



ECHR gives notification to Russia of cases brought by relatives of people killed in the downing of Malaysian Airlines flight MH-17

The European Court of Human Rights decided on 3 April to communicate¹ to the Government of Russia the applications [Ayley and Others v. Russia](#) (application no. 25714/16) and [Angline and Others v. Russia](#) (no. 56328/18), and requested it to submit observations.

The applications were lodged by the relatives of people who were killed in the downing on 17 July 2014 of flight MH-17 over the territory of eastern Ukraine.

They allege in particular that the Russian Federation was directly or indirectly responsible for the destruction of the plane and failed to investigate the disaster properly or cooperate with other investigations.

Russia has repeatedly denied any involvement in the destruction of the aircraft.

A statement of facts submitted to the parties, with questions from the Court, is available in English on the Court's website. The Court's ruling in the case will be made at a later stage.

The applicants are 380 individuals from Australia, Belgium, Canada, Germany, Hong Kong, Indonesia, Israel, Malaysia, the Netherlands, New Zealand, the Philippines, the United Kingdom, the United States of America and Vietnam.

In July 2014 there was intense fighting between the forces of the Government of Ukraine and separatist forces in eastern Ukraine. According to the applicants, the separatist entities in eastern Ukraine were either under the control of the authorities of the Russian Federation or operated in very close cooperation with them.

Malaysia Airlines flight MH17 took off from Amsterdam for Kuala Lumpur on 17 July 2014. It had 283 passengers and 15 crew. At 3.20 pm Central European Time, the aircraft, when flying over eastern Ukraine, disintegrated in the air. Everyone on board was killed.

As most of the people on board were Dutch nationals, a subsequent investigation into the causes of the disaster was led by the Dutch Safety Board, an independent administrative body, with the agreement of Ukraine. Its final report, issued in October 2015, concluded that the plane had been hit by a missile launched from a Buk surface-to-air missile system from somewhere in an area of eastern Ukraine.

In parallel, a team of police officers and public prosecutors from Australia, Belgium, Malaysia, the Netherlands and Ukraine, known as the Joint Investigation Team (JIT), started a criminal investigation which is still ongoing.

Its main preliminary findings, presented in 2016 and 2018, were that flight MH-17 had been shot down by a BUK missile, fired from a field in the area of Pervomaiskyi, which at the time was controlled by pro-Russian separatists. It had been launched from equipment brought from Russia and returned there afterwards. The equipment had come from a unit of the Russian Federation's armed forces.

¹ In accordance with Rule 54 of the Rules of Court, a Chamber of seven judges or the President of a Section may decide to bring to the attention of a Convention State's Government the fact that an application against that State is pending before the Court (the so-called "communications procedure").

Based on the JIT's findings, in May 2018 the Governments of the Netherlands and Australia declared that they held the Russian Federation responsible for the downing of flight MH17. The Russian Federation has denied any involvement in the disaster and has blamed Ukraine for it.

Application no. 25714/16 was lodged with the European Court of Human Rights on 6 May 2016 while application no. 56328/18 was lodged on 23 November 2018.

The applicants in both applications rely on Article 2 (right to life) of the European Convention on Human Rights to complain that Russia was responsible for their relatives' deaths, either directly or indirectly, and that it failed to comply with its obligation to carry out an effective investigation or cooperate with other investigations.

They also complain of a lack of cooperation by Russia with the international investigation under Article 3 (prohibition of inhuman or degrading treatment).

The applicants in the second case also raise complaints under Articles 6 (right to a fair trial), 8 (right to respect for private and family life) and 13 (right to an effective remedy) of the Convention.

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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.