

Representation at the European Court of Human Rights and some other issues on examination of cases

General principles

First of all it should be stressed that preparation of the case according to the application submitted by a person and further procedure of its examination are expressly regulated by the Rules of Court. The Rules are followed by the Court, and they are mandatory and applied to the States represented by their agents as well as to the applicant. Therefore, decisions regarding many of the questions explained below are regulated by the Rules of Court and do not fall in the scope of competence of Lithuanian authorities. The Rules can be found in the internet site of the European Court of Human Rights (<http://www.echr.coe.int>) or see below.

Representation of applicants before the Court

Questions concerning representation of the applicant are set forth in Rule 361 of the Rules of Court, which provides that it is not necessary for the applicant to have a representative when applying to the Court, nor is it necessary for a representative to be a practicing advocate. However, in the further stage of the proceedings when the Court demands the Government to submit written comments on the application, the applicant must be represented by an advocate or other approved representative. The President of Chamber may grant leave to the applicant to present his or her own case only in exceptional cases. The representative shall be an advocate authorised to practise in any of the Contracting Parties or any other person approved by the President of the Chamber. It is worth mentioning that from that moment the correspondence between the Court and the applicant or his representative shall be done in one of the official languages of the European Council (English or French). Therefore the applicant may be represented in the Court by a person of his or her choice corresponding to the said requirements set in the Rules of Court.

As provided for in Rule 91 of the Rules of Court the applicant may request the Court to grant free legal aid from the moment when the observations in writing on the application were received from the respondent Government. Legal aid may be granted to the applicant if he or she has insufficient means to meet the costs entailed and if the Court is satisfied that legal aid is necessary for the proper conduct of the case. The Court may, upon finding a violation of the Convention, adjudge just satisfaction, including legal costs and expenses.

Translation of Court documents

As provided for in Rule 341 of the Rules of Court, the official languages of the Court shall be English and French, however, written submissions by applicants may be done in one of the official languages of the Contracting Parties. At the initial stage of investigation of the case the communication between the Court and the applicant shall be done in the language in which the application was lodged, however afterwards, especially in case the Court does not declare the application inadmissible and the Government of the Contracting Party is given notice of an application, all the written submissions shall be in English or French. From that moment all the written submissions of the applicant or his representative shall be also submitted in one of the official languages of the Court unless the President of the Chamber grants leave for the continued use of the official language of a Contracting Party.

Therefore where the application is submitted in other language than one of the official languages of the Court (other than English or French) the Court will secure translation of the application. It is worth to note that even at the initial stage the applicant himself is not forbidden to submit translation or address the Court in one of its official languages. Persons having submitted an application in a language other than official languages and

willing to familiarize with the translations of the submitted documents to the official language should address the Court. Rule 33 of the Rules of Court provides for that all documents submitted to the Registry of the Court shall be accessible to the public. This provision shall only be explained and applied by the Court. At the stage of proceedings where the documents should only be submitted in English or French the party concerned shall be responsible for translation.