

# Contents

|  |     |
|--|-----|
| <b>Acknowledgments</b> . . . . .   | VII |
| <b>Glossary</b> . . . . .  | IX  |
| <b>1. Introduction</b> . . . . .   | 1   |
| 1.1 Outline . . . . .  | 1   |
| 1.2 The cases . . . . .  | 1   |
| 1.2.1 <i>Jaloud v the Netherlands</i> . . . . .  | 1   |
| 1.2.2 <i>S.A.S. v France</i> . . . . .   | 2   |
| <b>2. The procedures</b> . . . . .   | 3   |
| 2.1 Introduction to the Court's organisation and procedure . . . . .                             | 3   |
| 2.1.1 The Court's organisation . . . . .   | 3   |
| 2.1.2 The Court's procedure . . . . .  | 4   |
| 2.2 Rules for specific steps in the application procedure . . . . .                              | 5   |
| 2.2.1 Exhaustion of domestic remedies . . . . .  | 6   |
| 2.2.2 The application . . . . .  | 6   |
| 2.2.3 Administrative disposal of the application . . . . .                                       | 9   |
| 2.2.4 Registration of the application . . . . .  | 9   |
| 2.2.5 Allocation of the application to a judicial formation (including relinquishment) . . . . . | 10  |
| 2.2.6 Examination of the application by a judicial formation . . . . .                           | 10  |
| 2.2.7 Communication of the application to the respondent Government . . . . .                    | 11  |
| 2.2.8 Legal aid . . . . .  | 11  |
| 2.2.9 Written observations of the respondent Government . . . . .                                | 12  |
| 2.2.10 Written observations of the applicant and claim for just satisfaction . . . . .           | 12  |
| 2.2.11 Further written observations of the respondent Government . . . . .                       | 15  |
| 2.2.12 Interim measure . . . . .   | 15  |
| 2.2.13 Friendly settlement . . . . .   | 16  |
| 2.2.14 Unilateral declaration . . . . .  | 16  |
| 2.2.15 Hearing . . . . .   | 17  |
| 2.2.16 Decision or judgment . . . . .  | 17  |
| 2.2.17 Referral to the Grand Chamber . . . . .   | 18  |
| 2.3 General rules for the application procedure . . . . .  | 19  |
| 2.3.1 Representation of the applicant . . . . .  | 19  |
| 2.3.2 Protection of the applicant . . . . .  | 19  |
| 2.3.3 Cooperation and correspondence with the Court . . . . .                                    | 20  |
| 2.3.4 Publicity and anonymity . . . . .  | 20  |
| 2.3.5 Use of languages . . . . .   | 21  |
| 2.3.6 Priority policy . . . . .  | 21  |
| 2.3.7 Joinder and simultaneous examination of the application . . . . .                          | 22  |
| 2.3.8 State of proceedings search engine . . . . .   | 22  |
| 2.4 Rules for third-party interventions . . . . .  | 22  |
| 2.4.1 Request for leave to intervene. . . . .  | 23  |
| 2.4.2 The intervention . . . . .   | 23  |
| <b>3. The case file of the lawyer</b> . . . . .  | 25  |
| 3.1 Documents in the application procedure . . . . .   | 25  |
| 3.1.1 Exhaustion of domestic remedies . . . . .  | 25  |
| Document: Court of Appeal decision (extracts) . . . . .  | 26  |
| 3.1.2 The application . . . . .  | 27  |
| Document: Application form (neither fully original letter nor original form) . . . . .           | 28  |
| Document: Acknowledgment receipt application form . . . . .                                      | 42  |
| 3.1.3 Communication of the application to the respondent Government . . . . .                    | 43  |
| Document: Notification statement of facts and questions etc. . . . .                             | 44  |
| 3.1.4 Written observations of the respondent Government . . . . .                                | 62  |
| Document: Notification written observations of the Netherlands. . . . .                          | 63  |
| 3.1.5 Written observations and claim for just satisfaction of the applicant . . . . .            | 74  |
| Document: Request extension deadline . . . . .   | 75  |
| Document: Answer request extension deadline . . . . .  | 76  |
| Document: Written observations and claim for just satisfaction . . . . .                         | 77  |
| Document: Acknowledgment receipt written observations and claim for just satisfaction . . . . .  | 89  |

|           |  |            |
|-----------|--|------------|
| 3.1.6     | Further written observations of the respondent Government . . . . .  | 90         |
|           | Document: Notification further written observations of the Netherlands. . . . .  | 91         |
| 3.1.7     | Relinquishment . . . . .   | 108        |
|           | Document: Notification intention to relinquish . . . . .   | 109        |
|           | Document: Notification decision to relinquish . . . . .  | 110        |
|           | Document: Notification composition Grand Chamber and etc.. . . . .   | 111        |
| 3.1.8     | Hearing . . . . .  | 114        |
|           | Document: Invitation to address issues in observations . . . . .   | 115        |
|           | Document: Further written observations . . . . .   | 117        |
|           | Document: Acknowledgment further written observations. . . . .   | 160        |
|           | Document: Notification written observations on claim for just satisfaction of the Netherlands . . . . .                | 162        |
|           | Document: Authority form (cover letter original; form not original). . . . .   | 164        |
|           | Document: Acknowledgment receipt authority form . . . . .  | 168        |
|           | Document: Pleading notes (cover letter only) . . . . .   | 171        |
| 3.1.9     | Judgment . . . . .   | 172        |
|           | Document: Judgment (extract) . . . . .   | 173        |
| 3.2       | Additional documents in the application procedure in other cases . . . . .   | 175        |
| 3.2.1     | Administrative disposal of the application . . . . .   | 175        |
|           | Document: Notification administrative disposal . . . . .   | 176        |
| 3.2.2     | Legal aid . . . . .  | 177        |
|           | Document: Declaration of applicant's means . . . . .   | 178        |
|           | Document: Directions for completing your declaration of means . . . . .  | 180        |
|           | Document: Legal aid rates . . . . .  | 182        |
|           | Document: Legal aid: practical guide. . . . .  | 183        |
|           | Document: List of national bar associations and authorities competent to certify indigence (not the original). . . . . | 187        |
| 3.2.3     | Priority policy and interim measure. . . . .   | 194        |
|           | Document: Request interim measure and prioritisation . . . . .   | 195        |
| 3.2.4     | Unilateral declaration . . . . .   | 208        |
|           | Document: Unilateral declaration of the Netherlands . . . . .  | 209        |
|           | Document: Judgment (extracts). . . . .   | 210        |
| 3.2.5     | Decision . . . . .   | 212        |
|           | Document: Single-judge decision . . . . .  | 213        |
| <b>4.</b> | <b>The case file of the intervener . . . . .</b>   | <b>215</b> |
| 4.1       | Request for leave to interne. . . . .  | 215        |
|           | Document: Request for leave to intervene . . . . .   | 216        |
|           | Document: Answer request for leave to intervene (not original) . . . . .   | 220        |
| 4.2       | The intervention . . . . .   | 221        |
|           | Document: Written observations . . . . .   | 222        |
|           | Document: Request for additional written observations . . . . .  | 232        |
|           | Document: Answer request for additional written observations . . . . .   | 237        |
| 4.3       | Judgment . . . . .   | 238        |
|           | Document: Judgment (extracts). . . . .   | 239        |