



## Grand Chamber hearing in the case *Ukraine and the Netherlands v. Russia*

The European Court of Human Rights is holding a **Grand Chamber**<sup>1</sup> hearing today **Wednesday 12 June 2024 at 9.15 a.m.** in the case of ***Ukraine and the Netherlands v. Russia*** (applications nos. 8019/16, 43800/14, 28525/20 and 11055/22).

The case concerns complaints about the Russian military operations in Ukraine since 24 February 2022 and the conflict in eastern Ukraine involving pro-Russian separatists which began in 2014, including the downing of Malaysia Airlines flight MH17. See press releases of [20 February 2023](#) and [27 May 2024](#).

*After the hearing the Court will begin its deliberations, which will be held in private. Its ruling in the case will, however, be made at a later stage. A recording of the hearing will be available on the Court's internet site ([www.echr.coe.int](http://www.echr.coe.int)).*

### Description of the case

This case encompasses four inter-State applications, namely:

***Ukraine v. Russia (no. 8019/16)***, which concerns Ukraine's allegations of a pattern ("administrative practice") of continuing violations of a number of Articles of the European Convention on Human Rights by Russia in the context of the conflict in eastern Ukraine from spring 2014. The allegations refer, among other complaints, to unlawful military attacks against civilians which caused many fatalities, including the shooting down of flight MH17, and the summary execution and beating to death of civilians and Ukrainian soldiers who were *hors de combat*; the torture of civilians and Ukrainian soldiers; forced labour; abductions, unlawful arrests and lengthy detentions; attacks on journalists and the blocking of Ukrainian broadcasters; destruction of private property; and a prohibition on teaching in the Ukrainian language. They allege that those of Ukrainian ethnicity and those who supported Ukrainian territorial integrity were specifically targeted. They rely on Articles 2 (right to life), 3 (prohibition of torture, inhuman and degrading treatment), 4 § 2 (prohibition of forced labour), 5 (right to liberty and security), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association) and 14 (prohibition of discrimination) of the European Convention on Human Rights and Articles 1 (protection of property), 2 (right to education), and 3 (right to free elections) of Protocol No. 1 to the European Convention.

See press releases of [26.11.2014](#) and [01.10.2015](#).

***Ukraine v. Russia (no. 43800/14)***, lodged on 13 June 2014, concerns the alleged abduction of three groups of children in eastern Ukraine between June and August 2014 and their temporary transfer to Russia. The Government of Ukraine submit that there has been an administrative practice in violation of Article 3, Article 5 and Article 8 (right to respect for private life) of the Convention and Article 2 of Protocol No. 4 (freedom of movement) in respect of these incidents.

See press releases of [26.11.2014](#) and [01.10.2015](#).

<sup>1</sup> Under Article 30 of the European Convention on Human Rights, "Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention or the Protocols thereto, or where the resolution of a question before the Chamber might have a result inconsistent with a judgment previously delivered by the Court, the Chamber may, at any time before it has rendered its judgment, relinquish jurisdiction in favour of the Grand Chamber."

***The Netherlands v. Russia (no. 28525/20)***, lodged on 10 July 2020, concerns the downing on 17 July 2014 of flight MH17. The Government of the Kingdom of the Netherlands allege that the Russian Federation was responsible for the downing of flight MH17, that it did not carry out an effective investigation and that its conduct following the downing of the aircraft caused intense pain and suffering to the victims' next of kin. They submit that there has been a violation of Article 2, Article 3 and Article 13 (right to an effective remedy) of the Convention.

See press release of [15.07.2020](#)

***Ukraine v. Russia (no. 11055/22)***, lodged on 28 February 2022, concerns the Ukrainian Government's allegations of mass and gross human-rights violations committed by the Russian Federation in its military operations on the territory of Ukraine since 24 February 2022. They allege administrative practices in violation of Articles 2, 3, 4, 5, 8, 9, 10, 11, 13, and 14 and of Article 1 of Protocol No. 1, Article 2 of Protocol No. 1, Article 2 of Protocol No. 4 and Article 3 of Protocol No. 4 (prohibition of expulsion of nationals).

See press release of [28.06.2022](#).

## Procedural background

On 26 January 2022, the Grand Chamber held a hearing on the admissibility of application nos. 8019/16, 43800/14 and 28525/20. On 30 November 2022, it declared these applications partially admissible in a decision that was delivered on 25 January 2023: ([see press release of 25.01.2023](#)). It found in particular that the areas in separatist hands in eastern Ukraine came within the respondent State's jurisdiction for the purposes of the Convention on account of its military presence there and its military, political and economic support to the separatist entities. It considered that there was sufficient evidence to satisfy the required standard of proof at the admissibility stage of administrative practices in violation of a number of Articles of the Convention and it declared the majority of the complaints by the Government of Ukraine admissible. Likewise, the evidential threshold for the purposes of admissibility had been met in respect of the complaints of the Government of the Netherlands concerning the downing of MH17 which were therefore also declared admissible. At the same time, the Court joined to the merits the objection raised by the respondent Government as to whether the applicant Ukrainian Government's complaints of administrative practices of shelling in violation of Article 2 of the Convention and Article 1 of Protocol No. 1 to the Convention, together with associated Article 14 complaints, fell within the Article 1 jurisdiction of the respondent State.

On 17 February 2023 ([see press release](#)) the Grand Chamber decided to join application no. 11055/22 to the pending case. The admissibility and merits of ***Ukraine v. Russia (X)*** will be examined jointly under Article 29 § 2 of the European Convention on Human Rights and at the same time as the merits of the proceedings in the existing ***Ukraine and the Netherlands v. Russia*** case

Twenty-six State Parties to the Convention were granted leave to make written submissions at the merits stage and they submitted a common written intervention. A number of these States made, in addition, separate written submissions. The 26 State Parties were also granted leave to make oral submissions and they will deliver a common oral intervention. In addition, Poland and the United Kingdom will also make separate oral submissions.

The Geneva Academy of International Humanitarian Law and Human Rights; the Human Rights Law Centre of the University of Nottingham; the MH17 Air Disaster Foundation; and the individual applicants in four cases lodged by relatives of persons who were killed in the MH17 disaster were granted leave to submit written third-party interventions at the merits stage (see press release of [17.03.2023](#)).

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There are currently three other Ukraine v. Russia inter-State applications and approximately 7,500 individual applications pending before the Court which appear to be related to the events in Crimea, eastern Ukraine and the Sea of Azov and Russia's military operations on the territory of Ukraine since 24 February 2022.

For further information, see the [Q & A on inter-State cases](#).

## Composition of the Court

The case will be heard by a Grand Chamber, composed as follows:

Síofra O'Leary (Ireland), *President*,  
Marko Bošnjak (Slovenia),  
Gabriele Kucsko-Stadlmayer (Austria),  
Pere Pastor Vilanova (Andorra),  
Arnfinn Bårdsen (Norway),  
Mattias Guyomar (France),  
Krzysztof Wojtyczek (Poland),  
Faris Vehabović (Bosnia and Herzegovina),  
Branko Lubarda (Serbia),  
Stéphanie Mourou-Vikström (Monaco),  
Tim Eicke (the United Kingdom),  
Lətif Hüseynov (Azerbaijan),  
Jovan Ilievski (North Macedonia),  
Jolien Schukking (the Netherlands),  
Erik Wennerström (Sweden),  
Anja Seibert-Fohr (Germany),  
Mykola Gnatovskyy (Ukraine), *judges*,  
Diana Sârcu (the Republic of Moldova),  
Ioannis Ktistakis (Greece),  
Georgios A. Serghides (Cyprus),  
Peeter Roosma (Estonia), *substitute judges*,

and also Søren Prebensen, *Deputy Grand Chamber Registrar*.

## Representatives of the parties

### Government of Ukraine

Iryna Mudra, *Deputy Head of the Office of the President of Ukraine*,  
Marharyta Sokorenko, *Agent*,  
Andrii Luksha, Oksana Kolomiets, and Oleksandra Soloviova, *Advisers*;  
Tim Otty KC, Ben Emmerson KC, and Lord Guglielmo Verdirame KC, *Counsel*;

### Government of the Netherlands

Babette Koopman, *Agent*,  
René Lefeber, Sladjana Cemerikic, Marina Brillman, Robin Geraerts, Clarinda Coert, and Piet Ploeg, *Advisers*.

### Government of the Russian Federation

The respondent Government have not replied to the request for information about the persons who would appear on their behalf at the hearing and are not present at the hearing. In the absence of

sufficient cause for the failure of the respondent Government to appear, the Grand Chamber decided to proceed with the hearing, being satisfied that such a course was consistent with the proper administration of justice (Rules 65 and 71 § 1 of the Rules of Court).

## Third-party intervening Governments

### *Representatives making oral submissions*

Henriette **Busch**, *Acting Agent, Government of Norway (speaker; common oral submissions on behalf of the 26 States Parties)*,

Eliza **Suchożębrska**, *Co-Agent, Government of Poland (speaker; oral submissions in respect of the Polish Government's separate written third-party submission)*,

James **Eadie**, *KC, Counsel, Government of the United Kingdom (speaker; oral submissions in respect of the United Kingdom Government's separate written third-party submission)*,

*Other representatives present at the hearing*

### Government of Austria

Andreas **Lins**, *Adviser*,

### Government of Belgium

Jean-Cédric **Janssens de Bisthoven**, *Ambassador*,

### Government of Bulgaria

Maria **Spasova**, *Ambassador*,  
Boyana **Trifonova**, *Adviser*,

### Government of Croatia

Štefica **Stražnik**, *Representative of Croatia before the European Court of Human Rights*,

### Government of the Czech Republic

Eva **Petrová**, *Deputy Agent*,

### Government of Denmark

Magnus **Guldborg**, *Adviser*,

### Government of Estonia

Kirsti **Anipai-Tõniste**, *Deputy Representative of Estonia before the European Court of Human Rights*,

### Government of Finland

Krista **Oinonen**, *Agent*,  
Pilvi **Rämä**, *Adviser*,

### Government of France

Diégo **Colas**, *Agent*  
Paloma **Reparaz** and Charlotte **Blondel**, *Advisers*,

### Government of Germany

Sigrid **Jacoby**, *Agent*,  
Hans-Jörg **Behrens**, *Agent*,

**Government of Ireland**  
Barra **Lysaght**, *Agent*,

**Government of Italy**  
Lorenzo d'Ascia, *Agent*,  
Ludovisa **Chiussi Curzi**, *Counsel*,

**Government of Latvia**  
Elīna Luīze **Vītola**, *Agent*,

**Government of Lithuania**  
Ričard **Dzikovič**, *Agent*,

**Government of Luxembourg**  
Elma **Bakovic**, *Agent*,  
Roberta **Spoto**, *Adviser*,  
Marie **Stock**, *Trainee*,

**Government of Norway**  
Henriette **Busch**, *Acting Agent*,  
Marie **Hovde Bragnes**, *Adviser*,  
Kristin **Hallsjø Aarvik**, *Counsel*,

**Government of Poland**  
Eliza **Suchożebrska**, *Co-Agent*,

**Government of Portugal**  
Ricardo **Matos**, *Agent*,  
Gilberto **Jerónimo**, *Ambassador*,  
Catarina **Garcia**, *Adviser*,

**Government of Romania**  
Oana **Fiorentina Ezer**, *Agent*,  
Ștefan **Rantzos**, *Adviser*,

**Government of Slovakia**  
Miroslava **Bálintová**, *Agent*,

**Government of Slovenia**  
Andreja **Grum**, *Agent*,

**Government of Spain**  
Juan Ignacio Morro **Villacián**, *Ambassador*,

**Government of Sweden**  
Elinor **Hammarskjöld** and Auna **Ulloa Carler**, *Advisers*.

**Government of the United Kingdom**

James Eadie, *KC, Counsel*,  
Susan Dickson, *Agent*,  
Sarah Macrory, *Deputy Agent*,  
Paul Luckhurst, *Adviser*.

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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.