



## GUIDELINES ON SUBMITTING PLEADINGS FOLLOWING SIMPLIFIED COMMUNICATION

*To be read together with the 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.*

### I. Form and content

The document containing the pleadings should:

1. be in an A4 format having a margin of not less than 3.5 cm wide; typed and wholly legible, the text appearing in 12 pt in the body and 10 pt in the footnotes, with one-and-a-half line spacing;
2. have all numbers expressed as figures;
3. have pages numbered consecutively;
4. be divided into numbered paragraphs;
5. be concise; if it exceptionally exceeds thirty pages, a short summary should also be filed with it;
6. be clear, presented in one of the official languages (French or English) and of good quality as the pleadings may be incorporated in Court documents published on Hudoc or elsewhere; if a version in a non-official language has also been transmitted, the official language version will be regarded as the original;
7. follow the structure set out below ((a) to (c)).

#### (a) Facts

8. Parties should:
  - (i) provide a statement of facts which are relevant for the examination of the applicant's complaint/complaints; if a party does not provide a statement of facts, the Court may assume that it accepts the version provided by the other party;
  - (ii) omit reference to facts which are not strictly relevant for the examination of the admissibility and merits of the complaint/complaints;
  - (iii) for facts challenged by the Government any relevant evidence, domestic decision or other document have to be submitted with the pleadings;
  - (iv) for facts challenged by the applicant in response to the Government's observations any relevant evidence, domestic decision or other document contradicting the Government's assertions have to be submitted with the pleadings;
  - (v) provide translations of the domestic decisions or other relevant documents at the Court's request;
  - (vi) list every item of evidence in a separate annex;
  - (vii) refer to the third parties involved only by initials or conventional letters like X, Y, Z.
9. If a party does not contest the facts as presented by the other party, it should limit its observations to a brief statement to that effect.

### **(b) Domestic law [and practice]**

10. Parties should provide a text of the relevant domestic provision, decision, instruction or other material in the original language together with a good-quality translation into French or English (see point 6. above).

### **(c) Law**

11. Parties should limit their observations to the complaints indicated by the Court in the questions to the parties.
12. Parties should:
  - (i) provide an answer to every question(s) on a factual or legal point put to the parties;
  - (ii) limit their arguments to such question(s);
  - (iii) present every answer under a separate heading;
  - (iv) divide every answer/ complaint into: "Preliminary objection on ...", "Alleged violation of Article ...", as the case may be;
  - (v) for each reliance in argument on a specific fact or statement of domestic law, cite the paragraph number in which the fact or aspect of domestic law is set out in the section "Facts" or "Domestic law";
  - (vi) indicate a reference to every document or item of evidence mentioned in the pleadings and annexed thereto.
13. If the pleadings in question reply to arguments of the other party, they should refer to the specific argument and indicate where it can be found in the other parties' submissions.

## **II. Time-limits**

14. 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 due time.
15. A time-limit set under Rule 38 may be extended at the request of a party.
16. A party seeking an extension of the time allowed for submission of pleadings 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.
17. 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.

## **III. Failure to comply with requirements for pleadings**

18. Where pleadings have not been filed in accordance with the requirements set out in these guidelines, the President of the Section may request the party concerned to resubmit them in compliance with those requirements.
19. In accordance with Article 34 of the Convention, Contracting States are required to furnish all necessary facilities to make possible a proper and effective examination of applications. In this connection, a failure on a Government's part to submit information or documents which are in their hands without a satisfactory explanation may not only give rise to the drawing of inferences as to the well-foundedness of the applicant's allegations, but may also reflect negatively on the level of compliance by a respondent State with its obligations under Article 38 of the Convention.