October 2023

Interim measures

Rule 39 (interim measures) of the Rules of Court reads as follow:

"1. The Chamber or, where appropriate, the President of the Section or a duty judge appointed pursuant to paragraph 4 of this Rule may, at the request of a party or of any other person concerned, or of their own motion, indicate to the parties any interim measure which they considers should be adopted in the interests of the parties or of the proper conduct of the proceedings.

2. Where it is considered appropriate, immediate notice of the measure adopted in a particular case may be given to the [Council of Europe] Committee of Ministers.

3. The Chamber or, where appropriate, the President of the Section or a duty judge appointed pursuant to paragraph 4 of this Rule may request information from the parties on any matter connected with the implementation of any interim measure indicated.

4. The President of the Court may appoint Vice-Presidents of Sections as duty judges to decide on requests for interim measures."

What are interim measures?

The European Court of Human Rights may, under Rule 39 of its Rules of Court, indicate interim measures to any State party to the European Convention on Human Rights. Interim measures are urgent measures which, according to the Court's well-established practice, apply only where there is an imminent risk of irreparable harm. Such measures are decided in connection with proceedings before the Court without prejudging any subsequent decisions on the admissibility or merits of the case in question.

In the majority of cases, the applicant requests the suspension of an expulsion or an extradition.

The Court grants requests for interim measures only on an exceptional basis, when applicants would otherwise face a real risk of serious and irreversible harm[1]. Such measures are then indicated to the respondent Government. However, it is also possible for the Court to indicate measures under Rule 39 to applicants[2].

[1]. In the case *Rackete and Others v. Italy* (no. 32969/19), for example, the Court decided, in June 2019, not to indicate to the Italian Government an interim measure requiring that the applicants (nationals of Niger, Guinea, Cameron, Mali, Ivory Coast, Ghana, Burkina Faso and Guinea-Conakry) be authorised to disembark in Italy from the ship *Sea-Watch 3*; at the same time, however, the Court indicated to the Government that it was relying on the Italian authorities to continue to provide all necessary assistance to those persons on board *Sea-Watch 3* who were in a vulnerable situation on account of their age or state of health (see press release of 25 June 2019).

[2]. For example, in the case of *Ilaşcu and Others v. the Republic of Moldova and Russia*, where the Court asked one of the applicants to stop a hunger-strike (see paragraph 11 of the Grand Chamber judgment of 8 July 2004). See also the *Rodić and Others v. Bosnia and Herzegovina* judgment of 27 May 2008. More recently, in the case *Saakashvili v. Georgia* (no. 54641/21), the Court urged the applicant to call off his hunger strike and, at the same time, it indicated to the Government of Georgia to inform it about the applicant's current state of health, to ensure his safety in prison, and to provide him with appropriate medical care for the post-hunger-strike recovery period (see press release of 16 November 2021).

The Court's practice is to examine each request on an individual and priority basis through a written procedure[3]. Applicants and Governments are informed of the Court's decisions on interim measures. Refusals to apply Rule 39 cannot be appealed against.

The length of an interim measure is generally set to cover the duration of the proceedings before the Court or for a shorter period.

The application of Rule 39 of the Rules of Court may be discontinued at any time by a decision of the Court. In particular, as such measures are related to the proceedings before the Court, they may be lifted if the application is not maintained.

Scope of interim measures

In practice, interim measures are applied only in a limited number of areas[4] and most concern expulsion and extradition. They usually consist in a suspension of the applicant's expulsion or extradition for as long as the application is being examined[5].

The most typical cases are those where, if the expulsion or extradition takes place, the applicants would fear for their lives (thus engaging Article 2 (right to life) of the European Convention on Human Rights) or would face ill-treatment prohibited by Article 3 (prohibition of torture or inhuman or degrading treatment) of the Convention[6]. More exceptionally, such measures may be indicated in response to certain requests concerning the right to a fair trial (Article 6 of the Convention)[7], the right to

[3]. See, for example, concerning the application *Navalnyy v. Russia* (no. 4743/21), currently pending before the Court, the press releases of 17 February 2021 (link) and 19 April 2021 (link).

[4]. On the question of the application of interim measures in inter-State cases, in situations of armed conflicts, see the factsheet on "Armed conflicts".

[5]. For example, on 14 June 2022, the Court has decided to grant an interim measure in the case of *K.N. v. the United Kingdom* (no. 28774/22), an Iraqi asylum-seeker facing imminent removal to Rwanda. In this case, the Court has indicated to the UK Government that the applicant should not be removed to Rwanda until three weeks after the delivery of the final domestic decision in his ongoing judicial review proceedings (see press release of 14 June 2022 and press release of 15 June 2022).

[6]. See, for example, the press releases of 7 December 2021 (link) and 21 February 2022 (link), regarding requests for interim measures concerning the situation at the borders with Belarus. See also, below, pp. 2-7.

[7]. In February 2022, for example, in the case *Wróbel v. Poland* (no. 6904/22), the Court indicated an interim measure, asking that the respondent government ensure that the proceedings concerning the lifting of the applicant's – a Supreme Court judge – judicial immunity comply with the requirements of a "fair trial" as guaranteed by Article 6 § 1 of the Convention, in particular the requirement of an "independent and impartial tribunal established by law", and that no decision in respect of his immunity be taken by the Disciplinary Chamber of the Supreme Court until the final determination of his complaints by the European Court (see press release of 9 February 2022, press release of 20 April 2022, and press release of 10 August 2022). See also the press release of 24 March 2022 and the press release of 31 March 2022 concerning the indication by the Court of interim measures in cases concerning charges brought against Polish judges. See also the press release of 14 April 2022, concerning the case *Stępka v. Poland*, in which the Court indicated an interim measure to the respondent Government, asking the Government to ensure that the proceedings concerning the lifting of the judicial immunity of the applicant – a Supreme Court judge –comply with the requirements of a "fair trial", and that no immediately enforceable decision in respect of his immunity be taken by the Disciplinary Chamber of the Supreme Court until the final determination of his complaints by the European Court. See also: press release of 12 July 2022, concerning the case *Raczkowski v. Poland* (no. 33082/22), in which the Court indicated an interim measure asking that the Polish Government ensure that the proceedings concerning the lifting of the applicant's – a military judge – judicial immunity comply with the requirements of a fair trial as guaranteed by Article 6 § 1 of the Convention and that no decision be taken until the final determination of his complaints by the Court; press release of 17 August 2022 concerning three judges in Poland facing disciplinary proceedings and at risk of imminent suspension from their judicial functions; press release of 7 December 2022, concerning the indication to the Government of Poland of an interim measure requesting that the respondent State should suspend the effects of the decisions to transfer the applicants, experienced specialists in criminal law and judges, from the Criminal Division to the Labour and Social Security Division of the Warsaw Court of Appeal and ensure that no decision to transfer the applicants to another division of the Court of Appeal against their will is taken until the final determination of the applicants' complaints by the Court; press release of 16 February 2023.

respect for private and family life (Article 8 of the Convention)[8] and freedom of expression (Article 10 of the Convention)[9].

In the Court's case-law as it currently stands, Rule 39 of the Rules of Court is not applied, for example, the following cases: to prevent the imminent demolition of property[10], imminent insolvency, or the enforcement of an obligation to do military service; to obtain the release of an applicant who is in prison pending the Court's decision as to the fairness of the proceedings; to ensure the holding of a referendum[11]; to prevent the dissolution of a political party[12]; or to freeze the adoption of constitutional amendments affecting the term of office of members of the judiciary[13].

Expulsion or extradition cases

Risk to life or of torture, inhuman or degrading punishment or treatment

Asylum seekers fearing persecution, ill-treatment or other serious harm

Risk of persecution for political, ethnic or religious reasons

Abdollahi v. Turkey

3 November 2009 (decision – strike-out)

The applicant alleged that he was a member of the People's Mujahedin of Iran and that he would therefore face death or be subjected to ill-treatment if deported back to Iran.
The Court granted an interim measure to prevent the applicant's deportation pending further information. The application of Rule 39 of the Rules of Court was lifted after the Registry lost contact with the applicant.

F.H. v. Sweden (no. 32621/06)

20 January 2009 (judgment)

The applicant alleged that, if deported to Iraq, he would face a real risk of being killed or subjected to torture or inhuman treatment on account of his Christian faith and background as a member of the Republican Guard and the Ba'ath Party.
The Court decided to apply Rule 39 of the Rules of Court, requesting the Swedish Government to refrain from deporting the applicant until further notice. The application of Rule 39 was lifted when the Court's judgment finding that the implementation of the deportation order against the applicant would not give rise to a violation of Articles 2 or 3 of the Convention became final.

Y.P. and L.P. v. France (no. 32476/06)

1 September 2010 (judgment)

The first applicant, an opponent of the regime and a member of the Belarusian People's Front, was detained and assaulted on a number of occasions by the Belarusian police. He fled with his family, passing through various European countries, and applied for

---

8. See below, pp. 7-11, for examples.
9. See, for example, the press release of 10 March 2022, concerning the application in the case *ANO RID Novaya Gazeta and Others v. Russia* (no. 11884/22).
10. See, for example, the press release of 1 September 2020 concerning the case *Upravlinnya Krymskoyi Yeparkhiyi Ukrayinskoyi Pravoslavnoyi Tserkvy (Crimean branch of the Ukrainian Orthodox Church of the Kyiv Patriarchate) v. Russia*, in which the applicant Church requested the Court to indicate interim measures to prevent the Russian authorities from evicting it from its main premises, a Cathedral in Simferopol, and from demolishing another of its buildings.
11. See press release of 21 December 2007 concerning the inappropriate use of interim measures procedure.
12. For example, in the case of *Sezer v. Turkey*, the Court rejected a request for the adoption of an interim measure to prevent the Turkish Constitutional Court from ordering the dissolution of the AKP (*Adalet ve Kalkınma Partisi* – Justice and Development Party) (see press release of 28 July 2008).
13. See press release of 8 July 2020 concerning the case *Gyulumyan and Others v. Armenia*.

asylum in France, but it was denied. The applicants alleged that if they were returned to Belarus they would risk imprisonment and ill-treatment.
The Court decided to apply Rule 39 of the Rules of Court, requesting the French Government to refrain from deporting the applicants pending the outcome of the proceedings before it. The application of Rule 39 was lifted when the Court's judgment finding that the implementation of the deportation order against the applicants would give rise to a violation of Article 3 of the Convention became final.

M.A. v. Switzerland (no. 52589/13)

18 November 2014 (judgment)
The applicant, an Iranian national, claimed that, if forced to return to Iran, he would face a real and serious risk of being arrested and tortured because of his active participation in demonstrations against the Iranian regime.
The applicant's expulsion was suspended on the basis of an interim measure granted by the Court in September 2013 under Rule 39 of its Rules of Court, which indicated to the Swiss Government that he should not be expelled for the duration of the proceedings before it. The application of Rule 39 was lifted when the Court's judgment finding that the implementation of the expulsion order against the applicant would give rise to a violation of Article 3 of the Convention became final.

W.H. v. Sweden (no. 49341/10)

8 April 2015 (Grand Chamber – judgment)
This case concerned an asylum seeker's threatened expulsion from Sweden to Iraq, where she alleged she would be at risk of ill-treatment as a single woman of Mandaean denomination, a vulnerable ethnic/religious minority.
In this case the applicant's expulsion was suspended on the basis of an interim measure granted by the Court under Rule 39 of its Rules of Court, which indicated to the Swedish Government that the applicant should not be expelled to Iraq whilst the Court was considering her case. In October 2014 the applicant was granted a permanent residence permit in Sweden and, following this decision, the applicant submitted that she no longer wished to pursue her application before the European Court. The Court therefore considered that the matter had been resolved at national level and decided to strike the application out of the Court's list of cases.

F.G. v. Sweden (no. 43611/11)

23 March 2016 (Grand Chamber – judgment)
This case concerned the refusal of asylum to an Iranian national converted to Christianity in Sweden who alleged that, if expelled to Iran, he would be at a real risk of being persecuted and punished or sentenced to death.
In this case the applicant's expulsion was stayed on the basis of an interim measure granted in October 2011 by the Court under Rule 39 of its Rules of Court, which indicated to the Swedish Government that the applicant should not be expelled to Iran whilst the Court was considering his case. In its Grand Chamber judgment, the Court held that there would be no violation of Article 2 (right to life) and Article 3 (prohibition of torture and of inhuman or degrading treatment) of the Convention, on account of the applicant's political past in Iran, if he were deported to his country of origin, and that there would be a violation of Articles 2 and 3 of the Convention if the applicant were to be returned to Iran without a fresh and up-to-date assessment being made by the Swedish authorities of the consequences of his religious conversion.

Risk of ill-treatment related to sexual orientation

M.E. v. Sweden (no. 71398/12)

8 April 2015 (Grand Chamber– judgment)
This case concerned an asylum seeker's threatened expulsion from Sweden to Libya, where he alleged he would be at risk of persecution and ill-treatment because he is a homosexual.

In this case the Court decided to indicate to the Swedish Government, under Rule 39 of its Rules of Court, not to expel the applicant to Libya until further notice. In December 2014 the applicant was granted a residence permit in Sweden. The Court considered that the potential violation of Article 3 of the Convention had now been removed and that the case had thus been resolved at national level. It therefore decided to strike the application out of the Court's list of cases.

See also, among others: ***A.S.B. v. the Netherlands (no. 4854/12)***, decision of 10 July 2012; ***A.E. v. Finland (no. 30953/11)***, decision of 22 September 2015.

Risk of stoning for adultery

Jabari v. Turkey

11 July 2000 (judgment)

The applicant fled to Turkey from Iran in 1997 fearing that she would be convicted of having committed adultery, an offence under Islamic law, and sentenced to be stoned to death or flogged. Before the Court, she complained in particular that her right not to be subjected to ill-treatment would be breached if she were to be deported to Iran.

The Court decided to apply Rule 39 of the Rules of Court, requesting the Turkish Government to refrain from deporting the applicant pending the outcome of the proceedings before it. The application of Rule 39 was lifted when the Court's judgment finding that the implementation of the deportation order against the applicant would give rise to a violation of Article 3 of the Convention became final.

Risk of being subjected to genital mutilation

Abraham Lunguli v. Sweden

1 July 2003 (strike-out decision)

The applicant alleged that she risked genital mutilation if returned to Tanzania.

In this case the Court decided to apply Rule 39 of the Rules of Court, requesting the Swedish Government to refrain from deporting the applicant pending the outcome of the proceedings before it. The case was struck out of the Court's list of cases after the applicant was granted a permanent residence permit in Sweden.

See also: ***Collins and Akaziebie v. Sweden***, decision (inadmissible) of 8 March 2007; ***Izevbekhai v. Ireland***, decision (inadmissible) of 17 May 2011; ***Omeredo v. Austria***, decision (inadmissible) of 20 September 2011; ***Sow v. Belgium***, judgment of 19 January 2016.

Risk of social exclusion

Hossein Kheel v. the Netherlands

16 December 2008 (strike-out decision)

The applicant, an Afghan national, faced being deported on her own to Afghanistan, without her husband and children, who were Dutch nationals.

In the light of plentiful information on the vulnerable situation of single women in Afghanistan and the applicant's observation that she had no male relative who could protect her, the Court decided to apply Rule 39 of the Rules of Court and to request the authorities not to deport her until her application had been examined by the Court. The measure was lifted after the Dutch Government granted the applicant a residence permit.

See also: ***N. v. Sweden (no. 23505/09)***, judgment of 20 July 2010, concerning the risk of ill-treatment in case of deportation to Afghanistan of a woman separated from her husband.

Risk of sexual exploitation

M. v. the United Kingdom (no. 16081/08)

1 December 2009 (strike-out decision)

The applicant alleged that she had been trafficked and forced into prostitution in her country of origin, Uganda. She alleged that there was a risk she might be found by the traffickers and subjected once again to sexual exploitation if she was deported.

In this case the Court decided to apply Rule 39 of the Rules of Court, requesting the Government of the United Kingdom to refrain from deporting the applicant pending the outcome of the proceedings before it. The application was ultimately struck out after the Government and the applicant reached a friendly settlement.

Expulsion cases with a health / medical element

D. v. the United Kingdom (no. 30240/96)

2 May 1997 (judgment)

The applicant, who was diagnosed as HIV (human immunodeficiency virus)-positive and as suffering from acquired immunodeficiency syndrome (AIDS), maintained that his removal to St Kitts would expose him to inhuman and degrading treatment.

The Court applied Rule 39 of its Rules of Court, requesting the Government of the United Kingdom not to deport the applicant, who was HIV-positive and at an advanced stage of illness, because he would not have been able to receive medical treatment if he had been sent to his destination country. In this case the Court took account of the "very exceptional circumstances" and "compelling humanitarian considerations": the applicant was critically ill and appeared to be close to death, could not be guaranteed any nursing or medical care in his country of origin and had no family there willing or able to care for him or provide him with even a basic level of food, shelter or social support.

N. v. the United Kingdom (no. 26565/05)

27 May 2008 (Grand Chamber – judgment)

The applicant, who was HIV-positive, claimed that to return her to Uganda would cause her suffering and lead to her early death, which amounted to inhuman and degrading treatment.

In this case the Court decided to apply Rule 39 of the Rules of Court, requesting the Government of the United Kingdom to refrain from deporting the applicant pending the outcome of the proceedings before it. Concluding in its judgment that the applicant's case did not disclose "very exceptional circumstances", the Court found that the implementation of the decision to remove her to Uganda would not give rise to a violation of Article 3 of the Convention.

Paposhvili v. Belgium

13 December 2016 (Grand Chamber – judgment)

This case concerned an order for the applicant's deportation to Georgia, issued together with a ban on re-entering Belgium. The applicant, who suffered from a number of serious medical conditions, including chronic lymphocytic leukaemia and tuberculosis, alleged in particular that substantial grounds had been shown for believing that if he had been expelled to Georgia he would have faced a real risk there of inhuman and degrading treatment and of a premature death. He died in June 2016. His relatives subsequently pursued his case before the Court.

In July 2010, under Rule 39 of the Rules of Court, the Court requested the Belgian Government not to remove the applicant pending the outcome of the proceedings before the Aliens Appeals Board. In its judgment, the Grand Chamber held in particular that there would have been a violation of Article 3 of the Convention if the applicant had been removed to Georgia without the Belgian authorities having assessed the risk faced by him in the light of the information concerning his state of health and the existence of appropriate treatment in Georgia.

Khachaturov v. Armenia

24 June 2021 (judgment)

This case concerned the Armenian authorities' decision to extradite the applicant to Russia, where criminal proceedings for attempted bribe-taking were pending against him. The applicant, who suffered from the effects of a past stroke, claimed that his medical condition did not render him fit for being transferred either by air or land.

In November 2017, the Court granted a request by the applicant for an interim measure under Rule 39 of the Rules of Court and, after considering the parties' submissions on the issue, in February 2018, it decided to maintain the measure. In its judgment, the Court concluded that there would be a violation of Article 3 of the Convention if the applicant was extradited to Russia without the Armenian authorities having assessed the risk faced by him during his transfer in view of the information as to his state of health.

Risk of being sentenced to death or life imprisonment if extradited[14]

Öcalan v. Turkey

12 May 2005 (Grand Chamber – judgment)

In this case, on 30 November 1999, the European Court decided to apply Rule 39 of the Rules of Court, requesting the Turkish Government to take all necessary steps to ensure that the death penalty against the applicant was not carried out, so as to enable the Court to proceed effectively with the examination of the admissibility and merits of the applicant's complaints under the Convention. Following the August 2002 abolition in Turkish law of the death penalty in peace time, the Ankara State Security Court commuted the applicant's death sentence to life imprisonment in October 2002.

Nivette v. France

3 July 2001 (decision on the admissibility)

The applicant, an American national who was suspected of having murdered his girlfriend, submitted in particular that his extradition to the United States would be in breach of Article 3 of the European Convention on Human Rights.

In this case the Court decided to apply Rule 39 of the Rules of Court. The interim measure was however lifted after the Court deemed sufficient the assurances obtained by the French Government from the United States authorities to the effect that the applicant would not face the death penalty or whole life imprisonment.

Babar Ahmad and Others v. the United Kingdom

10 April 2012 (judgment)

The applicants were indicted on various charges of terrorism in the United States, which requested their extradition. They complained about the risk of serving their prison term in a super-max prison, where they would be subjected to special administrative measures, and of being sentenced to irreducible life sentences.

In this case the Court decided to apply Rule 39 of the Rules of Court. The application of Rule 39 was lifted after the Court found, in its judgment, that there would be no violation of Article 3 of the Convention as a result of the length of the applicants' possible sentences if they were extradited to the United States.

Risk of a flagrant denial of justice

Rule 39 of the Rules of Court may also be applied in cases where Articles 5 (right to liberty and security) and 6 (right to a fair trial) of the Convention are engaged, where there is a risk of a "flagrant denial of justice" in the event of expulsion or extradition.

[14]. See also the factsheets on "Death penalty abolition" and "Extradition and life imprisonment".

Soering v. the United Kingdom

7 July 1989 (judgment)

In this case the Court indicated to the Government of the United Kingdom, under Rule 39 of its Rules of Court, that it would be desirable not to extradite the applicant to the United States of America while the proceedings were pending before it. The Court explained in its judgment on the merits that an issue might exceptionally be raised under Article 6 of the Convention by an extradition decision in circumstances where the fugitive has suffered or risks suffering a flagrant denial of a fair trial in the requesting country. However, the facts of the present case did not disclose such a risk."

Othman (Abu Qatada) v. the United Kingdom

17 January 2012 (judgment)

The applicant, a Jordanian national, suspected of having links with al-Qaeda, alleged in particular that he faced a real risk of suffering a flagrant denial of justice in the event of his deportation, on account of the possible use in his new trial of evidence obtained by torture.

The Court indicated to the Government of the United Kingdom, under Rule 39 of its Rules of Court, an interim measure to prevent the applicant's expulsion until it had examined his application. In its judgment on the merits, the Court for the first time reached the conclusion that an expulsion would entail a violation of Article 6 of the Convention. That finding reflected the international consensus that the admission of evidence obtained by torture was incompatible with the right to a fair trial.

See also: ***Ismoilov and Others v. Russia***, judgment of 24 April 2008[15].

Risk to private and family life

Exceptionally, Rule 39 of the Rules of Court has been applied in cases that engage Article 8 (right to respect for private and family life) of the Convention, where there is a potentially irreparable risk to private or family life.

Amrollahi v. Denmark

11 July 2002 (judgment)

The applicant alleged that his deportation to Iran would sever his family relationship with his Danish wife, two children and daughter-in-law, since they could not be expected to follow him to that country.

In this case the Court decided to apply Rule 39 of the Rules of Court to prevent the applicant's expulsion until his application had been examined. The Court ultimately reached the conclusion that there would be a violation of Article 8 of the Convention if he were deported to Iran.

Particular situation of expulsion / extraditions to another State party to the Convention

Even though there is a certain presumption that Contracting States will provide the necessary guarantees to ensure that a person is not subjected to ill-treatment and that he or she will continue to enjoy the Convention rights after being sent to such a State, Rule 39 of the Rules of Court has been applied to prevent a person's expulsion to another Council of Europe State in certain cases[16].

[15]. On 16 September 2022 the Russian Federation ceased to be a Party to the European Convention on Human Rights ("the Convention").

[16]. See the "Dublin cases" factsheet. See also, among others: *Shamayev and Others v. Georgia and Russia*, judgment of 12 April 2005; *Avcisoy v. the United Kingdom*, decision (strike out) of 19 February 2002; *Gasayev v. Spain*, decision (inadmissible) of 17 February 2009.

Other applications of interim measures

Persons sentenced to death

Saadoune v. Russia and Ukraine (no. 28944/22)[17]

Pending application – Interim measures indicated on 16 June 2022

This case concerns a Moroccan national, 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" On 14 June 2022 the applicant's representative made a request to the Court under Rule 39 of the Rules of Court to ensure his Convention rights.

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.

Pinner v. Russia and Ukraine (no. 31217/22) and Aslin v. Russia and Ukraine (no. 31233/22)[18]

Pending application – Interim measures indicated on 29 June 2022

These applications concern 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". On 27 June 2022 the applicants' representatives made their requests to the Court under Rule 39 of the Rules of Court to ensure their Convention rights.

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 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.

Prisoners

Kotsaftis v. Greece

12 June 2008 (judgment)

This case concerned the conditions of detention of and the lack of proper medical care for a prisoner suffering from Hepatitis-B-induced cirrhosis.

In this case, the Court requested Greece to order the transfer of the applicant to a specialised medical centre so that he could undergo all the necessary tests and remain in hospital until his doctors considered that he could return to prison without his life being endangered.

Paladi v. the Republic of Moldova

10 March 2009 (Grand Chamber – judgment)

The applicant, who suffered from a number of serious illnesses, complained in particular that, despite doctors' recommendations, he was not given appropriate medical care while in detention pending trial.

In this case, the Court decided to indicate to the Moldovan Government an interim measure under Rule 39 of the Rules of Court aimed at ensuring the applicant's continued treatment in a specialised hospital, until the Court had been able to examine the case.

[17]. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.
[18]. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

Aleksanyan v. Russia[19]

22 December 2008 (judgment)

This case concerned in particular the lack of medical assistance to a HIV-positive detainee.

In this case, the Court invited the Russian Government, under Rule 39 of the Rules of Court, to secure immediately, by appropriate means, the in-patient treatment of the applicant in a specialised hospital. One month later, the Court confirmed that measure and, in addition, invited the Russian authorities to form a medical commission, to be composed on a bipartisan basis, to diagnose the applicant's health problems and suggest treatment.

Salakhov and Islyamova v. Ukraine

14 March 2013 (judgment)

This case concerned the lack of appropriate medical care given to a detainee, who died from AIDS two weeks after he was released from detention.

In this case, the Court indicated to the Ukrainian Government, under Rule 39 of the Rules of Court, to immediately transfer the first applicant to hospital for appropriate treatment.

See also, among others: ***Ghvaladze v. Georgia***, decision (partial) of 11 September 2007; ***Prezec v. Croatia***, decision du 28 August 2008; ***Grori v. Albania***, judgment of 7 July 2009; ***Bamouhammad v. Belgium***, judgment of 17 November 2015.

Oliynichenko v. Russia and Ukraine (no. 31258/22)[20]

Pending application – Interim measures indicated on 30 June 2022

The applicant in this case provided eyewitness accounts of alleged torture inflicted on Ukrainian service personnel while being held by Russian forces in one of the prisoner of war camps where her husband was allegedly captive. She thus asked for the Court to indicate to the Russian and Ukrainian Governments to establish her husband's whereabouts, to ensure his safety and to release him.

The Court on 30 June 2022 decided, under Rule 39 of the Rules of Court, to indicate: that the Russian Government should ensure respect for the applicant's husband's Convention rights and provide him with medical assistance should he need it; and, that the Ukrainian Government should also, in so far as possible, ensure respect for the Convention rights of the applicant's husband. The Court further stated that these interim measures covered any requests made on behalf of Ukrainian prisoners of war in Russian custody in which sufficient evidence had been provided to show that they faced a serious and imminent risk of irreparable harm to their physical integrity and/or right to life[21].

Patients in state of total dependence and right to life[22]

Lambert and Others v. France

5 June 2015 (Grand Chamber – judgment)

The applicants were the parents, a half-brother and a sister of Vincent Lambert who sustained a head injury in a road-traffic accident in 2008 as a result of which he was tetraplegic. They complained in particular about the judgment delivered on 24 June 2014 by the French *Conseil d'État* which declared lawful the decision taken by the doctor treating Vincent Lambert, to discontinue his artificial nutrition and hydration.

On 24 June 2014, having taken note of the judgment delivered by the *Conseil d'État*, the Chamber to which the case had been assigned decided to indicate to the French Government that, pursuant to Rule 39 of the Rules of Court, in the interests of

[19]. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.
[20]. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.
[21]. See also the press release of 24 August 2022 concerning a request for interim measures received by the Court from the Ukrainian Government with regard to Ukrainian prisoners of war – in particular those captured by Russian forces at the Azovstal plant in Mariupol.
[22]. See also the factsheet on "End of life and the European Convention on Human Rights".

the parties and the proper conduct of the proceedings before it, they should stay the execution of the *Conseil d'État*'s judgment for the duration of the proceedings before the Court. In its judgment of 5 June 2015 the Grand Chamber held that there would be no violation of Article 2 (right to life) of the Convention in the event of implementation of the *Conseil d'État*'s judgment[23].

Right to a fair trial and legal representation

Rule 39 of the Rules of Court has been applied by the Court of its own motion in very exceptional cases to ensure that the applicant would benefit from appropriate representation in judicial proceedings.

Öcalan v. Turkey

12 May 2005 (Grand Chamber – judgment)

In this case the European Court requested that the Turkish Government take interim measures within the meaning of Rule 39 of the Rules of Court, notably to ensure that the requirements of Article 6 (right to a fair trial) of the Convention were complied with in the proceedings which had been instituted against the applicant in the National Security Court and that the applicant was able to exercise his right of individual application to the European Court effectively through lawyers of his own choosing.

X. v. Croatia (no. 11223/04)

17 July 2008 (judgment)

The applicant complained that her daughter had been given up for adoption without her knowledge or consent.

In this case the Court indicated to the Croatian Government, under Rule 39 of its Rules of Court, that they had to appoint a lawyer to represent the applicant in the proceedings before the Court, since she was suffering from schizophrenic paranoia and was deprived, within the meaning of domestic law, of her capacity to choose a legal representative.

Preventing the destruction of an element essential for the examination of an application

Evans v. the United Kingdom

10 April 2007 (Grand Chamber – judgment)

The applicant complained that domestic law permitted her former partner effectively to withdraw his consent to the storage and use by her of embryos created jointly by them, preventing her from ever having a child to whom she would be genetically related.

The Court requested, under Rule 39 of the Rules of Court, that the United Kingdom Government take appropriate measures to prevent the embryos being destroyed by the clinic before the Court had been able to examine the case.

See also: ***Knecht v. Romania***, judgment of 2 October 2012.

---

[23]. In a new application, lodged with the Court on 24 April 2019, 30 April 2019 the Court decided, in view of the circumstances, to refuse the requests for interim measures submitted by the applicants on 24 April 2019 seeking a stay of execution of the *Conseil d'État* judgment of 24 April 2019 and an order prohibiting Vincent Lambert's removal from France. The Court observed that in its Grand Chamber judgment of 5 June 2015 it had held that there would be no violation of Article 2 of the Convention in the event of implementation of the *Conseil d'État* judgment of 24 June 2014 authorising the withdrawal of Vincent Lambert's artificial nutrition and hydration.
On 20 May 2019 the applicants again applied to the Court under Rule 39 of the Rules of Court, requesting it to indicate to the French Government that they should immediately implement the interim measures called for by the United Nations Committee on the Rights of Persons with Disabilities on 3 May 2019. The UN Committee had requested the French Government to suspend the decision to stop Vincent Lambert's treatment while it examined the complaint brought before it by the applicants. The Court observed that it had decided on 30 April 2019, in view of the circumstances, to refuse the requests for interim measures submitted to it, and pointed out that the applicants had presented no new evidence that might prompt it to change its position.

Serious risk to private and family life

Exceptionally, Rule 39 of the Rules of Court has been applied in cases that engage Article 8 (right to respect for private and family life) of the Convention, where there is a potentially irreparable risk to private or family life.

Eskinazi and Chelouche v. Turkey

6 December 2005 (decision on the admissibility)

This case concerned the obligation to return a child to Israel under the terms of the Hague Convention of 1980 on the Civil Aspects of International Child Abduction. The applicants, the child and her mother, contended in particular that sending the child back to Israel would amount to a violation of Article 8 of the Convention.

Enforcement of the judgment ordering the child's return was stayed in accordance with the interim measure indicated by the Court to the Turkish Government under Rule 39 of the Rules of Court. After examination, the Court declared the application inadmissible as manifestly ill-founded and decided to lift the interim measure in question.

See also, among others: ***Neulinger and Shuruk v. Switzerland***, judgment (Grand Chamber) of 6 July 2010; ***B. v. Belgium (no. 4320/11)***, judgment of 10 July 2012.

Soares de Melo v. Portugal

16 February 2016 (judgment)

This case concerned an order for seven of the applicant's children to be taken into care with a view to their adoption and the prohibition of her access to them.

In this case the Court allowed a request from the applicant for an interim measure granting her a right of contact with her children. In its judgment, it held that there had been a violation of Article 8 of the Convention, finding in particular that the measures taken by the Portuguese courts in ordering the placement of the applicant's children with a view to their adoption had not struck a fair balance between the interests at stake, and that the Portuguese authorities should reconsider the applicant's situation with a view to taking appropriate measures in the children's best interests.

Stay of eviction order

Yordanova and Others v. Bulgaria

24 April 2012 (judgment)

This case concerned the Bulgarian authorities' plan to evict Roma from a settlement situated on municipal land in an area of Sofia called Batalova Vodenitsa.

In this case, in June 2008, the Court indicated to the Bulgarian Government under its rule on interim measures, that the applicants should not be evicted until such time as the authorities assured the Court of the measures they had taken to secure housing for the children, elderly, disabled or otherwise vulnerable people. The district mayor informed the Court that she had suspended the removal order pending the resolution of the housing problems of the settlement's residents. The Court then lifted its interim measure.

See also, among others: ***A.M.B. and Others v. Spain (no. 77842/12)***, decision on the admissibility of 28 January 2014; ***Raji and Others v. Spain***, decision (strike-out) of 16 December 2014; ***P.H. and Others v. Italy (no. 25838/19)***, interim measure indicated in May 2019.

Saturation of the network for receiving asylum-seekers

Camara v. Belgium (no. 49255/22)

Pending application – Interim measure indicated on 31 October 2022

This case concerns a Guinean national who applied to the Belgian authorities for international protection on 15 July 2022. Since then he has lived on the street, not having been assigned a place in a reception facility by the Federal Agency for the Reception of Asylum-Seekers (*Fedasil*) on account of the alleged saturation of the network for receiving asylum-seekers in Belgium.

The Court decided to indicate an interim measure under Rule 39 of the Rules of Court and to enjoin the Belgian State to enforce the order made by the Brussels French-language Labour Court on 22 July 2022 (namely to house the applicant in a reception centre, or else in a hotel or any other suitable facility should no places be available, and to ensure his reception as defined in the the Law of 12 January 2007, subject to penalties for non-compliance) and to provide the applicant with accommodation and material assistance to meet his basic needs.

See also: press release of 16 November 2022 concerning the indication of an interim measure in a similar case; press release of 16 December 2022 concerning the indication by the Court of interim measures in cases involving 160 applicants who had obtained domestic decisions which had become final, in which the Court directed the Belgian Government to comply with the decisions of the Brussels Labour Court and provide the applicants in question with accommodation and material assistance to meet their basic needs for the duration of the proceedings before the Court; press release of 1 June 2023 concerning the striking-out of the list of cases and lifting of interim measures in respect of 1,350 incomplete applications from asylum-seekers in Belgium.

Interim measures requests related to the Covid-19 health crisis

Between March 2020 and April 2023, the Court processed around 375 interim measures requests related to the Covid-19 health crisis, mainly brought by persons detained in prison or kept in reception and/or detention centres for asylum seekers and migrants, and lodged against, in particular, Greece, Italy, Turkey and France, but also against other countries such as the Belgium, Bulgaria, Cyprus, Germany, Malta, Romania and Russia. These requests were very diverse. While requests under Rule 39 of the Rules of Court usually concern deportations or extraditions, those received since mid-March 2020 are mainly from applicants requesting the Court to take interim measures to remove them from their place of detention and/or to indicate measures to protect their health against the risk of being infected by Covid-19.

In the vast majority of cases, these are individual applications. Many of them were rejected. In a number of other cases, the Court adjourned its decision and requested information from the Government concerned. In some cases, Rule 39 was applied in line with the usual criteria, in the case of very vulnerable persons (unaccompanied minors or persons with serious medical conditions, pregnant women, in particular).

The Court also received requests for interim measures concerning vaccination schemes, lodged by medical professionals, employees working in medical facilities and firefighters, who challenged the compulsory vaccination. The requests were rejected for being out of scope of application of Rule 39[24]. In a number of other requests, applicants challenged the use of Covid-19 certificates which stipulated that only people in possession of the certificates would be allowed to attend public places and, in some cases, to use

[24]. See, for example: press release of 25 August 2021, concerning requests for interim measures submitted by members of the French fire service following the entry into force of the law on the management of the public health crisis; press release of 9 September 2021, concerning requests for interim measures lodged by health professionals in respect of the Greek law on compulsory vaccination of health-sector staff against Covid-19.

public transport. The requests were also rejected for being out of scope of application of Rule 39.

A minority of requests for general measures reached the Court (for example: to enforce a complete lockdown in certain cities). These requests were rejected.

Obligation to comply with interim measures

Although interim measures are provided for only in the Rules of Court and not in the European Convention on Human Rights, States Parties are under an obligation to comply with them. Two Grand Chamber judgments (see below) have given the Court an opportunity to clarify this obligation, based particularly on Article 34 (individual applications) of the European Convention on human rights.

Article 34 (individual applications) of the Convention reads as follows:

"The Court may receive applications from any person, non-governmental organisation or group of individuals claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the Protocols thereto. The High Contracting Parties undertake not to hinder in any way the effective exercise of this right."

Mamatkulov and Askarov v. Turkey

4 February 2005 (Grand Chamber – judgment)

The applicants were two Uzbek nationals and members of an opposition party in Uzbekistan. They were arrested in Turkey on suspicion of murder and an attempted attack, and extradited to Uzbekistan in spite of an interim measure indicated by the Court under Rule 39 of the Rules of Court. Their representatives maintained in particular that, in extraditing the applicants, Turkey had failed to discharge its obligations under the Convention by not acting in accordance with the indications given by the Court under Rule 39 of its Rules of Court.

In this judgment, the Court for the first time concluded that, by failing to comply with interim measures indicated under Rule 39 of the Rules of Court, a State Party had failed to comply with its obligations under Article 34 of the Convention.

The Court noted in particular that, under the Convention system, interim measures, as they had consistently been applied in practice, played a vital role in avoiding irreversible situations that would prevent the Court from properly examining the application and, where appropriate, securing to the applicant the practical and effective benefit of the Convention rights asserted. Accordingly, in those conditions, a failure by a State which had ratified the Convention to comply with interim measures would undermine the effectiveness of the right of individual application guaranteed by Article 34 and the State's formal undertaking in Article 1 to protect the rights and freedoms in the Convention.

Further, the facts of the case clearly showed that the Court was prevented by the applicants' extradition to Uzbekistan from conducting a proper examination of their complaints in accordance with its settled practice in similar cases and ultimately from protecting them, if need be, against potential violations of the Convention as alleged. As a result, the applicants were hindered in the effective exercise of their right of individual application guaranteed by Article 34 of the Convention, which the applicants' extradition rendered meaningless.

Lastly, the Court reiterated that, by virtue of Article 34, States which had ratified the Convention undertook to refrain from any act or omission that might hinder the effective exercise of an individual applicant's right of application. A failure to comply with interim measures had to be regarded as preventing the Court from effectively examining the applicant's complaint and as hindering the effective exercise of his or her right and, accordingly, as a violation of Article 34.

Having regard to the material before it, the Court therefore concluded that, **by failing to comply with the interim measures** indicated under Rule 39 of the Rules of Court, Turkey was **in breach of** its **obligations under Article 34 of the Convention**.

Paladi v. the Republic of Moldova

10 March 2009 (Grand Chamber – judgment)

The applicant, who suffered from a number of serious illnesses, complained about the unlawfulness of his detention pending trial and that, during that time, he had not been given appropriate medical care. He also alleged that the authorities had failed to comply swiftly with the Court's interim measures ordered under Rule 39 of the Rules of Court – stating that the applicant should not be transferred back to the prison hospital until the Court had had an opportunity to examine the case –, in breach of Article 34 of the Convention.

The Court held that there had been a **violation of Article 34 of the Convention**, **on account of the** Moldovan authorities' **failure to comply with the interim measure**, issued under Rule 39 of the Rules of Court, in which the Court asked them to keep the applicant in the Republican Neurology Centre of the Ministry of Health.

In this judgment, the Court reiterated in particular that interim measures that it might have cause to adopt under Rule 39 of its Rules of Court served to ensure the effectiveness of the right of individual petition established by Article 34 of the Convention. The Court further explained that there would be a breach of Article 34 if the authorities of a Contracting State failed to take all steps which could reasonably have been taken in order to comply with the measure indicated by the Court. In addition, the Court noted that it was not open to a Contracting State to substitute its own judgment for that of the Court in verifying whether or not there existed a real risk of immediate and irreparable damage to an applicant at the time when the interim measure was indicated or in deciding on the time-limits for complying with such a measure.

Kondrulin v. Russia[25]

20 September 2016 (judgment)

While serving a prison sentence for a criminal offence, the applicant was diagnosed with terminal prostate cancer. In March 2015 the Court decided to apply interim measures under Rule 39, indicating to the Russian Government that the applicant should immediately be examined by independent medical experts with a view to assessing: whether his medical treatment in the prison hospital was adequate; whether his condition required him being placed in a specialist, possibly civilian, hospital; and whether his state of health was compatible with detention in a prison hospital at all. The Government responded in April and asserted that the medical treatment in the prison hospital corresponded to his needs. The applicant died of cancer in September 2015.

The Court held that there had been a **violation of Article 34** (right of individual petition) of the Convention, on account of Russia's failure to comply with the interim measure in which it had requested an independent medical examination of the applicant. The Court could in particular not allow the Russian Government to replace an independent, expert medical opinion – as requested in its interim measure of March 2015 – with their own assessment of the applicant's situation; which was exactly what the Government had done in the present case. That would be tantamount to allowing the authorities to circumvent an interim measure. The State had thus frustrated the very purpose of the interim measure, which was to enable the Court, on the basis of a relevant, independent medical opinion, to effectively respond to and, if need be, prevent the possible continued exposure of the applicant to physical and mental suffering.

See also, among others: ***Chamaïev and Others v. Georgia and Russia***, judgment of 12 April 2005; ***Aoulmi v. France***, judgment of 17 January 2006; ***Olaechea Cahuas v. Spain***, judgment of 10 August 2006; ***Mostafa and Others v. Turkey***, judgment of 15 January 2007; ***Aleksanyan v. Russia***, judgment of 22 December 2008; ***Ben Khemais v. Italy***, judgment of 24 February 2009; ***Grori v. Albania***, judgment of

[25]. On 16 September 2022 the Russian Federation ceased to be a Party to the Convention.

7 July 2009; ***D.B. v. Turkey (no. 33526/08)***, judgment of 13 July 2010; ***Al-Saadoon and Mufdhi v. the United Kingdom***, judgment of 2 March 2010; ***Trabelsi v. Italy***, judgment of 13 April 2010; ***Toumi v. Italy***, judgment of 5 April 2011; ***Makharadze and Sikharulidze v. Georgia***, judgment of 22 November 2011; ***Mannai v. Italy***, judgment of 27 March 2012; ***Abdulkhakov v. Russia***, judgment of 2 October 2012; ***Labsi v. Slovakia***, judgment of 15 May 2012; ***Rrapo v. Albania***, judgment of 25 September 2012; ***Zokhidov v. Russia***, judgment of 5 February 2013; ***Salakhov and Islyamova v. Ukraine***, judgment of 14 March 2013; ***Savriddin Dzhurayev v. Russia***, judgment of 25 April 2013; ***Trabelsi v. Belgium***, judgment of 4 September 2014; ***Amirov v. Russia***, judgment of 27 November 2014; ***Sergey Antonov v. Ukraine***, judgment of 22 October 2015; ***Andrey Lavrov v. Russia***, judgment of 1 March 2016; ***Yunusova and Yunusov v. Azerbaijan***, judgment of 2 June 2016; ***Klimov v. Russia*** and ***Maylenskiy v. Russia***, judgments of 4 October 2016; ***Pivovarnik v. Ukraine***, judgment of 6 October 2016; ***Konovalchuk v. Ukraine***, judgment of 13 October 2016; ***Semenova v. Russia***, judgment (Committee) of 3 October 2017; ***Khuseynov v. Russia***, judgment (Committee) of 17 October 2017; ***M.A. v. France (no. 9373/15)***, judgment of 1 February 2018; ***A.S. v. France (no. 46240/15)***, judgment of 19 April 2018; ***Osipenkov v. Ukraine***, judgment (Committee) of 29 January 2019; ***O.O. v. Russia (no. 36321/16)***, judgment of 21 May 2019 ; ***S.S. and B.Z. v. Russia (nos. 35332/17 and 79223/17)***, judgment (Committee) of 11 June 2019; ***R.A. v. Russia (no. 2592/17)***, judgment (Committee) of 9 July 2019; ***Kadagishvili v. Georgia***, judgment of 14 May 2020; ***M.K. and Others v. Poland (nos. 40503/17, 42902/17 and 43646/17)***, judgment of 23 July 2020; ***Yusupov v. Russia***, judgment (Committee) of 1 December 2020; ***N.O. v. Russia (no. 84022/17)***, judgment (Committee) of 2 February 2021; ***D.A. and Others v. Poland (no. 51246/17)***, judgment of 8 July 2021; ***Sy v. Italy***, judgment of 24 January 2022; ***Buriyev v. Russia***, judgment (Committee) of 29 March 2022; ***N.K. v. Russia (no. 45761/18)***, judgment (Committee) of 29 March 2022; ***N.B. and Others v. France (no. 49775/20)***, judgment of 31 March 2022; ***Ecodefence and Others v. Russia***, judgment of 14 June 2022; ***A.B. and Others v. Poland (no. 42907/17)***, judgment of 30 June 2022; ***Yepikhin v. Russia***, judgment (Committee) of 7 July 2022; ***Yeruslanov v. Russia***, judgment (Committee) of 7 July 2022; ***Akhpolov and Others v. Russia***, judgment (Committee) of 28 July 2022; ***O.M. and D.S. v. Ukraine*** (no. 18603/12), judgment of 15 September 2022 ; ***Suslov v. Ukraine***, judgment (Committee) of 6 October 2022; ***Mikhalev and Savinov v. Russia***, judgment (Committee) of 13 October 2022; ***Kudryavtsev v. Russia***, judgment (Committee) of 13 October 2022; **A.Y. and Others v. Russia (nos. 29958/20 and two others)**, judgment (Committee) of 17 January 2023.

Statistics

The Court has made available on line statistics concerning **interim measures by respondent State and country of destination 2022** and **interim measures 2020-2022**.

As interim measures are indicated by the Court only in well-defined circumstances (where there is a risk of a serious and irremediable violation of the European Convention on Human Rights), most requests are rejected.

In 2022 the total number of decisions on interim measures (3,106) increased by 61% compared with 2021 (1,925). The Court granted requests for interim measures in 1,094 cases (an increase of 372% in relation to the total of 232 in 2021) and dismissed them in 686 cases (an increase of 32% compared with 519 in 2021). 68% of the requests granted (748 requests) concerned immigration issues in Belgium. It should be noted that 82% of the requests granted concerned issues other than expulsion or extradition. The remainder fell outside the scope of Rule 39 of the Rules of Court.

Texts and documents

See in particular:

- **Statement** by the President of the Court concerning requests under Rule 39 of the Rules of Court (February 2011)
- **Practice Direction**, issued by the President of the Court, concerning requests for interim measures
- **General presentation**
- **Practical information**

Media Contact:
Tel.: +33 (0)3 90 21 42 08