For an overview of the pursuit by the Netherlands of truth, justice and accountability with regard to the downing of Flight MH17, see www.MH17tijdlijn.nl.

Q&A

Q: Why is the Netherlands submitting an inter-State application to the ECtHR?
A:

- By submitting an inter-State application today, the Government is seeking to offer maximum support to the cases brought by next of kin of the MH17 victims.
- The Netherlands is asking the European Court of Human Rights to rule that Russia was involved in the downing of Flight MH17 and in that regard violated certain obligations under the European Convention on Human Rights (ECHR).
- The Netherlands is submitting this inter-State application in conjunction with various ongoing cases before the ECtHR related to the downing of Flight MH17 (that is, the individual applications by the next of kin and the inter-State case against Russia brought by Ukraine).
- By submitting this inter-State application now, the Netherlands is seeking to ensure that the ECtHR has access to all the relevant information it has regarding the downing of Flight MH17.
- By submitting this application, NL stands by all 298 victims of the downing of Flight MH17 and their next of kin. And we're supporting the individual proceedings at the ECtHR brought by the next of kin against Russia.
- In this way, the Netherlands can also ensure that it is in the same position as Russia when it comes to the consideration of information about Flight MH17 in this inter-State application.
- In the government's view, an inter-State application is the appropriate means of sharing the information with the ECtHR.

Q: How does the inter-State application relate to the individual applications?

A:

- Although the inter-State application of the Netherlands against the Russian Federation and the individual applications of next of kin against the Russian Federation are separate procedures, both procedures relate to the role of the Russian Federation in the downing of Flight MH17.
- Therefore, a decision in one procedure will have an effect on the other procedure.

Q: What does this step mean for the individual applications before the ECtHR? Will they be delayed?
A:

- The ECtHR itself is responsible for the planning of all proceedings.
- The Government wishes to offer maximum support to the next of kin and their individual applications.
- The Government aims to do this by providing all the relevant information it has about the downing of Flight MH17 to the ECtHR today, via an inter-State application.

Q: What does this step mean for the trilateral meetings between AUS, NL and the RF?
A:

- The Government's goal is still to find a solution that does justice to the enormous suffering and damage caused by the downing of Flight MH17.
- This is why the Netherlands and Australia decided to formally hold Russia responsible. This is what the trilateral meetings are about.
- The Government wants to continue these meetings, and we conveyed that explicitly to Russia today.
- As stated by the Dutch Prime Minister, the next-of-kin will be consulted on a possible solution, before such a solution is agreed to.

Q: What is the relevance of the inter-State application between Ukraine and the Russian Federation?

A:

- Ukraine has submitted various inter-State applications to the ECtHR against the Russian Federation. One of these cases relates to (the involvement of the Russian Federation in) events in the east of Ukraine. In this application, Ukraine request the ECtHR to rule that the Russian Federation, through its involvement in these events, has violated its obligations under the ECHR. This application also relates to the downing of Flight MH17.
- Some legal questions in this application, which will be addressed in the decision of the ECtHR in this case, are relevant to other ongoing ECtHR procedures related to the downing of Flight MH17. This includes, amongst others, the question whether the ECHR is applicable to the involvement of the Russian Federation in the east of Ukraine, including the role of the Russian Federation in the downing of Flight MH17.
- Therefore, the Government finds it important to timely share with the ECtHR all relevant information at the disposal of the Government, including a legal analysis of this information, regarding the downing of Flight MH17. This includes an extensive (legal) analysis of the applicability of the ECHR to the role of the Russian Federation in the downing of Flight MH17.