

Third Party Interventions Before the European Court of Human Rights

Guide for National Human
Rights Institutions

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Foreword

Robert Spano, President of the European Court of Human Rights

I am very pleased to provide the foreword to this extremely useful guide produced by the European Network of National Human Rights Institutions (ENNHRI), which aims to support and strengthen the work of national human rights institutions in their submissions as third parties before the European Court of Human Rights.

As we know, the success of the Convention system is achieved through a combination of efforts: governmental; parliamentary; judicial and also at the level of national human rights institutions and civil society. National human rights institutions can play a significant role in the effective implementation of the Convention given their unique position as a bridge between the state and civil society. This guide focuses on one particular area of action, third party interventions before the European Court of Human Rights, which forms part of a wider field of interest, strategic litigation.

Third party interventions before the Court are a way in which States Parties, other international organisations and national human rights institutions and civil society can engage actively in a dialogue with the Court. As the States Parties themselves underlined in the 2018 Copenhagen Declaration this has the effect of strengthening the authority and legitimacy of the Court and improving the effectiveness of the whole system. Third party interventions from ENNHRI or national human rights institutions can provide various perspectives for the Court: a picture of the law and practice at the national level of one particular State; data and statistics on the ground; a comparative overview of domestic practices across Council of Europe Member States; an analysis of international jurisprudence on the issue at question or on the Court's own case-law.

The added value of this comprehensive guide is that it provides practical advice and resources on why, when and how to prepare a third party interventions, including the very helpful dos and don'ts section as well as numerous of examples of submissions in concrete cases.

Finally, I would like to thank all national human rights institutions, as well as ENNHRI itself, for your interventions, whether individual or collective. I know that preparing and writing third party interventions is a labour-intensive activity which can take up much of your time. Sometimes you may wonder what impact they have. On behalf of the Court, I can assure you that all submissions are read with interest and care and that, depending on the case, they can play a very useful role in our decision-making.

Robert Spano

Strasbourg, 17 September 2020

Introduction

This publication originated from a training session requested by National Human Rights Institutions (NHRIs) active in the ENNHRI Legal Working Group on how to design and conduct meaningful, expert Third Party Interventions before the European Court of Human Rights (ECtHR). The training focused on NHRI Third Party Interventions before the ECtHR, including both individual NHRI strategic litigation and collective ENNHRI strategic litigation, which is one of the key functions of ENNHRI's Legal Working Group. The training for NHRIs benefited from expertise provided by the Registry of the ECtHR and the Open Society Justice Initiative.

Third Party Interventions are an important tool of any strategic litigation, particularly at European level. NHRIs and ENNHRI can both appear before the ECtHR as neutral parties in selected cases, providing expertise on human rights matters which the parties may not put before the Court and, in particular, to provide analysis of those standards and developments that can be drawn from law and practice beyond the ECHR itself.¹ The crucial role NHRIs play in the national implementation of the European Convention on Human Rights (ECHR) was recognized by Council of Europe Member States in the Copenhagen Declaration of 2018², underlining the importance of third party interventions before the ECtHR.

The purpose of this paper is to capture the essence of the information relevant for NHRIs to undertake Third Party Interventions, and to source it and make it available for interested staff and NHRIs as a resource to support them in their advocacy and litigation activities.

For the sake of clarity, this Guide uses the term Third Party Intervention or Third Party. The term '*amicus curiae*' will not be used because it has a different meaning in the UK than it does in the US and elsewhere, where it has become an established term for Third Party.³

¹ While acknowledging that the interpretation of the Convention is a prerogative of the ECtHR itself, the Council of Europe Steering Committee for Human Rights (CDDH) noted that an interpretation of the Convention which is at odds with other instruments of public international law (such as international humanitarian law) could have a detrimental effect on the authority of the ECtHR's case law and the effectiveness of the Convention system as a whole.

² [Copenhagen Declaration](#) (2018) p.2, 14

³ Dating back to the 1600s in the UK, the *amicus curiae* (nowadays referred to as an 'advocate to the court') remains a largely non-partisan figure, appointed by the Attorney General at the request of the court.

NHRI Mandate to Undertake Third Party Interventions Before the ECtHR

1.1 The Paris Principles and NHRI Founding Regulation

The Paris Principles emphasise the role of NHRIs to cooperate with international, regional and national institutions that are competent in the areas of protection and promotion of human rights.

3. A national institution shall, inter alia, have the following responsibilities:

(e) To cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the protection and promotion of human rights;

In Europe, engagement of NHRIs with the ECtHR, including through Third Party Interventions, is an important avenue for NHRIs to carry out their role. The founding regulation of an NHRI can include the competence to intervene as a Third Party before national, regional and/or international courts and tribunals in cases concerning constitutional and international human rights provisions.

NHRIs in Focus: Equality and Human Rights Commission (EHRC), Great Britain

Among its statutory powers, the EHRC has an express mandate to intervene in legal proceedings. This is set out in s30(1) Equality Act 2006, which states:

"The Commission shall have the capacity to institute or intervene in legal proceedings, either for judicial review or otherwise, if it appears to the Commission that the proceedings are relevant to a matter in connection with which the Commission has a function."

The Commission also has a unique power to initiate or intervene in judicial review proceedings in relation to human rights without being a victim of an unlawful act.

Also, as a collective, NHRIs in Europe have been intervening as Third Parties before the ECtHR. The first collective intervention dates to 2008, when the European Group of NHRIs intervened in *D.D. v. Lithuania*, a case relating to the legal capacity rights of people with a disability. To date, ENNHRI has submitted five interventions to the ECtHR, in cases concerning a variety of regional human rights concerns.⁴ Through its Legal Working Group, ENNHRI has developed a common procedure for Third Party Interventions before the ECtHR (further below 2.2). According to this Procedure, the members of the Legal Working Group have agreed to monitor the cases relevant to their own State.

1.2 ECtHR Regulatory Framework

At the regional level, two provisions regulate Third Party Interventions before the ECtHR: Article 36 of the ECHR and Rule 44 of the [Rules of Court](#).

ARTICLE 36

Third Party Intervention

1. In all cases before a Chamber or the Grand Chamber, a High Contracting Party one of whose nationals is an applicant shall have the right to submit written comments and to take part in hearings.
2. The President of the Court may, in the interest of the proper administration of justice, invite any High Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant to submit written comments or take part in hearings.
3. In all cases before a Chamber or the Grand Chamber, the Council of Europe Commissioner for Human Rights may submit written comments and take part in hearings.

⁴ [Strøbye v. Denmark and Rosenlind v. Denmark](#) (Apps. Nos. 25802/18 and 27338/18); [Big Brother Watch v United Kingdom](#) (App No. 58170/13); [Ten Human Rights Organisations v. United Kingdom](#) (App No. 24960/15); [Gauer and others v. France](#) (App No. 61521/08); [D.D. v. Lithuania](#) (involuntary admission to a psychiatric institution and unfairness of guardianship proceedings) (App No. 13469/06).

RULE 44

3. (a) Once notice of an application has been given to the respondent Contracting Party under Rules 51 § 1 or 54 § 2 (b), the President of the Chamber may, in the interests of the proper administration of justice, as provided in Article 36 § 2 of the Convention, invite, or grant leave to, any Contracting Party which is not a party to the proceedings, or any person concerned who is not the applicant, to submit written comments or, in exceptional cases, to take part in a hearing.

The European Court of Human Rights provides for following different possibilities for Third Party Interventions:

- a) Article 36(2) of the ECHR enables the President of the Court to invite Third Parties to submit written comments or take part in hearings.
- b) Rule 44(3), at its turn, provides Third Parties with the opportunity to apply to intervene at their own initiative. Rule 44(3) has been the procedural basis used for individual and collective NHRI Third Party interventions before the ECtHR to date.

As will be further detailed below, the window of opportunity to intervene as Third Party is short and it may therefore be challenging for NHRIs to intervene directly before the ECtHR. Therefore, it may also be interesting for NHRIs to submit information indirectly:

- Through sharing opinions and information with other actors that take part in the Court's proceedings. For instance, pursuant to Article 36(3) ECHR, the Council of Europe Commissioner for Human Rights can intervene, if she/he so wishes, in cases before a Chamber or the Grand Chamber without the need to seek leave and NHRIs have the possibility to provide relevant information to the Commissioner. ENNHRI enjoys close cooperation with the CoE Commissioner who supports NHRIs in their work at national and regional level and considers NHRIs' information in her work.⁵
- Through one of the parties (typically the Applicant). This is possible, for example, by issuing an expert opinion in support of the party's position. This option is so far mostly adopted by NGOs, however NHRIs may decide to utilise this method too.

⁵ Note, for example, the reference made to third party interventions of NHRIs before the ECtHR in the Council of Europe Commissioner Human Rights Comment '[Paris Principles at 25: Strong National Human Rights Institutions Needed More than Ever](#)', 18 December 2018.

Why should NHRIs undertake Third Party Interventions before the ECtHR?

2.1 Relevance of Third Party Interventions for the ECtHR

The Rules of Procedure of the ECtHR indicate that the rationale behind Third Party Interventions lies in “the interest of the proper administration of justice”. The ECtHR deals with cases of major public importance and the impact of its decisions is far reaching. In view of the adversarial nature of the legal proceedings, the Court primarily relies on the information provided by the parties, which may not always deal with all the core issues and legal arguments relevant to that individual case. Further, the parties may lack a sufficient evidence base, such as relevant or up to date information and statistics, to support their case. Accordingly, the ECtHR welcomes Third Party Interventions to enrich its deliberations and attach context to its judgements. Third Party Interventions are considered an established feature of cases before the ECtHR, particularly in proceedings before the Grand Chamber. The participation of Third Parties is seen as a form of dialogue: both necessary and constructive. Third Party Interventions are particularly useful if the ECtHR wishes to establish if a European or international consensus exists on a particular issue. Moreover, Third Party Interventions can provide inspiration from case-law beyond that of the ECtHR and indicate how other jurisdictions deal with a particular issue or concept. Third Party Interventions can also illustrate different interests at stake in a particular case and the prevalence of some issues over others.

The weight of authority given to Third Party Interventions depends on a case by case basis and is not made explicit by the ECtHR. While judgements mention whether an intervention has been submitted to the case, there are not many cases where it is explicitly acknowledged that a specific intervention has been used or has had a particular impact. Yet, Third Party Interventions form an integral part of the case proceedings and, as a premise, are duly taken into account by the Court’s Chambers.

NHRIs in Focus: Joint submission of Northern Ireland NHRI (NIHRC) and Great Britain NHRI (EHRC) noted in ECtHR judgment

The Court included a reference to the joint submission of the Northern Ireland NHRI (NIHRC) and Great Britain's NHRI (EHRC) in its judgement in the case of *McCaughey & Others v. the United Kingdom*⁶. The case concerned the killing of Martin McCaughey and Dessie Grew by British soldiers in October 1990.

In the submission, the NHRIs contended that:

- a) the standard evidential test for prosecution in the UK fails adequately to comply with the State's positive obligation to prosecute in Article 2 cases;
- b) The need for a lower evidential test in Article 2 cases is enhanced by the fact that the law of self-defence in English law is drawn very widely, is partially subjective in its formulation and is inconsistent with the requirements of Article 2(2);
- c) The application of the standard evidential test, combined with the Article 2 non-compliant law of self-defence, has in practice meant that prosecutions in the UK of state officials for causing death are exceedingly rare;
- d) The scope for review by the domestic courts of the application of the evidential test is too limited and fails to meet the stringent procedural requirements of Article 2;
- e) The ability to bring a private prosecution does not absolve the State of its positive obligation under Article 2 and, in any event, the State retains an unfettered power to take over and halt a private prosecution.

The ECtHR noted the submission in the judgment, and that the intervention had dealt with an issue not raised by the parties themselves.

⁶ [McCaughey & Others v. the UK](#) (App. no. 43098/09)

NHRIs in Focus: ENNHRI's Third Party submission to ECtHR referred to within judgement conclusions

The Court included a reference to ENNHRI's submission within the judgement conclusions in the case of *Big Brother Watch and Others v. the United Kingdom*⁷, pending before the Grand Chamber.

The case concerns national intelligence sharing and the right to privacy and was the first time that a case brought the question of whether a regime of international intelligence sharing is compliant with Article 8 (right to privacy and family life) of the ECHR to the attention of the Grand Chamber.

In its submission, ENNHRI provided examples from member states showcasing that the nature of international intelligence cooperation has changed significantly, which creates new challenges for independent and effective oversight of intelligence sharing.

The submission provided an overview of recommendations from the UN and European human rights bodies and special procedures, as well as good practices by national oversight bodies on how these challenges can be addressed to ensure robust independent and effective oversight of intelligence sharing. The ENNHRI submission was the result of cooperation between NHRIs from ENNHRI's Legal Working Group.

2.2 Relevance of Third Party Interventions by and for NHRIs

A. Relevance of submissions by NHRIs

Third Party Interventions by NHRIs carry specific weight because they are based on NHRIs' official mandate to independently provide information on the human rights situation in their state. An intervention by an NHRI, importantly, can be appreciated as a public interest indication and may draw the attention of the Government to the case at hand or raise the profile of the case.

⁷ [Big Brother Watch and Others v. the United Kingdom](#) (Apps. Nos. 58170/13, 62322/14 and 24960/15)

NHRIs in Focus: Georgian NHRI (Public Defender's Office) submits information on national human rights situation as a third party to ECtHR

The Georgian NHRI submitted information on the national human rights situation in the case of *Rustavi 2 Broadcasting Company Ltd and Others v. Georgia*⁸, currently requested for referral to the Grand Chamber. The case concerns a dispute over ownership of shares in a popular television broadcasting company.

In its submission, the NHRI identified and described challenges regarding the freedom of expression and the media environment in Georgia, as well as institutional deficiencies in the national justice system. It is said that 'NHRIs can contextualise a case for the ECtHR in a broader way than an individual applicant *could* ever do and in a more independent way than the defendant state *would* ever do'.⁹

NHRIs can provide the ECtHR with factual information from the ground, and also with structural information regarding the relevant national laws and policies in place in a country. With their taking part in ECtHR proceedings, NHRIs can highlight to the Court the wider public impact of the case.

NHRIs in Focus: Danish NHRI (Danish Human Rights Institute) submits information as Third Party to ECtHR on issue with no prior jurisprudence

The Danish NHRI submitted information on the national human rights situation in the case of *M.A. v. Denmark*¹⁰. The case concerns the denial of a request for family reunification, on the basis that the applicant had not yet possessed a residence permit for at least three years, as generally required by Danish law for persons with a temporary protection status. The Third Party Submission provided contextual information while there had been no prior jurisprudence on this exact issue at the ECtHR.

NHRIs' submissions can indicate to the ECtHR whether an individual case is part of a large-scale and systemic problem in a country. Such analysis can be especially useful for the ECtHR in the context of pilot judgements when the ECtHR singles out one case among many comparable ones, decides on the merits, and subsequently indicates general

⁸ [Rustavi 2 Broadcasting Company Ltd. and Others v. Georgia](#) (App. No. 16812/17)

⁹ Antoine Buyse in Wouters and Meuwissen (2013) 177.

¹⁰ [M.A. v. Denmark](#) (App. No. 6697/18)

measures to be taken by the defendant state.¹¹ NHRI submissions can also help the ECtHR to develop general measures that strike at the core of the problem through the identification of problematic national laws and policies warranting change.

B. Relevance of submissions for NHRIs: Strategic litigation

A Third Party Intervention before the ECtHR is a technical and resource intensive undertaking. Therefore, when considering whether to undertake a Third Party Intervention NHRIs need to be convinced that their intervention is of strategic importance and goes beyond the information the parties to the case (and other possible interveners) will provide to the ECtHR. Strategic cases for NHRIs to intervene, for example, are those which involve issues that are of wide public importance and could have a big impact on the interpretation or protection of human rights law in a country. For example, NHRIs may consider applying to intervene in cases where the ECtHR is considering whether a public decision maker has complied with human rights legislation and the decision will influence or effect the way human rights legislation is interpreted at national level.

With a view to identify whether to intervene in Third Party Proceedings before the ECtHR, an NHRI may develop a Strategic Litigation Policy. A Strategic Litigation Policy will list the factors to be considered in order to determine whether an NHRI should exercise its powers to intervene in a given case.

Guidelines for a Strategic Litigation Policy

A Strategic Litigation Policy should be fairly general and be widely drawn, it is not intended to be prescriptive or exhaustive and should be subject to review. The key point lies in whether the case is strategic and the NHRI is the best placed organisation to carry out the intervention, as there might be another public body or NGO best placed to intervene, by being better or more closely connected to the case. Some of the factors to be taken into consideration include the RAARO check-list:

- **Relevance:** NHRIs should consider their strategic litigation function in relation to:

¹¹ See Article 61 of the Rules of Procedure and the ECtHR Factsheet on Pilot Judgments available here: https://www.echr.coe.int/Documents/FS_Pilot_judgments_ENG.pdf

- their strategic working plan and working priorities – the extent to which the case advances the duties and objectives of the NHRI in relation to the scope of its mandate.
- their other roles, such as awareness-raising – when considering strategic litigation, it is important to take into account the national audience's awareness of and position towards the issues of the case at hand.
- **Appropriateness:** are there solutions other than the Third Party Intervention available and, are they more appropriate to attain the same aims? For this exercise, the duty of the NHRI to act in line with its mission/vision needs to be taken into account. Interventions before the ECtHR can be appropriate, for example, when domestic advocacy by the NHRI has been without result.
- **Added value – for individual case and systematic change:** beyond the arguments advanced by any of the parties to the case, to what extent would the NHRI Third Party Intervention add value to the ECtHR deliberation in the specific case and to what extent would the ECtHR judgement be likely to lead to systematic change beyond the facts of the case. At the same time, it is important to also consider impacts on the individual applicant as well as possible unintended consequences.
- **Resources:** the extent to which the resources necessary to take forward the case will be effective and proportionate to the aims and will impact on the ability of the NHRI to take other cases or to respond to emerging new significant issues.
Beyond a question of budget, this is a question concerning availability of the staff. Outsourcing the legal work (pro bono) to law firms or barristers is an option that NHRIs may consider.
- **Other Third Parties:** what is the likelihood of any other party intervening? If so, the NHRI could try to identify the value of a possible joint intervention. NHRIs could also consider approaching possible interveners to verify the general scope and focus of their interventions, which would then allow the NHRI to ensure that its intervention has added-value and does not duplicate that of other interveners.

C. Relevance of collective interventions through ENNHRI

Collective interventions from ENNHRI before the ECtHR carry particular relevance because they bring together NHRI expertise from across the region and can provide a comparative overview of domestic practices across Council of Europe member states. Such overview is especially relevant in cases where the ECtHR is identifying whether an emerging consensus across member states exists on points of law. Vice versa, comparative overviews can also provide information to the ECtHR why certain national situations may be exceptional. For cases in which the practice in the country at stake is out of line with most other European countries, specialist domestic contributions from NHRIs can provide the ECtHR useful contextual information. A collective intervention by ENNHRI may also be an option when it is not possible for NHRIs to undertake an intervention on an individual basis, such as, for example because of resource constraints.

NHRIs in Focus: ENNHRI Third Party Intervention to ECtHR provides a comparative overview of national practices

ENNHRI submitted a Third Party Intervention to the ECtHR in the cases of *Strøbye v. Denmark* and *Rosenlind v. Denmark*¹² concerning the right to vote for individuals who are under legal guardianship or deprived of their legal capacity. Led by the NHRI of Denmark (Danish Institute for Human Rights), the submission underlined that voting rights cannot be withdrawn solely based on a disability.

In the two cases, the applicants were deprived of their legal capacity under Danish legislation and subsequently not entitled to vote in national parliamentary elections. ENNHRI's submission highlighted the law's inconsistency with international standards at the United Nations and the Council of Europe levels and gave a comparative overview of relevant legislation and jurisprudence from across Council of Europe Member States, which showed a trend towards reducing restrictions on the right to vote for citizens placed under guardianship or without legal capacity. As shown in information provided by 17 member NHRIs, since 2003, at least 15 Member States have reduced such restrictions. Moreover, no Member State has introduced measures aimed at further limiting the right to vote for this group in this period.

This submission was the result of cooperation among European NHRIs through ENNHRI's Legal Working Group and its Working Group on the UN Convention on the Rights of Persons with Disabilities.¹³

¹² [Strøbye v. Denmark and Rosenlind v. Denmark](#) (Apps. Nos. 25802/18 and 27338/18)

¹³ [ENNHRI submission](#) on *Strøbye v. Denmark and Rosenlind v. Denmark*

ENNHRI Third Party Intervention Policy

ENNHRI's Legal Working Group has developed a [Common Procedure](#) for submitting Third Party Interventions before the European Court of Human Rights. The criteria for intervention are that (1) the NHRI from the State concerned supports an ENNHRI intervention, (2) it is a priority area of concern with a systemic human rights issue arising and (3) an intervention may be feasible and appropriate, taking into account the ECtHR deadlines.

When monitoring cases, ENNHRI members will consider each time if a case addresses a systemic human rights issue and lies within the priority areas of ENNHRI. When an ENNHRI member considers these criteria are met, the member may develop a proposal for an ENNHRI Third Party Intervention. The proposal should set out the facts of the case, a summary of the law, the reasons for proposing the intervention and an overview of what the submission would cover.

The question of whether a Third Party Intervention is "feasible and appropriate" refers to whether ENNHRI has the capacity, in the time available, to make a submission in the case, having regard to the availability of members for a) an analysis of relevant principles that can be drawn from law and practice beyond the ECHR itself and/ or b) an analysis of law reforms trends on the subject across Europe in various States.

Depending on the thematic areas concerned, the Legal Working Group can collaborate with other ENNHRI working groups following their field of expertise, as it has been done already with the CRPD Working Group in cases regarding disability rights.

When proposing a Third Party Intervention, the NHRI making the proposal is encouraged to take the following other questions into consideration:

- Is there an added value to the collective action of an ENNHRI statement, compared to the NHRI alone?
- What is the benefit for ENNHRI members for submitting a Third Party Intervention?
- What is the outcome/ impact expected from submitting a Third Party Intervention?
- Is the Third Party Intervention the best means/tool to achieve the aim?
- What is the expertise of ENNHRI members in the issue at stake?

- What is the availability of ENNHRI members to work on drafting an intervention?

Where a communicated case, monitored nationally, raises one or more of the ENNHRI priority areas with a systematic human rights issue arising, and appears to be feasible and appropriate, any member may propose to intervene in the case to the Chair of its Working Group. The Chair will then consult the full Working Group on the proposal and the Chair of the Legal Working Group. In case of agreement to proceed, the proposal will be forwarded to the full ENNHRI membership or, in case of urgency, to the ENNHRI Board.

How can NHRIs Intervene before the ECtHR?

3.1. Identifying suitable cases

The website of the ECtHR ([HUDOC](#)) publishes information regarding cases, rulings, case-law and other updates. Information is published in either or both of the two languages of the Court (English and French). The website is also available in other languages (Russian, Georgian, Spanish and Turkish) and the ECtHR case-law is translated to many other languages. However, the number of translated cases varies considerably from one language to another.

HUDOC page of communicated cases: after acknowledging the receipt of an application, a case is allocated to one of the five [sections](#) of the Court. At this stage, if the case merits further examination by the Court, the Court will communicate to the Government that an application has been submitted against it and, invite observations from the Government. Soon after, a Statement of Facts¹⁴ of the case is also made publicly available at HUDOC [in this page](#). You can also filter the cases (e.g. per Member State) in HUDOC, as indicated in **Picture 1** of the Annex.

In order to identify the most strategic case for a third party intervention, Third Parties must check the page of communicated cases on a regular basis. This is also necessary in view of the short 12-week period to request leave to intervene, which in practice is often shorter due to delayed publication of communicated cases in HUDOC.

Press releases: The Registrar of the Court publishes press releases on different subjects, including summary of rulings, forthcoming judgments and decisions, and procedural changes in the Court. You can find the Court's press releases following [this link](#) or through HUDOC as indicated in **Picture 2** of the Annex.

Importantly, there are also Press Releases on upcoming and recent decisions on **Referrals to the Grand Chamber**¹⁵. You can find an example of a Press Release informing about Grand Chamber's decisions concerning referrals in **Picture 3** of the Annex.

¹⁴ A Statement of Facts is a short resume of the account of facts introduced to the Court by the applicant, that have given rise to the application, including the article or articles of the Convention that have allegedly been breached. For more information see point 4 in this section.

¹⁵ Under Article 43 ECHR, any party to the case may, in exceptional cases and within three months from the date of a Chamber judgment, request that the case be referred to the 17-member Grand Chamber of the

As explained further below, Third Parties usually have 12 weeks to request leave to intervene from the date a case is communicated to the Government for observations, or decision of the Chamber to accept a referral, or decision to relinquish jurisdiction in favour of the Grand Chamber. . If you already intervened in the proceedings before the Chamber, you retain that capacity in the proceedings before the Grand Chamber, and do not have to re-apply for leave. The intervention does not have to be exactly the same, but Third Parties are expected to demonstrate consistency in their interventions before the Court.

The Court also relies on press releases to inform the public about cases that are **relinquished** to the Grand Chamber¹⁶. You can find the Court's press releases concerning relinquishments following [this link](#) or through HUDOC as indicated in **Picture 4** of the Annex. In such cases, Third Parties usually have 12 weeks from the date a case is relinquished to the Grand Chamber to request leave to intervene.

Other sources: In order to be aware of the Court's latest updates and news, Third Parties can also regularly check information shared through the ECtHR [Twitter](#) account. In addition to the information made publicly available by the Court, Third Parties can consider contacting registry lawyers directly and non-ECtHR sources (such as legal representatives of the parties, NGOs, and any other organisation that may have more information on cases before the Court). However, especially when communicating with legal representatives of the parties, it is important that Third Parties respect the principle of neutrality.

3.2 Request for Leave (Rule 44)

Timing (12 weeks)

The expression "*request for leave*" refers to the action of requesting the ECtHR for permission to intervene in the proceedings as a neutral, external party, this is, as a Third Party.

The rules of the Court set a 12 week period for seeking leave from the Chamber or Grand Chamber, running from the notification to the parties ("communication") of the case, or

Court. The decision on the requests for referral is taken by a panel of five judges. The acceptance of such request is however very rare.

¹⁶ "*Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, the Chamber may relinquish jurisdiction in favour of the Grand Chamber, unless one of the parties to the case has objected in accordance with paragraph 4 of this Rule.*" See Rule 72 of the Rules of the Court.

decision of the Chamber to accept the referral¹⁷ or decision to relinquish¹⁸ jurisdiction in favour of the Grand Chamber. In practice, this period is even shorter as the Statement of Facts are not made publicly available online until some time, even weeks at times, after the day of communication.

For example, if a case is notified (“communicated”) to the parties on 8 January 2019, third parties would usually have 12 weeks to request leave to intervene – that is, by 2 April 2019.

Time limits may be **shortened**, particularly in the case of urgent cases, or when the parties have been given shorter time-limits.

In a case of a referral or relinquishment, leave may be **refused** when “requested too close to the hearing”. For example, in Grand Chamber cases hearings generally take place within 4-5 months from relinquishment or referral, and the case file needs to be ready one month before the hearing takes place (translation of documents, copies, reading time, etc). .

The Court is usually very strict on deadlines, particularly regarding Grand Chamber Cases, however time limits *may* be **extended** if the Third Party contacts the registry and provides very good reasons why an extension would be necessary. This could be considered justifiable, for instance, where the potential intervener was not informed of the case at an earlier stage due to circumstances outside its control.

The decision to shorten or extend the deadline to request leave to intervene is at the discretion of the President of the relevant Chamber. Therefore, third parties are encouraged to expect a 12-week deadline unless otherwise indicated by the registrar. When in doubt of the deadline to request leave to intervene, Third Parties should contact the registrar.

¹⁷ Referral and relinquishment are the two mechanisms by which cases are brought from the Chambers to the Grand Chamber. A case can be referred to the Grand Chamber for reconsideration on a request by either of the parties to the case, after a judgement has been delivered by the Chamber. These referral applications are then decided upon by a panel of five judges, which decides whether they raise sufficiently ‘serious’ questions for the Grand Chamber to be convened. The process and principles by which the panel makes this decision are, however, somewhat opaque and rates of success in such referrals are very low.

¹⁸ Cases are also sent to the Grand Chamber when relinquished by a Chamber, although this is also exceptional. The Chamber to which a case is assigned can relinquish it to the Grand Chamber if the case raises a serious question affecting the interpretation of the Convention or if there is a risk of inconsistency with a previous judgment of the Court. For more information, consult [here](#).

RULE 44, 1 (b)

If a Contracting Party wishes to exercise its right under Article 36 § 1 of the Convention to submit written comments or to take part in a hearing, it shall so advise the Registrar in writing not later than twelve weeks after the transmission or notification referred to in the preceding sub-paragraph. Another time-limit may be fixed by the President of the Chamber for exceptional reasons.

RULE 44, 4

(a) In cases to be considered by the Grand Chamber, the periods of time prescribed in the preceding paragraphs shall run from the notification to the parties of the decision of the Chamber under Rule 72 § 1 to relinquish jurisdiction in favour of the Grand Chamber or of the decision of the panel of the Grand Chamber under Rule 73 § 2 to accept a request by a party for referral of the case to the Grand Chamber.

(b) The time-limits laid down in this Rule may exceptionally be extended by the President of the Chamber if sufficient cause is shown.

Essential Elements of Requests for Leave

Requests for leave to intervene must be short and concise, in English or French, not exceed 2-3 pages, and include the following:

- Introduction of the Third Party, its goals and activities
- Interest of the Third Party in the case
- Specific particulars on how the Third Party intends to contribute to the case and how will it be in the best interest of administration of justice
- Where the Third Party has intervened in other cases before, it is recommended to mention the previous interventions, although this is not mandatory, because the Court is more likely to cooperate with a party they have worked with previously

Consent from the case parties is not required, however the Third Party may consider whether it is strategically advantageous to its application to notify the parties. When contacting parties involved in the case, the third party should limit its communication to notifying the parties of its Third Party Intervention and should respect the principle of neutrality of third parties. Failing to comply with the principle of neutrality can result in interventions being rejected by the Court.

RULE 44, 3 (b)

Requests for leave for this purpose must be **duly reasoned** and submitted **in writing** in one of the **official languages** as provided in Rule 34 § 4 not later than twelve weeks after notice of the application has been given to the respondent Contracting Party. Another time-limit may be fixed by the President of the Chamber for exceptional reasons.

Approval and grounds for refusal

The decision to approve or deny the request is taken by the President of the Chamber or the Grand Chamber, in practice upon the recommendation of a Judge rapporteur¹⁹. The Court follows a liberal policy: most requests are granted but this is not absolute. There are two grounds for refusal when the request is:

1. Out of time;
2. Not in the interest of the proper administration of justice, including due to a lack of neutrality or unsubstantiated relevance of the intervention to the case.

The Court usually determines the request within 3-4 weeks however it may wait until the end of the 12-week period if it has received, or expects to receive, many requests (often in cases concerning societal, ethical or religious issues) in order to select the best applicants from the pool of prospective interveners.

3.3 Guidelines for writing Third Party Interventions

Main directions for the intervention

Once the Third Party's request for leave is received, the Court's Registry may reply with a confirmation of receipt, however the practice is now decreasing. While there is no rule on when the registrar informs third parties about the decision to grant or reject leave to intervene, third parties can expect to hear back in 2-4 weeks, unless otherwise informed by the registrar.

¹⁹ Chapter III of the Rules of the Court.

When leave is granted, the Court usually sets following main directions regarding the third party intervention:

- **Length:** a maximum of ten typed pages. There is no limit to annexes, but Third Parties are advised to be sensible and consider summarising the most important data in the intervention. A request to be allowed a longer intervention can be included with the request for leave. Permission depends on the case, but no Third Party should confront the Court with a lengthy intervention without prior warning.
- **Time constraints:** the Court usually directs a **3 week time period** for submitting the intervention proper. The Court may direct a different time-limit after considering observations by the parties. However, extensions of time are unlikely, especially in Grand Chamber cases.
- **Content:** the Court often reiterates that interventions may not comment on particular facts, admissibility or merits of the case.

Application & Materials

In practice, Third Parties base their interventions on the information available in the Statement of Facts, which is often scarce. When analysing the Statement of Facts, third parties can consider paying attention to the following elements:

- The **articles of the ECHR** of which the applicant claims to have been a violation (e.g. Article 8 ECHR; Article 13 ECHR in conjunction with Article 3 ECHR, etc.)
- The nature of the applicant's claim and the **subject at issue** (e.g. lack of access to adequate medical treatment; risk of ill-treatment if returned to country of origin, etc.)
- The **questions to the Parties**, which may reflect the main points which the Court will analyse in its final judgment (e.g. *"Would the applicant face a real risk of a flagrant violation of Article 8 if the deportation order were enforced?"*).
- The **relevant dates** in relation to the applicant's complaints (e.g. the period of detention of the applicant, the dates of relevant national court's decisions, etc.)
- Other **case-law mentioned** in the Statement of Facts, which may indicate relevant ECtHR jurisprudence to be aware of.

An example of a Statement of Facts can be found in **Picture 5** of the Annex. Third Parties may request for further documentation²⁰, for example copies of parties' observations on admissibility and merits²¹ or, where applicable, written comments of other interveners.

The Court however takes a restrictive approach in sending to interveners only documents that will enable them to prepare their submissions, and not the entirety of documents exchanged between the parties to the proceedings. In any event, all materials submitted by the parties, unless made confidential, are public and can be consulted *in situ*.

Language

The intervention must be written in English or French. The President's permission is required for submitting an intervention in an official language of a Member State, however translation from that language into English or French will be necessary. In Grand Chamber cases it is advisable to stick to English or French.

There is no need to translate the annexes.

Content

The type of information useful to the Court depends on which of the following approaches the Third Party takes in respect of the intervention:

- **Information on the interpretation of international norms by other jurisdictions:** a third party intervention can explore how other jurisdictions interpret certain international norms. While the Court is not bound by the interpretation of other regional or international courts, the third party intervention can instruct the Court on the existence of a predominant interpretation of a certain point of law (e.g. by referencing the jurisprudence of other international courts, such as the Inter-American Court of Human Rights) or inform the ECtHR of other legal obligations of the State Party concerned (for instance, under EU law).
- **Information through Comparative Law:** a third party intervention may also provide comparative law surveys, that is, demonstrate the differences and similarities between the legal systems (and practices) of different countries.
- **Information on the law and practice at the national level:** the intervention may showcase the practice at national level to provide background information that will facilitate the Court's interpretation. For example, details on how certain laws

²⁰ For more information on access to case files, see the "Practical Arrangements on Access to Case Files" [here](#). Requests for permission to consult files should be made using the [online form](#).

²¹ Article 40(2) ECHR provides that documents deposited with the Registrar are accessible to the public unless the President of the Court decides otherwise.

originated, the drafting history of the law, and how the law is applied and interpreted domestically. This approach can also help the Court to identify systematic issues in the protection of human rights in the State Party concerned.

- **Information on relevant data, statistics and situation on the ground:** the third party might have specialised knowledge as regards data or statistical information on the actual situation on the ground or prevalence of a particular problem or trend.

This could be, for instance, the provision of country-of-origin information in expulsion cases (UNHCR is a frequent intervener). A third party can also summarise fact-finding reports that may be relevant to the case (for instance, on the detention conditions in the facilities where an applicant was detained).

- **Information on the ECtHR's jurisprudence:** a third party intervention can state what the ECtHR case-law is on a specific subject. However, the third party should avoid expressing its views on the ECtHR (see "Do's and don'ts" below).

If the intervention is deemed not to comply with the conditions and limitations set in the authorisation by the President, the President may decide not to include the intervener's written comments in the case file (Rule 44 § 5), or, if appropriate, direct the intervener to submit fresh written comments which comply with them.

Writing Third Party Interventions: Dos and Don'ts

Do

- **Limit expressions of opinion to the general situation of the case** (*"In the opinion of the Commissioner, the full participation of persons with intellectual and psychosocial disabilities in political and public life can start a virtuous circle..."*).
- **Closely indicate the source of data** and statistics mentioned in the intervention. Make sure to properly reference publications, reports and other relevant documents with footnotes or endnotes.
- **Remain neutral and avoid being too "activist"** (*"The Court has the opportunity to strengthen the rights of this group by deciding to..."*, *"We urge the Court to protect the rights of..."*, *"We believe the applicant is correct in affirming that..."*).
- **Be objective** (*"In its jurisprudence on the issue, this Court ruled that..."*, *"Contracting States have positive obligations under the Convention to..."*).

Don't

- **Use subjective language** (*"We believe that this Article should be interpreted this way"*, *"We are very concerned about the applicant's situation"*).
- **Argue the specific case by commenting on the facts of the case** (*"The Government's argument is wrong because..."*, *"The rights of the applicant were violated when he/she..."*). Instead, an intervention should focus on general issues raised in the complaint, based on the third party's own experience or expertise.
- **Excessively analyse or express views on ECtHR case-law**: while a third party can state what the ECtHR did (*"In F.G. v Sweden, the Grand Chamber held that the authorities must..."*), interveners should avoid expressing their views on the case-law (*"Quite rightly, the Chamber judgment compared..."*, *"If this Court would judge this way, this would be in contrast with the case X"*). They may only do so if carefully worded, for example to explain why the case-law should lead to a certain interpretation, or to suggest a further development in the interpretation.
- **Express opinion on the outcome of the case** (*"In our view, the Grand Chamber should uphold the Chamber judgment"*, *"We believe the Court should find that this violated the applicant's right to..."*).

Use of Third Party Interventions in a different case

Information provided by a Third Party is not automatically used for other cases. The Intervention belongs to the case file of the particular case for which it was compiled. If a similar case is communicated, the third party is advised to consider requesting leave of the Court to include the intervention in the case file of the other similar case.

3.4 Communicating with the Court's Registry

Third Parties should use the following contact details when communicating with the Court's Registry. Third Parties are advised to submit requests for leave to intervene and third party interventions **by fax and by post**. It is preferable to send documents by registered letter. Please always refer to the Court's [website](#) for the most updated and appropriate means of communication with the Court.

When submitting documents to the registry, third parties are advised to clearly indicate its contact details. In addition to the address and fax number, Third Parties can also indicate an email address to facilitate communication with the Registry.

Fax number: +33 (0)3 90 21 43 10 (temporary number)
+33 (0)3 88 41 27 30 (usual number)

Address: The Registrar
European Court of Human Rights
Council of Europe
F-67075
Strasbourg
France

After the submission of a Third Party Intervention

After submitting the intervention, the Third Party must wait until the Court rules on the case. It is impossible to estimate how long it will take the Court to rule on a specific case. Once a **ruling** on the case in which the Third Party has intervened is given by the ECtHR, the Third Party is recommended to carry out a thorough analysis of the Court's decision, not only to assess the direction taken by the Court in the case but also to identify if and how the Court references or follows the Party's views as set out in intervention. The Third Party can also choose to combine its intervention with advocacy actions at the national level, particularly where the Court's decision is considered positive.

It is also important to note that a ruling by the ECtHR is not an end in itself. Member States of the Council of Europe have a legal obligation to fully implement ECtHR judgments at the national level. NHRIs can advise States in identifying how the ECtHR ruling can be effectively implemented at the national level.

One of the ways in which Third Parties can get involved in the implementation of ECtHR rulings at the national level is through the so-called "**judgment execution process**". ENNHRI has published a Guidance for National Human Rights Institutions to support Implementation of Judgments from the European Court of Human Rights", which is available [here](#).

NHRIs in Focus: French NHRI (CNCDH) submits Third Party intervention on reception conditions

The French NHRI, (CNCDH), submitted a Third Party Intervention to the ECtHR in the case of *Khan v. France*²². The NHRI's submission concerned the vulnerability of unaccompanied foreign minors in Calais, highlighting France's failure to protect them over the period 2015-2016.

The ECtHR ruled that the failure of the French authorities to provide care for an unaccompanied foreign minor in the Calais camp constituted a breach of Article 3 of the ECHR. In the judgment, the Court relied partly on the observations of the CNCDH to admit a violation of Article 3.

²²[Khan v. France](#) (App. No. 12267/16)

In accordance with the Brussels Declaration on the implementation of the ECHR, the Ministry of Foreign Affairs referred the matter to the CNCDH for its observations on the measures for implementing this judgment.

The CNCDH later submitted a communication to the Committee of Ministers under the Rule 9 procedure, which was published together with the authorities' reply of July 2019. An action plan or report on the matter is expected from the authorities.

ANNEX 1 - Useful Sources

NHRI Third Party Interventions

1. Maassen v. The Netherlands, Application no.10982/15) – Netherlands Institute for Human Rights, application lodged on 24 February 2015, concerning the reasoning of pre-trial detention decisions following from Article 5 ECHR.
2. Calderon Silva v. the Netherlands, Application no. 4784/15 – Netherlands Institute for Human Rights, 31 May 2016, concerning the reasoning of pre-trial detention decisions following from Article 5 ECHR.
3. Zohlandt v. the Netherlands, Application no. 69491/16 – Netherlands Institute for Human Rights, application lodged 16 November 2016, concerning the reasoning of pre-trial detention decisions following from Article 5 ECHR.
4. Hasselbaink v. the Netherlands, Application no. 73329/16 – Netherlands Institute for Human Rights, application lodged on 29 November 2016, concerning the reasoning of pre-trial detention decisions following from Article 5 ECHR.
5. Al-Saadoon and Mufdhi v. the United Kingdom, Application no. 61498/08 – International Commission of Jurists and others
6. Boumediene and Others v. Bosnia and Herzegovina, Applications nos. 38703/06, 40123/06, 43301/06, 43302/06, 2131/07 and 2141/07 – Interights and the International Commission of Jurists
7. F.G. v. Sweden, Application no. 43611/11 - the Aire Centre (advice on individual rights in europe), the European Council on Refugees and Exiles (ECRE) and the International Commission of Jurists (ICJ), 10 October 2014
8. Execution of M.S.S. v. Belgium and Greece (Application no. 30696/09) in relation to Greece - the European Council on Refugees and Exiles (ECRE) and the International Commission of Jurists (ICJ), 2 March 2015
9. Yengo v. France, Application no. 50494/12 – French NHRI (CNCDH) and the General Controller of Places of Deprivation of Liberty (CGLPL) - the French NPM, 4 June 2013
10. J.M.B. v. France, Application no. 9671/15 - CNCDH and the General Controller of Places of Deprivation of Liberty (CGLPL) - the French NPM, 11 February 2016
11. F.R. v. France, Application No. 12792/15, - CNCDH and the General Controller of Places of Deprivation of Liberty (CGLPL) - the French NPM, 11 February 2016
12. Khan v. France, Application No. 12267/16, CNCDH, 28 February 2019

13. Moustahi v. France, Application No. 9347/14, CNCDH, 30 October 2017
14. Association confraternelle de la Presse Judiciaire and 11 others v. France, Application no. 49526/15, 26 April 2017
15. A.A.A. v. France and I.O. v. France, Application nos. 26735/15 and 40132/15 -CNCDH, 4 July 2017 and 31 May 2016 respectively
16. Gjutaj & others v. France, Application No. 63141/13 – CNCDH, application lodged 7 October 2013
17. Hakobyan v. Armenia, Application no. 24425/17 - Human Rights Defender of the Republic of Armenia, application lodged on 29 March 2017
18. McCaughey & Ors v. the UK, Application no. 43098/09 - Northern Ireland Human Rights Commission and Equality and Human Rights Commission (Great Britain), 16 July 2013
19. Jordan v. the UK (2003) 37 EHRR 52, Application no. 24746/94, joined with Shanaghan v. the UK, Application no. 37715/97, McKerr and others v. the UK, Application no. 28883/95, Kelly and others v. the UK, Application no. 30054/96 - Northern Ireland Human Rights Commission, 4 May 2001
20. M.A. v. Denmark, Application no. 6697/18 - Danish Institute for Human Rights, 7 September 2018.
21. Tkheldize v. Georgia, Application no. 33056/17 – Public Defender of Georgia, application lodged on 13 April 2017
22. Rustavi 2 Broadcasting Company Ltd and Others v. Georgia, Application no. 16812/17 – Public Defender of Georgia, 18 July 2019, request for referral to the Grand Chamber pending
23. Pirtskhalava and Tsaadze v. Georgia, Application no. 9714/18 – Public Defender of Georgia, application lodged on 18 June 2018
24. Guðmundur Andri Ástráðsson v. Iceland, Application no. 26374/18 - Public Defender of Georgia, 26 December 2019

ENNHRI Third Party Interventions

25. [Strøbye v. Denmark and Rosenlind v. Denmark](#) (Applications nos. [25802/18](#) and [27338/18](#)), 25 May 2019 [ENNHRI submission](#)
26. [Big Brother Watch v United Kingdom](#) (Application Nos. 58170/13, 62322/14 and 24960/15), referred to Grand Chamber on 4 February 2019, [ENNHRI Submission](#) to Grand Chamber of ECtHR

27. [Big Brother Watch v United Kingdom](#) (Application no. 58170/13), 4 September 2013, [ENNHRI Submission](#)
28. [Ten Human Rights Organisations v. United Kingdom](#) (Application no. 24960/15), 20 May 2015, [ENNHRI Submission](#)
29. [Gauer and others v. France](#) (Application no. 61521/08), 23 October 2012, [European Group of NHRIs' Submission](#)
30. [D.D. v. Lithuania](#) (involuntary admission to a psychiatric institution and unfairness of guardianship proceedings) (Application no. 13469/06), 14 February 2012, [European Group of NHRIs' Submission](#)

Further reading:

Books

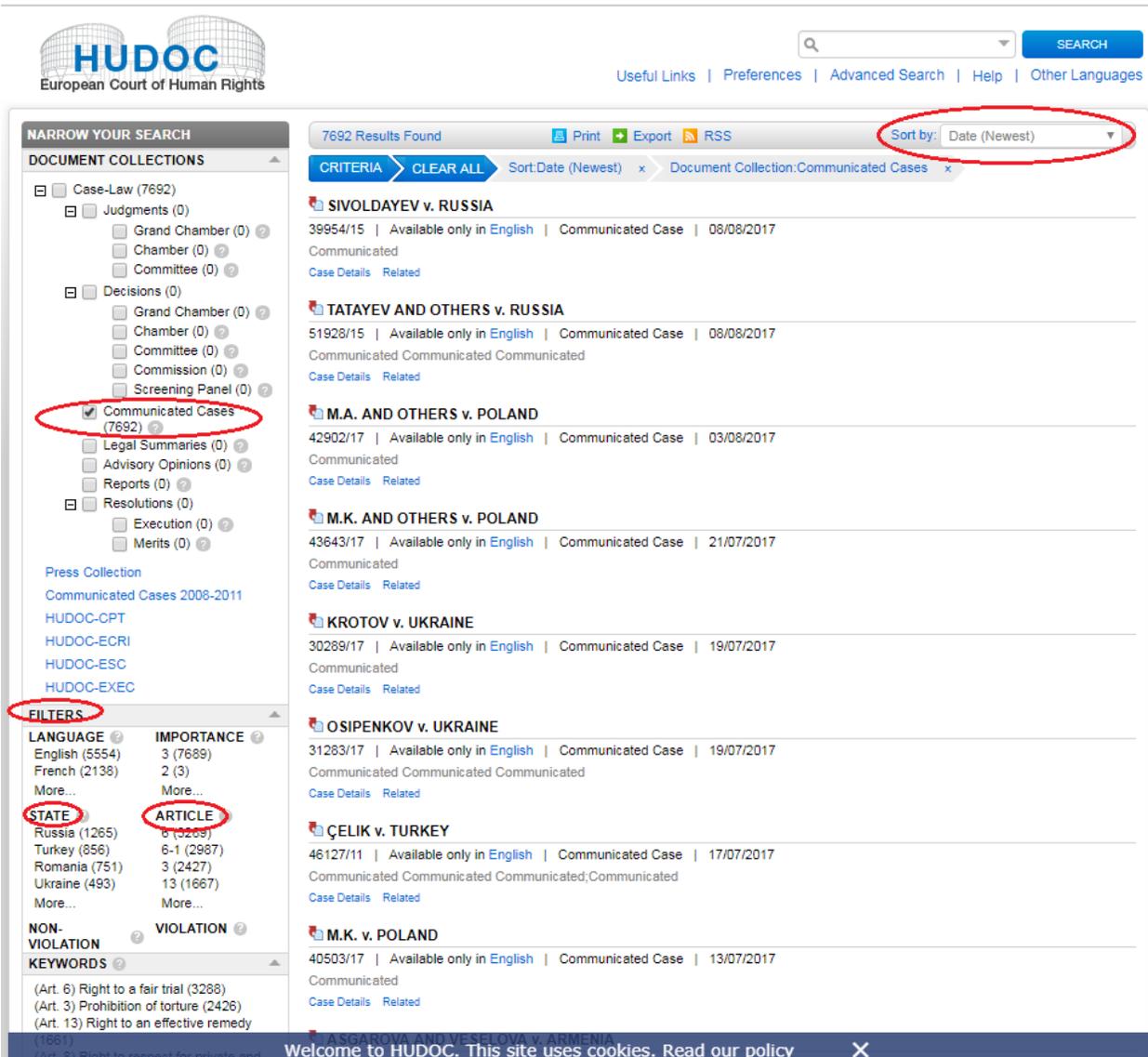
31. Ludovic Hennebel, *Le Rôle des Amici Curiae Devant la Cour Européenne des Droits de l'Homme*.
32. Laurence Burgorgue-Larsen, *Les Interventions Éclairées Devant la Cour Européenne des Droits de l'Homme ou le Rôle Stratégique des Amici Curiae*.
33. Emmanuel Decaux and Christophe Pettiti, *La Tierce Intervention Devant la Cour Européenne des Droits de l'Homme et en droit Comparé*.
34. Steven Teles, *The Rise of the Conservative Legal Movement: The Battle for Control of the Law*.
35. Antoine Buyse, *The Court's Ears and Arms: National Human Rights Institutions and the European Court of Human Rights* (Book chapter in: Katrien Meuwissen and Jan Wouters (eds.), *National Human Rights Institutions in Europe: Comparative, European and International Perspectives* (Intersentia, 2013)).
36. B. Adamson, 'NHRIs and their European Counterparts: Scope for Strengthened Cooperation and Performance towards European Human Rights Institutions' (Book chapter Wouters and Meuwissen, *ibidem*).
37. De Beco, G., 'La Contribution des Institutions Nationales des Droits de l'Homme au Renforcement de l'Efficacité de la Cour Européenne des Droits de l'Homme' (2009) 77 *Revue Trimestrielle Des Droits de l'Homme*, pp. 165-194.

Articles

38. Paul Harvey, [Third Party Interventions before the ECHR: A Rough Guide](#), February 2015.

Annex 2 - Visual Illustrations Third Part Intervention Procedure

Picture 1: Identifying communicated Chamber cases in the HUDOC website:



The screenshot shows the HUDOC website interface. At the top right, there is a search bar and a 'SEARCH' button. Below the search bar, there are links for 'Useful Links', 'Preferences', 'Advanced Search', 'Help', and 'Other Languages'. The main content area is divided into a left sidebar and a main results area.

Left Sidebar:

- NARROW YOUR SEARCH**
- DOCUMENT COLLECTIONS**
 - Case-Law (7692)
 - Judgments (0)
 - Grand Chamber (0)
 - Chamber (0)
 - Committee (0)
 - Decisions (0)
 - Grand Chamber (0)
 - Chamber (0)
 - Committee (0)
 - Commission (0)
 - Screening Panel (0)
 - Communicated Cases (7692)** (highlighted with a red circle)
 - Legal Summaries (0)
 - Advisory Opinions (0)
 - Reports (0)
 - Resolutions (0)
 - Execution (0)
 - Merits (0)
- Press Collection
- Communicated Cases 2008-2011
- HUDOC-CPT
- HUDOC-ECRI
- HUDOC-ESC
- HUDOC-EXEC

- FILTERS** (highlighted with a red circle)
- LANGUAGE**
 - English (5554)
 - French (2138)
 - More...
- IMPORTANCE**
 - 3 (7689)
 - 2 (3)
 - More...
- STATE** (highlighted with a red circle)
 - Russia (1265)
 - Turkey (856)
 - Romania (751)
 - Ukraine (493)
 - More...
- ARTICLE** (highlighted with a red circle)
 - 6 (3289)
 - 6-1 (2987)
 - 3 (2427)
 - 13 (1667)
 - More...
- NON-VIOLATION**
- VIOLATION**
- KEYWORDS**
 - (Art. 6) Right to a fair trial (3288)
 - (Art. 3) Prohibition of torture (2426)
 - (Art. 13) Right to an effective remedy (1667)

Main Results Area:

- 7692 Results Found
- Print, Export, RSS, Sort by: Date (Newest) (highlighted with a red circle)
- CRITERIA CLEAR ALL Sort:Date (Newest) x Document Collection:Communicated Cases x
- SIVOLDAYEV v. RUSSIA**
 - 39954/15 | Available only in English | Communicated Case | 08/08/2017
 - Communicated
 - Case Details Related
- TATAYEV AND OTHERS v. RUSSIA**
 - 51928/15 | Available only in English | Communicated Case | 08/08/2017
 - Communicated Communicated Communicated
 - Case Details Related
- M.A. AND OTHERS v. POLAND**
 - 42902/17 | Available only in English | Communicated Case | 03/08/2017
 - Communicated
 - Case Details Related
- M.K. AND OTHERS v. POLAND**
 - 43643/17 | Available only in English | Communicated Case | 21/07/2017
 - Communicated
 - Case Details Related
- KROTOV v. UKRAINE**
 - 30289/17 | Available only in English | Communicated Case | 19/07/2017
 - Communicated
 - Case Details Related
- OSIPENKOV v. UKRAINE**
 - 31283/17 | Available only in English | Communicated Case | 19/07/2017
 - Communicated Communicated Communicated
 - Case Details Related
- ÇELİK v. TURKEY**
 - 46127/11 | Available only in English | Communicated Case | 17/07/2017
 - Communicated Communicated Communicated,Communicated
 - Case Details Related
- M.K. v. POLAND**
 - 40503/17 | Available only in English | Communicated Case | 13/07/2017
 - Communicated
 - Case Details Related

At the bottom of the page, there is a footer with the text: 'Welcome to HUDOC. This site uses cookies. Read our policy' and a close button (X).

Picture 2: Finding the Court's Press Releases through HUDOC:

The screenshot shows the HUDOC website interface. At the top left is the HUDOC logo (European Court of Human Rights). At the top right is a search bar and a 'SEARCH' button. Below the search bar are links for 'Useful Links', 'Preferences', 'Advanced Search', 'Help', and 'Other Languages'. The main content area is divided into two columns. The left column, titled 'NARROW YOUR SEARCH', contains a 'DOCUMENT COLLECTIONS' section with a tree view of filters. The 'Press Collection' filter is circled in red. The right column shows search results for '59191 Results Found', sorted by 'Relevance'. The results list several cases, including 'CASE OF X AND OTHERS v. BULGARIA', 'AFFAIRE X ET AUTRES c. BULGARIE', 'CASE OF X v. "THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"', 'AFFAIRE X c. « L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE »', 'CASE OF ILGIZ KHALIKOV v. RUSSIA', and 'CASE OF GJINI v. SERBIA'. Each result includes the case number, date, and a link to the 'Press Release'.

Picture 3: Example of a Press Release informing about Grand Chamber’s decisions concerning referrals:



Grand Chamber Panel’s decisions

At its last meeting (Monday 3 July 2017), the Grand Chamber panel of five judges decided to reject all 14 requests for referral to the Grand Chamber¹.

Requests for referral rejected

Judgments in the following 14 cases are now final².

Requests for referral submitted by the applicants

Debray v. France (application no. 52733/13), [judgment](#) of 2 March 2017

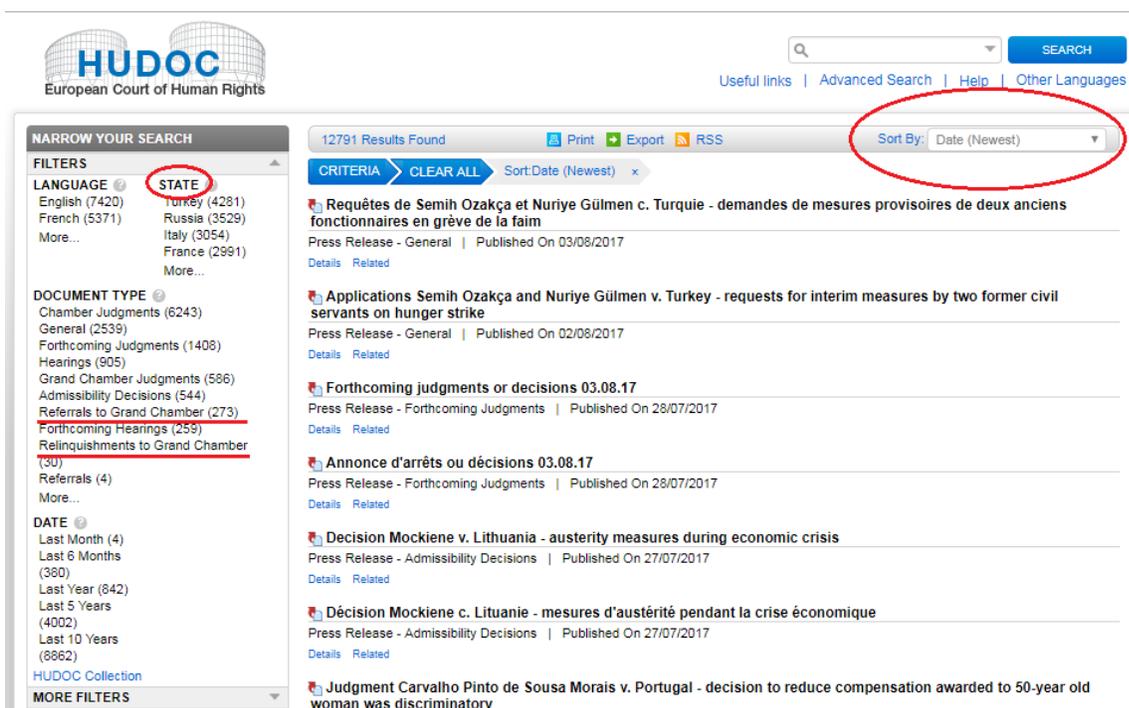
Saumier v. France (no. 74734/14), [judgment](#) of 12 January 2017

Petroiu v. Romania (no. 33055/09), [judgment](#) (revision) of 7 February 2017

Ahmed v. the United Kingdom (no. 59727/13), [judgment](#) of 2 March 2017

Palchik v. Ukraine (no. 16980/06), [judgment](#) of 2 March 2017

Picture 4: Finding Press Releases concerning relinquishment to the Grand Chamber through HUDOC:



Picture 5: Example of a Statement of Facts of a communicated case to the Court, with highlights on key information to be aware when considering a third party intervention:

Communicated on 19 July 2017

FOURTH SECTION

Application no. 30289/17
Sergiy Pavlovych KROTOV
against Ukraine
lodged on 12 April 2017

SUBJECT MATTER OF THE CASE

The application concerns lack of access to adequate medical treatment of the applicant and lack of care in detention given his physical disability. The applicant is a physically disabled person whose limbs have all been amputated (in 2005, 2006, and 2016). He suffers from a number of illnesses, in particular Buerger's disease, heart disease, digestive system disease, kidney disease and pulmonary failure. Since December 2007 he has been serving a fifteen-year prison sentence for murder. The applicant states that he does not receive adequate medical treatment while in prison. He also states that he does not receive care from the prison administration relevant to his physical disability, being assisted only by fellow inmates. On 19 July 2016 the Dnipropetrovsk Regional Court of Appeal upheld the decision of the local court refusing the applicant's request for release on health grounds as unsubstantiated. On 12 June 2017 the prison hospital issued a certificate concluding that the state of the applicant's health and the progress of his disease prevented from further serving of sentence, adding that it may lead to lethal consequences. The applicant repeatedly requested the local court for release on health grounds. According to him, his request is pending before the local court.

Referring to Article 3 of the Convention the applicant complains that he was not given access to appropriate medical assistance while detained. He also complains that he did not receive relevant care by the prison authorities given his physical disability.

QUESTIONS TO THE PARTIES

1. Was the medical assistance and treatment provided to the applicant while in detention in compliance with the requirements of Article 3 of the Convention?

2. Has the applicant been subjected to inhuman or degrading treatment in detention, in breach of Article 3 of the Convention, in view of his physical disability (see Helhal v. France, no. 10401/12, §§ 49-52, 19 February 2015)?



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