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INTERIM MEASURES IN CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS : GENERAL CHARACTERISTICS

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Introduction. During the proceedings before the European Court of Human Rights (hereinafter-the ECHR) and pending a final decision, it is possible to apply interim measures to stop offences. The concept of interim measures plays an important role in the case law of the ECHR, as it is one of the main tools for preventing irreparable damage that may hinder the proper consideration of a case by this court and, where necessary, to ensure effective and accessible enforcement of rights, which are provided for in the European Convention on Human Rights. Besides, in connection with the war in Ukraine and the occupation of the Crimea by the Russian Federation, Ukraine has repeatedly appealed to the European Court of Human Rights with complaints against the aggressor state. Thus, the necessity to use interim measures has repeatedly been raised.

The main task is to provide general theoretical characteristics of interim measures and the analysis of the features of their application in the practice of the ECHR as one of the most effective and influential international judicial institutions.

Methods. It is worth stating that in the research, methods of analysis, comparison, deduction and analogy have been used. Due to the method of analogy, analysis, and comparison of specific cases, we have been able to find out in which cases and how interim measures are applied depending on the circumstances of the case. The method of deduction has allowed to move from general knowledge of these measures to the specific characteristics of their application in a particular case.

During the consideration of disputes by the ECHR and until the final decision in cases, it may be necessary to apply interim measures to stop offences. Interim measures are urgent measures which, according to the ECHR's settled case-law, are applied only where there is an imminent risk of irreparable harm.

A fairly large category of cases of the application of Rule 39 by the European Court of Human Rights concerns extradition or expulsion cases. A good example to consider is the case of "Bajsultanov v. Austria" [2, p. 1-3]. Referring to

Article 3, he argued that if deported to Russia, where he was considered a Chechen insurgent, he was in real danger of being detained, tortured and/or disappeared. Examining the ECHR's decision, it can be concluded that Rule 39 was applied in the given case, as the Court instructed the Austrian Government that in the interests of the parties and proper conduct of the proceedings before the Court it was desirable not to deport the applicant.

In addition to instructing the governments of the respondent States to take interim measures in cases of expulsion and extradition, the ECHR also applies these measures in cases where the applicant's life is threatened or ill-treated, including the cases when the necessary medical care is not provided. In this regards, it is worth mentioning the case "Lambert and others v. France" [3, p. 1-2]. The doctor decided that it was necessary to stop the artificial maintenance of the life of a man who was seriously injured in a car accident. The decision was supported by the State Council. Vansen Lambert's relatives, who applied, argued that the cessation of artificial feeding and hydration of the man would be contrary to Article 2 of the Convention. At their request, the ECHR, following Rule 39, decided to suspend the execution of the decision of the Council of State for the duration of the proceedings in the ECHR.

The governments of the respondent States sometimes act contrary to the ECHR's instructions on the application of interim measures. However, it should be noted that most State Parties to the procedure still adhere to them, despite the lack of "direct sanctions" against Contracting States for non-compliance. The reasons that may motivate states to take temporary measures are both political and economic.

Conclusion. To sum up, interim measures play an extremely important role, as they can save people's lives and protect them from inhuman treatment. The decision to apply them not only serves stopping mass offences, but it is also a powerful mechanism for political influence, as it provides an additional opportunity to draw attention to human rights violations.

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