



European Court grants urgent measures in cases lodged by two British prisoners of war sentenced to death in the so-called “Donetsk People’s Republic”

The European Court of Human Rights has decided to grant interim measures in the cases of **Pinner v. Russia and Ukraine** and **Aslin v. Russia and Ukraine** (application nos. 31217/22 and 31233/22) concerning two British nationals who are members of the Armed Forces of Ukraine who surrendered to the Russian forces during recent hostilities and have since been sentenced to death in the so-called “Donetsk People’s Republic” (“the DPR”).

The Court indicated in particular to the Government of the Russian Federation, under Rule 39 (interim measures) of the Rules of Court, that they should ensure that the death penalty imposed on the applicants was not carried out; ensure appropriate conditions of their detention; and provide them with any necessary medical assistance and medication.

The Court also indicated to the Government of Ukraine to ensure, in so far as it was possible to do so, respect for the Convention rights of the applicants.

Under Rule 39 of the Rules of Court, the Court may indicate interim measures to any State Party to the European Convention on Human Rights. Measures under Rule 39 of the [Rules of Court](#) are decided in connection with proceedings before the Court, without prejudging any subsequent decisions on the admissibility or merits of the case. The Court grants such requests only on an exceptional basis, when the applicants would otherwise face a real risk of irreversible harm. For further information, see [the factsheet on interim measures](#)

The applicants, Shaun Pinner and Aiden Aslin, are British citizens who were born in 1973 and 1994, respectively. They are married/live with Ukrainian nationals and consider Ukraine to be their home.

They joined the Armed Forces of Ukraine (the UAF) in 2018 and were subsequently deployed to join the 36th Detached Marine Brigade of the UAF in Mariupol, the Donetsk Region.

Against the background of the war in Ukraine, the Russian authorities announced on 13 April 2022 that 1,026 Ukrainian service personnel of the applicants’ brigade had voluntarily laid down their arms and surrendered to the Russian forces in Mariupol.

Footage of the captured applicants has since been broadcast by the Russian media.

Accused of offences proscribed by the “Criminal Code of the DPR”, on 9 June 2022 they were sentenced to death by a “DPR court”.

Another person, Brahim Saadoune, a Moroccan national, was also sentenced to death by the same “court” on the same day. The Court decided to grant interim measures in this case (*Saadoune v. Russia and Ukraine*, no. 28944/22) on 16 June 2022 (see [press release](#)).

On 27 June 2022 the applicants’ representatives made their requests to the Court under Rule 39 to ensure their Convention rights.

In examining the requests for an interim measure on 29 June 2022, the European Court decided to indicate to the Russian Government, as in Mr Saadoune’s case, that they should:

“(a) ensure that the death penalty imposed on the applicants is not carried out;

(b) ensure respect for the Convention rights of Shaun Pinner and Aiden Aslin, notably in respect of Articles 2 (right to life) and 3 (prohibition of inhuman or degrading treatment) of the Convention, ensure the appropriate conditions of their detention, and provide them with any necessary medical assistance and medication.”

Also as in the *Saadoune* case, the Court stressed that the issue of jurisdiction in the area where the applicants are being detained is under active consideration by the Grand Chamber of the Court in the case of [Ukraine and the Netherlands v. Russia](#) (application nos. 8019/16, 43800/14 and 28525/20) and that the Russian Government remained under an obligation under Article 34 not to hinder in any way the effective exercise of the right of individual application.

It requested that the Russian Government provide information, in two weeks, to show what actions and measures have been taken by their authorities to ensure respect for the Convention rights of Shaun Pinner and Aiden Aslin. In that context, it reminded the Government that the interim measure granted on 1 March 2022 in the case of [Ukraine v. Russia \(X\)](#) (no. 11055/22) remained in force.

The Court also decided to indicate to the Ukrainian Government to ensure, in so far as it was possible to do so, respect for the Convention rights of Shaun Pinner and Aiden Aslin, and invited them to submit any information which they consider relevant within the same period of two weeks.

Lastly, the Court also decided to give immediate notice of the interim measures indicated in the present two applications, as well as of the interim measure indicated on 16 June 2022 in the above-mentioned case of *Saadoune v. Russia and Ukraine* (no. 28944/22), to the Committee of Ministers of the Council of Europe in accordance with Rule 39 § 2 of the Rules of Court.

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The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.