

## Practice Directions

### Requests for interim measures<sup>1</sup>

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#### (Rule 39 of the Rules of Court)

By virtue of Rule 39 of the Rules of Court, the Court may issue interim measures which are binding on the State concerned. Interim measures are only applied in exceptional cases.

The Court will only issue an interim measure against a Member State where, having reviewed all the relevant information, it considers that the applicant faces a real risk of serious, irreversible harm if the measure is not applied.

Applicants or their legal representatives<sup>2</sup> who make a request for an interim measure pursuant to Rule 39 of the Rules of Court should comply with the requirements set out below.

#### I. Accompanying information

Any request lodged with the Court must state reasons. The applicant must in particular specify in detail the grounds on which his or her particular fears are based, the nature of the alleged risks and the Convention provisions alleged to have been violated.

A mere reference to submissions in other documents or domestic proceedings is not sufficient. It is essential that requests be accompanied by all necessary supporting documents, in particular relevant domestic court, tribunal or other decisions, together with any other material which is considered to substantiate the applicant's allegations.

The Court will not necessarily contact applicants whose request for interim measures is incomplete, and requests which do not include the information necessary to make a decision will not normally be submitted for a decision.

Where the case is already pending before the Court, reference should be made to the application number allocated to it.

In cases concerning extradition or deportation, details should be provided of the expected date and time of the removal, the applicant's address or place of detention and his or her official case-reference number. The Court must be notified of any change to those details (date and time of removal, address etc.) as soon as possible.

The Court may decide to take a decision on the admissibility of the case at the same time as considering the request for interim measures.

#### II. Requests to be made by facsimile or letter<sup>3</sup>

Requests for interim measures under Rule 39 should be sent by facsimile or by post. The Court will not deal with requests sent by e-mail. The request should, where possible, be in one of the official languages of the Contracting Parties. All requests should be marked as follows in bold on the face of the request:

**"Rule 39 – Urgent**

**Person to contact (name and contact details): ...**

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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 5 March 2003 and amended on 16 October 2009 and on 7 July 2011.

2. It is essential that full contact details be provided.

3. According to the degree of urgency and bearing in mind that requests by letter must not be sent by standard post.

**[In deportation or extradition cases]  
Date and time of removal and destination: ...”**

### **III. Making requests in good time**

Requests for interim measures should normally be received as soon as possible after the final domestic decision has been taken, in order to enable the Court and its Registry to have sufficient time to examine the matter. The Court may not be able to deal with requests in removal cases received less than a working day before the planned time of removal.<sup>1</sup>

Where the final domestic decision is imminent and there is a risk of immediate enforcement, especially in extradition or deportation cases, applicants and their representatives should submit the request for interim measures without waiting for that decision, indicating clearly the date on which it will be taken and that the request is subject to the final domestic decision being negative.

### **IV. Domestic measures with suspensive effect**

The Court is not an appeal tribunal from domestic tribunals, and applicants in extradition and expulsion cases should pursue domestic avenues which are capable of suspending removal before applying to the Court for interim measures. Where it remains open to an applicant to pursue domestic remedies which have suspensive effect, the Court will not apply Rule 39 to prevent removal.

### **V. Follow-up**

Applicants who apply for an interim measure under Rule 39 should ensure that they reply to correspondence from the Court’s Registry. In particular, where a measure has been refused, they should inform the Court whether they wish to pursue the application. Where a measure has been applied, they must keep the Court regularly and promptly informed about the state of any continuing domestic proceedings. Failure to do so may lead to the case being struck out of the Court’s list of cases.

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1. The list of public and other holidays when the Court’s Registry is closed can be consulted on the Court’s internet site: [www.echr.coe.int/contact](http://www.echr.coe.int/contact).