

Promo - LEX

Advancing democracy and human rights

The (non) execution of the judgment
in the case of Catan and others by
the Russian Federation

A brief summary of the findings of the last Decision of the Committee of Ministers

- NOTED WITH DEEP REGRET that, while **nearly eight years have passed since the *Catan and Others* judgment was delivered**, the Russian authorities failed to arrive to an acceptable response as to the execution of this judgment and the Committee's call on them to present an action plan setting out the concrete measures to execute the judgments in this group;
- REITERATED WITH FIRM INSISTENCE **the unconditional obligation** of every respondent State, under Article 46, paragraph 1, of the Convention, to abide by final judgments in cases to which it is a party;
- STRONGLY URGED the Russian authorities **to pay the just satisfaction and default interest owing to the applicants without further delay and to provide an action plan setting out their concrete proposals** as regards the execution of the judgments in this group in time for the Committee's next examination;
- DECIDED to resume consideration of this group of cases at its DH meeting in March 2021, postponed for June meeting.

A brief summary of the government's recent Action Plan

- There is no action Plan. Russian Federation hasn't presented action plan.
- According the letter from 14 April 2021, the Government of Russian Federation submitted an Information with regard to execution of the judgment. It reiterates that a number of events were held in Moscow, St. Petersburg and Strasbourg - round tables, consultations and conferences, including the high level ones in order to find acceptable solutions. Nevertheless until now the Russian Federation has not provide any solutions in this sense.

The Latin-script schools are dying (and the applicants too)

	Institution	Number of pupils 2011-2012	Number of pupils 2012-2013	Number of pupils 2013-2014	Number of pupils 2014-2015	Number of pupils 2015-2016	Number of pupils 2016-2017	Number of pupils 2017-2018	Number of pupils 2018-2019	Number of pupils 2019-2020	Number of pupils 2020-2021
	Three schools concerned by the judgement <i>Catan and others</i>										
1.	Theoretical Lyceum "Evrica", or. Ribnița	217	181	158	150	130	137	161	173	182	181
2.	Theoretical Lyceum "Alexandru cel Bun", Tighina/Bender town	642	578	527	492	439	436	435	436	451	433
3.	Theoretical Lyceum "Stefan cel Mare" Grigoriopol	185	170	160	150	145	141	139	175	197	200
	Other Latin-script schools										
1.	Theoretical Lyceum "Lucian Blaga", Tiraspol town	163	166	146	142	135	135	135	158	197	192
2.	Theoretical Lyceum "Mihai Eminescu", Cocieri village, Dubăsari region	471	451	419	360	332	341	366	382	397	439
3.	Gymnasium Roghi village, Dubăsari region	76	75	61	55	50	50	49	59	51	51
4.	Gymnasium Corjova village, Dubăsari region	88	89	85	82	76	66	60	62	70	77
5.	Gymnasium- internat, Tighina/Bender town	88	90	73	60	45	35	25	16	8	0
	Total:	1 930	1 800	1 629	1 491	1 352	1 341	1370	1461	1553	1573

Halabudenco v. the Republic of Moldova and Russia (no. 73942/17) is not “a solution”

The case concerns the alleged entrapment of a teacher by the authorities of the selfproclaimed Republic of Transdniestria (“MRT”). Mr Halabudenco relies on Articles 8 (right to private life) of the Convention, 1 of Protocol No. 1 (protection of property) and 2 of Protocol No. 4 (freedom of movement) to the Convention and Article 13 (right to an effective remedy) of the Convention.

The facts and merits of the case rise specific human rights issues, which are total different like in the Catan group of cases.

Key points setting out what is necessary to implement the judgment

- A part of applicants in these cases have already died, others have left the Republic of Moldova and lost contact with their representatives.
- Paying the adjudicated damages would be an act of common sense towards the persons who won the case in the Court.
- The Russian Federation failed to present clear actions showing that the State intends to enforce this judgment.

Key points setting out what is necessary to implement the judgment

- In more than 8 years after pronouncing the judgment on Catan and others, other two judgments were issued on the same problems. Thus, ECtHR issued on 23.10.2018 a judgment similar to the one on the case of Catan — Bobeico and others versus Moldova and Russia.
- On 17.09.2019, ECHR issued the judgment on the case of Iovcev and others versus Moldova and Russia, which found violation of the right to private life and education, right to freedom and security of a number of teachers, pupils and parents from various educational institutions referring to the period prior to 2014.

What can be done?

- It is necessary to fully remove any provisions from the legislation of the de-facto government that can be regarded as a threat to the use of Latin script in the transnistrian region. These provisions generate discriminatory attitudes and intimidation of the pupils, parents and teachers from the educational institutions concerned.
- Harassment by the transnistrian "militia and law enforcement bodies" can be stopped by the break-away administration if this action is supported by the Russian authorities. It is noted that, according the last Judgement in Iovcev and other case, the Court found decisive influence of Russian authorities over the administration of the transnistrian region
- Returning the premises of all Latin-script educational institutions, that used to belong to them before evacuation, is another required activity which can be carried out very quickly. These buildings exist and can be used, but the decision to return the premises should be taken by administration of the transnistrian region.

Conclusions

We call the Committee of Ministers to recommend the Russian authorities to take all measures in order to:

- Pay the compensation due to all applicants;
- Present a concrete action plan including the general measures indicated in the 'General Measures' section above.
- Schedule the case for examination at all future CM/DH meetings; and
- Invite the Chair of the Committee of Ministers to write a letter to Ministry of Justice of Russian Federation, highlighting the non-implementation of the judgment and requesting measures to be taken, including starting the infringement proceedings under Article 46(4) of the ECHR