

The Relationship Between Shared Responsibility and Jurisdiction in the Case Law of the European Court of Human Rights

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Abstract

The issue of shared responsibility arises before international courts when several international actors play a role in violating international obligations. However, determining the jurisdiction in these cases requires that those courts pay careful attention to points such as the jurisdiction in the territory where the violation occurred or the control of the wrongdoer state over the territory or the injured parties. The method used in this research is the method of doctrinal legal research using the cases of the European Court of Human Rights and international legal documents. This study has examined the various aspects of determining jurisdiction in the context of shared responsibility and has concluded that in many cases, the Court has adopted the traditional approach of territorial jurisdiction as the principle, but has not limited itself to it, and by determining criteria such as "effective control" and "effective authority", it has expanded the scope of its jurisdiction to include extraterritorial violations of human rights. On the other hand, the Court has examined and accepted the issue of its jurisdiction over injured persons who were under the effective control of a state using the same criterion. Ultimately, this study has concluded that the Court's practice in this regard is dynamic and evolving.

Keywords: European Court of Human Rights; case law; jurisdiction; effective control; shared responsibility.

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