IBA and IBAHRI strongly condemn the illegal ‘trial’ and sentencing to death of Aiden Aslin, Shaun Pinner and Brahim Saaudun

Saturday 11 June, 2022

The **International Bar Association** (IBA) – *the global voice of the legal profession* and the **International Bar Association’s Human Rights Institute** (IBAHRI) strongly condemn the ‘trial’ and sentencing to death of three men fighting on the Ukrainian side of the Russian-Ukrainian war who were captured by Russian forces. The IBA and IBAHRI call on Russia to immediately quash the illegal ‘sentences’.

Two British nationals **Aiden Aslin** and **Shaun Pinner** together with Moroccan national **Brahim Saaudun** were accused by Russia of mercenaryism, terrorism and actions aimed at the violent seizure of power and overthrowing the constitutional order of the **Donetsk People's Republic** and sentenced to death by firing squad on 9 June 2022.

The IBA and IBAHRI state: The ‘trial’ and ‘sentencing’ of Aiden Aslin, Shaun Pinner and Brahim Saaudun is illegal under international law for the following reasons.

1. The so-called Donetsk People's Republic (DPR) is not a legitimate jurisdiction. Though militarily and illegally occupied by Russia, the land is internationally recognised as being part of Ukraine. Therefore, Ukrainian law applies. Ukraine does not have the death penalty on its statutes (and neither does Russia). Therefore, the so-called DPR, notwithstanding its illegitimacy, cannot hand down a death penalty. It is not a sovereign state.

2. As the occupying force, Russia is required to comply with its domestic (no death penalty) and international law, including the Geneva Conventions on the laws of armed conflict.

3. Although the so-called DPR has a self-proclaimed government, it does not have the elements of statehood: No laws and no jurisdiction over Ukraine’s territory. The 'Supreme Court' that sentenced the three men to death has no legal status and therefore, no legitimate power to adjudicate any case. It is a non-sequitur that any individual can be tried and sentenced in the so-called DPR. ‘Trying’ these men is in violation of the **Geneva Conventions**.

4. Russian state media portrays the accused as 'foreign mercenaries'. However, there is no legal basis to call Aiden Aslin, Shaun Pinner and Brahim Saaudun mercenaries. They do not fulfil the criteria to be deemed mercenaries as established in Article 47(1) of the **Additional Protocol I to the Geneva Conventions**: A mercenary is not a member of the armed forces of a party to a conflict.

5. The three men were regular soldiers of the Ukrainian army. Therefore, they are not mercenaries, Aiden Aslin, Shaun Pinner and Brahim Saaudun are entitled to the status of prisoners of war (POW) because before they were captured, they served as any other Ukrainian soldier in the Ukrainian armed forces. POW status provides immunity from criminal prosecution for the direct participation in hostilities.

6. ‘Sentencing’ Aiden Aslin, Shaun Pinner and Brahim Saaudun violates Article 87 of **the Geneva Convention III**, which prohibits sentencing a prisoner of war 'to any penalties except those provided for in respect of members of the armed forces of the said Power who have committed the same acts.'

7. Aiden Aslin, Shaun Pinner and Brahim Saaudun were living in Ukraine prior to Russia invading Ukraine and were serving in the Ukrainian army. Aiden Aslin is said to have Ukrainian citizenship having served for three years in the Ukrainian military.

8. It is alleged that the men’s actions had 'led to the deaths and injury of civilians, as well as damage to civilian and social infrastructure'. Even if they were charged with the war crimes, they are entitled to the right to a fair trial by an independent and impartial court, which is not the case in the present situation. Russia exercises effective control over the DPR.

For all of the above reasons, particularly as neither Russian nor Ukrainian law allows the death penalty, the IBA and IBAHRI conclude that any implementation of the ‘pronounced’ death penalty will be an obvious case of plain murder of Aiden Aslin, Shaun Pinner and Brahim Saaudun and deemed an

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international war crime. Any perpetrators (anyone engaged in the so-called DPR 'court' and anyone who conspired to execute this decision) will be regarded as a war criminal.

The IBA offers legal support to the British and Moroccan Governments should they wish to utilise.

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2. Aiden Aslin and Shaun Pinner were captured in Mariupol in April 2022, and Brahim Saaudunn in Volnovakha in March 2022.

3. The **International Bar Association** (IBA), *the global voice of the legal profession,* is the foremost organisation for international legal practitioners, bar associations and law societies. Established in 1947, shortly after the creation of the **United Nations**, it was born out of the conviction that an organisation made up of the world's bar associations could contribute to global stability and peace through the administration of justice.

   The IBA acts as a connector, enabler, and influencer, for the administration of justice, fair practice, and accountability worldwide. The IBA has collaborated on a broad range of ground-breaking, international projects with the **United Nations**, the **European Parliament**, the **Council of Europe**, **The Commonwealth**, the **Organisation for Economic Co-operation and Development** (OECD), the **World Trade Organization**, the **International Monetary Fund** and the **World Bank**, among others.

4. Find the IBA (@IBAnews) on social media here:
   - twitter.com/IBAnews
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5. The **International Bar Association's Human Rights Institute** (IBAHRI), established in 1995 under Founding Honorary President Nelson Mandela, is an autonomous and financially independent entity, working to promote, protect and enforce human rights under a just rule of law, and to preserve the independence of the judiciary and the legal profession worldwide.

6. Find the IBAHRI (@IBAHRI) on social media here:
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