

COUR EUROPEENNE
DES
DROITS DE L'HOMME

CONSEIL DE L'EUROPE
STRASBOURG

EUROPEAN COURT
OF
HUMAN RIGHTS

COUNCIL OF EUROPE
STRASBOURG

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ECHR-PEO
NM/AVS/svm

27 March 2006

Our Ref. 11578/06
Sison v. the Netherlands

Your Ref. DG 2003 0177

The Registry of the European Court of Human Rights has received your communication of 24 March 2006, from which it appears that you intend to lodge an application with the Court on behalf of your client. It has been given the above file-number, to which you must refer in any further correspondence relating to this case.

You will find enclosed a copy of the Convention and its Protocols, the text of Rules 45 and 47 of the Rules of Court, a notice for prospective applicants and the official application form, with an explanatory note.

If, after a careful study of the foregoing documents you are satisfied that your case meets all the appropriate criteria, you should fill in the application form carefully, legibly and completely as it will provide the basis for the Court's examination. It should be accompanied by copies of all relevant documents, in particular any decisions of national courts or authorities which you wish to challenge before the Court. Please do not send originals as they will not be returned to you by the Court.

You must return the application form and any necessary supplementary documents to the Court without undue delay, and at the latest within six weeks after receipt of the present letter. Otherwise you run the risk that the Court will not accept the date of your first letter as the date on which the application was lodged and may consequently conclude that the six-month time-limit for the submission of applications under Article 35 § 1 of the Convention has not been complied with.

IMPORTANT

If the Registry receives no response from you, your complaints will be taken to have been withdrawn and the file opened in respect of the application will be destroyed - without further warning - one year after dispatch of this letter.

Encs: Convention and Protocols
Notice to applicants
Application form and explanatory note
Authority form (for legal representation)

ADRESSE POSTALE / POSTAL ADDRESS:
CONSEIL DE L'EUROPE / COUNCIL OF EUROPE
F - 67075 STRASBOURG CEDEX

TELEPHONE:
00 33 (0)3 88 41 20 18

INTERNET:
<http://www.echr.coe.lu>

TELECOPIER/FAX:
00 33 (0)3 88 41 27 30

The Court

The Court

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Basic information on procedures

1. General

1. Any Contracting State (State application) or Individual claiming to be a victim of a violation of the Convention (individual application) may lodge directly with the Court in Strasbourg an application alleging a breach by a Contracting State of one of the Convention rights. A notice for the guidance of applicants and forms for making applications may be obtained from the Registry.

2. The procedure before the European Court of Human Rights is adversarial and public. Hearings, which are held only in a minority of cases, are public, unless the Chamber/Grand Chamber decides otherwise on account of exceptional circumstances. Memorials and other documents filed with the Court's Registry by the parties are, in principle, accessible to the public.

3. Individual applicants may present their own cases, but legal representation is recommended, and indeed usually required once an application has been communicated to the respondent Government. The Council of Europe has set up a legal aid scheme for applicants who do not have sufficient means.

4. The official languages of the Court are English and French, but applications may be submitted in one of the official languages of the Contracting States. Once the application has been declared admissible, one of the Court's official languages must be used, unless the President of the Chamber/Grand Chamber authorises the continued use of the language of the application.

2. Admissibility procedure

5. Each individual application is assigned to a Section, whose President designates a rapporteur. After a preliminary examination of the case, the rapporteur decides whether it should be dealt with by a three-member Committee or by a Chamber.

6. A Committee may decide, by unanimous vote, to declare inadmissible or strike out an application where it can do so without further examination.

7. Individual applications which are not declared inadmissible by Committees, or which are referred directly to a Chamber by the rapporteur, and State applications are examined by a Chamber. Chambers determine both admissibility and merits, in separate decisions or where appropriate together.

8. Chambers may at any time relinquish jurisdiction in favour of the Grand Chamber where a case raises a serious question of interpretation of the Convention or where there is a risk of departing from existing case-law, unless one of the parties objects to such relinquishment within one month of notification of the intention to relinquish. In the event of relinquishment the procedure followed is the same as that set out below for Chambers.

9. The first stage of the procedure is generally written, although the Chamber may decide to hold a public hearing, in which case issues arising in relation to the merits will normally also be addressed.

10. Decisions on admissibility, which are taken by majority vote, must contain reasons and be made public.

3. Procedure on the merits

11. Once the Chamber has decided to admit the application, it may invite the parties to submit further evidence and written observations, including any claims for "just satisfaction" by the applicant. If no hearing has taken place at the admissibility stage, it may decide to

Chapter II

Institution of Proceedings

Rule 45 (Signatures)

1. Any application made under Articles 33 or 34 of the Convention shall be submitted in writing and shall be signed by the applicant or by the applicant's representative.
2. Where an application is made by a non-governmental organisation or by a group of individuals, it shall be signed by those persons competent to represent that organisation or group. The Chamber or Committee concerned shall determine any question as to whether the persons who have signed an application are competent to do so.
3. Where applicants are represented in accordance with Rule 36, a power of attorney or written authority to act shall be supplied by their representative or representatives.

Rule 46 (Contents of an inter-State application)

Any Contracting Party or Parties intending to bring a case before the Court under Article 33 of the Convention shall file with the Registry an application setting out

- (a) the name of the Contracting Party against which the application is made;
- (b) a statement of the facts;
- (c) a statement of the alleged violation(s) of the Convention and the relevant arguments;
- (d) a statement on compliance with the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention;
- (e) the object of the application and a general indication of any claims for just satisfaction made under Article 41 of the Convention on behalf of the alleged injured party or parties; and
- (f) the name and address of the person(s) appointed as Agent;

and accompanied by

- (g) copies of any relevant documents and in particular the decisions, whether judicial or not, relating to the object of the application.

Rule 47¹
(Contents of an individual application)

1. Any application under Article 34 of the Convention shall be made on the application form provided by the Registry, unless the President of the Section concerned decides otherwise. It shall set out

- (a) the name, date of birth, nationality, sex, occupation and address of the applicant;
- (b) the name, occupation and address of the representative, if any;
- (c) the name of the Contracting Party or Parties against which the application is made;
- (d) a succinct statement of the facts;
- (e) a succinct statement of the alleged violation(s) of the Convention and the relevant arguments;
- (f) a succinct statement on the applicant's compliance with the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention; and
- (g) the object of the application;

and be accompanied by

- (h) copies of any relevant documents and in particular the decisions, whether judicial or not, relating to the object of the application.

2. Applicants shall furthermore

- (a) provide information, notably the documents and decisions referred to in paragraph 1 (h) of this Rule, enabling it to be shown that the admissibility criteria (exhaustion of domestic remedies and the six-month rule) laid down in Article 35 § 1 of the Convention have been satisfied; and

- (b) indicate whether they have submitted their complaints to any other procedure of international investigation or settlement.

3. Applicants who do not wish their identity to be disclosed to the public shall so indicate and shall submit a statement of the reasons justifying such a departure from the normal rule of public access to information in proceedings before the Court. The President of the Chamber may authorise anonymity in exceptional and duly justified cases.

1. As amended by the Court on 17 June and 8 July 2002.

4. Failure to comply with the requirements set out in paragraphs 1 and 2 of this Rule may result in the application not being examined by the Court.

5. The date of introduction of the application shall as a general rule be considered to be the date of the first communication from the applicant setting out, even summarily, the object of the application. The Court may for good cause nevertheless decide that a different date shall be considered to be the date of introduction.

6. Applicants shall keep the Court informed of any change of address and of all circumstances relevant to the application.