



## Hearing on admissibility postponed

The European Court of Human Rights has postponed the following hearing on admissibility to 26 January 2022.

**Ukraine and the Netherlands v. Russia** (nos. 8019/16, 43800/14 and 28525/20), concerning events in eastern Ukraine, including the downing of flight MH17.

The hearing was due to take place on 24 November 2021. The postponement is the consequence of the recent withdrawal from the case of the *ad hoc* judge appointed in respect of the Russian Federation.

On 10 June 2021, the parties were informed by the Court that the hearing on the admissibility of this case would take place on 24 November 2021.

On 8 November 2021, the *ad hoc* judge appointed pursuant to Rule 29 § 1 (a) of the Rules of Court in respect of the Russian Federation informed the Court that he withdrew from sitting in the case, effective immediately.

The President of the Grand Chamber subsequently pursued inquiries with a view to identifying another suitable *ad hoc* judge to participate in the hearing scheduled for 24 November 2021. However, on 12 November 2021, it became apparent that these inquiries proved unsuccessful.

In consequence, on 12 November 2021 the President considered, in the light of the very late stage of the proceedings, that it was unavoidable that the hearing scheduled for 24 November 2021 be postponed, and decided to relist it for 26 January 2022.

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 Chamber<sup>1</sup>. 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 Convention. See press releases of [26.11.2014](#) and [01.10.2015](#).

<sup>1</sup>. 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".

***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](#).

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

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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.