



Information to applicants: Procedure following communication of an application - contentious phase

1. Joint examination of admissibility and merits

As a rule, applications lend themselves to having their admissibility and merits examined at the same time, in accordance with Article 29 § 1 of the Convention and Rule 54A. In such cases, where the Court considers these applications admissible and ready for determination on the merits, it may immediately adopt a judgment under Rule 54A § 2.

2. Exchange of observations on the admissibility and merits and just-satisfaction claims

The respondent Government are normally requested to submit their observations within twelve weeks. Once these observations have been received, they will be sent to you so that you may submit written observations in reply, usually together with any claim for just satisfaction under Article 41, within a time-limit of six weeks. In cases where the Government have been authorised to submit their observations in their national language (Rule 34 § 4 (a)), they must later provide the Court with a translation into English or French, within a time-limit of four weeks. These time-limits will not normally be extended.

Should you not wish to avail yourself of the opportunity to reply to the Government's observations and to submit compensation claims under Article 41, you must inform the Court of this within the same time-limit. Failure to do so may lead the Court to consider that you have lost interest in pursuing your application and to strike your case out of its list of cases (Article 37 § 1 (a) of the Convention).

With regard to just-satisfaction claims, your particular attention is drawn to Rule 60: failure to submit quantified claims within the time allowed, together with the required supporting documents, will result in the Court either making no award of just satisfaction or rejecting the claim in part. This applies even if an applicant has indicated at an earlier stage of the proceedings that he or she seeks just satisfaction.

In any case, an award of just satisfaction will be made only to the extent that the Court considers it necessary. The Court can make awards under the following three heads: (1) pecuniary damage, that is to say losses actually sustained as a direct consequence of the alleged violation; (2) non-pecuniary damage, meaning suffering and distress occasioned by the violation; and (3) the costs and expenses incurred in order to prevent or obtain redress for the alleged violation of the Convention, both within the domestic legal system and through the Strasbourg proceedings. These costs should be itemised and will be awarded only if they are considered by the Court to be reasonable and have been actually and necessarily incurred. You should attach to your claims all the necessary supporting vouchers, such as bills of costs. The Government will then be invited to submit their comments on the claims for just satisfaction and, where appropriate, any further observations on the application. To facilitate the processing of the documents submitted during the exchange of observations and just-satisfaction claims, you are requested to send all the submissions, including annexes, on standard A4 format paper with numbered pages that must not be stapled, attached, glued or held together in any way. You are also reminded not to send the Court the originals of the documents.

3. Belated and unsolicited submissions

Any submissions sent outside the time-limit set by the Court and where no extension of time was requested before the allotted period expired will not normally be included in the case file for the consideration of the Court (Rule 38 § 1). This should not, however, prevent you from informing the Court, on your own initiative, about any major developments regarding your case and from submitting any further relevant decisions of the domestic authorities.

4. Use of languages

At this stage of the proceedings, according to Rule 34 § 3, all communications from the applicant or his or her representative shall as a rule be made in one of the Court's official languages, English or French. However the Court may grant leave for the continued use of the official language of a Contracting Party.

5. Intervention of another Contracting State

If you are a national of a Contracting State other than the respondent State, the Government of that State will be invited to take part in the proceedings (see Article 36 § 1 and Rule 44). You will be informed of that Government's response.