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Meeting: 1419th meeting (December 2021) (DH)

Communication from the authorities (15/11/2021) concerning the CATAN AND OTHERS group of cases v. Russian Federation (Application No. 43370/04).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1419^e réunion (décembre 2021) (DH)

Communication des autorités (15/11/2021) relative au groupe d'affaires CATAN ET AUTRES c. Fédération de Russie (requête n° 43370/04) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

15 NOV. 2021

SERVICE DE L'EXECUTION
DES ARRETS DE LA CEDH

Prepared
for the 1419th CMCE meeting
(30 November - 2 December 2021)

Information
with regard to the judgment of the European Court of Human Rights
in applications nos. 43370/04, 8252/05, 18454/06
Catan and Others v. the Republic of Moldova and Russia

It is recalled that in the judgment in *Catan and Others v. the Republic of Moldova and Russia* (hereinafter – “*Catan case*”) the European Court of Human Rights (hereinafter – “European Court”) applied its own doctrine of “effective control”, thereby assigning responsibility to the Russian Federation for violations on the territory of another State, to which the authorities of the Russian Federation were not related in any way.

This approach of the European Court raised serious questions about the execution of the said judgment.

Nevertheless, the authorities of the Russian Federation have made significant efforts to find acceptable solutions to the current situation that would not contradict the principle of non-interference in the affairs of other sovereign States.

1. For these purposes, a number of events were held in Moscow, St. Petersburg and Strasbourg, such as round tables, consultations and conferences, including high-level ones. At these events, issues related to the problems of extraterritorial responsibility of States in the light of the practice of the European Court were discussed in detail. Materials of the relevant events are published on the websites of the organizers. In cooperation with the Council of Europe, separate collections have been prepared and widely distributed.

The activities carried out confirmed the complexity of the current situation. They also demonstrated the need for further search for balanced solutions to this situation in accordance with the provisions of the Convention on the Protection of Human Rights and Fundamental Freedoms and international law, with the participation of prominent Russian and foreign experts.

2. The Steering Committee for Human Rights (CDDH) is an important platform for discussing relevant issues, within the framework of which issues related to the application of the doctrine of “effective control” by the European Court have continued to be elaborated.

In particular, the mandate of the Drafting Group to strengthen the national implementation of the system of the Convention for the Protection of Human Rights and Fundamental Freedoms (DH-SYSC-V), among other things, provides for consideration of issues of enforcement of judgments of the European Court in the conditions of extraterritoriality.

3. The Russian authorities point out that today the situation in Transnistria is significantly different from what it was at the time the applications were lodged to the European Court. In particular, courts and their own authorities have been established and are functioning in the region.

Now, the authorities of the Russian Federation, by the request of the European Court are studying new communications on this issue and are forming a further position, taking into account the above changes in the state and constitutional structure of the region.

At the same time, the Russian authorities proceed from the need for a detailed and independent consideration by the European Court of all new circumstances, taking into account the arguments and materials presented both by the Russian Federation and the Republic of Moldova, and by the local authorities of the Transnistrian region.

The measures taken by the authorities of the Russian Federation correspond to the recommendations set out in the decisions and resolution of the Committee of Ministers of the Council of Europe on the need to continue a constructive dialogue and search for an early solution to problematic issues related to the judgment of the European Court in *Catan* case.