



Grand Chamber hearing: inter-State case concerning events in eastern Ukraine

The European Court of Human Rights is holding a **Grand Chamber** hearing today **Wednesday 26 January 2022 at 9.15 a.m.** on the admissibility of the case **Ukraine and the Netherlands v. Russia** (application nos. 8019/16, 43800/14 and 28525/20).

The case concerns events in eastern Ukraine, including the downing of flight MH17.

A recording of the hearing will be available from 2.30 p.m. on the Court's Internet site (www.echr.coe.int). 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.

Procedure

This case encompasses three inter-State applications, namely:

Ukraine v. Russia (re Eastern Ukraine) (application no. 8019/16) concerning Ukraine's allegations of violations of the European Convention on Human Rights by Russia resulting from the conflict in eastern Ukraine in 2014. It raises complaints under several Articles, including Article 2 (right to life), Article 3 (prohibition of torture and inhuman or degrading treatment), Article 5 (right to liberty and security) and Article 10 (freedom of expression) of the European Convention on Human Rights. The application dates from 2014 (the original application, including complaints about the events in Crimea in 2014, was lodged on [13.03.2014](#)). See press releases of [26.11.2014](#) and [01.10.2015](#).

On 7 May 2018 the Chamber dealing with the application decided to relinquish jurisdiction in favour of the Grand Chamber¹. See press release of [09.05.2018](#).

Ukraine v. Russia (II) (no. 43800/14) lodged on 13 June 2014. It 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 complain that the abductions and illegal border-crossings were in violation of Articles 3 (prohibition of torture and inhuman or degrading treatment), 5 (right to liberty and security), 8 (right to respect for private life) and Article 2 of Protocol No. 4 (freedom of movement) to the European Convention. See press releases of [26.11.2014](#) and [01.10.2015](#).

The Netherlands v. Russia (no. 28525/20) lodged on 10 July 2020. It concerns the shooting down on 17 July 2014 of Malaysia Airlines flight MH17 over eastern Ukraine, killing 298 persons, including 196 Dutch nationals. The Government of the Netherlands allege that the Russian Government were responsible for the deaths and failed to investigate them, in breach of Articles 2 (right to life), 3 (prohibition of prohibition of torture and inhuman or degrading treatment) and 13 (right to an effective remedy) of the Convention. See press release of [15.07.2020](#).

On 27 November 2020 the Grand Chamber in inter-State application *Ukraine v. Russia (re Eastern Ukraine)*, no. 8019/16, decided to join to that application the two inter-State applications, *Ukraine v. Russia (II)*, no. 43800/14, and *The Netherlands v. Russia*, no. 28525/20, which were pending before a

¹ 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".

Chamber. This decision was taken in accordance with Rules 42 § 1 and 71 § 1 of the Court's Rules of Court in the interests of the efficient administration of justice. See press release of [04.12.2020](#).

Aside from the joined case, there are currently four other inter-State applications and over 8,500 individual applications pending before the Court concerning the events in Crimea, eastern Ukraine and the Sea of Azov. See press release of [17.12.2018](#) with regard to the Court's processing of the individual applications. Among the individual applications are the cases [Ayley and Others v. Russia \(no. 25714/16\)](#), [Angline and Others v. Russia \(no. 56328/18\)](#) and [Ioppa v. Ukraine and 3 Other applications \(no. 73776/14\)](#) lodged by relatives of people who were killed in the MH17 disaster.

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

This hearing, initially scheduled for 24 November 2021, was postponed until 26 January 2022. See the [press release](#) for more information.

Composition of the Court

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

Robert Spano (Iceland), *President*,
Jon Fridrik Kjølbro (Denmark),
Síofra O'Leary (Ireland),
Yonko Grozev (Bulgaria),
Georges Ravarani (Luxembourg),
Marko Bošnjak (Slovenia),
Ganna Yudkivska (Ukraine)
Krzysztof Wojtyczek (Poland),
Faris Vehabović (Bosnia and Herzegovina),
Iulia Antoanella Motoc (Romania),
Stéphanie Mourou-Vikström (Monaco),
Pere Pastor Vilanova (Andorra),
Tim Eicke (the United Kingdom),
Lətif Hüseynov (Azerbaijan),
Jovan Ilievski (North Macedonia),
Jolien Schukking (the Netherlands),
Mikhail Lobov (Russian Federation), *judges*,
Erik Wennerström (Sweden),
Anja Seibert-Fohr (Germany),
Branko Lubarda (Serbia), *substitute judges*,

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

Representatives of the parties

Government of Ukraine

Denys Maliuska, *Minister of Justice of Ukraine acting as Agent before the European Court of Human Rights*,

Valeriia Kolomiets, *Deputy Minister of Justice of Ukraine on European Integration*,

Marharyta Sokorenko, *Deputy Head of the Office of the agent before the European Court of Human Rights, Head of Department for Representation of the Government in Interstate Cases, Ministry of Justice of Ukraine*,

Oksana **Kolomiets**, *Head of Division for Representation of the Government in cases regarding the temporarily occupied territory of Donetsk and Luhansk region of the Office of the agent before the European Court of Human Rights, Ministry of Justice of Ukraine,*
Andrii **Luksha**, *Head of the Unit of Legal Protection from the aggressor state of the Department for Representation of the Government in Interstate Cases, Ministry of Justice of Ukraine,*
Ben **Emmerson**, QC,
Peter **Hood** and Annie **O'Reilly**, *Counsel,*
Ivan **Lishchyna**, *Adviser; Ministry of Justice of Ukraine*

Government of the Netherlands

Babette **Koopman**, *Agent of the Kingdom of the Netherlands to the European Court of Human Rights,*
René **Lefeber**, *Legal Adviser, Ministry of Foreign Affairs,*
Liesbeth **van Heest**, *Coordinator Taskforce MH17, Ministry of Foreign Affairs,*
Anne **Aagten**, *Legal officer, Ministry of Foreign Affairs,*
Robin **de Ruiter**, *Legal officer, Ministry of Foreign Affairs,*
Clarinda **Coert**, *Senior legal adviser human rights law, Ministry of Justice and Security,*
Piet **Ploeg**, *Chair of the third-party intervener in application no. 28525/20, Foundation Air Disaster MH17*

Government of the Russian Federation

Mikhail **Vinogradov**, *Representative of the Russian Federation at the European Court of Human Rights, Head of the General Directorate of International Legal Cooperation,*
Denis **Grunis**, *Senior Assistant of the General Prosecutor of the Russian Federation for Special Affairs,*
Aleksandr **Devyatko**, *Deputy Chief Military Prosecutor,*
Anastasiia **Khamenkova**, *senior prosecutor, the Department for the Operation of the Representative of the Russian Federation at the European Court of Human Rights, the General Directorate of International Legal Cooperation,*
Yulia **Afanasyeva**, *senior prosecutor, the Department for the Operation of the Representative of the Russian Federation at the European Court of Human Rights, the General Directorate of International Legal Cooperation.*

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on Twitter [@ECHR CEDH](https://twitter.com/ECHR_CEDH).

Press contacts

echrpres@echr.coe.int | tel: +33 3 90 21 42 08

Tracey Turner-Tretz (tel : + 33 3 88 41 35 30)

Denis Lambert (tel : + 33 3 90 21 41 09)

Inci Ertekin (tel : + 33 3 90 21 55 30)

Neil Connolly (tel : + 33 3 90 21 48 05)

Jane Swift (tel : + 33 3 88 41 29 04)

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.