

Practice Direction

Proceedings in inter-State cases¹

(Rules 44,46,51 and 58 of the Rules of Court)

I. Introduction

1. Under Article 33 of the Convention, any High Contracting Party may refer to the Court any alleged breach of the provisions of the Convention and the Protocols thereto by another High Contracting Party.
2. The purpose of this Practice Direction is to lay down a framework for procedural issues specific to the processing of inter-State cases, with a view to bringing greater clarity and transparency and to ensuring an efficient processing of those cases.
3. This practice direction shall be applicable without prejudice to any other practice directions as may equally apply.

II. Contents of an inter-State application and various procedural points

4. The requirements regarding the contents of an inter-State application under Article 33 of the Convention are laid down in Rule 46 of the Rules of Court.
5. The application must be in an A4 page format with a margin no less than 3.5 cm wide. The text should be at least 12 pts in the body of the document and 10 pts in the footnotes, with 1.5 line spacing. Pages should be numbered and the text divided into headings and numbered paragraphs. The name and official capacity of the person signing the application should be stated.
6. In cases in which the events complained of have been the object of individual applications under Article 34 of the Convention and the applicant Government are aware thereof, the application number and any other details allowing those applications to be identified must be indicated.
7. The application shall contain a full list of the documents that accompany it and of the translations thereof, as required under Rule 46 (g).
8. The application may be lodged in accordance with the Practice Direction on secured electronic filing by Governments, or sent to the following address:

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

9. As provided for in Rule 51 § 1, an inter-State application is immediately notified to the respondent Contracting Party or Parties by the President of the Court, in principle without a

1. Practice direction issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 21 September 2026.

summary of facts and complaints prepared by the Registry of the Court. Once such an application has been assigned to a Section, the President of that Section shall invite the respondent Contracting Party or Parties to submit written observations (Rule 51 §§ 3 and 7).

10. Having regard to the provisions of Rule 51 § 7, the observations requested may concern either solely the admissibility of the application or its admissibility and merits.

11. The observations received shall then be sent to the applicant Contracting Party or Parties, which may submit written observations in reply (Rule 51 § 3).

12. Where supporting documents and any other evidential material annexed to such observations are not in one of the official languages of the Court, as a matter of best practice to facilitate the examination of the case, the parties shall provide translations thereof into one of the official languages of the Court of their own motion. Where this has not been done when filing the observations, the parties shall submit such translations where invited to do so by the Court, within the time-limit given for that purpose.

13. For the purposes of requests for leave to submit written comments pursuant to Rules 44 § 2 and 44 § 3 (a), the 12-week time-limit mentioned in Rules 44 § 2 and 3 (b) starts to run from the date of notification of the case by the President of the Court to the respondent State in accordance with Rule 51 § 1. Information about the case and the date of notification will be published in a press release issued by the Court immediately after the notification has been given.

14. The applicant and respondent Contracting Parties may request the holding of a hearing on the admissibility, on the admissibility and merits or on the merits (Rule 51 §§ 5 and 7 and Rule 58 § 2). The request shall be examined by the Chamber and the parties shall be informed of its decision. The Chamber may also decide to hold a hearing of its own motion (*ibid.*).

15. The Court may decide to join inter-State applications or to examine them simultaneously in accordance with Rule 42.

16. Interim measures may be applied in inter-State cases under Rule 39.

17. At any stage of the proceedings the applicant and respondent Contracting Parties in an inter-State case may be requested, under Article 38 of the Convention and Rule 44A of the Rules of Court, to provide factual information, documents or other material considered to be relevant to the examination of the case.

18. Public access to a document or to any part of it may be restricted (see Rule 33 § 2).

19. The Contracting Party or Parties may request, under Rule 44F § 2, that a highly sensitive document be not disclosed to a party or to the public. Such requests will be dealt as provided for in Rule 44F of the Rules of Court.

20. The obligation of the State parties to cooperate (Article 38 of the Convention and Rule 44A) requires the Contracting States to furnish all necessary facilities to the Court, whether it is conducting a fact-finding investigation or performing its general duties as regards the examination of applications. If the parties fail in that duty without a satisfactory explanation, it will be for the Court to draw the appropriate conclusions.

III. Just satisfaction

21. When adopting a judgment on the merits of an inter-State application, finding a violation of the Convention or the Protocols thereto, the Court may, in accordance with Rule 75 § 1, decide to reserve the question of the application of Article 41 of the Convention. If it so decides, it shall set an appropriate time-limit for the exchange of the parties' written observations on just satisfaction. The parties shall notify the Court of any agreement that they may reach in this respect (Rule 75 § 4).

22. The applicant Government may be invited, at the outset of the just satisfaction procedure, to submit lists of clearly identifiable individual victims who shall be the beneficiaries of an award of just satisfaction; this is without prejudice to any supplementation of that list at a later stage, within the time-limits determined by the Court, if needed. The respondent Government shall provide all the relevant information and documents in its possession.

IV. Relationship between inter-State and related individual applications

23. Where individual applications raising the same issues or arising from the same circumstances as an inter-State application are lodged, the Court may take measures with a view to a structured and coordinated processing.

24. Where an inter-State case is pending, individual applications raising the same issues or arising from the same circumstances are, in principle and in so far as practicable, not decided before the overarching issues raised by the inter-State proceedings have been determined in the inter-State case. Depending on the issues raised, the Court may decide that the examination of the related individual applications should be adjourned until the judgment on the admissibility, on the admissibility and merits or on the merits has been delivered in the relevant inter-State case, or may decide that the selected individual applications should be processed in parallel with the relevant inter-State application. In the latter situation, the Court may declare such applications inadmissible or strike them out of its list of cases. For reasons of efficient case management and with a view to having the files complete and ready for decision or judgment as soon as possible after the delivery of a judgment in the relevant inter-State case, the Court may also, without prejudice to any finding that it may reach at a later stage on the admissibility or merits, continue to give notice to the appropriate respondent Government or Governments of any of the individual applications that have not been declared inadmissible or struck out at the outset.

25. Regarding individual applications, in the event of a mass influx, the Court may resort to special measures in accordance with the Practice Direction on the processing of applications in the event of a mass influx.