



European Court grants urgent measures in case of prisoner of war sentenced to death in the so-called “Donetsk People’s Republic”

The European Court of Human Rights has today decided to grant interim measures in the case of **Saadoune v. Russia and Ukraine** (application no. 28944/22) concerning a Moroccan national and a member of the Armed Forces of Ukraine who surrendered to the Russian forces during recent hostilities and has 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 of the Rules of Court, that they should ensure that the death penalty imposed on the applicant was not carried out; ensure appropriate conditions of his detention; and, provide him 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 applicant.

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 applicant, Brahim Saadoune, is a Moroccan citizen who was born in 2000 and moved to Ukraine in 2019 to study in Kyiv.

In November 2021 he left Kyiv to undergo military training and was subsequently deployed to join the 36th Detached Marine Brigade of the Armed Forces of Ukraine 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 applicant’s brigade had voluntarily laid down their arms and surrendered to the Russian forces in Mariupol.

The applicant has since been accused of offences proscribed under Article 323 (forcible seizure of power or retention of power), Article 430 (participation in an armed conflict or hostilities as a mercenary) and Article 232 (promotion of training in terrorist activities) of the “Criminal Code of the DPR”.

On 9 June 2022 he was sentenced to death by a “DPR court”. Two other persons, who are British nationals, were also sentenced to death by the same “court” on the same day.

On 14 June 2022 the applicant’s representative made a request to the Court under Rule 39 to ensure his Convention rights.

In examining the request for an interim measure on 16 June 2022, the European Court decided to indicate to the Russian Government that they should:

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

(b) ensure respect for the Convention rights of Mr Brahim Saadoune, 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 his detention, and provide him with any necessary medical assistance and medication.”

The Court stressed that the issue of jurisdiction in the area where the applicant is 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 Mr Brahim Saadoune. 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.

Lastly, 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 Mr Saadoune Brahim, and invited them to submit any information which they consider relevant within the same period of two weeks.

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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.