the Grand Chamber shall include, in addition to the judges referred to in paragraph 2 (a) and (b) of this Rule, the members of the Chamber or Committee which rendered the judgment in the case concerned. If the judgment was rendered by a Grand Chamber, the Grand Chamber shall be constituted as the original Grand Chamber. In all cases, including those where it is not possible to reconstitute the original Grand Chamber, the judges and substitute judges who are to complete the Grand Chamber shall be designated in accordance with paragraph 2 (d) of this Rule.

(f) In examining a request for an advisory opinion under Article 47 of the Convention, the Grand Chamber shall be constituted in accordance with the provisions of paragraph 2 (a) and (d) of this Rule.

(g) In examining a request for an advisory opinion under Protocol No. 16 to the Convention, the Grand Chamber shall be constituted in accordance with the provision of paragraph 2 (a), (b) and (d) of this Rule and include the judge designated as Judge Rapporteur under Rule 93 § 1.1 (b).

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 (d) of this Rule. Until such replacement takes place, substitute judges shall not take part in the vote.

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. These provisions shall also apply to proceedings relating to advisory opinions.

1. As amended by the Court on 8 December 2000, 13 December 2004, 4 July and 7 November 2005, 29 May and 13 November 2006, 6 May 2013, 19 September 2016 and 11 October 2021.

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

- the President of the Court. If the President of the Court is prevented from sitting, he or she shall be replaced by the Vice-President of the Court taking precedence;
- two Presidents of Sections designated by rotation. If the Presidents of the Sections so designated are prevented from sitting, they shall be replaced by the Vice-Presidents of their Sections;
- two judges designated by rotation from among the judges elected by the remaining Sections to serve on the panel for a period of six months;
- at least two substitute judges designated in rotation from among the judges elected by the Sections to serve on the panel for a period of six months.

(b) When considering a referral request, the panel shall not include any judge who took part in the consideration of the admissibility or merits of the case in question.

(c) No judge elected in respect of, or who is a national of, a Contracting Party concerned by a referral request may be a member of the panel when it examines that request. An elected judge appointed pursuant to Rules 29 or 30 shall likewise be excluded from consideration of any such request.

(d) Any member of the panel unable to sit, for the reasons set out in (b) or (c) shall be replaced by a substitute judge designated in rotation from among the judges elected by the Sections to serve on the panel for a period of six months.

(e) When considering a request for an advisory opinion submitted under Article 1 of Protocol No. 16 to the Convention, the panel shall be composed in accordance with the provisions of Rule 93.

Rule 25 – Setting-up of Sections

1. The Chambers provided for in Article 25 (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[1] – Constitution of Chambers

1. The Chambers of seven judges provided for in Article 26 § 1 of the Convention for the consideration of cases brought before the Court shall be constituted from the Sections as follows.

1. As amended by the Court on 17 June and 8 July 2002 and 6 May 2013.

(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 Rules 51 or 52, he or she shall sit as an *ex officio* member of the Chamber in accordance with Article 26 § 4 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 first substitute judge shall sit.

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[1] – Committees

1. Committees composed of three judges belonging to the same Section shall be set up under Article 26 § 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, including the President of the Section, who are not members of a Committee may, as appropriate, be called upon to sit. They may also be called upon to take the place of members who are unable to sit.

4. The President of the Committee shall be the member having precedence in the Section.

Rule 27A[2] – Single-judge formation

1. A single-judge formation shall be introduced in pursuance of Article 26 § 1 of the Convention. After consulting the Bureau, the President of the Court shall decide on the number of single judges to be appointed and shall appoint them in respect of one or more Contracting Parties.

2. The following shall also sit as single judges

(a) the Presidents of the Sections when exercising their competences under Rule 54 §§ 2 (b) and 3;

(b) Vice-Presidents of Sections appointed to decide on requests for interim measures in accordance with Rule 39 § 5.

3. In accordance with Article 26 § 3 of the Convention, a judge may not examine as a single judge any application against the Contracting Party in respect of which that judge has been elected. In addition, a judge may not examine as a single judge any application against a Contracting Party of which that judge is a national.

1. As amended by the Court on 13 November 2006 and 16 November 2009.
2. Inserted by the Court on 13 November 2006 and amended on 14 January 2013, 9 September 2019 and 23 February 2024.

4. Single judges shall be appointed for a period of twelve months. They shall continue to carry out their other duties within the Sections of which they are members in accordance with Rule 25 § 2.

5. Pursuant to Article 24 § 2 of the Convention, when deciding, each single judge shall be assisted by a non-judicial rapporteur.

Rule 28[1] – Inability to sit and recusal

1. A judge has the duty to sit in all cases assigned to him or her, unless, for the reasons set out in paragraph 2, he or she may not take part in the consideration of the case.

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. Any judge who considers himself or herself to be unable to sit in a case to which he or she has been assigned, for one of the reasons listed in paragraph 2 shall, as soon as possible, in cases allocated to a Committee or Chamber formation, give notice to the President of the Section, who will decide whether the judge concerned should be exempt from sitting. 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 accordance with Rules 29 and 30.

4. Only parties to the proceedings may request recusal of a judge assigned to sit in their case for the reasons listed in paragraph 2 of this Rule. Any such request must be duly reasoned and lodged as soon as possible after the party concerned learns about the existence of such reasons. It shall be decided by the Chamber in accordance with the procedure described in paragraph 3 of the present Rule. The parties shall be informed whether or not their request has been accepted.

5. The provisions above shall apply, *mutatis mutandis*, in cases before the Grand Chamber, and – under the authority of the President of the Court – to judges acting as a single judge under Article 27 of the Convention and as duty judge in accordance with Rule 39 of the Rules of Court.

1. As amended by the Court on 17 June and 8 July 2002, 13 December 2004, 13 November 2006, 6 May 2013 and 15 December 2023.

Rule 29[1] – *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 appoint an *ad hoc* judge, who is eligible to take part in the consideration of the case in accordance with Rule 28, from a list submitted in advance by the Contracting Party containing the names of three to five persons whom the Contracting Party has designated as eligible to serve as *ad hoc* judges for a renewable period of four years and as satisfying the conditions set out in paragraph 1 (c) of this Rule.

The list shall include both sexes and shall be accompanied by biographical details of the persons whose names appear on the list. The persons whose names appear on the list may not represent a party or a third party in any capacity in proceedings before the Court.

(b) The procedure set out in paragraph 1 (a) of this 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 and must be in a position to meet the demands of availability and attendance provided for in paragraph 5 of this Rule. For the duration of their appointment, an *ad hoc* judge shall not represent any party or third party in any capacity in proceedings before the Court.

2. The President of the Chamber shall appoint another elected judge to sit as an *ad hoc* judge where

(a) at the time of notice being given of the application under Rule 54 § 2 (b), the Contracting Party concerned has not supplied the Registrar with a list as described in paragraph 1 (a) of this Rule, or

(b) the President of the Chamber finds that less than three of the persons indicated in the list satisfy the conditions laid down in paragraph 1 (c) of this Rule.

3. The President of the Chamber may decide not to appoint an *ad hoc* judge pursuant to paragraph 1 (a) or 2 of this Rule until notice of the application is given to the Contracting Party under Rule 54 § 2 (b). Pending the decision of the President of the Chamber, the first substitute judge shall sit.

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.

6. The provisions of this Rule shall apply *mutatis mutandis* to proceedings before a panel of the Grand Chamber in connection with a request for an advisory opinion submitted under Article 1 of Protocol No. 16 to the Convention, as well as to proceedings before the Grand Chamber constituted to examine requests accepted by the panel.

Rule 30[2] – 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.

1. As amended by the Court on 17 June and 8 July 2002, 13 November 2006, 29 March 2010, 6 May 2013, 19 September 2016, 16 April 2018 and 3 June 2019.
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.

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[1] – Public character of documents

1. All documents deposited with the Registry by the parties or by any third party in connection with an application, except: (a) those deposited within the framework of friendly-settlement negotiations as provided for in Rule 62 or (b) those submitted in connection with proceedings under Rule 44F shall be accessible to the public in accordance with arrangements determined by the Registrar, 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 or of any person concerned so require, or to the extent strictly necessary in the opinion of the President of the Chamber 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.

Rule 34[2] – 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.

1. As amended by the Court on 17 June and 8 July 2002, 7 July 2003, 4 July 2005, 13 November 2006 , 14 May 2007, 4 November 2019 and 25 September 2023.
2. As amended by the Court on 13 December 2004 and 19 September 2016.

(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;

(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 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.

7. In respect of a request for an advisory opinion under Article 1 of Protocol No. 16 to the Convention, the requesting court or tribunal may submit the request as referred to in Rule 92 to the Court in the national official language used in the domestic proceedings. Where the language is not an official language of the Court, an English or French translation of the request shall be filed within a time-limit to be fixed by the President of the Court.

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[1] – 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.

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) If the representative of a party in the proceedings makes abusive, frivolous, vexatious, misleading or prolix submissions, the President of the Chamber may 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.

(c) In exceptional circumstances and at any stage of the proceedings in the examination of an application, 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 paragraph 4 (a) of this Rule so warrant, direct that the latter may no longer represent or assist the applicant in those proceedings and that the applicant should seek alternative representation. Before such an order is made, the representative must be given the opportunity to comment.

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 Parties may be given by the President of the Chamber under Rule 34 § 3.

Rule 37[2] – 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

1. As amended by the Court on 7 July 2003 and 7 February 2022.
2. As amended by the Court on 7 July 2003.

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.

Rule 38A[1] – 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[2] – Interim measures

1. The Court may, in exceptional circumstances, whether 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. Such measures, applicable in cases of imminent risk of irreparable harm to a Convention right, which, on account of its nature, would not be susceptible to reparation, restoration or adequate compensation, may be adopted where necessary in the interests of the parties or the proper conduct of the proceedings.

2. The Court's power to decide on requests for interim measures shall be exercised by duty judges appointed pursuant to paragraph 5 of this Rule or, where appropriate, the President of the Section, the Chamber, the President of the Grand Chamber, the Grand Chamber or the President of the Court.

3. Where it is considered appropriate, immediate notice of the measure adopted in a particular case may be given to the Committee of Ministers.

4. A duty judge appointed pursuant to paragraph 5 of this Rule or, where appropriate, the President of the Section, the Chamber, the President of the Grand Chamber, the Grand Chamber or the President of the Court may request information from the parties on any matter connected with the implementation of any interim measure indicated.

5. The President of the Court shall appoint Vice-Presidents of Sections as duty judges to decide on requests for interim measures.

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[3] – Order of dealing with cases

In determining the order in which cases are to be dealt with, the Court shall have regard to the importance and urgency of the issues raised on the basis of criteria fixed by it. The Chamber, or its President, may, however, derogate from these criteria so as to give priority to a particular application.

1. Inserted by the Court on 17 June and 8 July 2002.
2. As amended by the Court on 4 July 2005, 16 January 2012, 14 January 2013 and 23 February 2024.
3. As amended by the Court on 17 June and 8 July 2002 and 29 June 2009.

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

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.

Rule 43[1] – Striking out and restoration to the list (former Rule 44)

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. If a friendly settlement is effected in accordance with Article 39 of the Convention, the application shall be struck out of the Court's list of cases by means of a decision. In accordance with Article 39 § 4 of the Convention, this decision shall be transmitted to the Committee of Ministers, which shall supervise the execution of the terms of the friendly settlement as set out in the decision. In other cases provided for in Article 37 of the Convention, the application shall be struck out by means of a judgment if it has been declared admissible or, if not declared admissible, by means of a decision. Where the application has been struck out by means 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 or solution of the matter.

4. When an application has been struck out in accordance with Article 37 of the Convention, 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. Where an application has been struck out in accordance with Article 37 of the Convention, the Court may restore it to its list if it considers that exceptional circumstances so justify.

Rule 44[2] – Third-party intervention

1. (a) When notice of an application lodged under Article 33 or 34 of the Convention is given to the respondent Contracting Party under Rules 51 § 1 or 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.

1. As amended by the Court on 17 June and 8 July 2002, 7 July 2003, 13 November 2006 and 2 April 2012.
2. As amended by the Court on 7 July 2003, 13 November 2006, 19 September 2016, 3 June 2022 and 3 March 2023.

(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. If the Council of Europe Commissioner for Human Rights wishes to exercise the right under Article 36 § 3 of the Convention to submit written comments, he or she shall so advise the Registrar in writing not later than twelve weeks after the publication on the Court's case-law database, HUDOC, of the information that notice of the application has been given to the respondent Contracting Party. If the Council of Europe Commissioner for Human Rights wishes to exercise the right under Article 36 § 3 of the Convention to take part in a hearing before a Chamber, he or she shall so advise the Registrar in writing not later than four weeks after the publication on the Court's website of the information on the decision of the Chamber to hold an oral hearing. Other time-limits may be fixed by the President of the Chamber for exceptional reasons.

Should the Commissioner for Human Rights be unable to take part in the proceedings before the Court himself, he or she shall indicate the name of the person or persons from his or her Office whom he or she has appointed to represent him. He or she may be assisted by an advocate.

3. (a) Once notice of an application has been given to the respondent Contracting Party under Rules 51 § 1 or 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.

(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. Requests for leave to submit written comments must be submitted not later than twelve weeks after the publication on the Court's case-law database, HUDOC, of the information that notice of the application has been given to the respondent Contracting Party. Requests for leave to take part in a hearing before a Chamber must be submitted not later than four weeks after the publication on the Court's website of the information on the decision of the Chamber to hold an oral hearing. Other time-limits may be fixed by the President of the Chamber for exceptional reasons.

4. (a) In cases to be considered by the Grand Chamber, the periods of time prescribed in the preceding paragraphs shall run from the publication on the Court's website of the information on the decision of the Chamber under Rule 72 § 1 to relinquish jurisdiction in favour of the Grand Chamber or on 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.

5. Any invitation or grant of leave referred to in paragraph 3 (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.

6. 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.

7. The provisions of this Rule shall apply *mutatis mutandis* to proceedings before the Grand Chamber constituted to deliver advisory opinions under Article 2 of Protocol No. 16 to the

Convention. The President of the Court shall determine the time-limits which apply to third-party interveners.

Rule 44A[1] – 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 Party not party to the proceedings where such cooperation is necessary.

Rule 44B[2] – 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.

Rule 44C[3] – 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[4] – Exclusion from representation or assisting before the Court

1. The President of the Court may, in exceptional circumstances, where he or she considers that the conduct of the advocate, or of the person appointed under Rule 36 § 4 (a) so warrants, direct that the said advocate or other person may no longer represent or assist a party before the Court. Such exclusion order may be for a definite or indefinite period.

2. Such a decision shall be reasoned and shall be taken upon a reasoned proposal by a Chamber, after the person concerned, any Government concerned, and any Bar Association concerned, have been given the possibility of submitting comments. The person concerned, any Government concerned and any Bar Association concerned shall be informed of the decision.

3. Upon a reasoned request by the person excluded under paragraph 1, the President of the Court may, after consulting the Chamber mentioned in paragraph 2, as appropriate, as well as any Government concerned and any Bar Association concerned, restore the rights of representation. The person concerned, any Government concerned and any Bar Association concerned shall be informed of such a decision.

Rule 44E[5] – 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.

1. Inserted by the Court on 13 December 2004.
2. Inserted by the Court on 13 December 2004.
3. Inserted by the Court on 13 December 2004.
4. Inserted by the Court on 13 December 2004 and amended on 7 February 2022.
5. Inserted by the Court on 13 December 2004.

Rule 44F[1] – Treatment of highly sensitive documents

1. (a) In the present Rule the term "document" includes any information or material, whether in physical or electronic form, as well as parts of such a document. The terms "party" and "parties" shall mean:

(i) any Contracting Party;

(ii) the applicant (the person, non-governmental organisation or group of individuals) that lodged an application under Article 34 of the Convention.

(b) In the present Rule, references to "the Committee" shall mean a formation of three judges composed in accordance with Rule 44F § 4 for the purposes of considering a request under this Rule.

2. If, at any stage of the proceedings, a Contracting Party is of the opinion that disclosure of a document to a party or to the public would prejudice its national security interests or the applicant is of the opinion it would prejudice any other equally compelling interest that the applicant may have, upon the request of the party concerned such a document shall not be disclosed and the party concerned shall have the right to obtain resolution of the issue in accordance with this Rule. It is not required that the document in question be provided at the time the request is made.

3. This Rule also applies when a person who has been requested under Rule A1 of the Annex to the Rules (concerning investigations) to provide a document has refused to do so or has referred the matter to a party on the ground that disclosure would prejudice that party's interests.

4. A request by a party under Rule 44F § 2 shall be assigned to the Committee, composed of judges not members of the Chamber responsible for determining the admissibility or the merits of the case; the Committee may identify and facilitate any steps considered necessary to provide the Chamber with appropriate information to continue its examination of the case under Rule 44F § 7.

5. If, in the opinion of a party, disclosure of a document would prejudice their interests, all reasonable steps will be taken by the party, acting in conjunction with the Chamber or the Committee, and any other party as the case may be and in light of their obligations under Article 38 of the Convention and Rule 44A, to seek to resolve the matter by cooperative means and within a reasonable time. This may include any of the following steps (either alone or in combination):

(a) the modification or clarification of the request mentioned in § 2 of the present Rule;

(b) determination by the Chamber or the Committee regarding the relevance of the document sought;

(c) an agreement on conditions under which assistance could be provided including, among other things, providing summaries or redactions of the document, placing limitations on disclosure, using in camera or ex parte proceedings or putting in place other protective measures;

(d) an agreement on practical and procedural safeguards for the storage and consultation of the document in the Registry.

6. Once all reasonable steps have been taken to resolve the matter through cooperative means, and if the party concerned considers that there are no means or conditions under which the document could be provided or disclosed without prejudice to its interests, it shall notify the Chamber or the Committee of the specific reasons for its opinion, unless a specific description of the reasons would itself prejudice those interests.

7. Thereafter, only if the Chamber considers that the document is essential in order for it to examine the case, it may:

1. Inserted by the Court on 25 September 2023.

(a) where the Chamber has possession of the document in a form agreed to by the party, by way of derogation from the adversarial principle and confining itself to what in its view is strictly necessary for the proper administration of justice, take into account such document. In so doing the Chamber shall take into consideration the fact that the other party had no opportunity to comment on that document. When adopting its judgment or decision, the Chamber will have due regard to the sensitive nature of any document so considered;

(b) in any other circumstances, the Chamber may draw such inferences as it deems appropriate.

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[1] – 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 time-limit) 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;

(f) the name and address of the person or persons appointed as Agent;

and accompanied by

(g) copies of any relevant documents, as well as any other evidential material, and in particular the decisions, whether judicial or not, relating to the object of the application (accompanied by a translation into one of the official languages of the Court if they are not in one of these languages).

Rule 47[2] – Contents of an individual application

1. An application under Article 34 of the Convention shall be made on the application form provided by the Registry, unless the Court decides otherwise. It shall contain all of the information requested in the relevant parts of the application form and set out

(a) the name, date of birth, nationality and address of the applicant and, where the applicant is a legal person, the full name, date of incorporation or registration, the official registration number (if any) and the official address;

(b) the name, address, telephone and fax numbers and e-mail address of the representative, if any;

(c) where the applicant is represented, the dated and original signature of the applicant on the authority section of the application form; the original signature of the representative showing that

1. As amended by the Court on 1 June 2015 and 28 April 2025.
2. As amended by the Court on 17 June and 8 July 2002, 11 December 2007, 22 September 2008, 6 May 2013, 1 June and 5 October 2015 and 18 January 2024.

he or she has agreed to act for the applicant must also be on the authority section of the application form; the Court may accept copies of the signatures or other authority forms valid in the domestic law of the Contracting Parties, if compelling reasons for the failure to comply with these requirements are provided and the Court's authority form with original signatures is communicated to the Court within a reasonable time;

(d) the name of the Contracting Party or Parties against which the application is made;

(e) a concise and legible statement of the facts;

(f) a concise and legible statement of the alleged violation(s) of the Convention and the relevant arguments; and

(g) a concise and legible statement confirming the applicant's compliance with the admissibility criteria laid down in Article 35 § 1 of the Convention.

2. (a) All of the information referred to in paragraph 1 (e) to (g) above that is set out in the relevant part of the application form should be sufficient to enable the Court to determine the nature and scope of the application without recourse to any other document.

(b) The applicant may however supplement the information by appending to the application form further details on the facts, alleged violations of the Convention and the relevant arguments. Such information shall not exceed 20 pages.

3.1. The application form shall be signed by the applicant or the applicant's representative and shall be accompanied by

(a) copies of documents relating to the decisions or measures complained of, judicial or otherwise;

(b) copies of documents and decisions showing that the applicant has complied with the exhaustion of domestic remedies requirement and the time-limit contained in Article 35 § 1 of the Convention;

(c) where appropriate, copies of documents relating to any other procedure of international investigation or settlement;

(d) where the applicant is a legal person as referred to in Rule 47 § 1 (a), a document or documents showing that the individual who lodged the application has the standing or authority to represent the applicant.

3.2. Documents submitted in support of the application shall be listed in order by date, numbered consecutively and be identified clearly.

4. 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 Court may authorise anonymity or grant it of its own motion.

5.1. Failure to comply with the requirements set out in paragraphs 1 to 3 of this Rule will result in the application not being examined by the Court, unless

(a) the applicant has provided an adequate explanation for the failure to comply;

(b) the application concerns a request for an interim measure;

(c) the Court otherwise directs of its own motion or at the request of an applicant.

5.2. The Court may in any case request an applicant to provide information or documents in any form or manner which may be appropriate within a fixed time-limit.

6. (a) The date of introduction of the application for the purposes of Article 35 § 1 of the Convention shall be the date on which an application form satisfying the requirements of this Rule is sent to the Court. The date of dispatch shall be the date of the postmark.

(b) Where it finds it justified, the Court may nevertheless decide that a different date shall be considered to be the date of introduction.

7. 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[1] – 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[2] – Individual applications

1. Where 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 single-judge formation unless there is some special reason to the contrary.

2. Where an application is made under Article 34 of the Convention and its examination by a Chamber or a Committee exercising the functions attributed to it under Rule 53 § 2 seems justified, the President of the Section to which the case has been assigned shall designate a judge as Judge Rapporteur, who shall examine the application.

3. In their examination of applications, Judge Rapporteurs

(a) may request the parties to submit, within a specified time, any factual information, documents or other material which they consider to be relevant;

(b) shall, subject to the President of the Section directing that the case be considered by a Chamber or a Committee, decide whether the application is to be considered by a single-judge formation, by a Committee or by a Chamber;

(c) shall submit such reports, drafts and other documents as may assist the Chamber or the Committee or the respective 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.

1. As amended by the Court on 17 June and 8 July 2002.
2. As amended by the Court on 17 June and 8 July 2002, 4 July 2005, 13 November 2006 and 14 May 2007.

Chapter IV – Proceedings on Admissibility

Inter-State applications

Rule 51[1] – 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 the Chamber so decides. The Chamber may do so of its own motion or at the request of one or more of the Contracting Parties concerned.

6. Before fixing the written and, where appropriate, oral procedure, the President of the Chamber shall consult the Parties.

7. Upon giving notice of the application to the respondent Contracting Party and then inviting both Contracting Parties to submit written observations on the application pursuant to this Rule, the Chamber may also decide to examine the admissibility and merits at the same time in accordance with Article 29 § 2 of the Convention. A hearing on the admissibility and merits shall be held if the Chamber so decides. The Chamber may do so of its own motion or at the request of one or more of the Contracting Parties concerned.

Individual applications

Rule 52[2] – 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.

2. The Chamber of seven judges provided for in Article 26 § 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.

1. As amended by the Court on 17 June, 8 July 2002 and 28 April 2025.
2. As amended by the Court on 17 June and 8 July 2002.

Rule 52A[1] – Procedure before a single judge

1. In accordance with Article 27 of the Convention, a single judge may declare inadmissible or strike out of the Court's list of cases an application submitted under Article 34, where such a decision can be taken without further examination. The decision shall be final. It shall contain a summary reasoning. It shall be communicated to the applicant.

2. If the single judge does not take a decision of the kind provided for in the first paragraph of the present Rule, that judge shall forward the application to a Committee or to a Chamber for further examination.

Rule 53[2] – Procedure before a Committee

1. In accordance with Article 28 § 1 (a) of the Convention, the Committee may, by a unanimous vote and at any stage of the proceedings, declare an application inadmissible or strike it out of the Court's list of cases where such a decision can be taken without further examination.

2. If the Committee is satisfied, in the light of the parties' observations received pursuant to Rule 54 § 2 (b), that the case falls to be examined in accordance with the procedure under Article 28 § 1 (b) of the Convention, it shall, by a unanimous vote, adopt a judgment including its decision on admissibility and, as appropriate, on just satisfaction.

3. If the judge elected in respect of the Contracting Party concerned is not a member of the Committee, the Committee may at any stage of the proceedings before it, by a unanimous vote, invite that judge to take the place of one of its members, having regard to all relevant factors, including whether that Party has contested the application of the procedure under Article 28 § 1 (b) of the Convention.

4. Decisions and judgments under Article 28 § 1 of the Convention shall be final. They shall be reasoned. Decisions may contain a summary reasoning when they have been adopted following referral by a single judge pursuant to Rule 52A § 2.

5. The decision of the Committee shall be communicated by the Registrar to the applicant as well as to the Contracting Party or Parties concerned where these have previously been involved in the application in accordance with the present Rules.

6. If no decision or judgment is adopted by the Committee, the application shall be forwarded to the Chamber constituted under Rule 52 § 2 to examine the case.

7. The provisions of Rule 42 § 1 and Rules 79 to 81 shall apply, *mutatis mutandis*, to proceedings before a Committee.

Rule 54[3] – 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. The decision of the Chamber may relate to all or part of the application.

2. Alternatively, the Chamber or the President of the Section 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;

1. Inserted by the Court on 13 November 2006 and amended on 9 September 2019 and 4 November 2019.
2. As amended by the Court on 17 June and 8 July 2002, 4 July 2005, 14 May 2007, 16 January 2012 and 4 November 2019.
3. As amended by the Court on 17 June and 8 July 2002, 14 January 2013 and 23 February 2024.

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

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

3. In the exercise of the competences under paragraph 2 (b) of this Rule, the President of the Section, acting as a single judge, may at once declare part of the application inadmissible or strike part of the application out of the Court's list of cases. The decision shall be final. It shall be summarily reasoned. It shall be communicated to the applicant as well as to the Contracting Party or Parties concerned by a letter containing that reasoning.

4. Paragraph 2 of this Rule shall also apply to Vice-Presidents of Sections appointed as duty judges in accordance with Rule 39 § 5 to decide on requests for interim measures. Any decision to declare inadmissible the application shall be summarily reasoned. It shall be communicated to the applicant by a letter containing that reasoning.

5. Before taking a decision on 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.

Rule 54A[1] – Joint examination of admissibility and merits

1. When giving notice of the application to the respondent 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 § 1 of the Convention. 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*. The Court may, however, decide at any stage, if necessary, to take a separate decision on admissibility.

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, save in cases where it decides to take such a decision separately.

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[2] – Decision of a Chamber

1. The decision of the Chamber shall state whether it was taken unanimously or by a majority and shall be reasoned.

1. Inserted by the Court on 17 June and 8 July 2002 and amended on 13 December 2004 and 13 November 2006.
2. As amended by the Court on 17 June, 8 July 2002, 13 November 2006 and 4 November 2019.

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, including the Council of Europe Commissioner for Human Rights, where these have previously been informed of the application in accordance with the present Rules. If a friendly settlement is effected, the decision to strike an application out of the list of cases shall be forwarded to the Committee of Ministers in accordance with Rule 43 § 3.

Rule 57[1] – Language of the decision

Unless the Court decides that a decision shall be given in both official languages, all decisions shall be given either in English or in French. Decisions of the Grand Chamber shall, however, be given in both official languages, and both language versions shall be equally authentic.

1. As amended by the Court on 17 June, 8 July 2002 and 4 November 2019.

Chapter V – Proceedings after the Admission of an Application

Rule 58[1] – 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 the Chamber so decides. The Chamber may do so of its own motion or at the request of one or more of the Contracting Parties concerned. The President of the Chamber shall fix the oral procedure.

Rule 59[2] – 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[3] – 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.

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 Contracting Party for comment.

Rule 61[4] – Pilot-judgment procedure

1. The Court may initiate a pilot-judgment procedure and adopt a pilot judgment where the facts of an application reveal in the Contracting Party concerned the existence of a structural or systemic problem or other similar dysfunction which has given rise or may give rise to similar applications.

2. (a) Before initiating a pilot-judgment procedure, the Court shall first seek the views of the parties on whether the application under examination results from the existence of such a problem or

1. As amended by the Court on 17 June, 8 July 2002 and 28 April 2025.
2. As amended by the Court on 17 June and 8 July 2002.
3. As amended by the Court on 13 December 2004.
4. Inserted by the Court on 21 February 2011.

dysfunction in the Contracting Party concerned and on the suitability of processing the application in accordance with that procedure.

(b) A pilot-judgment procedure may be initiated by the Court of its own motion or at the request of one or both parties.

(c) Any application selected for pilot-judgment treatment shall be processed as a matter of priority in accordance with Rule 41 of the Rules of Court.

3. The Court shall in its pilot judgment identify both the nature of the structural or systemic problem or other dysfunction as established as well as the type of remedial measures which the Contracting Party concerned is required to take at the domestic level by virtue of the operative provisions of the judgment.

4. The Court may direct in the operative provisions of the pilot judgment that the remedial measures referred to in paragraph 3 above be adopted within a specified time, bearing in mind the nature of the measures required and the speed with which the problem which it has identified can be remedied at the domestic level.

5. When adopting a pilot judgment, the Court may reserve the question of just satisfaction either in whole or in part pending the adoption by the respondent Contracting Party of the individual and general measures specified in the pilot judgment.

6. (a) As appropriate, the Court may adjourn the examination of all similar applications pending the adoption of the remedial measures required by virtue of the operative provisions of the pilot judgment.

(b) The applicants concerned shall be informed in a suitable manner of the decision to adjourn. They shall be notified as appropriate of all relevant developments affecting their cases.

(c) The Court may at any time examine an adjourned application where the interests of the proper administration of justice so require.

7. Where the parties to the pilot case reach a friendly-settlement agreement, such agreement shall comprise a declaration by the respondent Contracting Party on the implementation of the general measures identified in the pilot judgment as well as the redress to be afforded to other actual or potential applicants.

8. Subject to any decision to the contrary, in the event of the failure of the Contracting Party concerned to comply with the operative provisions of a pilot judgment, the Court shall resume its examination of the applications which have been adjourned in accordance with paragraph 6 above.

9. The Committee of Ministers, the Parliamentary Assembly of the Council of Europe, the Secretary General of the Council of Europe, and the Council of Europe Commissioner for Human Rights shall be informed of the adoption of a pilot judgment as well as of any other judgment in which the Court draws attention to the existence of a structural or systemic problem in a Contracting Party.

10. Information about the initiation of pilot-judgment procedures, the adoption of pilot judgments and their execution as well as the closure of such procedures shall be published on the Court's website.

Rule 62[1] – 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

1. As amended by the Court on 17 June and 8 July 2002 and 13 November 2006.

settlement of the matter in accordance with Article 39 § 1 of the Convention. The Chamber shall take any steps that appear appropriate to facilitate such a settlement.

2. In accordance with Article 39 § 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.

Rule 62A[1] – Unilateral declaration

1. (a) Where an applicant has refused the terms of a friendly-settlement proposal made pursuant to Rule 62, the Contracting Party concerned may file with the Court a request to strike the application out of the list in accordance with Article 37 § 1 of the Convention.

(b) Such request shall be accompanied by a declaration clearly acknowledging that there has been a violation of the Convention in the applicant's case together with an undertaking to provide adequate redress and, as appropriate, to take necessary remedial measures.

(c) The filing of a declaration under paragraph 1 (b) of this Rule must be made in public and adversarial proceedings conducted separately from and with due respect for the confidentiality of any friendly-settlement proceedings referred to in Article 39 § 2 of the Convention and Rule 62 § 2.

2. Where exceptional circumstances so justify, a request and accompanying declaration may be filed with the Court even in the absence of a prior attempt to reach a friendly settlement.

3. If it is satisfied that the declaration offers a sufficient basis for finding that respect for human rights as defined in the Convention and the Protocols thereto does not require it to continue its examination of the application, the Court may strike it out of the list, either in whole or in part, even if the applicant wishes the examination of the application to be continued.

4. This Rule applies, *mutatis mutandis*, to the procedure under Rule 54A.

1. Inserted by the Court on 2 April 2012.

Chapter VI – Hearings

Rule 63[1] – 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[2] – 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[3] – 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

Rule 70[4] – 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

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

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.

Chapter VII – Proceedings before the Grand Chamber

Rule 71[1] – 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 § 5 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[2] – Relinquishment of jurisdiction in favour of the Grand Chamber

1. Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, the Chamber may relinquish jurisdiction in favour of the Grand Chamber.

2. Where the resolution of a question raised in a case before the Chamber might have a result inconsistent with the Court's case-law, the Chamber shall relinquish jurisdiction in favour of the Grand Chamber.

3. The Registrar shall notify the parties of the Chamber's intention to relinquish jurisdiction and invite them to submit any comments thereon within a period of two weeks from the date of notification.

4. Reasons need not be given for the decision to relinquish jurisdiction. The Registrar shall inform the parties of the Chamber's decision.

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.

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.

1. As amended by the Court on 17 June and 8 July 2002.
2. As amended by the Court on 6 February 2013 and 1 June 2015.

Chapter VIII – Judgments

Rule 74[1] – Contents of the judgment

1. A judgment as referred to in Articles 28, 42 and 44 of the Convention shall contain

(a) the names of the President and the other judges constituting the Chamber or the Committee 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 by a Chamber or by the Grand Chamber 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[2] – Ruling on just satisfaction

1. Where the Chamber or the Committee 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 or the Committee shall reserve it in whole or in part and shall fix the further procedure.

2. For the purposes of ruling on the application of Article 41 of the Convention, the Chamber or the Committee 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 or Committee, the President of the Section shall complete or compose the Chamber or Committee by drawing lots.

3. The Chamber or the Committee 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.

1. As amended by the Court on 13 November 2006.
2. As amended by the Court on 13 December 2004 and 13 November 2006.

Rule 76[1] – Language of the judgment

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. Judgments of the Grand Chamber shall, however, be given in both official languages, and both language versions shall be equally authentic.

Rule 77[2] – Signature, delivery and notification of the judgment

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

2. The judgment adopted by a Chamber 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, and in respect of judgments adopted by Committees, 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 copies to the parties, to the Secretary General of the Council of Europe, to any third party, including the Council of Europe Commissioner for Human Rights, and to any other person directly concerned. The original copy, duly signed, shall be placed in the archives of the Court.

Rule 78 deleted

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.

1. As amended by the Court on 17 June, 8 July 2002 and 4 November 2019.
2. As amended by the Court on 13 November 2006, 1 December 2008 and 1 June 2015.

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 under Articles 47, 48 and 49 of the Convention[1]

Rule 82[2]

In proceedings relating to advisory opinions requested by the Committee of Ministers 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[3]

The request for an advisory opinion shall be filed with the Registrar. 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 name and address 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[4]

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

2. The Registrar shall inform the Contracting Parties that they may submit written comments on the request.

Rule 85[5]

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 Registrar. 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.

1. Inserted by the Court on 19 September 2016.
2. As amended by the Court on 19 September 2016.
3. As amended by the Court on 4 July 2005.
4. As amended by the Court on 4 July 2005.
5. As amended by the Court on 4 July 2005.

Rule 87[1]

1. A Grand Chamber shall be constituted to consider the request for an advisory opinion.

2. If the Grand Chamber considers that the request is not within its competence as defined in Article 47 of the Convention, it shall so declare in a reasoned decision.

Rule 88[2]

1. Reasoned decisions and advisory opinions shall be given by a majority vote of the Grand Chamber. They shall mention the number of judges constituting the majority.

1B. Reasoned decisions and advisory opinions shall be given in both official languages of the Court, and both language versions shall be equally authentic.

2. Any judge may, if he or she so desires, attach to the reasoned decision or advisory opinion of the Court either a separate opinion, concurring with or dissenting from the reasoned decision or advisory opinion, or a bare statement of dissent.

Rule 89[3]

The reasoned decision or advisory opinion may be read out in one of the two official languages by the President of the Grand Chamber, 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. Otherwise the notification provided for in Rule 90 shall constitute delivery of the opinion or reasoned decision.

Rule 90[4]

The advisory opinion or reasoned decision shall be signed by the President of the Grand Chamber and by the Registrar. The original copy, duly signed, 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.

1. As amended by the Court on 4 July 2005.
2. As amended by the Court on 4 July 2005 and 4 November 2019.
3. As amended by the Court on 4 July 2005.
4. As amended by the Court on 4 July 2005 and 1 June 2015.

Chapter X[1] – Advisory opinions under Protocol No. 16 to the Convention

Rule 91 - General

In proceedings relating to advisory opinions requested by courts or tribunals designated by Contracting Parties pursuant to Article 10 of Protocol No. 16 to the Convention, the Court shall apply, in addition to the provisions of that Protocol, 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 92 – The introduction of a request for an advisory opinion

1. In accordance with Article 1 of Protocol No. 16 to the Convention, a court or tribunal of a Contracting Party to that Protocol may request the Court to give an advisory opinion on questions of principle relating to the interpretation or application of the rights and freedoms defined in the Convention and the Protocols thereto. Any such request shall be filed with the Registrar of the Court.

2.1 The request shall be reasoned and shall set out

(a) the subject matter of the domestic case and its relevant legal and factual background;

(b) the relevant domestic legal provisions;

(c) the relevant Convention issues, in particular the rights or freedoms at stake;

(d) if relevant, a summary of the arguments of the parties to the domestic proceedings on the question; and

(e) if possible and appropriate, a statement of the requesting court's or tribunal's own views on the question, including any analysis it may itself have made of the question.

2.2. The requesting court or tribunal shall submit any further documents of relevance to the legal and factual background of the pending case.

2.3. The requesting court or tribunal shall notify the Registrar in the event of the withdrawal of its request. On receipt of such a notification the Court shall discontinue the proceedings.

Rule 93[2] – Examination of a request by the panel

1.1 The request for an advisory opinion shall be examined by a panel of five judges of the Grand Chamber. The panel shall be composed of

(a) the President of the Court. If the President of the Court is prevented from sitting, he or she shall be replaced by the Vice-President of the Court taking precedence;

(b) a judge designated as Judge Rapporteur in accordance with Rule 91 and, *mutatis mutandis*, Rule 49;

(c) two Presidents of Sections designated by rotation. If the Presidents of the Sections so designated are prevented from sitting, they shall be replaced by the Vice-Presidents of their Sections;

(d) the judge elected in respect of the Contracting Party to which the requesting court or tribunal pertains or, where appropriate, a judge appointed pursuant to Rule 29; and

(e) at least two substitute judges designated in rotation from among the judges elected by the Sections to serve on the panel for a period of six months.

1. Inserted by the Court on 19 September 2016.
2. As amended by the Court on 11 October 2021.

1.2. Judges serving on the panel shall continue to serve where they have participated in the examination of a request for an advisory opinion and no final decision has been taken on it at the date of expiry of their period of appointment to the panel.

2. Requests for advisory opinions shall be processed as a matter of priority in accordance with Rule 41.

3. The panel of the Grand Chamber shall accept the request if it considers that it fulfils the requirements of Article 1 of Protocol No. 16 to the Convention.

4. The panel shall give reasons for a refusal of a request.

5. The requesting court or tribunal and the Contracting Party to which it pertains shall be notified of the panel's decision to accept or refuse a request.

Rule 94[1] – Proceedings following the panel's acceptance of a request

1. Where the panel accepts a request for an advisory opinion in accordance with Rule 93, a Grand Chamber shall be constituted pursuant to Rule 24 § 2 (g) to consider the request and to deliver an advisory opinion.

2. The President of the Grand Chamber may invite the requesting court or tribunal to submit any further information which is considered necessary for clarifying the scope of the request or its own views on the question raised by the request.

3. The President of the Grand Chamber may invite the parties to the domestic proceedings to submit written observations and, if appropriate, to take part in an oral hearing.

4. Written comments or other documents shall be filed with the Registrar in accordance with the time-limits laid down by the President of the Grand Chamber. The written procedure shall then be deemed to be closed.

5. The provisions in Rules 59 § 3 and 71 § 2 shall apply, *mutatis mutandis*, to proceedings before the Grand Chamber constituted to deliver advisory opinions under Article 2 of Protocol No. 16 to the Convention. At the latest after the close of the written procedure, the President of the Grand Chamber shall decide whether an oral hearing should be held.

6. Copies of any submissions filed in accordance with the provisions of Rule 44 shall be transmitted to the requesting court or tribunal, which shall have the opportunity to comment on those submissions, without this affecting the close of the written procedure.

7. Advisory opinions shall be given by a majority vote of the Grand Chamber. They shall mention the number of judges constituting the majority.

7B. Advisory opinions shall be given in both official languages of the Court, and both language versions shall be equally authentic.

8. Any judge may, if he or she so desires, attach to the advisory opinion of the Court either a separate opinion, concurring with or dissenting from the advisory opinion, or a bare statement of dissent.

9. The advisory opinion shall be signed by the President of the Grand Chamber and by the Registrar. The original copy, duly signed, shall be placed in the archives of the Court. The Registrar shall send certified copies to the requesting court or tribunal and to the Contracting Party to which that court or tribunal pertains.

1. As amended by the Court on 4 November 2019 and 11 October 2021.

10. Any third party who has intervened in the proceedings in accordance with Article 3 of Protocol No. 16 to the Convention and Rule 44 of the Rules of Court shall also receive a copy of the advisory opinion.

Rule 95 – Costs of the advisory-opinion proceedings and legal aid

1. Where the President of the Grand Chamber has invited a party to the domestic proceedings to intervene in the advisory opinion proceedings pursuant to Rule 44 § 7 and Rule 94 § 3, the reimbursement of that party's costs and expenses shall not be decided by the Court but shall be determined in accordance with the law and practice of the Contracting Party to which the requesting court or tribunal pertains.

2. The provisions of Chapter XII shall apply *mutatis mutandis* where the President of the Grand Chamber has invited pursuant to Rules 44 § 7 and 94 § 3 a party to the domestic proceedings to intervene in the advisory opinion proceedings and that party lacks sufficient means to meet all or part of the costs entailed.

Chapter XI[1] – Proceedings under Article 46 §§ 3, 4 and 5 of the Convention

Proceedings under Article 46 § 3 of the Convention

Rule 96
(former Rule 91)

Any request for interpretation under Article 46 § 3 of the Convention shall be filed with the Registrar. The request shall state fully and precisely the nature and source of the question of interpretation that has hindered execution of the judgment mentioned in the request and shall be accompanied by

(a) information about the execution proceedings, if any, before the Committee of Ministers in respect of the judgment;

(b) a copy of the decision referred to in Article 46 § 3 of the Convention;

(c) the name and address of the person or persons appointed by the Committee of Ministers to give the Court any explanations which it may require.

Rule 97
(former Rule 92)

1. The request shall be examined by the Grand Chamber, Chamber or Committee which rendered the judgment in question.

2. Where it is not possible to constitute the original Grand Chamber, Chamber or Committee, the President of the Court shall complete or compose it by drawing lots.

Rule 98
(former Rule 93)

The decision of the Court on the question of interpretation referred to it by the Committee of Ministers is final. No separate opinion of the judges may be delivered thereto. Copies of the ruling shall be transmitted to the Committee of Ministers and to the parties concerned as well as to any third party, including the Council of Europe Commissioner for Human Rights.

Proceedings under Article 46 §§ 4 and 5 of the Convention

Rule 99
(former Rule 94)

In proceedings relating to a referral to the Court of a question whether a Contracting Party has failed to fulfil its obligation under Article 46 § 1 of the Convention the Court shall apply, in addition to the provisions of Article 31 (b) and Article 46 §§ 4 and 5 of the Convention, the provisions which follow.

1. Inserted by the Court on 13 November 2006 and 14 May 2007.

It shall also apply the other provisions of these Rules to the extent to which it considers this to be appropriate.

Rule 100
(former Rule 95)

Any request made pursuant to Article 46 § 4 of the Convention shall be reasoned and shall be filed with the Registrar. It shall be accompanied by

(a) the judgment concerned;

(b) information about the execution proceedings before the Committee of Ministers in respect of the judgment concerned, including, if any, the views expressed in writing by the parties concerned and communications submitted in those proceedings;

(c) copies of the formal notice served on the respondent Contracting Party or Parties and the decision referred to in Article 46 § 4 of the Convention;

(d) the name and address of the person or persons appointed by the Committee of Ministers to give the Court any explanations which it may require;

(e) copies of all other documents likely to elucidate the question.

Rule 101[1]
(former Rule 96)

A Grand Chamber shall be constituted, in accordance with Rule 24 § 2 (e), to consider the question referred to the Court.

Rule 102
(former Rule 97)

The President of the Grand Chamber shall inform the Committee of Ministers and the parties concerned that they may submit written comments on the question referred.

Rule 103
(former Rule 98)

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

2. The Grand Chamber may decide to hold a hearing.

Rule 104
(former Rule 99)

The Grand Chamber shall decide by means of a judgment. Copies of the judgment shall be transmitted to the Committee of Ministers and to the parties concerned as well as to any third party, including the Council of Europe Commissioner for Human Rights.

1. As amended by the Court on 11 October 2021.

Chapter XIA[1] – Publication of judgments, decisions and advisory opinions

Rule 104A - Publication on the Court's case-law database

104A. All judgments, all decisions and all advisory opinions shall be published, under the responsibility of the Registrar, on the Court's case-law database, HUDOC. However, this rule shall not apply to single judge decisions as provided by Rule 52A § 1, to decisions taken by a Section President or a Section Vice-President acting as a single judge, as provided by Rule 54 §§ 3 and 4, and to committee decisions summarily reasoned, pursuant to Rule 52A § 2; the Court shall periodically make accessible to the public general information about these decisions.

Rule 104B – Key cases

In addition, attention shall be drawn by the Registrar, in an appropriate way, to those judgments, decisions and advisory opinions that have been selected by the Bureau as key cases.

[1] Inserted by the Court on 4 November 2019.

Chapter XII – Legal Aid

Rule 105
(former Rule 100)

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 110, 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 106
(former Rule 101)

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 107
(former Rule102)

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 President of the Chamber may invite the Contracting Party concerned to submit its comments in writing.

3. After receiving the information mentioned in paragraph 1 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 108
(former Rule 103)

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 109
(former Rule 104)

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 110
(former Rule 105)

The President of the Chamber may, if satisfied that the conditions stated in Rule 106 are no longer fulfilled, revoke or vary a grant of legal aid at any time.

Title III – Transitional Rules

Rule 111 – Relations between the Court and the Commission (former Rule 106)

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 112 – Chamber and Grand Chamber proceedings (former Rule 107)

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 § 5 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[1], the cases being allocated to the groups on an alternate basis.

Rule 113 – Grant of legal aid (former Rule 108)

Subject to Rule 101, 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.

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

Rule 114 – Request for revision of a judgment (former Rule 109)

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.

Title IV – Final Clauses

Rule 115 – Suspension of a Rule (former Rule 110)

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 116 – Amendment of a Rule (former Rule 111)

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. The Registrar shall inform the Contracting Parties of any proposals by the Court to amend the Rules which directly concern the conduct of proceedings before it and invite them to submit written comments on such proposals. The Registrar shall also invite written comments from organisations with experience in representing applicants before the Court as well as from relevant Bar associations.

Rule 117 – Entry into force of the Rules (former Rule 112[1])

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

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 2005. The amendments adopted on 4 July 2005 entered into force on 3 October 2005. The amendments adopted on 7 November 2005 entered into force on 1 December 2005. The amendments adopted on 29 May 2006 entered into force on 1 July 2006. The amendments adopted on 14 May 2007 entered into force on 1 July 2007. The amendments adopted on 11 December 2007, 22 September and 1 December 2008 entered into force on 1 January 2009. The amendments adopted on 29 June 2009 entered into force on 1 July 2009. The amendments relating to Protocol No. 14 to the Convention, adopted on 13 November 2006 and 14 May 2007, entered into force on 1 June 2010. The amendments adopted on 21 February 2011 entered into force on 1 April 2011. The amendments adopted on 16 January 2012 entered into force on 1 February 2012. The amendments adopted on 20 February 2012 entered into force on 1 May 2012. The amendments adopted on 2 April 2012 entered into force on 1 September 2012. The amendments adopted on 14 January and 6 February 2013 entered into force on 1 May 2013. The amendments adopted on 6 May 2013 entered into force on 1 July 2013 and 1 January 2014. The amendments adopted on 14 April and 23 June 2014 entered into force on 1 July 2014. Certain amendments adopted on 1 June 2015 entered immediately into force and others adopted on that date and related to Protocol No. 15 entered into force on 1 August 2021 and 1 February 2022 respectively. The amendments to Rule 47 which were adopted on 1 June and 5 October 2015 entered into force on 1 January 2016. The amendments to Rule 8 which were adopted on 19 September 2016 entered into force on the same date. The amendments adopted on 14 November 2016 entered into force on the same date. The amendments to Rule 29 which were adopted on 16 April 2018 entered into force on the same date. The amendments which were adopted on 19 September 2016 entered into force on 1 August 2018. The amendment to Rule 29 § 1 which was adopted on 3 June 2019 entered into force on the same date. The amendments to Rules 27A and 52A which were adopted on 9 September 2019 entered into force on the same date. The amendments adopted on 4 November 2019 entered into force on 1 January 2020. The amendments to Rule 8 which were adopted on 2 June 2021 entered into force on the same date. The amendments to Rules 24, 93, 94 and 101 which were adopted on 11 October 2021 entered into force on 18 October 2021. The amendments to Rules 36 and 44D which were adopted on 7 February 2022 entered into force on the same date. The amendment to Rule 8 § 5 was adopted on 30 May 2022 and entered into force on the same date. The amendments to Rule 44 § 4 were adopted on 3 June 2022 and entered into force on the same date. The amendments to Rule 44 §§ 2 and 3 (b) were adopted on 3 March 2023 and entered into force on the same date. The amendments to Rule 7 and Rule 7A were adopted on 23 June 2023 and entered into force on the same date. The amendments related to Rules 33 § 1 and 44F were adopted on 25 September 2023 and entered into force on 30 October 2023. The amendments related to Rule 28 were adopted on 15 December 2023 and entered into force on 22 January 2024. The amendments to Rule 47 § 1(c) were adopted on 18 January 2024 and entered into force on 22 January 2024. The amendments to Rules 39, 27A § 2 (b) and 54 § 4 were adopted on 23 February 2024 and entered into force on 28 March 2024. The amendments to Rules 46 (g), 51 §§ 5 and 7 and 58 § 2 were adopted on 17 March 2025 and entered into force on 28 April 2025.

Annex to the Rules[1] (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 cooperation 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.

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.

1. Inserted by the Court on 7 July 2003.

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 Directions

Requests for interim measures[1]

(Article 39 of the Rules of Court)

I. Introduction

1. Under the Convention system, interim measures may, in exceptional circumstances, whether at the request of a party or of any other person concerned, or of the Court's own motion, be indicated under Rule 39 of the Rules of Court, where there is an imminent risk of irreparable harm. They play a vital role in avoiding irreversible situations that would prevent national courts and/or the Court from properly examining Convention complaints and, where appropriate, in securing to the applicant the practical and effective benefit of the Convention rights asserted.

2. A failure by a respondent Contracting Party to comply with interim measures undermines the effectiveness of the right of individual application guaranteed by Article 34 of the European Convention on Human Rights and the State's formal undertaking in Article 1 to protect the rights and freedoms set forth in the Convention. When issuing interim measures, the Court exercises its jurisdiction to ensure observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto, in accordance with Article 19, which jurisdiction extends to all matters concerning their interpretation and application, as provided in Article 32 of the Convention (see, *inter alia*, *Mamatkulov and Askarov v. Turkey* [GC], nos. 46827/99 and 46951/99, §§ 128-29, ECHR 2005-I; *Paladi v. Moldova* [GC], no. 39806/05, §§ 84-106, 10 March 2009; *M.K. and Others v. Poland*, nos. 40503/17 and 2 others, §§ 229-38, 23 July 2020; and *K.I. v. France*, no. 5560/19, § 115, 15 April 2021). Interim measures are thus binding.

3. The text of Rule 39 was amended on 23 February 2024 with a view to further clarifying the circumstances in which interim measures may be indicated and the threshold to be reached in relation to their request and application. The amendment also sought to align the text of the Rule with the Court's well-established case-law and practice in relation to interim measures.

4. The purpose of this revised Practice Direction is to provide detailed guidance as to the substantive and procedural aspects of the Court's interim-measure procedure under Rule 39 of the Rules of Court with a view to bringing greater clarity and transparency to the conduct of proceedings relating to interim measures, the exceptional circumstances in which such measures may be granted and when they may be reconsidered. It is addressed to (potential) applicants, their representatives, Contracting Parties and interested stakeholders generally.

II. Scope and functioning of the interim-measure procedure

A. The scope of Rule 39 of the Rules of Court

5. When the Court indicates an interim measure, which it does in exceptional circumstances, it seeks to provide protection against an imminent risk of irreparable harm. The Court therefore directs parties to the proceedings to apply such a measure only if, having reviewed all the available information, it considers that the measure is necessary in the interests of the parties or the proper conduct of the proceedings. Interim measures indicated by the Court may require the parties to refrain from undertaking certain actions or direct them to take specific measures.

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 5 March 2003 and amended on 16 October 2009, 7 July 2011, 3 May 2022 and 28 March 2024.

6. The newly codified version of Rule 39 refers to the fact that interim measures are applicable in cases of "imminent risk of irreparable harm to a Convention right". The notion of "irreparable harm to a Convention right" has been defined as harm which, on account of its nature, would not be susceptible to reparation, restoration or adequate compensation. In this connection, the term "restoration" should be understood as referring to return to the situation before any harm was done. Interim measures are thus indicated by the Court where there is a risk that the absence of such measures would lead to a situation in which *restitutio in integrum* and other forms of reparation would not be possible if the Court were to consider them warranted at the end of the proceedings before it. The circumstances of a case must therefore exceed a high threshold of seriousness for Rule 39 to be engaged. Interim measures are indicated only where there is prima facie evidence of an imminent risk of irreparable harm, and not where the applicants would merely endure hardship in the absence of interim measures. As regards the exhaustion of domestic remedies, see part III.C below.

7. The Court thus indicates interim measures, as a matter of principle, only in exceptional cases and on the basis of a rigorous examination of all the relevant circumstances. In most of those cases, the evidence available points to a clearly arguable case of a genuine threat to life and limb, with the ensuing real risk of grave harm in breach of the core provisions of the Convention.

B. Decision-making bodies in the Rule 39 procedure

8. The Court's power to decide on requests for interim measures is exercised by duty judges or, where appropriate, the President of the Section, the Chamber, the President of the Grand Chamber, the Grand Chamber or the President of the Court (Rule 39 § 2).

9. Duty judges are the judges elected as Vice-Presidents of the five Sections pursuant to Rule 8 §§ 1 and 2. They are appointed by the President of the Court in accordance with Rule 39 § 5 to decide on requests for interim measures. Since 2022, all five Vice-Presidents of the Sections serve as duty judges. As a matter of practice, duty judges do not examine requests for interim measures against the Contracting Party in respect of which that judge has been elected or is a national.

10. In the amended version of Rule 39, the plenary Court decided to introduce a specific legal basis allowing the President of the Court, where necessary, to indicate interim measures.

11. Requests for interim measures in new individual applications are primarily examined by duty judges with the assistance of a specialised unit within the Registry of the Court. Duty judges retain the possibility to refer a request for interim measures to one of the other decision-makers listed in Rule 39 § 2, including collegiate bodies. Referrals may occur in a variety of situations and will depend on the nature of the request, the case in which the request is made, and the degree of urgency involved. The latter may mean that referral to a collegiate body is not possible such that the duty judge may decide to temporarily apply Rule 39 with a view, *inter alia*, to facilitating the subsequent examination of the request for an interim measure by such a body. The examination of a request by a collegiate body is a decision which lies with the Court itself.

12. Requests for interim measures lodged in inter-State applications, individual applications pending before the Grand Chamber and communicated individual applications already assigned to Sections are, in principle, examined by the President of the Court, the President of the Grand Chamber or Section Presidents. The possibility of referral to a collegiate body also applies where the decision-making authority lies in the first instance with the President of the Court, the President of the Grand Chamber or Section Presidents.

C. Decision-making process regarding requests for interim measures

13. Following the review of the Rule 39 decision-making process undertaken by the plenary Court in 2023, irrespective of the nature of the decision adopted (for example, granting of interim measures, rejection of requests, adjournment of the examination of requests, lifting of existing interim

measures), all rulings of the Court regarding interim measures are notified to the parties in the form of a decision signed by the duty judge, the President of the Section or the Grand Chamber, or the President of the Court, as applicable. The names of the judges who adopt decisions in the procedure governing interim measures are systematically indicated in the decisions.

14. Decisions are accompanied by a letter from the Registry which includes information relating to the procedure, along with any instructions to or requests made of the parties.

15. Applicants are informed of the decisions of the Court regarding requests for interim measures via the ECHR Rule 39 Site, by fax or by post.

16. The Court may indicate interim measures until further notice, for the duration of the proceedings before the Court or for a limited period of time, depending on the circumstances of the case.

17. Where interim measures are granted for a limited period of time, this is done for a variety of different reasons, such as: pending receipt of relevant information from the parties at the request of the Court; in order to enable domestic courts to consider fully in ongoing proceedings the matter which is the subject of the interim-measure request; because it is considered that a request should be examined by a collegiate body and more time is needed to schedule a meeting; or because the duty judge considers that more time is needed before issuing a decision.

18. Where the Court has requested more information, both parties are invited, under Rule 54 § 2 (a) of the Rules of Court, to provide the necessary information within a specified period of time. The length of the period in question depends on the circumstances of the case and the urgency of the request. In such cases, upon receipt of the information from the parties, the Court may decide to prolong, not to prolong or to lift any interim measure in place.

19. The Court may also decide to adjourn the examination of requests for interim measures and invite the parties to provide information, where the degree of urgency so permits, in cases where the information that the applicants were able to submit to the Court is not sufficient to enable the Court to examine the request and where it is deemed feasible to request information from the respondent Contracting Party prior to any decision being taken.

20. When the examination of the request is adjourned, the respondent Contracting Party or both parties are invited, under Rule 54 § 2 (a), to provide the necessary information within a specified period of time. The length of the period in question depends on the circumstances of the case and the degree of urgency of the request. Upon receipt of the information from the parties, the Court may either adjourn the examination of the request again and put further questions to the parties or deliver its decision on the request for interim measures.

21. The Court may also decide to give notice of an interim measure to the Committee of Ministers, under Rule 39 § 3 of the Rules of Court, where the judicial body that adopted the interim measure considers notification to be justified. In such circumstances, the parties are informed of the notification.

22. Where a respondent Contracting Party has allegedly failed to comply with an interim measure and the Court decides to give notice of the application or part of the application to the respondent Contracting Party, the Committee of Ministers may also be notified of any question posed relating to compliance with obligations under Article 34 of the Convention.

23. Both parties have a duty to cooperate fully in the conduct of proceedings and, in particular, to take such action within their power as the Court considers necessary for the proper administration of justice (see Rule 44A). As regards applicants, this means a duty to ensure that requests for interim measures are lodged in a timely manner and contain all the necessary information and documents (see paragraphs 32-37 below). It is crucial that applicants do not delay lodging their request in order

to create a greater degree of urgency. Such delays may adversely affect the rights and interests of applicants and the ability of the Court to deal effectively with requests for interim measures.

As regards Contracting Parties, in many cases, although not in all, control of the degree of urgency may lie within their province. The Court emphasises that it is always open to Contracting Parties to signal to the Court in advance when they consider a Rule 39 request may be imminent, providing any relevant information when they do so.

24. As explained in paragraph 13 above, the Court's rulings on requests for interim measures are notified to the parties in the form of a decision, signed by the judicial body that adopted it. Further reasoning pertaining to the ruling may be provided subject to the discretion of that judicial body.

25. No appeal lies against any decision in relation to requests for interim measures.

26. A respondent Contracting Party may, however, request the Court to reconsider its decision to indicate interim measures if they consider that the measures are no longer necessary or where they possess information which was not available at the relevant time or not made available to the Court in a timely fashion. There is no set time-limit for lodging such requests. When a request for reconsideration is received, comments may be sought from the other party, to be received within a specified period of time. The Court then examines the parties' submissions and delivers its decision on the request for reconsideration based on any updated and relevant factual and legal information.

27. In the event of a change in circumstances, applicants may lodge a fresh request for interim measures where the initial request has not been granted.

28. A measure under Rule 39 may be lifted at any time by a decision of the Court. In particular, as an order under Rule 39 is linked to the proceedings before the Court, the measure will be lifted if the application is not pursued.

29. Where warranted, the Court may decide to declare an application inadmissible at the same time as rejecting a request for interim measures.

30. In accordance with the Court's priority policy, applications in which interim measures have been indicated fall within the category of "Urgent applications" (category I). They therefore take precedence over applications in other categories and are processed and adjudicated as soon as possible (see further The Court's Priority Policy).

III. Practical information regarding interim measures

31. Requests for interim measures are examined on an individual basis in a written procedure. They are dealt with as a matter of priority. In accordance with the Court's practice, requests that clearly fall outside the scope of Rule 39, premature requests, and incomplete or unsubstantiated requests are not normally submitted to a judge for a decision and are rejected. Applicants or their representatives[2] who make a request for an interim measure under Rule 39 of the Rules of Court should comply with the requirements set out below.

A. Requested information and documents

32. Requests should, where possible, be in one of the official languages of the Contracting Parties and should be lodged via the ECHR Rule 39 Site, or by fax or by post. The Court will not deal with requests sent by email.

33. They should contain the following information

- Applicant First name(s)

2. It is essential that full contact details be provided.

- Applicant Last name(s)
- Current Address of the Applicant or place of detention
- Date of birth
- Nationality(ies)
- If there are several applicants, “First name(s)”, “Last name(s)”, “Current address”, “Date of birth” and “Nationality(ies)” in respect of each applicant
- First name(s), Last name(s), Address and Capacity of the Representative, if any
- State(s) against which the request is being lodged

34. The information and documents indicated below should also be submitted along with the request.

A. Grounds for the request for interim measures:

1. Detailed description of the current situation;
2. Nature of the alleged imminent risk of irreparable harm;
3. A copy of all related documents (recent medical reports, photographs, documents demonstrating the applicant’s vulnerability, press articles or reports concerning the applicant’s situation etc.);
4. In cases of removal/expulsion/extradition:
    a. Detailed reasons for leaving the country of origin/destination country;
    b. Reasons for fearing to return to the country of origin/destination country;
    c. Information regarding the date and circumstances of arrival in the Contracting Party;
    d. Country of destination;
    e. Date of expected removal/expulsion/extradition;
    f. A copy of all related documents (search warrants, arrest warrants, criminal convictions, press articles or reports concerning the applicant, country reports etc.).

B. Information regarding domestic proceedings in the Contracting Party:

1. Information regarding domestic proceedings, including date and content of the judicial decisions and appeals;
2. All other relevant information concerning proceedings before domestic authorities;
3. A copy of all related documents (copies of national authorities’ decisions, judicial decisions, petitions submitted to the national authorities and courts etc.);
4. In cases of removal/expulsion/extradition:
    a. Information about asylum proceedings, if any;
    b. Information about removal proceedings;
    c. A copy of all related documents.

C. Convention Articles referred to.

D. A duly completed authority form if the request is made by a representative. The form can be sent shortly after the lodging of the request. Requests for interim measures require applicants’ consent.

E. A reference number from the Court if you already have one relating to the present request.

F. All other information and documents that you consider necessary.

35. Failure to submit the aforementioned information and documents may lead to the assessment that the request for interim measures is unsubstantiated or incomplete.

36. A mere reference to arguments set out in other documents or to domestic proceedings is not sufficient. The information and documents mentioned above must be attached to any request.

37. The Court will not necessarily contact applicants whose request for interim measures is incomplete.

B. Timely submission of requests

38. Requests for interim measures should normally be sent as soon as possible after the final domestic decision has been taken, in order to enable the Court and its Registry to have sufficient time to examine the matter. The Court may not be able to deal with requests in expulsion or extradition cases received less than a working day before the scheduled time of removal[3].

39. Where the final domestic decision is imminent and there is a risk of immediate enforcement, especially in expulsion or extradition cases, applicants and their representatives should submit the request for interim measures without waiting for that decision, indicating clearly the date on which it will be taken and that the request is subject to the final domestic decision being negative.

C. Domestic remedies with suspensive effect

40. The Court does not hear appeals against decisions of domestic courts, and applicants in expulsion or extradition cases should pursue domestic remedies which are capable of suspending removal before applying to the Court for interim measures. Where it remains open to an applicant to pursue domestic remedies which have suspensive effect, the Court will not apply Rule 39 to prevent the removal.

D. Removal of a person to a Contracting Party

41. Where a person whose request for an interim measure has been refused is removed to another Contracting Party, he or she can, if necessary, introduce a fresh request against that State under Rule 39 of the Rules of Court or an application under Article 34 of the Convention.

E. Following up requests

42. Once a request for interim measures has been submitted, the applicant or their representative is required to follow it up and to reply to correspondence from the Court's Registry.

43. An applicant should be diligent in corresponding with the Court's Registry. It is essential that the Court is immediately informed of any change in the applicant's administrative status or other circumstances (for example, if the applicant is granted a residence permit, returns to their country of origin or otherwise changes address, if there is a change in the date and time of removal, or if there is a new judicial decision or other development pertaining to the applicant's request).

44. Where a measure has been applied, the applicant or their representative must keep the Court regularly and promptly informed about the state of any pending domestic proceedings. Failure to do so may lead to the case being struck out of the Court's list of cases.

45. Where a measure has been refused, the applicant or their representative should inform the Court whether they wish to pursue the application. The applicant's representative must also inform the Court promptly on their own initiative of any potential loss of contact with the applicant.

3. The list of public and other holidays when the Court's Registry is closed can be consulted on the Court's Internet site: www.echr.coe.int/contact.

46. Where the request was lodged via the ECHR Rule 39 Site and then closed on the site after a decision was notified to the applicant or their representative, further correspondence to the Court should be sent by fax or by post. Correspondence addressed directly to a judge, President of a Section, the President of the Court or a Registry staff member via email will not be considered.

Institution of proceedings[1]

(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 telephone. Except as provided otherwise by Rule 47 of the Rules of Court, only a completed application form will interrupt the running of the four-month time-limit set out in Article 35 § 1 of the Convention. An application form is available online from the Court's website[2]. Applicants are strongly encouraged to download and print the application form instead of contacting the Court for a paper copy to be sent by post. By doing this, applicants will save time and will be in a better position to ensure that their completed application form is submitted within the four-month time-limit. Help with the completion of the various fields is available online.

2. An application must be sent to the following address:

The Registrar
European Court of Human Rights
Council of Europe
67075 Strasbourg Cedex
FRANCE

3. Applications sent by fax will not interrupt the running of the four-month time-limit set out in Article 35 § 1 of the Convention. Applicants must also dispatch the signed original by post within the same four-month time-limit.

4. An applicant should be diligent in corresponding with the Court's Registry. A delay in replying or failure to reply may be regarded as a sign that the applicant is no longer interested in pursuing his or her application.

II. Form and contents

5. The submissions in the application form concerning the facts, complaints and compliance with the requirements of exhaustion of domestic remedies and the time-limit set out in Article 35 § 1 of the Convention must respect the conditions set out in Rule 47 of the Rules of Court. Any additional submissions, presented as a separate document, must not exceed 20 pages (see Rule 47 § 2 (b)) and should:

a) be in an A4 page format with a margin of not less than 3.5 cm wide;

b) be wholly legible and, if typed, the text should be at least 12 pt in the body of the document and 10 pt in the footnotes, with one and a half line spacing;

c) have all numbers expressed as figures;

d) have pages numbered consecutively;

e) be divided into numbered paragraphs;

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 1 November 2003 and amended on 22 September 2008, 24 June 2009, 6 November 2013, 5 October 2015, 27 November 2019, 25 January 2021 and 1 February 2022. This practice direction supplements Rules 45 and 47.
2. www.echr.coe.int.

f) be divided into headings corresponding to "Facts", "Complaints or statements of violations" and "Information about the exhaustion of domestic remedies and compliance with the time-limit set out in Article 35 § 1".

6. All applicable fields in the application form must be filled in by use of words. Avoid using symbols, signs or abbreviations. Explain in words, even if the answer is negative or the question does not appear relevant.

7. The applicant must set out the facts of the case, his or her complaints and the explanations as to compliance with the admissibility criteria in the space provided in the application form. The information should be enough to enable the Court to determine the nature and scope of the application and, as such, the completed application form alone should suffice. It is not acceptable merely to annex a statement of facts, complaints and compliance to the application form, with or without the mention “see attached”. Filling in this information on the application form is to assist the Court in speedily assessing and allocating incoming cases. Additional explanations may be appended, if necessary, in a separate document up to a maximum of 20 pages: these only develop and cannot replace the statement of facts, complaints and compliance with the admissibility criteria that must be on the application form itself. An application form will not be regarded as compliant with Rule 47 if this information is not found on the form itself.

8. A legal person (which includes a company, non-governmental organisation or association) that applies to the Court must do so through a representative of that legal person who is identified in the relevant section of the application form and who provides contact details and explains his or her capacity or relationship with the legal person. Proof must be supplied with the application form that the representative has authority to act on behalf of the legal person, for example an extract from the Chamber of Commerce register or minutes of the governing body. The representative of the legal person is distinct from the lawyer authorised to act before the Court as legal representative. It may be that a legal person’s representative is also a lawyer or legal officer and has the capacity to act additionally as legal representative. Both parts of the application form concerning representation must still be filled in, and requisite documentary proof provided of authority to represent the legal person must be attached.

9. An applicant does not have to have legal representation at the introductory stage of proceedings. If he or she does instruct a lawyer, the authority section on the application form must be filled in. Both the applicant and the representative must sign the authority section. A separate power of attorney is not acceptable at this stage as the Court requires all essential information to be contained in its application form. If it is claimed that it is not possible to obtain the applicant’s signature on the authority section in the application form due to insurmountable practical difficulties, this should be explained to the Court with any substantiating elements. The requirement of completing the application form speedily within the four-month time-limit will not be accepted as an adequate explanation.

10. An application form must be accompanied by the relevant documents

(a) relating to the decisions or measures complained of;

(b) showing that the applicant has complied with the exhaustion of available domestic remedies and the time-limit contained in Article 35 § 1 of the Convention;

(c) showing, where applicable, information regarding other international proceedings.

If the applicant is unable to provide a copy of any of these documents, he or she must provide an adequate explanation: merely stating that he or she encountered difficulties (in obtaining the documents) will not suffice if it can be reasonably expected for the explanation to be supported by documentary evidence, such as proof of indigence, a refusal of an authority to furnish a decision or

otherwise demonstrating the applicant's inability to access the document. If the explanation is not forthcoming or adequate, the application will not be allocated to a judicial formation.

Where documents are provided by electronic means, they must be in the format required by this practice direction; they must also be arranged and numbered in accordance with the list of documents on the application form.

11. An applicant who has already had a previous application or applications decided by the Court or who has an application or applications pending before the Court must inform the Registry accordingly, stating the application number or numbers.

12. (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 § 4.

(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" or "Z").

13. The applicant or the designated representative must sign the application form. If represented, both the applicant and the representative must sign the authority section of the application form. Neither the application form nor the authority section can be signed *per procurationem* (p.p.).

III. Grouped applications and multiple applicants

14. Where an applicant or representative lodges complaints on behalf of two or more applicants whose applications are based on different facts, a separate application form should be filled in for each individual giving all the information required. The documents relevant to each applicant should also be annexed to that individual's application form.

15. Where there are more than ten applicants, the representative should provide – in addition to the application forms and documents – a table setting out for each applicant the required personal information; this table may be downloaded from the Court's website[1]. Where the representative is a lawyer, the table should also be provided in electronic form.

16. In cases of large groups of applicants or applications, applicants or their representatives may be directed by the Court to provide the text of their submissions or documents by electronic or other means. Other directions may be given by the Court as to steps required to facilitate the effective and speedy processing of applications.

IV. Failure to comply with requests for information or directions

17. Failure, within the specified time-limit, to provide further information or documents at the Court's request or to comply with the Court's directions as to the form or manner of the lodging of an application – including grouped applications or applications by multiple applicants – may result, depending on the stage reached in the proceedings, in the complaint(s) not being examined by the Court or the application(s) being declared inadmissible or struck out of the Court's list of cases.

1. www.echr.coe.int.

Written pleadings[1]

I. Filing of pleadings

General

1. A pleading must be filed with the Registry within the time-limit fixed in accordance with Rule 38 of the Rules of Court 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. With the exception of pleadings and documents for which a system of electronic filing has been set up (see the relevant practice directions), all other pleadings, as well as all documents annexed thereto, should be submitted to the Court's Registry in three copies sent by post or in one copy by fax[2], followed by three copies sent by post.

4. Pleadings or other documents submitted by electronic mail shall not be accepted.

5. Secret documents should be filed by registered post.

6. Unsolicited pleadings shall not be admitted to the case file unless the President of the Chamber decides otherwise (see Rule 38 § 1).

Filing by fax

7. A party may file pleadings or other documents with the Court by sending them by fax.

8. The name of the person signing a pleading must also be printed on it so that he or she can be identified.

Electronic filing

9. The Court may authorise the Government of a Contracting Party or, after the communication of an application, an applicant to file pleadings and other documents electronically. In such cases, the practice direction on written pleadings shall apply in conjunction with the practice directions on electronic filing.

II. Form and contents

Form

10. 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.).

11. In addition, a pleading should normally:

(a) be in an A4 page format having a margin of not less than 3.5 cm wide;

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 1 November 2003 and amended on 22 September 2008 and 29 September 2014.
2. Fax no. +33 (0)3 88 41 27 30; other fax numbers can be found on the Court's website (www.echr.coe.int).

(b) be typed and wholly legible, the text appearing in at least 12 pt in the body and 10 pt in the footnotes, with one-and-a-half line spacing;

(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;

(i) if sent by post, have its text printed on one side of the page only and pages and attachments placed together in such a way as to enable them to be easily separated (they must not be glued or stapled).

12. If a pleading exceptionally exceeds thirty pages, a short summary should also be filed with it.

13. 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

14. 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 firstly 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.

15. (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.

16. In view of the confidentiality of friendly-settlement proceedings (see Article 39 § 2 of the Convention and Rule 62 § 2), all submissions and documents filed as part of the attempt to secure a friendly settlement should be submitted separately from the written pleadings.

17. 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

18. 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

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

20. 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.

21. 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.

IV. Failure to comply with requirements for pleadings

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

23. 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).

Just satisfaction claims[1]

I. Introduction

1. Awarding of sums of money to applicants by way of just satisfaction is not one of the Court's main duties but is incidental to its task under Article 19 of the Convention of ensuring the observance by States of their obligations under the Convention.

2. The purpose of the Court's award under Article 41 of the Convention in respect of damage is to compensate the applicant for the actual harmful consequences of a violation. No award can therefore be made for damage caused by events or situations that have not been found to constitute a violation of the Convention, or for damage related to complaints declared inadmissible by the Court. It is also not intended to punish the Contracting Party responsible. The Court has therefore considered it inappropriate to accept claims for damages with labels such as "punitive", "aggravated" or "exemplary"; nor does the Court make symbolic awards.

3. Additionally, the wording of Article 41 allows the Court discretion in deciding on the matter of just satisfaction. It makes it clear that the Court shall award just satisfaction only "if the internal law of the High Contracting Party concerned allows only partial reparation to be made", and even then, only "if necessary" (*s'il y a lieu* in the French text). Moreover, the Court shall only award such satisfaction as it considers to be "just" (*équitable* in the French text), namely, as appears to it to be appropriate in the circumstances. Consequently, in examining the matter before deciding what amount to award, if any, regard will be had to the particular features and context of each case, an important role being played by the nature and the effects of the violation(s) found, the Court's own practice in respect of similar cases, as well as different economic situations in the Respondent States.

4. The Court may also decide that there are reasons of equity to award less than the value of the actual damage sustained or the costs and expenses actually incurred; or that for some heads of alleged prejudice the finding of violation constitutes in itself sufficient just satisfaction, without there being any call to afford financial compensation. In this latter respect, it is recalled that under Article 41 the Court remains free to decide that no award should be made, for example, where there is a possibility of reopening of the proceedings or of obtaining other compensation at domestic level; where the violation found was of a minor or of a conditional nature; where general measures would constitute the most appropriate redress; or otherwise, because of the general or specific context of the situation complained of. It should be borne in mind that the public vindication of the wrong suffered by the applicant, in a judgment binding on the Contracting State, is a powerful form of redress in itself.

II. Claims for just satisfaction: scope

A. General principles

5. Just satisfaction is afforded under Article 41 of the Convention so as to compensate the applicant for the actual damage established as being consequent to a violation; in that respect, it may cover pecuniary damage; non-pecuniary damage; and costs and expenses (see below). Depending on the specific circumstances of the case, the Court may consider it appropriate to make an aggregate award for pecuniary and non-pecuniary damage.

6. In setting the amount of an award, the Court will consider the respective positions of the applicant as the party injured by a violation and the Contracting Party as responsible for the public

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 28 March 2007 and amended on 9 June 2022.

interest. In that connection and in so far as the case before it is of a repetitive nature, the Court may base its just satisfaction awards on the reference amount already granted in the corresponding leading or pilot case, while having regard also to the simplified and standardised approach to the processing of such follow-up cases.

7. In accordance with the *ne ultra petita* principle, the Court does not award anything more than what the applicant has actually claimed.

B. Pecuniary damage

8. The principle with regard to pecuniary damage is that the applicant should be placed, as far as possible, in the position in which he or she would have been had the violation found not taken place, in other words, *restitutio in integrum*. This can involve compensation for both loss actually suffered (*damnum emergens*) and loss, or diminished gain, to be expected in the future (*lucrum cessans*).

9. It is for the applicant to show that pecuniary damage has resulted from the violations alleged. A direct causal link must be established between the damage and the violation found. A merely tenuous or speculative connection is not enough. The applicant should submit relevant evidence to prove, as far as possible, not only the existence but also the amount or value of the damage. Normally, the Court's award will reflect the full calculated amount of the damage, unless it finds reasons in equity to award less (see point 4 above). If the actual damage cannot be precisely calculated, or if there are significant discrepancies between the parties' calculations thereto, the Court will make an as accurate as possible estimate, based on the facts at its disposal.

C. Non-pecuniary damage

10. The Court's award in respect of non-pecuniary damage serves to give recognition to the fact that non-material harm, such as mental or physical suffering, occurred as a result of a breach of a fundamental human right and reflects in the broadest of terms the severity of the damage. Hence, the causal link between the alleged violation and the moral harm is often reasonable to assume, the applicants being not required to produce any additional evidence of their suffering.

11. It is in the nature of non-pecuniary damage that it does not lend itself to precise calculation. The claim for non-pecuniary damage suffered needs therefore not be quantified or substantiated, the applicant can leave the amount to the Court's discretion.

12. If the Court considers that a monetary award is necessary, it will make an assessment on an equitable basis, which above all involves flexibility and an objective consideration of what is just, fair and reasonable in all the circumstances of the case, including not only the position of the applicant as well as his or her own possible contribution to the situation complained of, but the overall context in which the breach occurred.

13. Exercising the discretion, the Court relies on its own relevant practice in respect of similar violations to establish internal principles as a necessary starting point in fixing an appropriate award in the circumstances of each case. Among factors considered by the Court to determine the value of such awards are the nature and gravity of the violation found, its duration and effects; whether there have been several violations of the protected rights; whether a domestic award has already been made or other measures have been taken by the Respondent State that could be regarded as constituting the most appropriate means of redress; any other context or case-specific circumstances that need to be taken into account.

14. Furthermore, as an aspect of "just satisfaction" the Court takes into account the local economic circumstances in the Respondent States in its calculations. In doing so, it has regard to the publicly available and updated macroeconomic data, such as that published by the International Monetary Fund (IMF). In view of these changing economic circumstances for the countries concerned, the

amounts of awards made to injured parties in similar circumstances could vary in respect of different Respondent States and over a period of time.

D. Costs and expenses

15. The Court can order the reimbursement to the applicant of costs and expenses which he or she has necessarily, thus unavoidably, incurred – first at the domestic level, and subsequently in the proceedings before the Court itself – in trying to prevent the violation from occurring, or in trying to obtain redress therefor. Such costs and expenses will typically include the cost of legal assistance, court registration and translation fees, postal expenses. They may also include travel and subsistence expenses, in particular if these have been incurred by attendance at a hearing of the Court.

16. Where the applicant is represented by any other person than "an advocate authorised to practise", the fees may be reimbursed only if that person has previously obtained leave for that representation (Rule 36 §§ 2 and 4 (a) of the Rules of Court).

17. The Court will uphold claims for costs and expenses only in so far as they relate to the violations it has found. It will reject them in so far as they relate to complaints that have not led to the finding of a violation, or to complaints declared inadmissible. This being so, applicants may wish to link separate claim items to particular complaints.

18. Costs and expenses must have been actually incurred. That is, the applicant must have paid them, or be bound to pay them, pursuant to a legal or contractual obligation. Documents showing that the applicant has paid or is under an obligation to pay such fees should be submitted. Consequently, the hours or work carried out by the applicants themselves cannot be considered as costs actually incurred. Any sums paid or payable by domestic authorities or by the Council of Europe by way of legal aid will be deducted.

19. Costs and expenses must be reasonable as to quantum. If the Court finds them to be excessive, it will award a sum which, on its own estimate, is reasonable. Given variations across the countries in the fees charged by lawyers, for the assessment of what is a reasonable award the Court may take into account claims and awards in respect of similar cases against the same country. The Court may also take into account whether the violation found falls into the category of "well-established case-law".

III. Formal requirements

20. Time-limits, precision, relevant supporting documents and other formal requirements for submitting claims for just satisfaction are laid down in Rule 60 of the Rules of Court. Claimants are warned that compliance with the formal and substantive requirements deriving from the Convention and the Rules of Court is the essential preliminary condition for the award of just satisfaction.

21. Unless the parties are otherwise informed (in particular in cases raising repetitive issues, see point 23 below), the Court requires first, that clear, comprehensive claims are submitted within the time-limits fixed by the President of the Chamber and indicated to the parties in the communication letter; second, that those claims relating to the material damage and costs and expenses are supported by appropriate documentary evidence (*ie*. expert reports, itemised bills, invoices), wherever that is possible and reasonably available to the parties; and, third, that failing these conditions without an appropriate justification, the Court will normally make no award. The Court is not bound by the applicant's classification of the claims and may find it more appropriate, for example, to consider certain claims as falling under pecuniary damage rather than under costs and expenses.

22. Subject to its own discretion in some exceptional cases, the Court will normally reject claims set out on the application form but not resubmitted at the appropriate stage of the proceedings, as indicated by the President of the Chamber, as well as claims unjustifiably lodged out of time.

23. In cases raising repetitive issues which are dealt with in a simplified manner in line with the relevant well-established case-law of the Court, the applicants may be exempt from the requirement to submit a separate just satisfaction claim. In such case, the parties would be clearly informed in the communication letter that the just satisfaction award would be based on the appropriate awards in the leading case, on a friendly settlement proposal, or that the Court may decide that the finding of a violation constitutes just satisfaction in itself. It is recalled that the Court's task under Article 19 to "ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto" is not necessarily best achieved by repeating the same findings and making relatively substantial and individualised awards in large series of repetitive cases.

24. Applicants are invited to identify a bank account into which they wish any sums awarded to be paid. If they wish particular amounts, such as the sums awarded in respect of costs and expenses, to be paid separately, for example, directly into the bank account of their representative, they should so specify. Where the application is lodged by several applicants, they should also specify if they ask for the award to made to them jointly or separately. Normally, the Court would make the award jointly to the members of the same household.

IV. The form of the Court's awards

25. Just satisfaction can be awarded to the victims of the violations found, including indirect victims. It can be awarded to legal entities. The Court may order that the award be held in trust for the applicants who are for some reason unable to receive it at the relevant time.

26. The Court's awards, if any, will normally be in the form of a sum of money to be paid by the respondent Contracting Party to the victims of the violations found. Any monetary award under Article 41 will normally be in euros (EUR, €) irrespective of the currency in which the applicant expresses his or her claims. If the applicant is to receive payment in a currency other than the euro, the Court will order the sums awarded to be converted into that other currency at the exchange rate applicable on the date of payment. When formulating their claims the applicants should, where appropriate, consider the implications of this policy in the light of the effects of converting sums expressed in a different currency into euros or contrariwise.

27. The Court will of its own motion set a time-limit for any payments that may need to be made, which will normally be three months from the date on which its judgment becomes final and binding. The Court will also order default interest to be paid in the event that that time-limit is exceeded, normally at a simple rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

V. Binding force and execution of judgments

28. The Court's judgments are essentially declaratory in nature. In general, it is primarily for the State concerned to choose, subject to supervision by the Committee of Ministers, the individual and general measures to be used to discharge its obligations under Article 46 of the Convention, provided that such means are compatible with the conclusions set out in the Court's judgment. In practical terms, this means that only in certain special circumstances the Court has found it useful to indicate to a respondent State the type of measures that might be taken to put an end to the situation which has given rise to the finding of a violation, other than the payment of sums of money by way of just satisfaction under Article 41. Most often, this happens in cases addressing systemic problems, in particular pilot judgments.

29. Any question as to whether or not the respondent Government has complied with its obligations as set out in the final judgment is considered by the Committee of Ministers and if necessary by the Court itself (Article 46 §§ 3—5 of the Convention).

Secured electronic filing by Governments[1]

I. Scope of application

1. The Governments of the Contracting Parties that have opted for the Court's system of secured electronic filing shall send all their written communications with the Court by uploading them on the secured website set up for that purpose and shall accept written communications sent to them by the Registry of the Court by downloading them from that site, with the following exceptions:

(a) in the event of a dysfunction on the secure site, it is mandatory that the documents concerning a request for the indication of an interim measure under Rule 39 of the Rules of Court be sent by fax or email; in such cases the document must be clearly headed **"Rule 39. Urgent"**;

(b) attachments, such as plans, manuals, etc. that may not be comprehensively viewed in an electronic format may be filed by post;

(c) the Court's Registry may request that a paper document or attachment be submitted by post.

2. If the Government have filed a document by post or fax, they shall, as soon as possible, file electronically a notice of filing by post or fax, describing the document sent, stating the date of dispatch and setting forth the reasons why electronic filing was not possible.

II. Technical requirements

3. The Government shall possess the necessary technical equipment and follow the user manual sent to them by the Court's Registry.

III. Format and naming convention

4. A document filed electronically shall be in PDF format, preferably in searchable PDF.

5. Unsigned letters and written pleadings shall not be accepted. Signed documents to be filed electronically shall be generated by scanning the original paper copy. The Government shall keep the original paper copy in their files.

6. The name of a document filed electronically shall be prefixed by the application number, followed by the name of the applicant as spelled in Latin script by the Registry of the Court, and contain an indication of the contents of the document[2].

IV. Relevant date with regard to time-limits

7. The date on which the Government have successfully uploaded a document on the secured website shall be considered as the date of dispatch within the meaning of Rule 38 § 2 or the date of filing for the purposes of Rule 73 § 1.

8. To facilitate keeping track of the correspondence exchanged, every day shortly before midnight the secured server generates automatically an electronic mail message listing the documents that have been filed electronically within the past twenty-four hours.

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 22 September 2008 and amended on 29 September 2014 and on 5 July 2018.
2. For example, 65051/01 Karagyozov Observ Adm Merits.

V. Different versions of one and the same document

9. The secured website shall not permit the modification, replacement or deletion of an uploaded document. If the need arises for the Government to modify a document they have uploaded, they shall create a new document named differently (for example, by adding the word “modified” in the document name). This opportunity should only be used where genuinely necessary and should not be used to correct minor errors.

10. Where the Government have filed more than one version of the same document, only the document filed in time shall be taken into consideration. Where more than one version has been filed in time, the latest version shall be taken into consideration, unless the President of the Chamber decides otherwise.

Requests for anonymity[1]

(Rules 33 and 47 of the Rules of Court)

General principles

The parties are reminded that, unless a derogation has been obtained pursuant to Rules 33 or 47 of the Rules of Court, documents in proceedings before the Court are public. Thus, all information that is submitted in connection with an application in both written and oral proceedings, including information about the applicant or third parties, will be accessible to the public.

The parties should also be aware that the statement of facts, decisions and judgments of the Court are usually published in HUDOC[2] on the Court's website (Rule 104A).

Requests in pending cases

Any request for anonymity should be made when completing the application form or as soon as possible thereafter. In both cases the applicant should provide reasons for the request and specify the impact that publication may have for him or her.

Retroactive requests

If an applicant wishes to request anonymity in respect of a case or cases published on HUDOC before 1 January 2010, he or she should send a letter to the Registry setting out the reasons for the request and specifying the impact that this publication has had or may have for him or her. The applicant should also provide an explanation as to why anonymity was not requested while the case was pending before the Court.

In deciding on the request the President shall take into account the explanations provided by the applicant, the level of publicity that the decision or judgment has already received and whether or not it is appropriate or practical to grant the request.

When the President grants the request, he or she shall also decide on the most appropriate steps to be taken to protect the applicant from being identified. For example, the decision or judgment could, *inter alia*, be removed from the Court's website or the personal data deleted from the published document.

Other measures

The President may also take any other measure he or she considers necessary or desirable in respect of any material published by the Court in order to ensure respect for private life.

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 14 January 2010.
2. http://hudoc.echr.coe.int/

Electronic filing by applicants[1]

I. Scope of application

1. After the communication of a case, applicants who have opted to file pleadings electronically shall send all written communications with the Court by using the Court's Electronic Communications Service (eComms) and shall accept written communications sent to them by the Registry of the Court by means of eComms, with the following exceptions:

(a) all written communications in relation to a request for interim measures under Rule 39 of the Rules of Court shall be sent only by fax or post;

(b) attachments, such as plans, manuals, etc., that may not be comprehensively viewed in an electronic format may be filed by post;

(c) the Court's Registry may request that a paper document or attachment be submitted by post.

2. If an applicant has filed a document by post or fax, he or she shall, as soon as possible, file electronically a notice of filing by post or fax, describing the document sent, stating the date of dispatch and setting forth the reasons why electronic filing was not possible.

II. Technical requirements

3. Applicants shall possess the necessary technical equipment and follow the user manual available on the eComms site.

III. Format and naming convention

4. A document filed electronically shall be in PDF format. The PDF documents must be of the type 'text searchable PDF' rather than 'image-based' PDF.

5. Unsigned letters and written pleadings shall not be accepted. Signed documents to be filed electronically shall be generated by scanning the original paper copy. Applicants shall keep the original paper copy in their files.

6. The name of a document filed electronically shall be prefixed by the application number, followed by the name of the applicant as spelled in Latin script by the Registry of the Court, and contain an indication of the contents of the document[2].

IV. Relevant date with regard to time limits

7. The date on which an applicant has successfully filed the document electronically with the Court shall be considered as the date, based on Strasbourg time, of dispatch within the meaning of Rule 38 § 2 or the date of filing for the purposes of Rule 73 § 1.

8. To facilitate keeping track of the correspondence exchanged and to ensure compliance with the time limits set by the Court, the applicant should regularly check his or her email account and eComms account.

V. Different versions of one and the same document

9. eComms shall not permit the modification, replacement or deletion of a filed document. If the need arises for the applicant to modify a document he or she has filed, they shall create a new

1. Issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 29 September 2014. This practice direction becomes operational on 6 September 2018.
2. The following is an example: 65051/01 Karagyozov Observ Adm Merits.

document named differently (for example, by adding the word “modified” in the document name). This opportunity should only be used where genuinely necessary and should not be used to correct minor errors.

10. Where an applicant has filed more than one version of the same document, only the document filed in time shall be taken into consideration. Where more than one version has been filed in time, the latest version shall be taken into consideration, unless the President of the Chamber decides otherwise.

Processing of applications in the event of a mass influx[1]

(Individual applications under Article 34 of the Convention)

I. Introduction

1. Over the past years, the Court has increasingly been faced with a mass influx of applications, which commonly result from various structural or systemic problems[2] or specific factual developments[3] affecting a large number of persons in a State Party. It is clear that a mass influx of applications may affect the Court's ability to fulfil its mandate set out under Article 19 of the Convention, unless special measures are taken to manage the processing of such applications from the moment of their arrival to the Court and prior to their assignment to the Sections in accordance with Rule 52 of the Rules of Court.

II. Special measures that may be resorted to following the receipt of a large number of applications

2. In the event of an influx of a large number of similar applications, the Registrar, under the authority of the President of the Court, may decide, in the interests of the proper administration of justice, to suspend provisionally the registration of some or all of these applications, pending a decision by a judicial formation in one or more leading cases on how the relevant applications are to be processed.

3. Where the applications concerned are based on similar facts and/or involve similar complaints, the Registrar may, if necessary, request the presentation of the applications to be coordinated at national level and the re-submission of grouped applications within a fixed time-limit, in a particular format[4]. Further instructions may be given by the Registrar, in accordance with the Rules of Court and other relevant Practice Directions, as to steps required to facilitate the effective and speedy processing of applications.

4. The failure to re-submit an application as directed may result in the application not being examined by the Court.

III. The date of introduction of the application

5. The date of introduction of the application for the purposes of Article 35 § 1 of the Convention would, in principle, be the date of the submission of the completed application form in accordance with the conditions set out in Rules 45 and 47 of the Rules of Court or the further instructions given by the Registrar.

6. However, as per Rule 47 § 6 (b) of the Rules of Court, the Court may decide that a different date shall be considered to be the date of introduction, where it finds it justified.

IV. Communication with the applicants

7. The Court may decide to communicate information regarding these applications via press releases, instead of corresponding with individual applicants or responding to individual queries.

1. Practice Direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 25 August 2022.
2. See, for instance, *Burmych and Others v. Ukraine* (striking out) [GC], nos. 46852/13 et al., §§ 8-44, 12 October 2017.
3. See, for instance, *Zambrano v. France* (dec.), no. 41994/21, §§ 4-11,20, 36 and 37, 21 September 2021.
4. For further instructions on the submission of grouped applications and multiple applicants, see the Practice Directions on Institution of Proceedings.

Requests under Article 43 of the Convention[1]

1. This practice direction concerns requests for the referral of a case to the Grand Chamber in accordance with Article 43 of the Convention and Rule 73 of the Rules of Court.

2. The directions on the filing of pleadings set out in paragraphs 2, 3, 4, 7, 8 and 9 of the Practice Direction on Written Pleadings apply to Article 43 requests.

Time-limits

3. The parties' attention is drawn to the fact that in order to respect the time-limit laid down in Article 43 § 1, a request must reach the Court before the end of the last day of the three-month period. This time-limit cannot be extended. Once it has elapsed, the Chamber judgment automatically becomes final (Article 44 § 2 (b) of the Convention).

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4. Requests under Article 43 should be reasoned in light of the specific terms of that provision. They should indicate in what respect the case concerned can be regarded as exceptional and identify the serious question(s) affecting the interpretation or application of the Convention or the Protocols thereto, and/or the serious issue(s) of general importance raised by the case. The panel of five judges of the Grand Chamber takes its decision solely on the basis of the existing case-file, i.e. the judgment of the Chamber and the arguments made by the party (or parties) in favour of referral (Rule 73 § 2).

Language

5. An applicant who has been granted leave under Rule 34 to use the official language of a Contracting State may use that language in their request under Article 43 (see Rule 34 § 3 (d)). With respect to translation into one of the official languages of the Court, Rule 34 § 3 (b)-(c) shall apply.

Form and maximum length

6. Requests should normally:

(a) be in an A4 page format having a margin of not less than 3.5 cm wide;

(b) be typed and wholly legible, the text appearing in at least 12 pt in the body and 10 pt in the footnotes, with one-and-a-half line spacing;

(c) have all numbers expressed as figures;

(d) have pages numbered consecutively;

(e) be divided into numbered paragraphs;

(f) if sent by post, have its text printed on one side of the page only and pages and attachments placed together in such a way as to enable them to be easily separated (they must not be glued or stapled).

7. Requests under Article 43 should not in principle exceed 10 pages.

1. Practice Direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 3 February 2023.

Third-party intervention under Article 36 § 2 of the Convention or under Article 3, second sentence, of Protocol No. 16[1]

I. Purpose of this practice direction

1. The purpose of this practice direction is to clarify the manner in which third parties can intervene under Article 36 § 2 of the Convention or under Article 3, second sentence, of Protocol No. 16, the applicable procedures and requirements, and the role of such intervention in the Court's work.

II. Role of third-party intervention in the Court's procedure

A. Third-party intervention under Article 36 § 2 of the Convention

2. Third-party intervention under Article 36 § 2 of the Convention is a procedural device whose chief purpose is to enable the Court to become acquainted with the views of States and other persons who are not parties to a case before it on the issues raised by that case, and be presented with information or arguments which are broader than or different from those put forward by the parties. Such intervention can take place either on the initiative of the Court itself (a possibility expressly envisaged by Article 36 § 2 of the Convention), or on the initiative of the would-be third party. The role of third parties invited or granted leave to intervene under Article 36 § 2 of the Convention is to put before the Court, as impartially and objectively as possible, legal or factual points capable of assisting it in resolving the matters in dispute before it on a more enlightened basis. In consequence, third parties are not entitled to express support directly for one or the other party, make requests as regards the procedures before the Court, seek a remedy from the Court, participate in friendly-settlement negotiations between the parties, or seek the relinquishment or referral of a case to the Grand Chamber.

3. All third-party submissions are invariably placed in the file put before the formation of the Court deliberating on the case, and may be referred to, even if briefly, in the Court's ensuing decision or judgment.

B. Third-party intervention under Article 3, second sentence, of Protocol No. 16

4. Third-party intervention under Article 3, second sentence, of Protocol No. 16 serves the same purpose, but must be compatible with the special nature of the proceedings under that Protocol. All third-party submissions are used by the Court in the same way as in contentious proceedings (see paragraph 3 above).

III. Who can intervene as a third party under Article 36 § 2 of the Convention?

5. The possibility of intervening as a third party is open to "any [High] Contracting Party which is not a party to the proceedings" or to "any person concerned who is not the applicant" (Article 36 § 2 of the Convention and Rule 44 § 3 (a) of the Rules of Court). The phrase "any person concerned" may comprise (a) so-called "*amici curiae*" ("friends of the Court" – see paragraph 10 below) and (b) so-called "interested third parties" (see paragraph 12 below). Unlike intervention under Article 36 § 1 of the Convention by the Contracting State of the nationality of the applicant(s), intervention under Article 36 § 2 is not as of right; it is at the discretion of the Court, and is only possible if the Court is satisfied that it would be "in the interest[s] of the proper administration of

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 13 March 2023.

justice". Unlike the position in some other jurisdictions, a would-be third party is not required to have a direct legal interest in the outcome of the case.

6. The would-be third party may have an indirect legal interest in the case, a broader interest in its outcome, or indeed no tangible interest at all. That may depend on whether it is a Contracting State, an *amicus curiae*, or an "interested third party" (see paragraphs 8, 10 and 12 below).

7. Nor is it formally required that the would-be third party be a national of a Contracting State or reside or be based in one.

A. Contracting States other than the Contracting State of the nationality of the applicant(s), and other States

8. For Contracting States other than the Contracting State of the nationality of the applicant(s), the interest in intervening as a third party usually lies in the fact that the Court's judgments, although formally binding only on the respondent Contracting State (Article 46 § 1 of the Convention), also elucidate and develop the rules laid down in the Convention and the Protocols thereto. Contracting States, as bearers of obligations under the Convention and the Protocols thereto, thus normally have a legitimate interest in making their views known about a legal issue arising in a case before the Court, even though the application under examination is not directed against them.

9. Non-Contracting States may also seek to intervene under Article 36 § 2 of the Convention, since they can also fall under the rubric "any person concerned". They must, however, likewise have a legitimate reason to do so.

B. *Amici curiae*

10. The term "any person concerned" can comprise non-governmental organisations, academics, private individuals, business enterprises, other international organisations, other bodies of the Council of Europe, independent national human-rights institutions, and so on. For them, the interest in intervening normally lies in the opportunity to provide submissions which may assist the Court, and thus to further the "interest[s] of the proper administration of justice". In that sense, they are "friends of the Court" (*amici curiae*).

11. Although they can also fall under the rubric "any person concerned", State authorities – such as legislatures, courts, or local or regional authorities – are normally not considered to be entitled to intervene. That is because in international litigation the authorities of a State should, in principle, be represented by its central government (see *Assanidze v. Georgia* [GC], no. 71503/01, § 12, ECHR 2004-II). This concerns both the authorities of the respondent State and the authorities of another Contracting or non-Contracting State.

C. "Interested third parties"

12. The term "any person concerned" can also include persons whose legal rights may be affected, albeit indirectly, if the Court finds a violation of the Convention or the Protocols thereto – for instance, the applicant's opponent(s) in the domestic civil proceedings which gave rise to an individual application before the Court, or the other parent in cases relating to the custody of children. For such "interested third parties", the "interest[s] of justice" may require that they be heard before the Court rules on a question which may, even if indirectly, affect their rights. The usual reason for such persons' wish to intervene is that a finding of a violation by the Court may lead to (a) the reopening of the domestic proceedings in which the case before the Court originated, or (b) other individual measures for the execution of the Court's judgment which may directly affect their domestic legal position.

IV. Who can intervene as a third party under Article 3, second sentence, of Protocol No. 16?

13. In proceedings under Protocol No. 16, the request for an advisory opinion originates from a court or tribunal of a Contracting State, and must relate to a case pending before that court or tribunal (Article 1 §§ 1 and 2 of Protocol No. 16). Furthermore, the Court's advisory opinion, although not binding (Article 5 of Protocol No. 16), is intended to provide the relevant national court with guidance on the application of the Convention or the Protocols thereto, and thus to influence the further conduct and outcome of the domestic case in connection with which it is given. It follows that the parties to that domestic case are in a special position and should normally be able to intervene as third parties in the proceedings before the Court (Rule 94 § 3 of the Rules of Court), even if they are State authorities. The Court's practice is to systematically invite them to do so.

14. Any Contracting State or other "person" may also be invited or granted leave to intervene (Article 3, second sentence, of Protocol No. 16, and Rule 44 § 7 read in conjunction with Rule 44 § 3 (a) of the Rules of Court). Their reasons for seeking to intervene will usually be similar to those prompting intervention under Article 36 § 2 of the Convention.

V. When is third-party intervention invited or permitted?

15. Third-party intervention under Article 36 § 2 of the Convention or under Article 3, second sentence, of Protocol No. 16, will be invited or permitted only if the Court is satisfied that it would be "in the interest[s] of the proper administration of justice" (Article 36 § 2 of the Convention; Article 3, second sentence, of Protocol No. 16; and Rule 44 § 3 (a) of the Rules of Court).

16. The Court does not consult the parties before deciding whether to invite or permit a third party to intervene.

VI. Representation of third parties

17. If the third party is a Contracting State, it must be represented by its Agent, who may have the assistance of advocates or advisers (Rule 35 of the Rules of Court). Other third parties intervening under Article 36 § 2 of the Convention or under Article 3, second sentence, of Protocol No. 16 do not need to be represented at any stage of the proceedings.

If a third party chooses to be represented, it is subject to the same prohibitions as a party on being represented by a former judge of the Court, by a current *ad hoc* judge, or by a person featuring on a current list of persons whom a Contracting Party has designated as eligible to serve as *ad hoc* judges (see Rule 4 § 2 and Rule 29 § 1 (a) *in fine* and (c) *in fine* of the Rules of Court).

18. For joint representation of third parties at hearings, see paragraph 43 below.

VII. What does third-party intervention involve?

19. A third party intervening under Article 36 § 2 of the Convention or under Article 3, second sentence, of Protocol No. 16 is normally granted leave solely to submit written comments. It may be allowed to take part in a hearing and make oral submissions only "in exceptional circumstances" (Rule 44 § 3 (a) of the Rules of Court).

In the case of third-party intervention in an investigation under the Annex to the Rules of Court, the third party may "participate in an investigative measure" (Rule A1 § 6 of the Annex to the Rules of Court). The nature and extent of that participation will depend on what specific investigative measure is being carried out: production of documentary evidence, hearing of a witness or expert, or the conduct of an inquiry or on-site investigation. A third party may request the hearing of a witness or expert, but such a request is subject to the discretion of the Court (Rule A1 § 1 read in conjunction with Rule A5 § 6). The President of the Chamber or the delegates carrying out the

investigation may lay down the conditions of the third party's participation and limit it if these are not complied with (Rule A1 § 6 and Rule A4 § 1).

VIII. Stages in the proceedings before the Court when third-party intervention is possible and time-limits for seeking leave to intervene

A. In contentious proceedings under Article 33 or 34 of the Convention

20. In contentious proceedings under Articles 33 or 34 of the Convention, third-party intervention is possible:

(a) After the respondent Contracting State is given notice of an application (or part of it) (Rule 44 § 3 (a) of the Rules of Court). The time-limit for seeking leave to intervene in this situation is twelve weeks, and starts to run when information that notice of the application has been given to the respondent Contracting Party is published on the Court's case-law database, HUDOC (Rule 44 § 3 (b)). In some cases the President of the Chamber may, however, fix a shorter or a longer time-limit (Rule 44 § 3 (b) *in fine*).

(b) In the course of a hearing before a Chamber (Rule 44 § 3 (a) *in fine* of the Rules of Court). This is possible only in "exceptional cases" (ibid.). Requests for leave to take part in a hearing before a Chamber must be submitted not later than four weeks after the publication on the Court's website of the information on the decision of the Chamber to hold an oral hearing (Rule 44 § 3 (b)).

(c) After a Chamber decides to relinquish jurisdiction in favour of the Grand Chamber (Rule 44 § 4 (a) of the Rules of Court). The time-limit is again twelve weeks, which starts to run on the date on which information about the decision of the Chamber to relinquish jurisdiction is published on the Court's website (ibid.). In some cases the President of the Grand Chamber may, however, fix a shorter or a longer time-limit (Rule 44 § 3 (b) *in fine* read in conjunction with Rule 71 § 1).

(d) After the panel of the Grand Chamber accepts a party's request for referral of a case to the Grand Chamber (Rule 44 § 4 (a) of the Rules of Court). The time-limit is again twelve weeks, which starts to run on the date on which information about the decision of the panel to accept the request is published on the Court's website (ibid.). In some cases the President of the Grand Chamber may, however, fix a shorter or a longer time-limit (Rule 44 § 3 (b) *in fine* read in conjunction with Rule 71 § 1).

(e) In the course of an investigation carried out by the Court (Rule A1 § 6 of the Annex to the Rules of Court). The time-limit is fixed by the President of the Chamber (ibid.).

21. Third-party intervention before the panel deciding under Article 43 of the Convention whether to accept a request for referral of a case to the Grand Chamber is not possible. See also paragraph 42 below.

B. In proceedings for an advisory opinion under Protocol No. 16

22. In proceedings for an advisory opinion under Protocol No. 16, third-party intervention is possible after the panel of five judges of the Grand Chamber accepts the request for an advisory opinion (Article 3, second sentence, of Protocol No. 16). The parties to the domestic case are normally invited to intervene (Rule 94 § 3 of the Rules of Court; see also paragraph 13 above), and do not therefore need to seek leave to do so. For other third parties, the time-limit for seeking leave to intervene is normally eight weeks, which starts to run on the date on which information about the decision of the panel to accept the request is published on the Court's website (Rule 44 § 7 read in conjunction with Rule 44 § 4 (a)).

23. Third-party intervention before the panel deciding whether to accept a request under Protocol No. 16 is not possible.

C. Observing the time-limit

24. For the purposes of observing the above-mentioned time-limits, the material date is the certified date of dispatch of the request to intervene or, if there is none, the date of its receipt at the Court's Registry (Rule 38 § 2 of the Rules of Court). Would-be third parties are, however, strongly encouraged not to await the end of the relevant time-limit to seek leave, but to do so as soon as practicable.

D. Effect of the grant of leave to intervene as a third party

25. Leave to intervene as a third party by making written comments remains valid throughout all subsequent stages of the proceedings before the Court (for instance, leave granted in the course of Chamber proceedings remains valid in Grand Chamber proceedings). See also paragraphs 41 and 42 below.

IX. Language, content and manner of filing of a request for leave to intervene

A. Language

26. The request for leave to intervene must be in one of the Court's official languages, English or French (Rule 44 § 3 (b) of the Rules of Court). The initial request may, however, be in one of the official languages of the Contracting States (Rule 44 § 3 (b) read in conjunction with Rule 34 § 4). In that case, it must be followed by a translation into one of the Court's official languages, filed within a time-limit fixed by the President of the Chamber (or of the Grand Chamber) (Rule 34 § 4 (b)).

B. Content

27. The request must be succinct, normally not more than two pages long. It must identify the name and number of the case to which it relates, and contain enough information about:

(a) the would-be third party;

(b) any links between that would-be third party and any of the parties to the case;

(c) the reasons why the would-be third party wishes to intervene;

(d) if relevant, the would-be third party's special knowledge about an issue or issues arising in the case;

(e) the point(s) on which the would-be third party proposes to make submissions and, as far as practicable, the reasons for believing that those submissions will be useful to the Court and different from those of the parties or other third parties; and

(f) whether the third party proposes to make written comments, to take part in a hearing, or both.

All those details are needed to enable to the Court to assess whether it would be "in the interest[s] of the proper administration of justice" to permit the intervention.

C. Manner of filing

28. The request must be submitted in writing (Rule 44 § 3 (b) of the Rules of Court), and sent by post, or by fax and post. Filing by email is not accepted (paragraphs 3 and 4 of the Practice Direction on Written Pleadings).

X. Third parties' written comments

A. Time-limit for submission

29. A third party's written comments should be submitted within a time-limit fixed by the President of the Chamber (or of the Grand Chamber) (Rule 44 § 5 of the Rules of Court). That time-limit will usually be set out in the letter informing the third party that leave to intervene has been granted.

30. For the purposes of observing that time-limit, the material date is the certified date of dispatch of the written comments or, if there is none, the date of their receipt at the Court's Registry (Rule 38 § 2 of the Rules of Court).

B. Language

31. A third party's written comments must be in one of the Court's official languages, English or French (Rule 44 § 6 of the Rules of Court). Interveners may seek leave to use one of the official languages of the Contracting States (Rule 34 § 4 (a) read in conjunction with Rule 34 § 4 (d)). In that case, they must provide a translation of their written comments into English or French within a time-limit fixed by the President of the Chamber (or of the Grand Chamber) (Rule 34 § 4 (b)(i) read in conjunction with Rule 34 § 4 (d)).

C. Form and content

32. Any invitation or grant of leave to intervene under Article 36 § 2 of the Convention or under Article 3 of Protocol No. 16 is subject to conditions set by the President of the Chamber (or of the Grand Chamber) (Rule 44 §§ 5 and 7 of the Rules of Court).

33. The Court's usual practice is to set the following conditions for the form of written comments by third parties:

(a) they must set forth the name and number of the case to which they relate;

(b) they must bear a title which clearly indicates that they have been made by a third party, and which identifies that third party;

(c) they must not exceed ten pages (the page limit does not apply to any annexes, but these must not amount to a continuation of the comments themselves);

(d) they must be typewritten in black on a white background, in A4 format, and with page margins of not less than 3.5 cm;

(e) their text must be at least 12 pt in the body of the document and 10 pt in the footnotes;

(f) their pages must be numbered consecutively;

(g) they must be divided into numbered paragraphs;

(h) in their text, quotations in excess of fifty words must be indented; and

(i) they must give a reference to every document or piece of evidence mentioned in them and to any annexes.

34. The Court's usual practice is to set the following conditions for the content of such written comments:

(a) The comments of a Contracting State or a non-Contracting State intervening under Article 36 § 2 of the Convention should relate solely to the aspects of the case that are relevant to its interest(s) in it.

(b) The comments of an *amicus curiae* should not touch upon the particular circumstances of the case or upon the admissibility or merits of the application as such, but rather deal with the general issues raised by the case, usually on the basis of the third party's special expertise or knowledge.

(c) The comments of an "interested third party" should relate solely to the factual and legal aspects of the case which relate to its specific interest in it.

35. In cases in which two or more third parties have been granted leave to intervene, the Court may direct them to make joint written comments rather than do so individually.

D. Manner of filing

36. A third party's written comments, as well as all annexes to them, must be filed in three copies sent by post, or in one copy by fax, followed by three copies sent by post. Filing by email is not accepted (paragraphs 3 and 4 of the Practice Direction on Written Pleadings).

E. Consequences of failure to comply with the above conditions

37. If the above conditions have not been complied with, the President of the Chamber (or of the Grand Chamber) may refuse to include the third party's written comments in the case file (Rule 44 § 5 of the Rules of Court), or, if appropriate, may direct the third party to submit fresh written comments which comply with those conditions.

F. Right of reply of the parties (in contentious proceedings) or of the requesting court or tribunal (in proceedings for an advisory opinion)

38. In contentious proceedings, written comments by a third party are sent to the parties to the case, who are entitled, subject to any conditions, including time-limits, fixed by the President of the Chamber (or of the Grand Chamber), to make written observations in reply or, where appropriate, to reply at the hearing (Rule 44 § 6 of the Rules of Court). In practice, the parties are often invited to incorporate the reply in their observations on the admissibility or merits of the case.

39. In proceedings for an advisory opinion, written comments by a third party (including the parties to the domestic proceedings) are sent to the requesting court or tribunal, which may comment on them (Rule 94 § 5 of the Rules of Court).

40. Third parties are not entitled to respond in turn to the observations or comments made in reply to their written comments.

G. Written comments already made at an earlier stage of the proceedings

41. If a third party has intervened in the proceedings before a Chamber, and jurisdiction is then relinquished in favour of the Grand Chamber or the case is referred to it by the panel of the Grand Chamber, the third party's written comments addressed to the Chamber will normally be included in the file put before the Grand Chamber. The Court may, however, ask the third party whether it wishes to submit fresh written comments to the Grand Chamber.

42. By contrast, any written comments by a third party, including a third party granted leave to intervene in the proceedings before the Chamber, are not put before the panel of the Grand Chamber when it decides under Article 43 of the Convention whether to accept a request for referral of the case to the Grand Chamber.

XI. Third parties' oral submissions at hearings

43. If a third party is, exceptionally, granted leave to take part in a hearing, such leave is usually subject to the condition that the third party's oral submissions must not last longer than ten minutes. If two or more third parties (in particular, Contracting States) are granted leave to take part

in a hearing, they may be requested to designate one or two speakers to make oral submissions on behalf of all of them jointly. All these conditions are imposed with a view to ensuring respect for the procedural equality of the parties, which must not be upset by the grant of leave to a third party to take part in a hearing.

44. The content of oral submissions by a third party at a hearing is subject to the same conditions as the content of written comments by a third party (see paragraph 34 above).

XII. Miscellaneous points

A. Just satisfaction (in particular, costs and expenses)

45. Third parties cannot be awarded just satisfaction. This follows from the wording of Article 41 of the Convention, according to which just satisfaction can only be afforded to "the injured party", that is, the applicant or persons who have pursued the application on the applicant's behalf. This means, in particular, that third parties must bear their own costs and expenses.

46. The question of costs and expenses incurred by a party to the domestic proceedings invited to intervene as a third party under Article 3, second sentence, of Protocol No. 16 in proceedings for an advisory opinion is a matter reserved for the national courts of the Contracting State from which the request for an advisory opinion emanates, and is to be decided by them in accordance with the law and practice of that Contracting State (Rule 95 § 1 of the Rules of Court).

47. A third party may be ordered to bear the costs incurred for the appearance of a witness, expert or other person called at its request in the course of an investigation carried out by the Court (Rule A5 § 6 of the Annex to the Rules of Court).

B. Legal aid

48. Third parties intervening in contentious proceedings under Articles 33 or 34 of the Convention are not entitled to legal aid from the Court; only applicants are (Rule 105 of the Rules of Court).

49. The same applies to third parties intervening in proceedings for an advisory opinion under Protocol No. 16, with the exception of the parties to the domestic case when they are invited to intervene by the Court. In that case, they may seek legal aid from the Court if they lack sufficient means to meet all or part of the costs entailed by their intervention in the proceedings before it (Rule 95 § 2).

C. Right of third parties to be informed of, and to receive a copy of, the Court's ensuing judgment, decision or advisory opinion

50. All third parties will be informed of the Court's ensuing judgment, decision or advisory opinion, and sent a copy of it (Rule 56 § 2, Rule 77 § 3 and Rule 94 § 10 of the Rules of Court). This applies also to interpretation judgments under Article 46 § 3 of the Convention and to judgments in infringement proceedings under Article 46 § 5 (Rules 99 and 104).

Recusal of judges[1]

I. Background

1. Preserving the independence and impartiality of judges is crucial for upholding the rule of law, protecting human rights, and ensuring a fair and just administration of justice. This is also one of the key principles characterising proceedings before the European Court of Human Rights, enshrined in a number of legally binding provisions.

2. Pursuant to Article 21 of the Convention, during their term of office judges are not to engage in any activity which would be incompatible with their independence or impartiality.

3. In the interest of the clear and transparent application of the requirement set out in Article 21 of the Convention, in June 2021 the Court updated the Resolution on Judicial Ethics, which sets out a series of rules on judges' integrity, independence, impartiality, limits to their freedom of expression, additional activities, acceptance of favours, advantages, decorations and honours. According to point III of that Resolution, judges shall exercise their function impartially, ensure the appearance of impartiality, avoid conflicts of interest including situations in and outside of the Court that may be reasonably perceived as giving rise to a conflict of interest. Judges shall not be involved in dealing with a case in which they have a personal interest. They shall refrain from any activity, expression and association that may be considered to affect adversely public confidence in their impartiality. Several provisions of the Resolution also apply to former judges.

4. Further safeguards related to independence and impartiality may be found in Article 26 § 3 of the Convention and Rule 27A § 3 of the Rules of Court, according to which a judge shall not sit as a single judge in cases concerning the State Party in respect of which he or she has been elected or of which he or she is a national. Furthermore, Rule 13 provides that judges may not preside in cases in which the State Party of which they are nationals or in respect of which they were elected is a party. Rule 24 § 5 (c) excludes the participation of the judge elected in respect of a State Party, or a national thereof, in the panel examining a referral request to the Grand Chamber concerning a case against that country.

5. The substantive criteria for a judge's inability to sit in a particular case, as well as the core procedural framework to be uniformly applied by all Court formations in all cases, are set out in Rule 28 of the Rules of Court, which aims to ensure the rigorous implementation of the principle of judicial impartiality. Rule 28 of the Rules of Court was amended and further reinforced by the Plenary Court in December 2023.

6. The purpose of the present Practice Direction is to clarify the modalities provided for in that Rule which ensure, *inter alia*, the practical and effective possibility for the parties to the proceedings to raise any concerns about the impartiality of a judge and the procedure to be followed in such instances.

II. Withdrawal of judges of their own motion

7. Whether a judge shall sit in a case is in principle not a matter of the judge's own discretion; it is a matter of duty. Rule 28 § 1 of the Rules of Court therefore reiterates a judge's obligation to sit, in principle, in all cases assigned to him or her.

8. The reasons for which a judge cannot sit in a particular case are set out in Rule 28 § 2 of the Rules of Court. They include, among other situations, any case in which the judge concerned may have a

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 22 January 2024.

personal (spousal, parental or other) interest, in which he or she had previously acted (in any capacity, such as judge, party, representative or other) or on which he or she had expressed a public opinion.

9. In cases where a judge considers that for one of the reasons enumerated in Rule 28 § 2 of the Rules of Court, he or she is unable to sit in a particular case, that judge will notify the President of Section / President of the Grand Chamber about his/her concerns, explaining the relevant reasons. It will be for the President of Section / President of the Grand Chamber to decide whether the situation raises an appearance of bias and, in cases where it does, to accept the judge's request for withdrawal from a particular case. In case of doubt, the President of Section / President of the Grand Chamber may refer the matter to the Chamber / Grand Chamber for discussion and decision (Rule 28 § 3).

III. External request for recusal

10. It has been the Court's consistent practice to allow the parties to the proceedings – i.e. the applicant(s) and the respondent Government(s) – to challenge the impartiality of a judge appointed to sit in their case[1]. In line with that practice, Rule 28 § 4 of the Rules of Court now clearly sets out that parties to the proceedings – i.e. the applicant(s) and the respondent Government(s) - may request recusal of any judge of the Court assigned to sit in their case (external request). A request for the recusal of a judge by another person, State or entity, which are not party to the particular case before the Court, is not allowed. This does not mean that information which comes to the attention of the Court will not be considered where warranted.

11. Should the judge whose impartiality is being challenged by one of the parties accept the reasons stated in an external request for recusal and immediately wish to withdraw from sitting in the case in question, the procedure prescribed for requests for withdrawal of the judge's own motion shall apply (see above under II).

12. In all other cases, external requests for recusal shall be decided as follows.

13. In all cases assigned to a Committee or a Chamber, a Chamber of the Section to which the case has been allocated shall hear the views of the judge in question concerning the recusal request. The Chamber shall then deliberate and vote on the request, without the judge whose impartiality is being called into question being present.

14. Similarly, in Grand Chamber cases, the relevant Grand Chamber formation shall first hear the views of the judge whose impartiality is being challenged, and then deliberate and vote on the external recusal request without that judge being present.

15. Requests for recusal in cases which are to be decided by a single judge formation shall be decided by the President of the Court, that is to say, the same authority which appoints individual judges to sit as single judges in respect of one or more Contracting Parties.

16. In all cases the party which requested recusal shall be informed of the Court's decision in writing in due course, and a mention of any decision on recusal shall be duly recorded in the Court's judgment or decision.

17. The Court shall also keep a record of cases in which a Judge withdraws of his or her own motion and in which external recusal requests are received and the decisions taken in their regard.

1. See, for instance, *Cyprus v. Turkey* [GC], no. 25781/94, § 8, ECHR 2001-IV; *Lekić v. Slovenia* [GC], no. 36480/07, § 4, 11 December 2018; and *Rustavi 2 Broadcasting Company Ltd and Others v. Georgia*, no. 16812/17, § 6, 18 July 2019.

IV. Form and timing of the recusal request

18. Any external request for recusal must be duly reasoned and submitted to the Court in writing in one of the official languages as provided in Rule 34 of the Rules of Court. Such a request should be lodged as soon as the party concerned becomes aware of the existence of one of the reasons set out in Rule 28 § 2 of the Rules of Court resulting in a specific judge's inability to sit in a particular case.

19. There is no set time-limit for lodging such external requests, the Court having clarified that the responsibility for the implementation of Rule 28 and, in particular, of the principle of objective impartiality, cannot be left to the sole initiative of the parties[1]. However, while flexibility may be accorded where warranted by the particular circumstances of a case, the Court will ensure that the recusal procedure is not subject to abuse (see further below).

20. For applicants this will normally mean that they should submit any recusal request at the earliest possible moment. They can also request recusal at a later stage of the proceedings, for instance if a new judge meanwhile takes up office, or an *ad hoc* judge is appointed in their case. The respondent Government should ideally raise any concerns of bias at the time of filing their observations with the Court, and only exceptionally thereafter.

V. Composition deciding the case

21. In order to have a real and effective opportunity of raising a possible concern about the impartiality of a particular judge before their case has been examined, parties to the proceedings must have means of knowing which judges are likely to be deciding their case. Due to the volume of cases with which the Court has to deal, and its working methods, it is not possible to inform the parties in advance of the names of the judges who will be deciding each and every case. In fact, such notification can and is systematically done only in Grand Chamber cases.

22. However, with a view to ensuring the fullest possible transparency and accessibility to the judicial process before it, the Court has published online complete lists of the different judicial formations operating within each of its five Sections, including the list of single judges designated by State, thus making it possible for the parties in most cases to identify in advance the judges which will most likely be deciding their case.

23. What this means in practice is that all applicants can consult the list of single judges appointed to decide cases against one or more respondent Contracting Parties. They are thus in a position to identify beforehand which judge may be deciding their case, should it not be notified to the respondent Contracting Party under Rule 54 § 2 (b) of the Rules of Court.

24. As regards cases which have been notified to the respondent Contracting Party under Rule 54 § 2 (b) of the Rules of Court, at the latest at that moment the parties are informed of the allocation of their case to a particular Section. They can consult the publicly available lists of Chamber and Committee formations operating within the Section concerned, in order to verify the possible judicial compositions that may be deciding their case. Should they consider that a particular judge should not be involved in deciding their case for one of the reasons listed in Rule 28 of the Rules of Court, they may request that judge's recusal, providing duly explained reasons.

25. Where an *ad hoc* judge has been appointed in a case against a Contracting Party, the parties shall be informed thereof by a letter as soon as such an appointment has been made. They may then ask for recusal of an *ad hoc* judge for the same reasons and following the same procedure prescribed by Rule 28 of the Rules of Court.

1. See *X v. the Czech Republic* (revision), no. 64886/19, § 15, 30 March 2023.

VI. Exceptional avenues after a case has been decided

26. There may be very rare situations in which the parties did not have objective means of knowing which judge(s) would be involved in deciding their case.

27. As regards judgments, under Rule 80 of the Rules of Court the parties may ask for a revision of a judgment 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. Given the principle of finality of judgments in Article 44 of the Convention and, in so far as it calls into question the final character of judgments of the Court, revision, which is not provided for in the Convention but was introduced by the Rules of Court, is an exceptional procedure. Requests for revision of judgments are therefore subjected to strict scrutiny (see *Pardo v. France* (revision – admissibility), 10 July 1996, § 21, Reports of Judgments and Decisions 1996-III). As attested by the Court's recent case-law, the possibility of revision may include issues of impartiality (see *X v. the Czech Republic* (revision), no. 64886/19, §§ 7-21, 30 March 2023). The imperative to apply rigorously the principle of objective impartiality may call exceptionally for the revision of the Court's judgment where grounds for a judge's inability to sit have been shown to exist.

28. At the same time, it is not possible to request revision in relation to inadmissibility decisions, which are by their nature final and not amenable to appeal. In such situations it is nevertheless possible for the Court to reopen a case. Although neither the Convention nor the Rules of Court expressly provide for such reopening, according to its case-law, in very exceptional circumstances, where there has been a manifest error of fact or in the assessment of the relevant admissibility requirements, in the interests of justice the Court has the inherent power to reopen a case which had been declared inadmissible and to rectify any such errors (see, for instance, *Boelens and Others v. Belgium* (dec.), no. 20007/09 et al, § 21, 11 September 2012). It cannot be excluded that such errors may also relate to the impartiality of a judge.

29. However, it is important to stress that neither of these avenues are available as a means of appeal against the Court's judgments or decisions. As described above, they are only to be used in those very rare and exceptional circumstances in which the parties had no way of knowing that a particular judge would be deciding their case, and of his or her inability to sit for one of the reasons listed in Rule 28 of the Rules of Court. The Court will carefully scrutinise any requests raising concerns of impartiality submitted after a case has been decided. It will ensure that any abusive, frivolous, vexatious or unsubstantiated complaints in this respect shall not be taken into consideration (see, *mutatis mutandis*, Rule 36 § 4 (b) of the Rules of Court).