



Update on the third-party intervention requests granted in Inter-State case *Ukraine and the Netherlands v. Russia*

The European Court of Human Rights can now confirm that there are in total 31 third-party interveners in the recently joined case *Ukraine and the Netherlands v. Russia* (nos. 8019/16, 43800/14, 28525/20 and 11055/22).

This Inter-State case covers complaints concerning 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 release of 20 February 2023](#).

The third parties most recently granted leave to intervene include 26 member States: Austria, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom and one non-governmental organisation, the Geneva Academy of International Humanitarian Law and Human Rights. See [press release of 23 September 2022](#).

Although the Bulgarian Government had not submitted its request within the required deadline, the Court found that it had provided “exceptional reasons” within the meaning of Rule 44 § 3 (b) to justify the delay and has granted it leave to intervene in the proceedings.

Four third parties had already previously been granted leave to intervene at the admissibility stage of the proceedings in application nos. 8019/16, 43800/14 and 28525/20 in respect of the complaints brought by the Netherlands. They are the Government of Canada; the MH17 Air Disaster Foundation; the individual applicants in four cases lodged by relatives of people who were killed in the MH17 disaster; and the Human Rights Law Centre of the University of Nottingham.

Aside from this joined case, there are currently three 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. For further information, see the [Q & A](#) on Inter-State Cases.

The Court has limited the intervention of the 26 most recent requesting member States and the Geneva Academy of International Humanitarian Law and Human Rights to making written submissions on application no. 11055/22 (concerning Russian military operations in Ukraine since 24 February 2022) and on any aspects of the remainder of the joined case only in so far as they relate to the issues raised in application no. 11055/22.

These 26 member States have been requested to coordinate their work and submit to the Court, where possible, joint written submissions.

The other four third parties have been invited, if they wish to do so, to make further written submissions. The Court has invited two of these, the MH17 Air Disaster Foundation and the individual applicants in the cases [Ayley and Others v. Russia \(no. 25714/16\)](#), [Angline and Others v. Russia \(no. 56328/18\)](#), [Bakker and Others v. Russia \(no. 22729/19\)](#) and [Warta and Others v. Russia \(no. 3568/20\)](#) to provide one set of joint written submissions concerning the specific interests of the next of kin of the victims of flight MH17.

The Court requested the third parties to provide their submissions to the Court by 28 April 2023.

The President of the Court may, under [Article 36 § 2 of the European Convention on Human Rights](#) (see also [Rule 44 § 3 of the Rules of Court](#)), grant leave to any Contracting Party which is not a party to the proceedings or any person concerned who is not the applicant, to intervene in the proceedings. This is called third-party intervention. The person or State in question is entitled to make written submissions and, in exceptional cases, take part in public hearings.

Although the Russian Federation ceased to be a High Contracting Party to the Convention on 16 September 2022, the Court remains competent under Article 58 of the Convention to deal with applications directed against it in relation to acts or omissions capable of constituting a violation of the Convention provided that they occurred up until 16 September 2022 ([link to the resolution](#)).

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Press contacts

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

We would encourage journalists to send their enquiries via email.

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.