



The Court holds Russia accountable for widespread and flagrant abuses of human rights arising from the conflict in Ukraine since 2014, in breach of the European Convention on Human Rights

The case [Ukraine and the Netherlands v. Russia](#) (applications nos. 8019/16, 43800/14, 28525/20 and 11055/22) concerned the conflict that began in eastern Ukraine in 2014 following the arrival in the Donetsk and Luhansk regions of pro-Russian armed groups, and escalated after Russia's full-scale invasion of Ukraine beginning on 24 February 2022. It also concerned the shooting down of flight MH17 over eastern Ukraine on 17 July 2014, killing all those on board, many of whom were Dutch nationals. Ukraine alleged repeated violations of human rights by Russia, while the Kingdom of the Netherlands alleged violations of the Convention by Russia as a result of the downing of flight MH17. For more information about the case, see the [FAQ](#).

In today's **Grand Chamber** judgment¹ the European Court of Human Rights held unanimously that, in respect of the conflict in Ukraine between 11 May 2014 – when the hostilities started – and 16 September 2022 – when Russia ceased to be a party to the European Convention on Human Rights – there had been patterns of violations of:

Articles 2 (right to life), 3 (prohibition of torture, inhuman or degrading treatment), 4 § 2 (prohibition of forced labour), 5 (right to liberty and security), 8 (right to respect for private and family life), 9 (freedom of thought, conscience and religion), 10 (freedom of expression), 11 (freedom of assembly and association), 13 (right to an effective remedy) and 14 (prohibition of discrimination) of the European Convention and Articles 1 (protection of property) and 2 (right to education) of Protocol No. 1 to the Convention.

The Court underlined that the nature and scale of the violence in Ukraine and the ominous statements from Russia concerning Ukraine's right to exist had threatened peace in Europe. It said that "In none of the conflicts previously before [it had] there been such near universal condemnation of the 'flagrant' disregard by the respondent State for the foundations of the international legal order established after the Second World War."

The Court found that Russia had had jurisdiction, giving rise to Convention obligations, in respect of the territory that it had occupied in Ukraine. It also concluded, unanimously, that Russia had exercised authority and control over individuals affected by its military attacks across Ukraine and that these individuals had therefore been within its jurisdiction. Russia was responsible for acts and omissions of the Russian military and of the separatist entities in eastern Ukraine.

Taken as a whole, the vast volume of evidence before the Court presented a picture of interconnected practices of manifestly unlawful conduct by agents of the Russian State (Russian armed forces and other authorities, occupying administrations, and separatist armed groups and entities) on a massive scale across Ukraine.

This pattern or system of violations included: indiscriminate military attacks; summary executions of civilians and Ukrainian military personnel *hors de combat*; torture, including the use of rape as a weapon of war, and inhuman and degrading treatment; forced labour; unlawful and arbitrary detention of civilians; unjustified displacement and transfer of civilians and their screening, involving

1. Grand Chamber judgments are final (Article 44 of the Convention).

All final judgments are transmitted to the Committee of Ministers of the Council of Europe for supervision of their execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

invasive and abusive security checks (so-called “filtration” measures); intimidation, harassment and persecution of all religious groups other than adherents of the Ukrainian Orthodox Church of the Moscow Patriarchate; intimidation and violence against journalists, blocking of Ukrainian and foreign broadcasters and new “laws” prohibiting and penalising the dissemination of information in support of Ukraine; forcible dispersal by the Russian military of peaceful protests in occupied towns and cities; destruction, looting and expropriation without compensation of private property; suppression of the Ukrainian language in schools and indoctrination of Ukrainian schoolchildren; transfer to Russia, and in many cases, the adoption there of Ukrainian children; and, discrimination on grounds of political opinion and national origin.

The Court also held, unanimously, that there had been **violations of Articles 2, 3 and 13** in application no. 28525/20 concerning the downing of flight MH17.

It referred to the facts as established by the comprehensive investigation carried out by an international joint investigation team (known as the JIT) and a first-instance criminal court in the Hague. Russia had failed to take any measures to ensure accurate verification of the target of the missile or to safeguard the lives of those on board, showing a cavalier attitude to civilians at risk from its hostile activities.

It had also failed to carry out an effective investigation into the downing and had failed to cooperate with the JIT, disclosing inaccurate or fabricated information and adopting an obstructive approach to attempts to uncover the cause and circumstances of the crash.

The next of kin of the crash victims had suffered profound grief and distress on account of the killing of their loved ones and the aftermath of the crash. Because of Russia’s refusal to arrange for the crash site to be secured, it took eight months to complete the recovery of the bodies. Some next of kin had had to bury the incomplete bodies of their relatives; in some cases body parts had been returned to them after the burial had taken place. In two cases, the victims’ bodies had never been recovered. The Russian authorities’ continued denial of involvement and their failure to carry out an effective investigation had prolonged the agonising wait for answers of the next of kin and had aggravated their suffering. The character and dimension of their continuing suffering had been sufficiently severe to amount to inhuman treatment.

Lastly, the Court held, unanimously, that:

Russia had failed to comply with its obligations under **Article 38 (obligation to furnish necessary facilities for the examination of the case)** of the Convention;

the question of **Article 41 (just satisfaction)** was not yet ready for decision and adjourned it, disjoining application no. 28525/20 (the downing of flight MH17) from the other three applications to allow for the examination of the just satisfaction claims separately; and

under **Article 46 (binding force and implementation of judgments)**, Russia had to: release without delay all those deprived of their liberty before 16 September 2022 in occupied territory and still in the custody of the Russian authorities; and, without delay cooperate in the establishment of an international and independent mechanism to identify all children transferred from Ukraine to Russia or Russian-controlled territory before 16 September 2022, to restore contact between children and their families or legal guardians and ultimately reunite them.

There are now four *Ukraine v. Russia* inter-State applications and approximately 9,500 individual applications pending before the Court 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. There is now one *Netherlands v. Russia* inter-state application and there are four individual applications, lodged against Russia by over 500 relatives of MH17 victims, pending before the Court.

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

A legal summary of this case will be available in the Court's database HUDOC ([link](#))

Description of the case and complaints

The applicants in this case are Ukraine and the Kingdom of the Netherlands. The Russian Federation is the respondent State.

The case arose from events which began in the spring of 2014 with the occupation and annexation by Russia of Crimea (the subject of another judgment, delivered on [25.06.2024](#)), part of Ukrainian sovereign territory, and the arrival of armed groups in eastern Ukraine, in the Donetsk and Luhansk regions (the Donbas). The armed groups subsequently took control of territory in these regions and declared independence from Ukraine, establishing the "Donetsk People's Republic" ("DPR") and the "Lugansk People's Republic" ("LPR").

On 17 July 2014 flight MH17 was downed near Snizhne, in an occupied part of the Donetsk region. All 298 civilians aboard were killed, including 196 Dutch nationals. Fighting continued over the subsequent years with regular attacks across the line of contact in eastern Ukraine.

The nature of the conflict substantially changed on 24 February 2022 when Russia launched a full-scale invasion of Ukraine. Russian armed forces entered Ukrainian territory at various border points and launched attacks by land, air and sea. Ukrainian towns and cities in the north, south and east were subjected to heavy airstrikes and artillery fire, causing large-scale death, injury and destruction.

Over the subsequent years, control over territory in Ukraine has shifted in the face of Russian advances and Ukrainian counter-offensives. Heavy fighting continues on multiple fronts. Russian aerial strikes continue across Ukraine.

The Russian Federation ceased to be a High Contracting Party to the European Convention on Human Rights as from 16 September 2022. This followed resolutions by the Committee of Ministers of the Council of Europe on 16 March 2022 ([CM/Res\(2022\)2](#)) and the Plenary of the European Court on [22 March 2022](#).

The case encompassed four inter-State applications, namely:

Ukraine v. Russia (no. 8019/16), lodged in 2014, concerning Ukraine's allegations of a pattern ("administrative practice") of human-rights violations by Russia in the context of the conflict in eastern Ukraine involving pro-Russian separatists from spring 2014. They relied in particular on Articles 2, 3, 4 § 2, 5, 9, 10, 11 and 14 of the European Convention and Articles 1 and 2 of Protocol No. 1 to the Convention. See press releases of [26.11.2014](#) and [01.10.2015](#).

Ukraine v. Russia (no. 43800/14), lodged on 13 June 2014, concerning 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 submitted that there had been an administrative practice notably in violation of Articles 3, 5 and 8 of the Convention and Article 2 of Protocol No. 4 to the Convention in respect of these incidents. See press release of [26.11.2014](#).

The Netherlands v. Russia (no. 28525/20), lodged on 10 July 2020, concerning the downing on 17 July 2014 of flight MH17. The Government of the Kingdom of the Netherlands alleged that Russia had been responsible for the downing of flight MH17, that it had not carried out an effective investigation and that its conduct following the shooting down had caused intense pain and suffering to the victims' next of kin. They submitted that there had been a violation of Articles 2, 3 and 13 of the Convention. See press release of [15.07.2020](#).

***Ukraine v. Russia* (no. 11055/22)**, lodged on 28 February 2022, concerning the Ukrainian Government's allegations of mass and gross human-rights violations committed by Russia in its military operations on the territory of Ukraine since 24 February 2022. They alleged administrative practices notably in violation of Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11, 13, and 14 of the Convention and of Articles 1 and 2 of Protocol No. 1 to the Convention. See press release of [28.06.2022](#).

Procedural background

On 26 January 2022, the Grand Chamber held a hearing on the admissibility of applications nos. 8019/16, 43800/14 and 28525/20 ("the *Ukraine and the Netherlands v. Russia* case"). On 30 November 2022, it declared these applications partially admissible in a decision that was delivered on [25 January 2023](#).

On [17 February 2023](#) the Grand Chamber decided to join ***Ukraine v. Russia*** (no. 11055/22) to the ***Ukraine and the Netherlands v. Russia*** case. It also decided to examine the admissibility and merits of application no. 11055/22 jointly under Article 29 § 2 of the Convention and at the same time as the merits of the proceedings in the other three applications. A Grand Chamber hearing was held in the Human Rights Building, Strasbourg, on [12 June 2024](#).

The former judge elected in respect of Russia sat on the case for the hearing on admissibility in January 2022 but later withdrew. The President then decided to appoint another judge from the Court to sit as an *ad hoc* judge.

Twenty-six State Parties to the Convention were granted leave to make written submissions 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 at the Grand Chamber hearing and delivered a common oral intervention. In addition, Poland and the United Kingdom made 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 when flight MH17 was downed were granted leave to submit written third-party interventions at the merits stage.

See press release of [17.03.2023](#).

The procedure for the processing of cases before the Court involving Russia can be found [here](#).

Composition of the Court

Judgment was given by the Grand Chamber of 17 judges, composed as follows:

Mattias **Guyomar** (France), *President*,
Síofra **O'Leary** (Ireland),
Arnfinn **Bårdsen** (Norway),
Ioannis **Ktistakis** (Greece),
Gabriele **Kucsko-Stadlmayer** (Austria),
Krzysztof **Wojtyczek** (Poland),
Faris **Vehabović** (Bosnia and Herzegovina),
Stéphanie **Mourou-Vikström** (Monaco),
Georgios **A. Serghides**, (Cyprus),

Tim Eicke (the United Kingdom),
Lətif Hüseynov (Azerbaijan),
Jovan Ilievski (North Macedonia),
Jolien Schukking (the Netherlands),
Erik Wennerström (Sweden),
Anja Seibert-Fohr (Germany),
Diana Sârcu (the Republic of Moldova),
Mykola Gnatovskyy (Ukraine), *judges*,

and also Abel Campos, *Deputy Registrar*.

Decision of the Court

Participation of Russia in the proceedings

The Court's judgment concerns events which occurred during the period up to 16 September 2022, when Russia ceased to be a Party to the European Convention.

The Court addressed the fact and impact of Russia's failure to participate in the proceedings leading to today's judgment. Although Russia had submitted memorials and taken part in the oral hearing at the admissibility stage of the proceedings in applications nos. 8019/16, 43800/14 and 28525/20, it had not participated at all in the proceedings on the merits in those three applications or on the admissibility and merits of application no. 11055/22. The Court found that there was insufficient cause for Russia's failure to submit a memorial or to participate in the 12 June 2024 hearing. It decided to continue with its examination of the case, finding that this was consistent with the proper administration of justice.

In addition to the practical challenges associated with gathering evidence in occupied territory in Ukraine, in the present case these difficulties had been heightened by intensifying military attacks and by the nature and scale of the alleged violations. The Court found that Russia's "deplorable failure" to cooperate with it had unnecessarily made its task even more difficult. The Court itself had had to establish the facts underlying the complaints brought before it about an armed-conflict situation. Without submissions the Court had had to spend considerable time and resources in ensuring that Russia had not suffered prejudice in the application of the Convention to the facts of the case. Its lack of constructive engagement throughout the case and failure to participate at all in the proceedings leading to today's judgment had breached its obligations under Article 38 of the Convention.

The Context

The Court emphasised that Russia's actions in Ukraine were unprecedented in the history of the Council of Europe. In its view, the nature and scale of the violence as well as the ominous statements of the respondent State's leadership concerning Ukraine's statehood, its independence and its very right to exist represent a threat to the peaceful co-existence in Europe and seek to undermine the very fabric of the democracy on which the Council of Europe and its member States are founded. In none of the conflicts previously before the Court has there been such near universal condemnation of the "flagrant" disregard by the respondent State for the foundations of the international legal order established after the Second World War and such clear measures taken by the Council of Europe to sanction the respondent State's disrespect for the fundamental values of the Council of Europe: peace, but no less importantly human life, human dignity and the individual rights guaranteed by the Convention.

The Court also noted that its task was limited to deciding on the conformity of the actions of the respondent State with the fundamental guarantees contained in the Convention and its Protocols,

interpreted, in particular, in the light of its object and purpose, namely to realise the aims and ideals of the Council of Europe by promoting peace based on justice and international cooperation.

Jurisdiction

As concerned Russia's jurisdiction in respect of the allegations, the Court reiterated its finding at the admissibility stage that it had exercised jurisdiction over areas under separatist control in eastern Ukraine from 11 May 2014 until at least 26 January 2022 (the date of the first Grand Chamber hearing in the case). It had examined whether there was evidence that the level of Russian control had decreased since the hearing, and found that it had not. Russia's jurisdiction had therefore continued beyond that date. It also found that as a result of Russia's substantial military presence in Ukraine after the 24 February 2022 invasion, its armed forces had taken control of areas of Ukraine. These areas had also fallen within Russia's jurisdiction. The victims of Russia's military attacks had not been in the areas in the hands of the separatists or Russian armed forces, but in areas under Ukrainian control. The Court found that the military attacks perpetrated by Russian forces across Ukrainian sovereign territory between 2014 and 2022 had been strategically planned with the deliberate intention and indisputable effect of assuming authority and control over areas, infrastructure and people in Ukraine. In planning and in executing its military attacks across Ukrainian territory, Russia had assumed a degree of responsibility over those individuals affected by its attacks. These individuals had therefore been within its jurisdiction. Russia was responsible for acts and omissions of the Russian armed forces and of the separatist armed groups and entities in eastern Ukraine.

The role of international humanitarian law in the Court's assessment

In respect of the relationship between the European Convention and international humanitarian law (IHL) in a situation of armed conflict, the Court confirmed that its duty was to interpret the Convention in harmony with IHL. In particular, in the context of an international armed conflict IHL did not displace the safeguards under the Convention, but was to be taken into account in determining the scope of the Convention's human-rights guarantees. In examining the alleged violations of particular Convention Articles, the Court therefore had regard to the relevant provisions of IHL, interpreting IHL and assessing Russia's compliance with IHL provisions where necessary for it to reach its conclusions on whether Russia had violated the European Convention.

Ukrainian Government's complaints of a pattern of violations

Before assessing the substance of the complaints, the Court had to decide on the admissibility of the complaints made in application no. 11055/22. It found that the majority of the complaints represented the continuation of complaints made already and previously declared admissible (see [decision of January 2023](#)). It identified a small number of new complaints and declared most of them admissible.

The Court noted that the Ukrainian Government complained of "administrative practices" of human-rights violations, which means that they alleged the "repetition of acts incompatible with the Convention" and "official tolerance" of these acts by the respondent State.

Official tolerance

Reports commented on the prevailing climate of impunity and general lawlessness in eastern Ukraine from 2014 and the lack of legitimate and effective judicial services. The reports of the United Nations Independent International Commission of Inquiry on Ukraine, a fact-finding body, showed starkly the huge scale of the grave violations of human rights perpetrated by Russia across Ukrainian territory from February 2022. It was inconceivable that the higher authorities of the Russian Government could have been unaware of such practices over more than eight years. The evidence confirmed the erosion of the rule of law and the atmosphere of fear and intimidation in the areas under the control of the Russian forces or affected by their military attacks. Moreover, many of the measures had been of a regulatory nature. The unprecedented abuses described in the judgment could not have been carried out without the direct authorisation, encouragement and support of the higher authorities. The Court

therefore found it proven beyond reasonable doubt that the repetition of acts in violation of the Convention had been officially tolerated by the Russian authorities.

Repetition of Convention violations

The Court acknowledged that, given the overall context, direct evidence of the alleged incidents might be difficult to come by, in view of the restrictions on monitoring in occupied territory, witnesses' or victims' fear of retribution for speaking out, and the fact that many victims and witnesses could only share their accounts years later (after their release, in the case of detainees, or after Ukraine had reacquired control over occupied territory, for example). The Court therefore drew relevant inferences when assessing the evidence before it.

The Court relied in particular on primary evidence from the Office of the United Nations High Commissioner for Human Rights (the OHCHR) and the Organization for Security and Co-operation in Europe (the OSCE) monitoring missions in place in Ukraine and from fact-finding bodies such as the UN Commission of Inquiry and OSCE Moscow mechanism experts. On the basis of this evidence and the extensive additional evidence before it, the Court concluded beyond reasonable doubt that the reported incidents had been sufficiently numerous and interconnected to amount to a pattern or system of violations. In respect of many of the alleged violations, the Court highlighted the absence of any basis in law for the actions taken. The purported "laws" of the "DPR" or "LPR", the legal acts adopted by the Russian occupying authorities or Russian law itself could not be recognised as providing a legal basis for actions taken on Ukrainian territory. The Court also underlined that there was no evidence of any constraints applied to agents of the State: extensive human-rights violations had been committed on a huge scale without sanction and frequently as part of a far-reaching administrative system put in place without any safeguards whatsoever.

The Court made the following findings of repeated violations of the Convention, many of which had taken place over a period of more than eight years:

- **Military attacks** in violation of Articles 2 and 3 of the Convention and Article 1 of Protocol No. 1 between 11 May 2014 and 16 September 2022 and, from 24 February 2022, also in violation of Article 8 of the Convention.

The Court found that there was overwhelming evidence contradicting Russia's bare assertions that it had not attacked civilians or civilian objects. It noted the use of heavy weaponry since the start of the conflict, which had intensified following the 2022 invasion, and of the frequent use of explosive weapons, cluster munitions, unguided rockets and multiple unguided bombs in populated areas. Attacks had also been directed against fleeing civilians and clearly marked hospitals, essential infrastructure and buildings sheltering civilians. The Court noted in particular the compelling evidence of attacks on maternity ward no. 3 and on civilians sheltering in a clearly marked theatre in Mariupol in March 2022, and on evacuating civilians at Kramatorsk train station in April 2022. The OHCHR had recorded 3,405 conflict-related civilian deaths and in excess of 7,000 wounded between April 2014 and January 2022. It had recorded a further 6,306 civilian deaths and 9,602 wounded between the start of the full-scale invasion and 17 October 2022. The actual numbers of dead and wounded were likely to be considerably higher. The majority of the deaths had resulted from military attacks. These deadly attacks by Russia had been widely conducted in violation of international humanitarian law and had violated the right to life.

The Court also found that such intense and sustained military attacks across Ukrainian territory after the 2022 invasion had created fear and terror among the civilian population, leaving survivors physically scarred and psychologically traumatised to a degree of severity which had amounted to inhuman treatment under the Convention.

These findings also applied to besieged cities (such as Mariupol, Izium and Chernihiv). However, Russia had also been under an obligation to protect civilian lives and well-being in

besieged cities in order to alleviate the suffering of the civilian population there. This included an obligation to ensure their access to water, food, heat, medical assistance and humanitarian corridors for their safe evacuation. The Russian military had, however, acted in complete disregard for the lives and well-being of civilians under siege and there was no evidence that any measures of this nature had been taken.

It was also plain from the evidence that the military attacks in breach of IHL had caused enormous damage to private property in Ukraine, including homes and personal possessions, commercial and business property and privately-owned energy, transport and medical facilities. This serious interference with Convention rights had been neither lawful nor proportionate.

- **Extrajudicial killings** of civilians and Ukrainian military personnel *hors de combat* in occupied territories in Ukraine between 11 May 2014 and 16 September 2022, in violation of Article 2.

There was overwhelming evidence that from the outset of the conflict the separatists, and later Russian armed forces, had killed civilians who had quite clearly not been participating in the hostilities and soldiers who had indisputably been detained, unarmed and *hors de combat*. There was evidence of summary executions, deaths as a result of the use of force not in the immediate vicinity of hostilities, and deaths during detention. As regards the post-February 2022 period, the UN Commission of Inquiry reports laid out, in stark and disturbing detail, the frequent recourse by the Russian armed forces to lethal violence against civilians and Ukrainian soldiers who had been *hors de combat*. Countless bodies had been found with gunshot wounds to the head, with hands tied behind their backs and with throats slit. Civilians, including children, seeking to flee hostilities or occupied areas had been shot at by the Russian armed forces, while other civilians and Ukrainian soldiers taken into custody had later been found dead with injuries indicative of execution. The Court reiterated that the protection of civilians and military personnel *hors de combat* was central to the rules governing armed conflict and found that the use of lethal force had not been justified under IHL. The deaths could also not be justified under the Convention and had therefore violated the right to life.

- **Torture and inhuman and degrading treatment** of civilians and POWs, including rape and sexual violence, in occupied areas of Ukraine between 11 May 2014 and 16 September 2022, in violation of Article 3.

From the start of the hostilities there were regular reports of violence and ill-treatment by armed separatists. In 2021 the OHCHR reported that 2,500 conflict-related detainees had been tortured and ill-treated by separatists in territory controlled by the “DPR” and the “LPR” since the conflict had begun. After the 2022 invasion, disturbing details had emerged showing a significant increase in the scale and gravity of the ill-treatment. The nature of the violence inflicted was set out in detail in reports before the Court and included beatings, forced nudity and intimate searches during screening procedures; mock executions; cutting-off of body parts; electric shocks; use of prolonged stress positions in detention; exposure to extreme temperatures; and forcing POWs to ingest their military insignia.

Use of sexual violence by armed separatists and Russian troops against men and women had been widespread and systemic from the outset, and had also escalated after the 2022 invasion. Some had been gang-raped, others subjected to sexual slavery over long periods. Family members who had tried to intervene had been killed. The Court considered the prevalence of sexual violence and rape by Russian soldiers in occupied territory to be especially abhorrent. It was persuaded that sexual violence and rape had been used in Ukraine following the 2022 invasion as part of a military strategy to dehumanise, humiliate and break the morale of the Ukrainian population, and to assert dominance over Ukrainian sovereign territory. It found that the use of rape as a weapon of war was an act of extreme atrocity that amounted to torture.

Overall, the pattern of ill-treatment of civilians and POWs in occupied areas of Ukraine had amounted to torture and inhuman and degrading treatment.

There was also ample evidence of civilians and POWs being held in inadequate detention conditions. They had often been held incommunicado in cramped rooms, lacking heat or ventilation, with insufficient food, water or medical assistance. These conditions of detention had amounted to inhuman and degrading treatment.

Lastly, abductions and disappearances in a context of wide-scale and horrific abuse, with no possibility to seek information or obtain an investigation, had caused pain, anxiety and suffering to families amounting to inhuman and degrading treatment.

- **Forced labour** between 11 May 2014 and 16 September 2022, in breach of Article 4 § 2.

Separatists had forced detained Ukrainian soldiers and civilians to work from the early days of the conflict. Detained Ukrainian soldiers and civilians had been forced to carry out reconstruction and maintenance duties, dig trenches, load and unload ammunition and engage in demining work. Ukrainians had also been coerced or obliged to join the separatist forces and, later, the Russian armed forces to fight at the front lines, in clear breach of IHL. There was no evidence before the Court that the forced labour had been justified under IHL, and the Court concluded that there had been a pattern or system of forced labour in breach of the Convention.

- **Unlawful and arbitrary detention** of civilians between 11 May 2014 and 16 September 2022, in breach of Article 5.

There was no doubt from the evidence that abductions, kidnappings, arrests and detentions had been prevalent across occupied areas of Ukraine.

A 2021 OHCHR report had estimated a total of 4,300 to 4,700 conflict-related detentions by separatists between 2014 and 2021, mostly persons *hors de combat* and civilians accused of supporting the Ukrainian Government. Reasons for detention had ranged from breaking the curfew to espionage and treason. Some people had been abducted randomly when their paths had crossed armed separatists. Journalists, religious leaders, Ukrainian civil servants and activists had been particularly targeted. After the 2022 invasion, the Russian armed forces had confined large numbers of civilians in areas under their control. Individuals seeking to leave besieged cities or other dangerous areas had been “screened” for connections with or allegiance to the Ukrainian administration. This had often led to further screening at “filtration” camps and the detention of civilians on a large scale for long periods of time.

The Russian Government had not provided the Court with any arrest warrants or judicial decisions authorising any of the detentions recorded in the numerous reports. There was also no evidence that the conditions permitting internment of civilians under IHL had been satisfied or that any procedural safeguards had been put in place.

The Court was satisfied beyond any doubt whatsoever that the pattern of unlawful and arbitrary detention of civilians had taken place across the occupied territories in Ukraine, without the most basic procedural safeguards.

- **Unjustified displacement and transfer of civilians** as well as “filtration” measures from 24 February to 16 September 2022, in violation of Article 8.

After the 2022 invasion millions of Ukrainian nationals had left their homes in the occupied territories or had been removed. Some people had been detained and removed to Russian detention facilities, without any legal framework or official individual decisions authorising and regulating transfers. Some had been directed to leave or escorted to Russia by armed men under the guise of “evacuation”. However, the reports of the Commission of Inquiry and of

the OSCE did not identify legitimate grounds for such “evacuations”. Nor was there any explanation as to why people could not have been moved to safety within Ukraine. A large number of civilians had left their homes because of military action, the destruction of their homes and generalised violence and human-rights violations. The Court found that the environment of duress, abuse of power, violence and terror had resulted from Russia’s widespread unlawful and arbitrary conduct and deliberate acts of violence inflicted on the civilian population in breach of IHL. In these circumstances, those fleeing had been forcibly displaced. The transfer and displacement of civilians in occupied territories of Ukraine had been clearly unjustified under Article 8 of the Convention.

Individuals had also been subjected to “filtration” measures in the form of invasive and abusive security checks, involving body searches and interrogation, detailed checks of mobile phones and personal belongings at “filtration” points or sites. The extensive database generated by the recording of all this information was likely of particular assistance to the Russian authorities in the further identification, screening and surveillance of persons who opposed Russian occupation of Ukrainian territory. The sheer number of sites and the equipment used indicated that the measures had been systemically applied. They had not been limited to combatants but had also been used against civilians, even children. There was no evidence of any clear, detailed rules governing the scope and methods of the measures. Nor were there any minimum safeguards providing sufficient guarantees against the risk of abuse and arbitrariness. For these reasons the filtration measures were not justified.

- **Intimidation, harassment and persecution of all religious groups** other than the Ukrainian Orthodox Church of the Moscow Patriarchate (the UOC-MP), from 11 May 2014 to 16 September 2022, in violation of Article 9.

Since May 2014 freedom of religion had been significantly curtailed in the occupied territories and this had continued after the 2022 invasion. Religious leaders not belonging to the UOC-MP had been abducted, and in some cases ill-treated and killed, and their churches and property seized and destroyed. Throughout this whole period, “laws” and other provisions banning “sects” and requiring re-registration of religious groups had been applied to justify the confiscation of religious material and to prevent religious worship outside the UOC-MP community, targeting other Christian communities, Muslim communities and especially Jehovah’s Witnesses.

Unlawful deprivation of liberty, ill-treatment and torture and extrajudicial killing of civilians because of their religion had clearly not been justified. There was no evidence of a legal basis in respect of the other measures. The Court also noted that legal acts outlawing “extremism” in very broad terms or limiting the right to manifest religion only to the followers of registered religious organisations had lacked safeguards against abuse, indeed, such restrictions were fundamentally inconsistent with freedom of religion.

- **Serious interference with the freedom to impart and receive information and ideas** between 11 May 2014 and 16 September 2022, in violation of Article 10.

From the outset of the conflict in eastern Ukraine the Russian authorities and armed forces of the separatists had specifically targeted independent journalists from both international and Ukrainian media. They had instructed journalists how to report on events in eastern Ukraine, under threat of harm, prevented them from recording in conflict zones and had intimidated and detained them. Ukrainian and foreign broadcasters and websites had been blocked, and new “laws” had been applied prohibiting and penalising the dissemination of information in support of Ukraine. Many journalists had been “convicted” of espionage, terrorism-related offences or extremism and sentenced to lengthy prison terms. In territories under Russian effective control, Ukrainian media had been replaced by Russian media and the local residents had only had access to the latter.

Unlawful deprivation of liberty, ill-treatment and torture and extrajudicial killing of civilians on account of their journalistic activity or expression of views had clearly not been justified and there had been no legal basis for any of the other measures applied. There was no evidence of any safeguards to protect people from the excessive and arbitrary effects of the measures used to block access to websites and broadcasters in occupied territory.

- **Forcible dispersal** by the Russian military of **peaceful protests** in occupied towns and cities, in March and April 2022, in violation of Article 11.

The Court referred to ten specific incidents of excessive use of force in March and April 2022. The force used had included the use of firearms, rubber batons, stun and smoke grenades and tear gas, and had resulted in deaths and injuries. Although occupying authorities were entitled under IHL to take measures to maintain law and order in occupied territory, there was no evidence that legal instruments and appropriate guidance had been adopted and applied in these cases. In any case, any law permitting the use of deadly force against peaceful protesters was fundamentally inconsistent with the requirements of Article 11.

- **Destruction, looting and expropriation** without compensation of property belonging to civilians and private enterprises in the occupied territories from 11 May 2014 to 16 September 2022, in violation of Article 1 of Protocol No. 1 and, from 24 February 2022 in respect of destruction and looting of homes and personal possessions, also in violation of Article 8.

The evidence showed that there had been a systemic campaign by the separatists and the Russian armed forces of such measures or incidents since 2014 which had continued after the 2022 invasion. Armed groups had robbed civilians at checkpoints and broken into people's houses and businesses and looted, seized or destroyed them. Moreover, after February 2022 it had become commonplace for the Russian armed forces to pillage on a wide scale, which was prohibited under all circumstances under IHL. The Court considered that the incidents of destruction of property it examined had amounted to vandalism. Regulatory measures nationalising private property and introducing mandatory property registration had also been applied across occupied territory.

There was no evidence of a legal basis for the measures or that the requirements under IHL permitting the appropriation of property under certain conditions had been met. Private property had been seized and confiscated for opportunistic reasons of plundering available economic resources, sometimes under the political cover of protection against "anti-Russian activity", and destruction of property had been wanton and deliberate.

- **Suppression of the Ukrainian language in schools** between 11 May 2014 to 16 September 2022 and **indoctrination of schoolchildren** between 24 February and 16 September 2022, in violation of Article 2 of Protocol No. 1.

Measures to suppress education in the Ukrainian language had begun in occupied territory in 2014. Russian became the language of education, with a Russian curriculum and textbooks and schools being run in conformity with the Russian system. Teaching staff, children and parents had been harassed and threatened for using the Ukrainian language at school. These measures had been extended to other occupied areas in 2022. The failure to make continuing provision for teaching in the Ukrainian language in the "DPR" and the "LPR" after 2014 and in the other Ukrainian territories under Russian control after February 2022 had amounted to a denial of the substance of the right to education under the Convention.

After 2022, the arrangements for advancing the Russian narrative – which had denied Ukraine's existence as an independent State – in schools in occupied territory had sought to enforce the Russification of the Ukrainian population living there, in line with the overall political objectives of separating these areas from Ukraine. Parents of children in these areas had been faced with sending their children to school in circumstances where the education

had been, in important respects, to be conducted in a manner wholly inconsistent with their political and philosophical beliefs, or risking severe sanction or no education at all. The Court found that such teaching had pursued the aim of indoctrination which had not respected the convictions of their parents.

- **Transfer to Russia**, and in many cases, the **adoption there of Ukrainian children**, from June 2014 to 16 September 2022, in violation of Articles 3, 5 and 8.

The parties did not dispute that in the summer of 2014 three groups of 85 residents in children's homes in eastern Ukraine had been escorted across the Ukrainian-Russian border. They had since returned. The Russian authorities' investigation into the border crossing of one of the groups had been inadequate, revealing no evidence as to the question of consent for the children to travel. The authorities had provided no further information or explanation with regard to the other two groups. The Court found that it had been proven beyond reasonable doubt that the border crossings had been involuntary.

There was also overwhelming evidence that transferring Ukrainian children in occupied areas to Russia, without parental or legal consent, and facilitating their adoption there had become a systematic practice in 2022. The Ukrainian Government had recorded that, by the end of September 2022, 7,890 children had been removed from Ukraine. "Evacuations" had started shortly before the invasion and, in the following months, countless children from institutions and attending holiday camps had been transferred to Russia. In May 2022 legislative amendments had been passed in Russia to make it easier for Ukrainian children to acquire Russian citizenship and be adopted by Russian families. The evidence showed that they had been listed for adoption or foster care in Russia. The Court concluded that these measures were indicative of a systematic programme of long-term, indeed permanent, removal of these children from their legal guardians in Ukraine. The displacement and adoption of children had been spearheaded by the Russian Commissioner for Children's Rights – who had herself adopted a child from Mariupol – with the direct support of the Russian President.

Between 2014 and February 2022, the evidence showed the movement of a large number of children back and forth across the border between occupied Ukraine and the Russian Federation. The transfers had clearly been organised by Russia and had involved significant logistical arrangements. However, Russia had not provided any information concerning the number of children transferred in groups across the border between 2014 and 2022; the identities, nationalities and backgrounds of the children; or the purpose of the transfers. There was also no information regarding the legal arrangements for children resident in care homes in eastern Ukraine or otherwise separated from those holding parental responsibility for them.

Given the overwhelming evidence of systemic transfers and of facilitating the adoption of Ukrainian children shortly before the 2022 invasion, the movement of children across the border between 2014 and 2022 gave rise to a real concern that such a systematic practice had been continuing beforehand (as from the summer of 2014). This was corroborated by statements of Russian officials about their experience with caring for children from Donbas since 2014.

The actions of the Russian authorities had lacked any legal basis and had also been contrary to IHL rules on evacuations and on preserving the legal status of children in occupied territories. The Court concluded that they had not been justified.

The traumatising effect on the children of being separated from parents and caregivers and the uncertainty and fear of being permanently and forcibly separated from their families had amounted to inhuman and degrading treatment. There were also credible reports of ill-treatment of some of the children after their relocation.

The coercive element of the children's removal from and stay outside Ukraine, the lack of opportunity to contact their family members, the excessive difficulties faced by caregivers seeking to reunite with the children, the holding of a number of children in various facilities and institutions throughout Russia or Russian-controlled territories and the evident impossibility for them to leave those facilities on their own and travel back to Ukraine also led the Court to conclude that the children had been "deprived of their liberty and security" within the meaning of Article 5 of the Convention. There had been no legal ground for such a deprivation of liberty.

- **Discrimination** on grounds of political opinion and national origin, in violation of Article 14.

The Court reiterated that Russia's objective was to destroy Ukraine as an independent sovereign State and to impose its influence and control. There was extensive evidence of violence directed against Ukrainian civilians, and particularly those who supported Ukrainian unity, and of regulatory measures in occupied areas to undermine Ukrainian ethnicity and history. Examples of this were the blocking of Ukrainian broadcasting, the forced transfer of Ukrainian children to Russia, the suppression of the Ukrainian language in schools and the indoctrination of Ukrainian schoolchildren. The Court was therefore persuaded that Russia had violated Article 14 of the Convention by failing to secure the rights and freedoms in Articles 2, 3, 4 § 2, 5, 8, 9, 10 and 11 of the Convention and Articles 1 and 2 of Protocol No. 1 to the Convention without discrimination on the grounds of political opinion and national origin.

- **Failure to investigate** credible allegations of **administrative practices** or to provide any redress, in violation of Article 13 of the Convention, taken in conjunction with Articles 2, 3, 4 § 2, 5, 8, 9, 10, 11 and 14 of the European Convention and Articles 1 and 2 of Protocol No. 1, between 11 May 2014 and 16 September 2022.

The Court underlined that it was inherent in an administrative practice that any remedies would clearly be ineffective at putting an end to it. In view of the reasons for its conclusion that the official tolerance element of the administrative practices had been established, the Court also found that there had been an administrative practice in violation of Article 13.

[Dutch Government's complaints concerning the downing of MH17](#)

Articles 2 and 13

The Court already concluded in its prior admissibility decision that flight MH17 had been shot down over occupied territory by a BUK missile fired from a Buk-TELAR. The launch site was also in occupied territory.

The Court agreed that the evidence suggested that the missile had been intentionally fired at flight MH17 most likely in the mistaken belief that it had been a military aircraft. On the basis of the evidence gathered by the JIT, and in the absence of any information from Russia, the only reasonable conclusion was that the missile had been fired by a member of the Russian military crew of the Buk-TELAR or by a member of the "DPR". It was not necessary for the Court to decide exactly who had fired the missile since Russia was responsible for the acts of the Russian armed forces and of the armed separatists. The Court accepted the evidence of the Dutch Government that a Buk-TELAR acting alone could not distinguish between military and civilian aircraft. Deploying a Buk-TELAR in isolation would therefore amount to a breach of IHL unless other measures were taken to accurately identify the potential target. The Court found that no measures had been taken by Russia to accurately identify military targets, in breach of the principles of distinction and precautions. The killing of the civilians on board flight MH17 could not be described as a "lawful act of war" and had violated the right to life under the Convention.

Moreover, the deployment of the Buk-TELAR in an area where civilian flights were still operating clearly gave rise to an immediate risk to life which Russia had been, or ought to have been, aware of. The failure to take any steps, such as notifying Ukraine of the presence of the Buk-TELAR or closing the surrounding airspace, had shown a cavalier attitude to the lives of civilians at risk from its hostile activities in Ukraine and had, separately, breached the right to life.

The Court further concluded that there had been a violation of Article 2 as concerned the obligation under the Convention to investigate and cooperate in the international investigation into the cause of the crash. Any inquiries made by Russia had been piecemeal, focusing on certain aspects of the incident ostensibly with a view to showing a lack of any Russian involvement and deflecting responsibility onto Ukraine. These inquiries had regularly resulted in the disclosure of information which had later shown to be at best inaccurate and at worst a complete fabrication. The next of kin of those killed had not been involved in any inquiries undertaken by the Russian authorities and had not been directly informed of the outcome. The Russian authorities had also failed to cooperate effectively with the JIT investigators. The evidence from the JIT provided clear examples of Russia's obstructive approach to attempts to clarify the circumstances of the crash. The Court found that the inaccurate revelations and disclosures of the Russian Ministry of Defence had been directed at contradicting and undermining what the JIT investigation had revealed, deliberately setting false trails and wasting the JIT's time and resources. The failure to cooperate had had a material impact on the ability of the JIT to conclude its investigation into the involvement of the Russian armed forces and senior Russian politicians in the downing of the flight.

There had also been a separate violation of Article 13 in conjunction with Article 2. The Court considered that any suggestion that the crash victims' relatives could obtain the full truth and bring those liable to justice in the Russian courts was fanciful, given the Russian authorities blanket denials and refusal to cooperate.

Article 3

The Court acknowledged that the crash victims' next of kin had experienced and continued to experience profound grief and distress on account of the killing of their loved ones and the aftermath of the crash.

Although the next of kin had not witnessed the downing of the aircraft or the crash site directly, they had not been able to avoid seeing the footage of the crash site and the bodies of their relatives shown very widely in the media. They had been forced to witness the lack of dignity shown to the bodies of their relatives at the crash site. They had experienced a sense of powerlessness and anxiety as a result of the limited access to the crash site, meaning it had taken eight months to recover the bodies. Some next of kin had had to bury the incomplete bodies of their relatives; in some cases body parts had been returned to them after the burial had taken place. In two cases, the victims' bodies have never been recovered. The next of kin had actively participated in the JIT investigation and had reached out to the Russian authorities, including the President, requesting help to uncover the truth. Russia's failure to carry out an effective investigation or to cooperate effectively with the JIT had significantly aggravated the suffering of the next of kin by prolonging the agonising wait for answers. It had left the victims' relatives in a state of uncertainty as to the exact circumstances of the crash and the responsibility of senior figures in the Russian government.

The Court concluded that the continuing profound suffering of the next of kin of the victims of the downing of flight MH17 had had a character and dimension which had amounted to inhuman treatment under Article 3 of the Convention.

Just satisfaction (Article 41)

The Court found that the question of compensation under Article 41 of the Convention was not yet ready for decision. It noted that any future award to Ukraine would have to have due regard to the

establishment of the Register of Damages by the Council of Europe and the ongoing discussions concerning a future compensation mechanism.

As regards the downing of flight MH17, any future award would have to have regard to the processing of the individual applications lodged before the European Court by relatives of those who lost their lives on flight MH17 and to developments in proceedings before the Council of the International Civil Aviation Organisation, which had in May 2025 found Russia to have failed in its international law obligations in respect of the downing of flight MH17. For these reasons, the Court decided to separate the further proceedings concerning the downing of flight MH17 from the remainder of the case.

Binding force and implementation (Article 46)

The Court reiterated that it was primarily for the State concerned to choose the means to be used to comply with its legal obligations under Article 46 of the Convention. However, where the nature of the violation found was such as to leave no real choice as to the measures required to remedy it, the Court could decide to indicate individual measures.

In the present case the Court considered that Russia:

- had to without delay, release or safely return all persons who had been deprived of their liberty on Ukrainian territory under occupation by the Russian and Russian-controlled forces in breach of Article 5 of the Convention before 16 September 2022 and who were still in the custody of the Russian authorities; and

- had to without delay cooperate in the establishment of an international and independent mechanism to secure, as soon as possible and with due consideration of the children's best interests, the identification of all children transferred from Ukraine to Russia and Russian-controlled territory before 16 September 2022, the restoration of contact between these children and their surviving family members or legal guardians and the children's safe reunification with their families or legal guardians.

The Committee of Ministers continues to supervise the implementation of the Court's judgments against Russia and Russia is required, pursuant to Article 46 § 1 of the Convention, to enforce them despite the cessation of its membership of the Council of Europe.

The judgment is available in English and French.

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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.