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Leach, P., *Taking a Case to the European Court of Human Rights*, 2nd edn, Oxford University Press, 2005


Peel, M. and Iacopino, V. (eds.) *The Medical Documentation of Torture*, Greenwich Medical Media Limited, 2002


Rodley, N. S., ‘The Definition(s) of Torture in International Law’ (2002) 55 *Cur’nt Leg. Probs.* 467


OMCT

A

abuse of the right of application see Admissibility Criteria

Admissibility

chamber decisions of 6.1, 6.2
consequences of 6.3, 6.4
decisions of 4.4, 6.1
estoppel 2.4.1, 2.4.2

Government’s objections joined to the merits of the case 6.2

joint procedure 1.7, 1.7.3, 5.1, 5.2, 8.1.1, 9.1

procedure 1.7, 1.14, 2.1, 2.4.1, 4.4, 5.2, 6.1

Admissibility Criteria

abuse of the right of application 2.7
anonymous applications 2.8
applications ‘substantially the same as matter already examined by the Court’ 2.9
applications ‘already submitted to another procedure of international investigation or settlement’ 2.9
compatibility see Compatibility of Applications
exhaustion see Exhaustion of Domestic Remedies
manifestly ill-founded 2.6 6.1

six-month see Six-Month Rule

advisory opinions see Grand Chamber

anonymous applications see Admissibility Criteria

application form 1.7.1, 1.8, 1.10, 2.8, 3.1.3, 4.1, 4.2, 4.3, 7.2, Appendix 4

arrest and interrogation 2.6.3, 10.2.1, 11.4.1, 11.5.1, 11.5.2,

Article 3

absolute nature 10.1, 10.2, Appendix 10
degrading treatment and punishment 2.6.2, 2.6.3 (a), 7.2.1, Appendix 10
inhuman treatment and punishment 2.6.2, 2.6.3 (a), 7.2.1, Appendix 10
terrorism 2.6.2 (b), 10.2, 11.4.4
torture 2.6.2 (b), 2.6.3, 10.2, Appendix 10
victim’s behaviour, relevance of 2.6.3, 10.2.1

B

Blindfolding 2.6.3 (e)

Burden of Proof

in the establishment of facts 2.6.2, 11.5
in the exhaustion of domestic remedies 2.4.2
C
Chambers see European Court of Human Rights
Commissioner for Human Rights 1.1, 2.6.2 (b), Appendix 11
Committee of Ministers 1.1, 1.2, 1.3, 3.1.2, 3.1.3, 7.3, 8.1.3, 9.3
Committees of three judges see European Court of Human Rights
Communication of Case
  by a Chamber 1.7.3, 5.1
  by the Section President 5.1
Compatibility of Applications
  ratione loci 2.3.2 (b)
  ratione materiae 2.3.2 (d)
  ratione personae 2.3.2 (c)
  ratione temporis 2.3.2 (a)
compensation see Just Satisfaction
conditions of detention 2.6.3, 10.2.1, 11.4.1, Appendices 10 and 11
corporal punishment 2.6.3 (a), 10.2.1, Appendix 10
costs 1.7.3, 1.9, 1.13, 4.2, 5.2, 7.2.1 (a), (c), 8.1.2, 9.1
Council of Europe 1.1, 1.2, 1.6.1, 1.6.2, 9.3

D
dearth of an applicant, see Victim Status
deaht penalty 1.6.2, 3.1.2, Appendix 10
deporation 2.2.2 (c), 2.3.2 (d), 3.1.2, 3.1.3, Appendix 10
destruction of homes and possessions 2.4.2, (c), 10.2.1, Appendix 10
diplomatic assurances 2.6.2 (b), 3.1.2
disappearances 2.2.2 (b), (c), 10.2.1, 11.5.1, Appendix 10
discrimination 1.6.1, 1.6.2, 2.6.3 (g), 10.2.1, Appendix 10
domestic remedies see Exhaustion of Domestic Remedies

E
establishment of facts see Evidence
European Commission of Human Rights 1.2, 1.6.5, 2.5.2 (c), 2.9 11.3,
European Committee for the Prevention of Torture and Inhuman or Degrading
Treatment or Punishment 1.6.5, 2.6.3 (b), (e), 2.9, 10.2, 11.4.1, 11.4.4,
  Appendix 11
European Convention on Human Rights 1.1, 1.2, 1.3, 1.6.1, 1.6.2,
European Court of Human Rights
OMCT

Chambers 1.2, 1.5.2, 1.7.3, 2.10
Committees 1.2, 1.5.3, 1.7.2, 2.1, 4.4
Grand Chamber see Grand Chamber
Judges 1.4.1, 1.5.2, 1.5.3, 1.7.2, 4.3, 4.4, 11.3
President of the Court 1.1, 1.2, 1.4.1, 1.4.2, 1.5.1, 1.5.2, 1.6.4, 1.12, 3.1.2, 3.1.3, 5.1, 5.2, 7.2, 9.2
proceedings 1.7, Part III
Registry see Registry
Sections 1.5.2, 1.6.1, 1.7.1, 4.4, 6.1, 9.1, 9.2

Evidence
admissibility of 6.4, 11.1, 11.4
fact-finding hearings 11.3, 11.5.1, 11.5.2, Appendix 13
Government’s duty to co-operate with the Court 11.5.2
medical reports 1.11, 2.6.2 (a), 2.6.4, 11.1, 11.4.1, Appendices 7 and 8
photographs 2.6.2 (a), 11.1, 11.4.3, Appendices 7 and 8
reports prepared by international organisations 11.4.4
statements 4.1, 4.2, 10.2.2 (a), 11.4.2
substantiation of allegations 2.1, 2.6, 2.6.2 (a), (c), 2.6.3, 2.6.4, Part V
witnesses 1.14, 2.6.1, 2.6.2 (a), 11.2, 11.3, 11.4.2, 11.5.1, 11.5.3
x-rays 2.6.2 (a), 11.1, 11.4.1

Execution of Judgments
Committee of Ministers 7.3, 9.3
effects of judgments 1.15, 9.3
late payment 7.3
non-payment 7.3
specific measures 1.15

Exhaustion of Domestic Remedies
administrative remedies 2.4.1, 2.4.2 (d) (ii)
availability of remedies 2.4.2 (a), 10.2.2
burden of proof 2.4.2
civil remedies 2.4.2 (d) (ii)
compliance with rules of domestic procedure 2.4.2 (e)
criminal remedies 2.4.2 (d) (i)
diligence 2.1, 2.5.2 (c) (iii)
effectiveness of remedies 2.4.2 (a), (d) (i), (ii), 2.5.2 (c) (iii), 6.2, 10.2.2 (a)(i)
extraordinary remedies 2.4.2 (b), 2.5.2 (c) (iii)
invoking the substance of the complaint 1.7.3, 2.2.2 (a),(b), 2.4.3, 4.1, 11.4.1,
rationale behind 2.4.2, 10.2.2 (a)
special circumstances 2.4.1, 2.4.2 (c)

**expulsion** 1.6.2, 2.2.2 (c), 2.3.2 (d), 2.6.2 (b), 2.6.3 (h), 3.1.2, 3.1.3, 8.2.2, 10.2.1, 11.4.4, Appendix 10

**extradition** 3.1.1, 3.1.2, 3.1.3, 7.2.1 (b), 10.2.1, 11.4.4, Appendix 10

**F**

**Force feeding** 2.6.3 (f), Appendix 10

**Form of Authority** 1.8, 4.1, 4.2

**Friendly Settlement**
- declarations 1.15, 8.1.2, 8.3
- enforcement of undertakings 8.1.3
- strike-out 8.2, 8.2.3, 8.3

**G**

**Grand Chamber**
- advisory opinions 1.5.1
- composition of 1.5.1
- Panel of 1.7.3, 1.12, 2.3.2 (b), 9.2
- referrals to 1.7.3, 2.4.2, 8.1.2, 9.2
- relinquishment of jurisdiction in favour of 1.5.1
- scope of the case 9.2

**H**

**handcuffs** 2.6.3 (e), (f), Appendix 1

**hearings** 1.6.4, 1.10, 1.14, 6.1, 9.1, 9.2, 11.3

**hunger strike** 2.6.3 (f), 3.1.2, 10.2.1, Appendix 10

**I**

**Inadmissibility**
- committee decisions of 1.7.2, 4.4
- consequences of 6.3

**incommunicado detention** Appendix 10

**inter-State applications** 1.5.2

**Interim Measures**
- application procedure 1.6.4, 3.1.3, Appendix 9
- binding nature 3.1.2
- criteria for the granting of 3.1.1, 3.1.2, 3.2
OMCT

**INDEX**

**introductory letters** 1.7.1, 2.5.2, 4.1

**investigations** 1.15, 2.4.2 (c), (d)(i), 2.5.2 (c)(iii), 2.6.3(g), 6.2, 8.1.2, 10.1, 10.2.2(a), 11.2, 11.5.1, Appendix 7

**J**

**Judges** see European Court of Human Rights

**jurisdiction** 2.3.2 (b)

**Just Satisfaction**

- costs and expenses 1.9, 1.13, 4.2, 7.2.1 (c), 9.1, Appendix 12
- domestic remedies, claiming the costs of 7.2.1 (c)
- non-pecuniary damages 1.15, 4.2, 7.2.1 (b), 9.1
- pecuniary damages 4.2, 7.2.1 (a), 9.1

**K**

**L**

- languages, official 1.10, 1.11, 1.12, 4.2, 5.2, 9.1
- legal aid 1.7.3, 1.8, 1.9, 1.13, 7.2.1 (c)
- legal representation 1.8, 1.9

**M**

- medical treatment 2.6.3 (b), 10.2.1, 11.4.1, 11.5.1
- mentally ill 10.2.1
- mutilation 11.5.1, Appendix 10

**N**

- negative obligation 10.2.1

**O**

**Observations**

- applicant’s 5.2, 6.4, 7.2, 8.2.1, 11.3, 11.4.4, 11.5.3, Appendices 12 and 13
- Government’s 1.7.3, 1.11, 2.4.2, 6.1, 6.4, 8.1.1, 11.5.1, Appendix 14
- on admissibility and merits 1.11, 5.2,

**P**

- ‘Palestinian hanging’ Appendix 10

271
Parliamentary Assembly 1.1
Plenary Court 1.2, 1.4.2, 1.5.2, 1.6.3
Positive Obligation
    to investigate 2.4.2 (d) (i), 2.6.3 (g), 6.2, 10.2.2 (a)
    to protect from ill-treatment 2.6.2 (c), 10.2.2 (b)
    private individuals, ill-treatment inflicted by 10.2.2 (b)
power of attorney see Form of Authority
Practice Directions 1.2, 1.6.4, Appendix 3
precedent, the system of 1.6.5
priority, case 3.1, 3.2, 5.1
prison conditions 2.6.3 (b), (c), (d), 7.2.1 (b), 10.2.1, 11.4.1, Appendices 10 and 11
proceedings, the Court’s see European Court of Human Rights
Protocol No. 14
    Commissioner of Human Rights, intervention by 1.1, 1.3, Appendices 2 and 18
    Committee of Ministers, the role of 1.3, 9.3, Appendices 2 and 18
    election of judges 1.4.1, Appendices 2 and 18
    Explanatory Report Appendix 18
    friendly settlement 8.1.3, Appendices 2 and 18
    new admissibility criterion 1.3, 2.10, Appendices 2 and 18
    repetitive cases 1.3, Appendices 2 and 18
    separate admissibility decisions 1.5.3, 1.7, Appendices and 18
    single-judge formations 1.5.3, Appendices 2 and 18
Protocols 2.3.2 Appendices 1, 2 and 18
Punishment, inhuman and degrading see Article 3

Q

R
Rape 10.2.1, 10.2.2 (b), 11.4.1, 11.4.3, Appendix 10
ratione loci see Compatibility of Applications
ratione materiae see Compatibility of Applications
ratione personae see Compatibility of Applications
ratione temporis see Compatibility of Applications
Registry
    legal divisions 1.4.2
    legal secretaries 1.4.2, 4.3
    Registrar 1.2, 1.4.2, 1.5.1, 3.2
INDEX

OMCT

section Registrars 1.2, 1.4.2, 1.5.2, 8.1.1, 9.1
Rules of Court 1.6.3
S
Secretary General 1.1, 1.4.2, 9.1
Sections see European Court of Human Rights
severity 2.6.3
Six-Month Rule
continuing situations 2.3.2 (a), 2.5.1, 2.5.2 (c) (iv)
date of introduction 2.5.2 (b), 4.1
domestic remedies, existence of 2.5.2 (c) (i)
domestic remedies, lack of 2.5.2 (c) (ii), 2.5.2 (c) (iii)
rationale behind the rule 2.5.2
starting point of the six-month period 2.5.2 (c)
solitary confinement 2.6.3 (c), Appendix 10
Standard of Proof
beyond reasonable doubt 1.12, 2.6.3 (e), 11.1, 11.6
prima facie case 2.4.1, 2.6.2 (a), 2.6.4, 11.5.3
standing see Victim Status
strike out 1.5.3, 8.2, 8.2.3, 8.3
strip searches 2.6.3 (d), Appendix 10
substantially the same, applications see Admissibility Criteria

T
territorial jurisdiction 2.3.1, 2.3.2 (b)
Third Party Intervention
Amicus briefs 1.12, 2.6.2 (b), 10.2, Appendix 9
Commissioner for Human Rights, intervention of 1.1
NGOs 1.12, 2.6.2 (b), Appendix 9
requests for 1.12
role of 1.12
threats 2.6.2 (b), (c), 3.1.2, 10.2.1, Appendix 10
Time Limits
application form, for the submission of 2.5.2, 4.2
introductory letter 2.5.1, 4.1
national legal system, non-respect of 2.4.2 (e)
observations, for the submission of 1.11
request for extension 1.11
torture see Article 3
transport of prisoners 2.6.3 (e)
U
urgent cases see priority

V
Victim Status
  actio popularis 2.2.2 (a)
  associations 2.2.2 (a)
  companies 2.2.2 (a)
  death of the applicant 2.2.1, 2.2.2 (d)
  governmental organisations 2.2.2 (a)
indirect victims 2.2.2 (c)
  next of kin 2.2.2 (b)
  political parties 2.2.2 (a)
  trade unions 2.2.2 (a)

W
written pleadings see Observations

Y

Z
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