



9 July 2025

Q&A – *Ukraine and the Netherlands v. Russia*

The European Court of Human Rights in Strasbourg has given judgment in an inter-State case today. What is an “inter-State case”?

The European Convention on Human Rights makes a distinction between two types of application: individual applications lodged against a State by any person, group of individuals, company or NGO who has a complaint about a violation of their rights; and inter-State applications, that is applications brought by one State against another.

So, if one State thinks another State is responsible for violating human rights, it can bring an application against that State to complain about its conduct. There are currently 15 inter-State cases pending before the Court (see [FAQ](#) for more detail).

What is this case about?

This inter-State case encompasses four applications (a case before the Court can cover one or more applications).

Two applications were lodged by Ukraine in 2014 and concerned alleged patterns of human-rights violations by Russia in the context of the conflict in eastern Ukraine involving pro-Russian separatists from spring 2014, including the alleged abduction of three groups of children and their temporary transfer to Russia.

One application was lodged by the Netherlands in 2020 and concerned the shooting down of flight MH17 over Russian-occupied territory in Ukraine in July 2014, killing all on board, mostly Dutch nationals.

The final application was lodged by Ukraine in 2022 and concerned alleged patterns of human-rights violations by Russia in the context of Russia’s full-scale invasion of Ukraine which began on 24 February 2022.

Why was the MH17 case joined to the case brought by Ukraine?

The shooting down of flight MH17 happened over occupied territory in eastern Ukraine. The international investigations had found evidence of Russian involvement in the supply of the weapon used to shoot down the airplane and had concluded that the missile had been launched from occupied territory. It was therefore logical and efficient to look at the cases together given their shared factual background and the overlapping evidence.

What did the Court decide?

The Court said that Russia had an obligation to respect and protect Convention rights in respect of its actions in the territory that it occupied in Ukraine and its military attacks across Ukraine.

The Court found that Russia was responsible for widespread and flagrant abuses of human rights in Ukraine over a period of more than eight years. It said that the evidence presented a picture of interconnected practices of manifestly unlawful conduct by the Russian armed forces, occupying administrations and other authorities, and by armed separatists on a massive scale.

This pattern of human-rights violations included indiscriminate military attacks; summary executions; torture, notably rape as a weapon of war; unlawful and arbitrary detentions; intimidation and persecution of journalists and religious groups; looting and destruction of private property; and organised processes of invasive and abusive security checks against civilians and of transfer of children to Russia and their adoption there.

The Court also found that Russia was responsible for the downing of flight MH17 and had violated the right to life of the crash victims. In particular, it concluded that the missile had been fired without taking any measures to verify the target or to safeguard the lives of those on board, showing a cavalier attitude to civilians at risk from Russia's hostile activities. Russia had also failed to carry out an effective investigation and to cooperate with the international investigation led by the prosecuting authorities of the Netherlands. It had disclosed inaccurate and fabricated information and had adopted an obstructive approach to attempts to uncover the cause and circumstances of the crash. The profound suffering of the victims' relatives resulting from the downing of the aircraft and its aftermath amounted to inhuman treatment.

For a more detailed explanation of the Court's findings, see the [press release](#).

Did the Court find that Russia has committed war crimes or the crime of aggression?

No. The Court's task was to decide whether the State had violated the human rights and fundamental freedoms guaranteed by the European Convention on Human Rights. It found that Russia had repeatedly violated a number of Convention rights, including the right to life, the prohibition on torture and the right to liberty and security.

However, the Court is not a criminal tribunal and cannot examine whether war crimes or the crime of aggression have been committed. Other national and international tribunals may be competent to rule on individual criminal responsibility regarding acts committed in Ukraine. Furthermore, a number of States working with the Ukrainian authorities, [the Council of Europe](#) and the European Union have prepared legal texts to establish a [Special Tribunal for the Crime of Aggression against Ukraine](#) which may ultimately be able to decide such questions. The President of Ukraine, Volodymyr Zelenskyy, and the Secretary General of the Council of Europe, Alain Berset, signed an agreement on the establishment of this tribunal in Strasbourg on 25 June 2025.

Why does this judgment matter?

This judgment plays an important role in holding Russia to account for its widespread violations of the Convention in Ukraine starting in 2014 and recognises the harm and suffering of victims. It also provides an invaluable and comprehensive historical record of the available evidence. Twenty-six signatory States to the Convention intervened as third parties in this case and expressed their support for making Russia accountable for the violations of human rights arising from its invasion of Ukraine.

The judgment also recognises Russia's responsibility for the human-rights violations resulting from the downing of flight MH17 and for the additional suffering it caused to the relatives of those who died in the crash by its conduct in the aftermath of the crash. It forms part of the establishment of the truth and the accountability that the victims' relatives have been seeking for more than ten years.

It is moreover crucial, especially where there is a threat to peace in Europe, that the courts continue to uphold the rule of law. The European Court is currently the only international tribunal dealing with allegations of human-rights violations by Russia in the ongoing war in Ukraine.

Why is the Court still dealing with this case if Russia is no longer a party to the European Convention?

A former member State remains responsible for alleged violations of the European Convention during the period when it was still a signatory. In Russia's case, the Court is still competent to deal with cases concerning facts from before 16 September 2022, the date on which Russia ceased to be a party to the Convention.

In this case the Court examined the complaints of violations of human rights that had allegedly occurred before that date.

For more information see the press release ["Future processing of Russian applications"](#) issued in 2023.

If Russia did not present arguments, how can the proceedings be fair?

Russia did take part in the case at earlier stages in the procedure. The Russian Government participated in the admissibility proceedings in the usual way in the first three of the four applications that make up this case. They provided extensive written submissions on the allegations made in those applications, and their representative presented oral arguments at the [admissibility hearing in January 2022](#).

In March 2022, the Russian Government also provided a written response to the Court's request for information after the Ukrainian Government requested urgent interim measures in the context of the invasion in the 2022 application.

After that, the Russian Government chose not to respond to the Court's request for further information, to submit written observations on the admissibility and merits of the 2022 application and on the merits of the other three applications, or to participate in the [Grand Chamber hearing in June 2024](#). The Court decided nevertheless to continue examining the case, since there was insufficient cause for Russia's lack of participation and examination of the case was consistent with the proper administration of justice.

It has moreover been open to Russia at all times to take an active part in the proceedings because the Court continues, as it does with all other governments, to send the Russian Government information via a secure website.

So how did the Court decide on the allegations made?

The Court carried out a careful facts-based assessment of the vast amount of evidence to establish beyond reasonable doubt whether violations had occurred. In particular it examined in detail the reports prepared by monitoring missions of other international organisations, of which Russia is a member, who were on the ground on Ukraine, as well as the reports of the UN Commission of Inquiry charged with establishing the facts following the 2022 invasion, and the OSCE missions of experts. It took into account all of the evidence before it at the earlier admissibility stage of the proceedings, which included evidence provided by the Russian Government, and more recent public statements by senior Russian officials.

In respect of the MH17 case, the Court referred to the facts as established by the comprehensive investigation carried out by an international joint investigation team and a first-instance criminal court in the Hague. The Court also took into account third-party evidence and impact statements to assess the character and dimension of the suffering experienced by the next of kin of the crash victims.

Did a Russian judge sit on the case?

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.

This has been the Court’s approach in Russian cases since 16 September 2022, when the office of Russian judge ceased to exist.

Will Russia pay damages to Ukraine?

Russia has a legal obligation to pay damages if ordered by the Court as part of an award of “[just satisfaction](#)”. However, the last official communication to the Court from Russia stated its intention not to enforce Court judgments or pay damages from 16 March 2022.

The Court has not yet examined the issue of “just satisfaction” for Ukraine. This will be the next step, which will be carried out following on from other international developments.

The Council of Europe has set up a [Register of damage for Ukraine](#) so that the damage caused by Russia’s invasion can be properly recorded, together with relevant evidence. Discussions are now underway to set up an international compensation mechanism, based on the Register. Supporting Ukraine and helping ensure accountability and justice is the Council of Europe’s [top priority](#).

Will Russia pay damages to the Netherlands?

The Court has not yet examined the issue of “just satisfaction” for the Netherlands. This will be the next step and, again, it will be important to take into account international developments. Notably, in May 2025 the Council of the International Civil Aviation Organisation (ICAO) found that Russia had failed in its obligations under the Chicago Convention, which prohibits the use of weapons against civil aircraft in flight, in respect of the downing of flight MH17. The ICAO Council is now considering what form of reparations are in order.

The Court, in its judgment, decided to separate the case brought by the Kingdom of the Netherlands from the applications brought by Ukraine so that it can consider the just satisfaction claims of each Government separately.

Why has it taken so long to decide on the case?

The case encompasses four inter-State applications lodged between 2014 and 2022, and has involved numerous procedural steps, including joining the four applications at two separate stages of the proceedings, multiple third-party interventions, two hearings, one admissibility decision, extremely lengthy and complicated facts, and tens of thousands of documents submitted by all parties.

The fact that the Court is handing down this judgment only three years after the lodging of the 2022 inter-State application concerning the invasion and five years after the lodging of the MH17 application shows the exceptional swiftness of the Court’s treatment of these applications despite the complexity, the vast volume of evidence and Russia’s failure to cooperate in the proceedings since 2022.

Are there any other inter-State cases pending against Russia?

There are six inter-State cases concerning alleged violations of human rights which are still ongoing against Russia. There have already been judgments on the merits in the first four cases below (the question of just satisfaction is pending), while the other two cases are still awaiting judgment on the merits:

[Georgia v. Russia \(IV\)](#) – concerning the hardening of boundary lines after the 2008 conflict. Awaiting examination of the issue of just satisfaction.

[Ukraine v. Russia \(re Crimea\)](#) – concerning the occupation and annexation of Crimea. Awaiting examination of the issue of just satisfaction.

[Ukraine v. Russia](#) – concerning Russian military attacks in Ukraine and the occupation and annexation of Ukrainian territory outside Crimea (part of the present case). Awaiting examination of the issue of just satisfaction.

[Netherlands v. Russia](#) – concerning the shooting down of flight MH17 (part of the present case). Awaiting examination of the issue of just satisfaction.

[Ukraine v. Russia \(VIII\)](#) – concerning the naval incident in the Kerch Strait in 2018. Awaiting examination of the admissibility and merits.

[Ukraine v. Russia \(IX\)](#) – concerning allegations of political assassinations. Awaiting examination of the admissibility and merits.

What will happen now to the individual applications linked to this inter-State case?

The Court is also examining approximately 9,500 applications lodged by individuals who allege that they have been affected by the conflicts in the Autonomous Republic of Crimea, the city of Sevastopol and eastern Ukraine, as well as, by the Russian military operations on the territory of Ukraine since February 2022. The Court's Registry set up a Conflicts Unit to deal with conflict-related individual applications to ensure that they can be processed quickly. Notification has been given to the respondent Governments (Russia and Ukraine) of over 650 individual applications.

There are also four individual applications lodged by over 500 relatives of MH17 victims, awaiting examination of the admissibility and merits. Notification has been given to the respondent Government in two of these individual applications, namely [Ayley and Others v. Russia \(no. 25714/16\)](#) and [Anqline and Others v. Russia \(no. 56328/18\)](#).

It is the Court's practice that the overarching issues in an inter-State case are determined before it decides on individual applications raising the same issues or deriving from the same circumstances. Today's judgment means that the Court can now go on to examine these cases.

This is a document produced by the Registry. It does not bind the Court.

Press contacts

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