Information to applicants:

Proceedings after communication of an application (single phase)

1. Notification of an application to the respondent Government: Following a preliminary examination of the admissibility of your application, the Court has decided, under Rule 54 § 2 (b) of its Rules, that notice of the application should be given to the Government and that it should be invited to submit written observations on the admissibility and merits of the whole case or of one or more of the complaints you have raised. If a partial decision has been adopted, declaring the remainder of the application inadmissible, the examination of this/these complaint(s) is thereby terminated and you should not file any further submissions on this part of the application.

2. 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.

3. Exchange of observations on the admissibility and merits and just satisfaction claims: The respondent Government are normally requested to submit their observations within sixteen weeks. Once these observations have been received, they will be sent to you for you to 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 considering that you have lost interest in pursuing your application and to striking 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 else 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 the all 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 to the Court the originals of the documents.

4. Belated and unsolicited submissions: Any submissions sent outside a time-limit set by the Court and where no extension of time was requested before the allotted period expired will normally not 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 motion, about any major developments regarding your case, and submitting any further, relevant decisions of the domestic authorities.

5. Friendly settlements: The Government are also requested to indicate their position regarding a friendly settlement of your case and to submit any proposals they may wish to make in this regard (Rule 62). The same request will be made of you when you receive their observations. There is a requirement of strict confidentiality in respect of friendly settlement negotiations under Rule 62 § 2, and any proposals or submissions in this respect should be set out in a separate document, the contents of which must not be referred to in any submissions made in the context of the main proceedings.

6. Unilateral declaration: In principle, should the negotiations with a view to a friendly settlement prove unsuccessful, the Government have the option of submitting a unilateral declaration. On an exceptional basis, in repetitive cases, the Government may be authorised to submit a unilateral declaration outside the framework of the friendly-settlement procedure. Where the Government submit a unilateral declaration, the Court will decide, in accordance with Article 37 of the Convention, whether it is justified to continue the examination of the application. If the applicant agrees to the terms of the unilateral declaration the Court will examine the case under the friendly-settlement procedure.

7. 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.

8. Legal representation and legal aid: According to Rule 36 §§ 2 and 4, an applicant needs to be represented by an "advocate" before the Court at this stage of the proceedings, unless the Court decides otherwise. If you have any difficulties in finding an advocate, your local or national bar association may be able to assist you. If you have insufficient means to pay for legal representation, it is open to you to apply for legal aid under the Court's legal aid scheme (Rules 105 et seq.). Legal aid is, however, usually only granted in cases involving complex issues of fact and law and not in cases of a repetitive nature[1]. Moreover, payments made under the Court's legal aid scheme consist of a lump sum which is to be regarded as a contribution towards the costs of legal representation. Lastly, the fact that legal aid is granted <u>does not</u> mean that the Court will designate a representative for the applicant. Finding and choosing a representative is the applicant's responsibility.

9. 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.