

## Written pleadings<sup>1</sup>

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### 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<sup>2</sup>, 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;

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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](http://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).