



EUROPEAN COURT OF HUMAN RIGHTS  
COUR EUROPÉENNE DES DROITS DE L'HOMME

Communicated on 3 April 2019

### THIRD SECTION

Applications nos. 25714/16 and 56328/18  
Sharlene AYLEY and Others against Russia  
and ANGLINE and Others against Russia  
lodged on 6 May 2016 and 23 November 2018 respectively

### STATEMENT OF FACTS

#### **A. The circumstances of the case**

1. The most essential facts of the case, as stated by the applicants or as laid down in documents submitted (see appendix II) or referred to by them, may be summarised as follows.

##### *1. The applicants*

2. The applicants are relatives of persons who were on Malaysia Airlines commercial flight MH17, destroyed over the territory of Eastern Ukraine on 17 July 2014. All persons on board died.

3. A list of all applicants, their dates of birth and the dates on which they introduced their applications before the Court appears in appendix I. The information in appendix I is based on the paper application forms and the list of applicants submitted by their lawyers in an electronic format. The applicants have declared that they are nationals of Australia, Belgium, Canada, Germany, Hong Kong, Indonesia, Israel, Malaysia, the Netherlands, New Zealand, the Philippines, the United Kingdom, the United States of America and Vietnam.

4. Some of the applicants have indicated, in their applications forms or documents submitted by them, the name of their relative who died on flight MH17 and the relevant level of kinship.

5. The applicants in application no. 25714/16 are represented by Mr J. Skinner. The applicants in application no. 56328/18 are represented by Mr S.V. Mewa.

*2. The general situation in Eastern Ukraine in July 2014*

6. In the beginning of 2014 Russian military forces made several incursions into Ukrainian territory. An incursion in the Crimea region, initially denied but later acknowledged by the Russian authorities, was followed by their declaration that that region had become part of Russia.

7. In the eastern regions of Ukraine, on its border with Russia, protests against the central authorities in Kiyv escalated into an armed separatist insurgency, to which Russia supplied military aid, including military equipment and personnel. In June and July 2014 parts of eastern Ukraine were under the control of self-proclaimed pro-Russian separatist entities. According to the applicants, these entities were either under the control of the authorities of the Russian Federation or operated in very close cooperation with them.

8. In July 2014 there was intensive fighting between the Ukrainian army and separatist forces.

*3. The downing of flight MH17 and the first international reactions*

9. Malaysia Airlines flight MH17 from Amsterdam to Kuala Lumpur took off on 17 July 2014 on schedule and was carried out by a passenger Boeing 777-200 aircraft with registration marks 9M-MRD. There were 283 passengers and 15 crew members on board.

10. At 15:20 Central European Time, the aircraft, when flying over eastern Ukraine, was hit and disintegrated in the air. The wreckage fell down on several sites near the villages of Hrabove, Rozsypne and Petropavlivka in Eastern Ukraine. Six wreckage sites were identified, spread over 50 square kilometres overall.

11. All 298 persons on board lost their lives. Their remains were later flown to the Netherlands and identified there by an international team of forensic specialists.

12. On the same day, 17 July 2014, the Trilateral Contact Group of senior representatives of Ukraine, the Russian Federation and the OSCE, formed earlier that year in relation to the armed conflict in the region, issued a press release which stated:

“In view of the terrible crash of a Malaysian airliner in the region of Donetsk and in order to agree on a number of urgent practical measures, the Group held a video conference with representatives of separatist groups in Donetsk.

The representatives of separatist groups in Donetsk committed to the following:

1. as a matter of priority, they shall close off the site of the catastrophe and allow local authorities to start preparations for the recovery of bodies;
2. they shall provide safe access and security guarantees to the national investigation commission, including international investigators, in the area under their control;
3. they shall provide safe access and security guarantees to OSCE monitors;

4. they shall cooperate with the relevant authorities of Ukraine on all practical questions arising in the course of the recovery and investigation works.”

13. On 21 July 2014 the United Nations Security Council adopted unanimously Resolution 2166 which, in its operative part, stated, *inter alia*:

“[The Security Council] ...

3. *Supports* efforts to establish a full, thorough and independent international investigation into the incident in accordance with international civil aviation guidelines;

4. *Recognizes* the efforts under way by Ukraine, working in coordination with ICAO and other international experts and organizations, including representatives of States of Occurrence, Registry, Operator, Design and Manufacture, as well as States who have lost nationals on MH17, to institute an international investigation of the incident, and *calls on* all States to provide any requested assistance to civil and criminal investigations related to this incident;

5. *Expresses* grave concern at reports of insufficient and limited access to the crash site;

6. *Demands* that the armed groups in control of the crash site and the surrounding area refrain from any actions that may compromise the integrity of the crash site, including by refraining from destroying, moving, or disturbing wreckage, equipment, debris, personal belongings, or remains, and immediately provide safe, secure, full and unrestricted access to the site and surrounding area for the appropriate investigation authorities, the OSCE Special Monitoring Mission and representatives of other relevant international organisations according to ICAO and other established procedures;

...

9. *Calls* on all States and actors in the region to cooperate fully in relation to the international investigation of the incident, including with respect to immediate and unrestricted access to the crash site as referred to in paragraph 6;

10. *Welcomes* in this regard the statement on 17 July 2014 by the Trilateral Contact Group of senior representatives of Ukraine, the Russian Federation and the OSCE and *demands* that the commitments outlined in that statement be implemented in full;

11. *Demands*, that all those responsible for the incident be held to account and that all States cooperate fully with efforts to establish accountability;

...”

*4. Investigations, official positions expressed by Governments and other proceedings*

**(a) The investigation that resulted in the final report of the Dutch Safety Board, published in October 2015**

*(i) Organisation and handling of the investigation*

14. On an unspecified date the Ukrainian authorities opened an investigation into the accident and, soon thereafter, requested the Netherlands, the State with the largest number of nationals on board the

aeroplane, to take over. With the agreement of the Dutch authorities, on 23 July 2014 Ukraine delegated the investigation to the Netherlands. As from that date, the Netherlands became the State conducting the investigation into the causes of the crash in accordance with the provisions of Annex 13 to the Convention on International Civil Aviation (hereinafter “the Chicago Convention”).

15. The Dutch Safety Board, an independent administrative body in the Netherlands which operates independently from the Dutch Government, conducted the investigation.

16. It combined the investigation delegated from the Ukrainian authorities with its own investigation, initiated separately on 18 July 2014, into the decision-making related to flying over the conflict zone in the eastern part of Ukraine.

17. In accordance with Annex 13 to the Chicago Convention, the purpose of the investigation was “to establish the causes of the crash and the factors that contributed” with a prevention objective and “not to apportion blame or liability”.

18. While the investigation was conducted by the Dutch Safety Board, the following States participated and appointed accredited representatives: Ukraine, as the State of occurrence, Malaysia, as the State of the operator and of registry, the United States of America, as the State of design and manufacture of the aeroplane, the United Kingdom, as the State of design and manufacture of the engines, as well as Australia and the Russian Federation, as States that provided information on request. Other countries which lost citizens on flight MH 17 were invited to view evidence and comment on the draft report.

19. Air accident investigators from Ukraine and Malaysia, police officers from Australia and journalists, escorted by representatives of the OSCE, visited the crash area in the days following the crash. The wreckage was photographed extensively and showed the locations mostly undisturbed. The information gathered was shared with the Dutch Safety Board.

20. Investigators acting for the international investigation led by the Dutch Safety Board visited the crash site for the first time in November 2014, there having been no earlier possibility due to safety concerns related to the armed conflict in the area. They recovered the majority of the wreckage. Additional visits, during which more wreckage parts were recovered, took place in March and April/May 2015. The investigators recorded the locations where each piece of wreckage was found. Some wreckage pieces were collected by local residents and handed over to the Dutch Safety Board with the consequence that the location where they fell was unknown. Other pieces found on the ground had obviously been moved before they were found. Part of the wreckage was never recovered, including pieces that were identified as having been in the wreckage area shortly after the crash but were not found during the recovery missions.

21. During the recovery of the wreckage, a number of parts that did not originate from the plane were found in the wreckage area. The parts that were suspected to be related to a surface-to-air missile were transported to the Netherlands in the same way as the aeroplane wreckage.

22. A wreckage reconstruction, an analysis of the high-energy objects found and blast damage simulations were also performed, among others, during the investigation.

23. Following a preliminary report published on 9 September 2014, the Board published its final report in October 2015.

24. The latter report stated that there had been “constructive cooperation between the States involved in the investigation: the Netherlands, Ukraine, Malaysia, the United States, the United Kingdom, Australia and the Russian Federation” and that “the representatives of these States, who were members of the international investigation team, had access to the investigation information and were able to study and verify it.”

*(ii) The final report of October 2015*

25. The most relevant findings in the report are listed below:

- the aircraft had been in an airworthy condition on departure from Amsterdam;
- at the relevant time both Ukraine and the Russian Federation had restricted access to parts of their airspace up to flight level 320 (meaning up to an altitude of approximately 9,750 metres);
- while over Ukraine, including at the time of the last contact, the aircraft was flying at flight level 330 (at an altitude of approximately 10,050 metres);
- no distress messages from flight MH17 were received by air traffic control;
- the replay of the communications recorded on the cockpit voice recorder demonstrated no indication of anything unusual and the recording ended abruptly, twenty milliseconds after two sound peaks heard on the tape;
- the data from the flight data recorder demonstrated that the aircraft was flying at 33,000 feet (approximately 10,050 metres) with a groundspeed of approximately 914 km per hour, that no technical malfunction or warnings were recorded and that the recording stopped abruptly;
- there was no in-flight fire before the break-up of the aeroplane; fires erupted at two wreckage sites after the crash;
- three other commercial aeroplanes were in the same area at the time of the last contact, the closest of them being at a distance of 33 km; radar data from Ukraine did not show any other radar targets in the vicinity;
- a video of the radar screen received from the Russian Federation showed, during two intervals of 20 and 40 seconds, a second radar target close to the target labelled MH17; this was considered to be aeroplane

debris having sufficient reflection to be detected as primary target, a finding consistent with the wind direction and final position of the wreckage; it was not possible to verify the video as the Russian Federation, despite requests, did not send raw radar data to the investigators but only a video of the radar screen;

- due to factors such as detection sensitivity levels of the radars and their system filtering modalities (intended to remove phenomena from a radar screen that are detected but are not required to be displayed), it was very unlikely that the air traffic control primary radar systems in the area could detect and display a missile moving at high speed;

- wreckage parts from what appeared to have been a 9M38 series surface-to-air missile were found in the area;

- the autopsies demonstrated that the captain, the first officer from team A and the purser sustained multiple fatal injuries associated with the impact of metal fragments moving at high velocity;

- over 500 small fragments were recovered from bodies and the aeroplane wreckage; the composition, shape and other characteristics of many of these fragments showed that they were high-energy objects that had deformed on impact with the aeroplane at very high velocity; some of the fragments were in the shape of a bow-tie;

- some of the aeroplane wreckage parts and one of the missile parts showed traces of explosive residues;

- paint samples taken from missile parts found in the wreckage area matched those found on foreign objects extracted from the aeroplane;

- the investigation considered in detail and excluded the following possible causes of the damage and break-up of the aeroplane: lightning, meteor strike, space debris, explosion inside the aircraft or in the tank or engines;

- the evidence pointed to damage by a large number of high-energy objects, well over 800, that perforated the aeroplane from the outside, on the left hand and upper side of the cockpit; there was also evidence of the effects of a detonation blast, such as blast deposits and direct pressure;

- the investigation considered in detail and excluded, as possible weapon systems that may have caused the damage found on the aeroplane, the following weapons: air-to-air gun/canon (which could not result in more than several dozen bullets penetrating the aircraft given the altitude and speed of flight MH 17 and could not produce fragments as those found in bodies and wreckage); air-to-air missile (damage pattern not matching and no air-to-air missiles used in the region having the distinctly formed bow-tie shaped fragments in their warhead); portable shoulder-launched surface-to-air missile (unable to reach the altitude MH17 was flying at).

- there was only one source of damage and the aeroplane was not struck by more than one weapon;

- a large surface-to-air missile with fragmentation warhead was able to engage an aeroplane of the size and speed of a Boeing 777 at its cruising altitude; missile warheads of this type contained fragments of different shapes;
- bow-tie and cube-shaped fragments were only found in the 9N314M warhead, which can be fitted to the 9M38M1 missile;
- the Buk surface-to-air missile system was present in the region and was the only weapon with warheads containing pre-formed fragments in the shape of a bow-tie; this system could reach targets up to an altitude of 80,000 feet (approximately 24,400 metres);
- the analysis of all information in the investigation led to conclude that the aeroplane had been struck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system;
- the studies, including simulation exercises, conducted with the aim of verifying that the damage observed could originate from such a warhead and establishing the missile's possible flight path from the ground to detonation resulted in findings that a 70kg warhead best matched the damage observed on the wreckage and that the area from which the possible flight paths could have commenced was an area of about 320 square kilometres in the east of Ukraine.

*(iii) Requests for corrections to the draft final report and the replies of the Dutch Safety Board*

26. Appendix V to the report lists proposals for corrections to the initial text of the draft final report which were made by representatives of the countries participating in the international investigation on unspecified dates prior to the publication of the final report. The final report took account of the corrections requested when they were granted.

27. The Russian Federation and Ukraine, among others, made a number of proposals. Some of those are listed below.

28. The Russian Federation proposed, *inter alia*, that the report should state that there “existed other scenarios that could lead to in-flight break-up of the aircraft” but the Dutch Safety Board refused, noting that all other scenarios had been considered, analysed and excluded.

29. The Russian Federation also disagreed with the conclusion of the Dutch Safety Board that the Russian Federation had failed to submit raw radar data in violation of Annexes 11 and 14 to the Chicago Convention, maintaining that Annex 14 did not require that raw data must be saved. The Dutch Safety Board consulted the International Civil Aviation Organisation (“ICAO”) which concurred with the Dutch position.

30. Ukraine requested a sentence to be included to the effect that access to the crash site could not be provided immediately because the area was controlled by “illegal armed groups”. This was refused by the Dutch Safety Board as it had to remain politically neutral.

31. The Russian Federation requested information on the steel grade used in the discovered high-energy objects in order to link those to possible types of warhead. The Dutch Safety Board considered that studying the detailed chemical composition of the steel was not relevant because high-energy objects are usually made from low-grade metal (unalloyed steel) originating from different batches, different sources, different manufacturing locations and over different periods, which made it impossible to match the fragments found with reference material from an intact warhead.

32. The Russian Federation proposed to include text that according to satellite pictures from the Russian Ministry of Defence a Ukrainian Buk M1 battery had been identified in the area of Zaroshchenskoye on 17 July 2014. The Dutch Safety Board stated that while this was relevant to the criminal investigation, its report did not deal with the location of weapons system in the area but only with identifying the cause of the crash.

33. The Russian Federation criticised the report for having limited its consideration of air-to-air rockets to those used by Russia and Ukraine and insisted that the damage on MH17 could have resulted from an air-to-air rocket. The Dutch Safety Board replied that there was no evidence of weapons from other parts of the world being in the inventory of any party acting in the region. It also stated that the damage pattern observed on the wreckage could not be reproduced when a 40 kg warhead, typical of an air-to-air weapon, was simulated. The conclusion that the weapon used was not an air-to-air rocket had been duly justified.

**(b) The criminal investigation conducted by the Joint Investigation Team (“the JIT”)**

34. On an unspecified date a team of police officers and public prosecutors from Australia, Belgium, Malaysia, the Netherlands and Ukraine, under the coordination of prosecutors from the Netherlands, started a criminal investigation into the downing of flight MH17. Its purpose was to establish the facts, identify those responsible for the crash and collect evidence which could be used in court.

35. This investigation was separate from that conducted by the Dutch Safety Board and ran in parallel. It is still pending.

36. On 28 September 2016, the JIT presented the first results of its criminal investigation. The main conclusion of the JIT was that flight MH17 had been shot down by a BUK missile from the 9M38 series, which had been fired from an agricultural field in the area of Pervomaiskyi. At that time this area had been controlled by pro-Russian separatists. The missile from the 9M38 series had been fired by a BUK TELAR brought in from the territory of the Russian Federation and returned to the Russian Federation after use.



37. In May 2018 the JIT presented additional results. The JIT concluded that the BUK TELAR that shot down flight MH17 had come from a unit of the Russian Federation's armed forces - the 53rd Anti-Aircraft Missile Brigade or the 53rd Brigade from Kursk in the Russian Federation. At the presentation of May 2018 the JIT showed a venturi and a casing that had been found in Eastern Ukraine and asked for information about the numbers on these parts and the unit to which the missile (of which the venturi and the casing were part of) was supplied to. It also called for witnesses to come forward.

38. During its investigation, in 2014, 2016, 2017 and 2018, the JIT requested information and legal assistance from the Russian authorities. It appears that the Russian authorities replied for the first time in 2018. In its public statements the JIT affirmed that it had never received a reply to its request specifically related to the numbers found on rocket parts. The JIT also stated that information publicly presented by the Russian Ministry of Defence was factually incorrect on several points, including the alleged presence of a fighter jet near the MH17 on radar images as presented at that Ministry's press conference in July 2014.

**(c) Declarations by the Governments of the Netherlands and Australia**

39. On the basis of the conclusions reached by the JIT, in May 2018 the Governments of the Netherlands and Australia declared that they considered the Russian Federation responsible for the downing of flight MH17.

**(d) Official declarations of Government officials from the Russian Federation.**

40. The Government of the Russian Federation have repeatedly denied any responsibility for the downing of flight MH17. They have also confirmed that no investigations are ongoing in Russia into the cause of the downing, that Russia is opposed to a special international tribunal for the MH17 case and that no Russian suspect will be extradited in that connection.

41. In October 2018 the Russian Ministry of Foreign Affairs made a statement affirming, *inter alia*, that the Russian authorities fully cooperated with the investigations, welcomed Dutch specialists and prosecutors in Moscow, made secret technical and factory data available to the investigation, transferred the results of a full-scale test, carried out by the producer of BUK missiles and provided raw radar images of the time of the tragedy. The Ministry further affirmed that it had provided irrefutable data and evidence of Ukraine's involvement in the MH17 disaster, including regarding the question who owned the BUK missile concerned. It criticised the Netherlands authorities that they ignored valuable information and worked on a predetermined version of events based on the view that Russia was responsible.

**(e) Proceedings before the ICJ**

42. On 16 January 2017 Ukraine instituted proceedings against the Russian Federation in the International Court of Justice (“the ICJ”) with regard to alleged violations of, *inter alia*, the International Convention for the Suppression of the Financing of Terrorism. Ukraine requested the ICJ to establish, *inter alia*, that the Russian Federation had violated its obligations under that convention by supplying funds, weapons and training to illegal armed groups that engage in acts of terrorism in Ukraine and that the Russian Federation bears international responsibility, by virtue of its sponsorship of terrorism and failure to prevent the financing of terrorism, for the acts of terrorism committed by its proxies in Ukraine, including the shoot-down of Malaysian Airlines Flight MH17. These proceedings are pending.

*5. Other factual allegations and material submitted by the applicants*

43. The applicants submitted, *inter alia*, numerous reports and publications by expert groups, media outlets, non-governmental organisations and individuals. This material covers topics such as, *inter alia*, the origins and development of the conflict in Eastern Ukraine, the Russian policies and involvement in this conflict, weapons systems used by belligerents in the region, witness accounts concerning the presence of Russian military personnel in the area, the presence and movement of a BUK missile system from Russia into Ukraine and back to Russia at the relevant period of July 2017, names and possible roles of Russian military personnel and pro-Russian separatists allegedly involved in the handling and firing of the missile that downed flight MH17.

44. On the basis of the material submitted by them, the applicants made, *inter alia*, the following additional allegations on the facts.

45. By mid-June 2014 the pro-Russian forces in Eastern Ukraine were not progressing well militarily. In early July 2014, separatist commanders, including Igor Strelkov, sent memos to the Russian authorities and to the President of the Russian Federation raising concern over growing risks to Russian interests in the ground war. These risks stemmed to a certain extent from Ukrainian military aircraft attacking separatist positions. In clear connection to these developments, there was movement of heavy armaments across the eastern Russian-Ukrainian border in June 2014.

46. Many Ukrainian military aircraft, including larger ones such as AN30 and IL76, were shot down in Eastern Ukraine during May and June 2014.

47. Between 22 June and 25 July 2014 military units of the armed forces of the Russian Federation conducted training exercises near the eastern Ukrainian border and close to a border crossing known as “the Stripe” and held by pro-Russian separatists.

48. Just before 17 July 2014, Russian media allegedly controlled by the authorities, including NTV and Rossiya 24, broadcast reports of Russian BUK missile convoys on roads in and around the cities of Torez and Snezhnoye in the Donetsk region of Eastern Ukraine.

49. There exists strong evidence, including eyewitnesses, photographs, geolocated photographs, video films, matching vehicle identification numbers and characteristics of the transport vehicle, allegedly demonstrating that a Russian BUK missile system with four missiles from the 53<sup>rd</sup> missile brigade of the Russian army moved on 15 and 16 July 2014 into Eastern Ukraine from Russia and, after the attack on MH17 on 17 July, moved back in the direction of the Russian border. The photographic and video material of the trip back to Russia showed that one out of the four BUK missiles was missing.

## **B. Relevant international law**

### *1. The Convention on International Civil Aviation (the Chicago Convention).*

50. The Chicago Convention was signed on 7 December 1944. Almost all members of the United Nations Organisation, including, *inter alia*, Malaysia, the Netherlands, the Russian Federation and Ukraine, are parties thereto. The Convention has been revised eight times (in 1959, 1963, 1969, 1975, 1980, 1997, 2000 and 2006).

51. The Convention provides for rules related to civil aviation and also for the creation of the International Civil Aviation Organisation (“ICAO”), its powers and governing bodies. ICAO has become a specialized agency of the United Nations Organisation charged with coordinating and regulating international air travel.

52. Articles 1 and 2 provide as follows:

#### **Article 1 Sovereignty**

“The contracting States recognize that every State has complete and exclusive sovereignty over the airspace above its territory.”

#### **Article 2 Territory**

“For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.”

53. Article 90 provides for the adoption of annexes to the Chicago Convention by ICAO’s Council (which consists of thirty-six contracting States including the States of chief importance in air transport, those making the largest contribution to the provision of facilities for civil air navigation

and other States to ensure representation of the major geographical areas). After adoption by the Council, the annexes are communicated to the contracting States and become effective unless a majority of those States disapproves.

54. There are currently nineteen annexes containing standards and recommended practices. Annex 11 concerns air traffic services, including obligations on recording and communicating radar data. Annex 13 concerns the investigation of aircraft accidents and incidents. Annex 14 concerns aerodromes.

*2. The Convention for the Suppression of Unlawful Acts Against The Safety of Civil Aviation (the Montreal Convention).*

55. The Montreal Convention of 1971, to which parties are almost all members of the United Nations Organisation, including, *inter alia*, Malaysia, the Netherlands, the Russian Federation and Ukraine, provides insofar as relevant:

**Article 1**

“1. Any person commits an offence if he unlawfully and intentionally:  
... (b) destroys an aircraft in service ...  
2. Any person also commits an offence if he:  
... (b) is an accomplice of a person who commits or attempts to commit any such offence ...”

**Article 5**

“1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offences in the following cases:  
(a) when the offence is committed in the territory of that State;  
(b) when the offence is committed against or on board an aircraft registered in that State; ...  
2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offences mentioned in Article 1, paragraph 1 (a), (b) and (c), and in Article 1, paragraph 2, in so far as that paragraph relates to those offences, in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.  
3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law.”

**Article 11**

“1. Contracting States shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of the offences. The law of the State requested shall apply in all cases.  
...”

## COMPLAINTS

56. The applicants in application no. 25714/16 complain under Article 2 of the Convention that the Russian Federation is responsible for the downing of flight MH17 and the death of their relatives on board, either directly or through the acts of Russian separatists under their control.

They further complain under Articles 2 and 3 of the Convention that the Russian Federation failed to discharge its obligation to conduct an investigation into the death of their relatives and bring the perpetrators to justice. The Russian Federation also failed to cooperate with the investigations led by the Dutch Safety Board and the Joint investigation team in the Netherlands.

57. The applicants in application no. 56328/18 complain as follows:

(1) Invoking Article 2 of the Convention, that there has been a substantive violation of that provision in that the Russian Federation was responsible for the downing of flight MH 17 through its army officers or other officials or by virtue of its control over and support for the Russian separatists' forces, as well as because it had effective control and exercised some governmental power over the relevant part of the territory of Eastern Ukraine. In particular, it is alleged that, while knowing or being obviously in a position to know that civilian aircraft flew over the relevant area and could be reached by a missile fired from a BUK launching facility, the Russian Federation moved its BUK launch facility to the territory of Ukraine and was responsible for one of the following scenarios: (a) was actively involved in the decision to fire the BUK missile at the airplane; or (b) despite the presence of its military during the firing of the missile did not prevent the firing of the missile; or (c) made the BUK launching facility and missile available to the separatists' forces without controlling its use; or (d) did not keep the BUK missile and launch facility under its control;

(2) Invoking Article 2 of the Convention, that there has been a procedural violation of that provision in that the Russian Federation (i) did not adequately cooperate with the investigation conducted by international fact-finding committees, (ii) provided incorrect information to the JIT and (iii) failed to conduct an independent, adequate, prompt and reliable investigation;

(3) Invoking Articles 2, 3 and 8 of the Convention that, by failing to cooperate in the international investigations and to conduct an adequate investigation in Russia, as well as by failing to provide information that could clarify who was responsible for the killing of the applicants' close relatives, the Russian Federation directly caused the applicants to suffer anguish and a heavy burden, amounting to ill-treatment, and breached their right to respect for their family life;

(4) Invoking Articles 2, 3, 6, 8 and 13 of the Convention, that the Russian Federation, by failing to cooperate in the international

investigations and to conduct an adequate investigation in Russia, deprived the applicants of their right to an effective remedy and compensation.

### QUESTIONS TO THE PARTIES

1. Can the applicants claim to be the victims of the alleged violations of the Convention? The applicants who have not indicated the name of their relative who died on board of MH17 and the level of kinship should do so.

2. Do the alleged violations of the Convention and its Protocols fall within the “jurisdiction” of the Russian Federation within the meaning of Article 1 of the Convention? In particular, did the Russian Federation exercise “authority and/or effective control” over the relevant eastern regions of Ukraine at the time of the downing of flight MH17, through their armed forces or a subordinate local administration or in collaboration with local armed forces? In this respect, what was the extent of the military and logistic Russian presence in July 2014? In addition, were agents of the Russian State involved, directly or indirectly, in the downing of flight MH17?

3. Have the applicants complied with the requirements of Article 35 § 1 of the Convention?

4. Has there been a violation of Article 2 in that the respondent State was allegedly responsible for the death of the applicants’ close relatives?

5. Having regard to the procedural protection of the right to life (see paragraph 104 of *Salman v. Turkey* [GC], no. 21986/93, ECHR 2000-VII), has there been a breach of Article 2 of the Convention in relation to the alleged failure of the respondent State to investigate the downing of flight MH17 and their alleged failure to cooperate with the relevant international investigations?

6. Have the applicants been subjected to inhuman and degrading treatment in breach of Article 3 of the Convention in that the authorities of the respondent State, by allegedly failing to investigate and cooperate with the relevant international investigations, caused them to suffer anguish and distress because of the lack of clarity as to the identity of those responsible for the death of their close relatives? Has there been a violation of Article 8 of the Convention in that regard?

7. Has there been a violation of Article 13 of the Convention in conjunction with its Articles 2, 3 and 8 on account of the alleged lack of effective domestic remedies?

**APPENDIX I**

**Application no. 25714/16**

Date of introduction – 6 May 2016

No.	Last Name	First Name	Title English	Date of Birth
1	Ayley	Sharlene	Ms	31/01/1981
2	Lauschet	Tim	Mr	28/02/1991
3	Dyczynski	Jerzy	Mr	06/04/1951
4	Dyczynski	Angela	Ms	01/04/1953
5	Samsuddin	Salleh	Mr	26/04/1960
6	Ibrahim	Sharom Bee Binti Mohamed	Mr	23/11/1956
7	Ismail	Mohd Tarmizi Bin	Mr	04/09/1973
8	Binti Modh Yusof	Hasnah	Mr	18/08/1943
9	Wong	Kin Wah	Mr	18/02/1972
10	Chong	Yee Wan	Mr	02/03/1968
11	Chong	Seng See	Ms	02/03/1971
12	Chong	Shih Yen	Mr	15/09/1964
13	Chong	Yoon Loong	Mr	16/07/1969
14	Yee	Swee Yeng	Ms	04/09/1942
15	Chong	Yuk Sang	Mr	16/10/1941
16	Abdullah	Normi Binti	Mr	05/02/1960
17	Geok	Tan Bee	Mr	06/09/1970
18	Mahdi	Madiani	Ms	06/11/1972
19	Malcolm	Andrew	Mr	21/09/1978
20	Malcolm	Jane	Ms	15/01/1977
21	Gibson	Cassandra	Ms	06/05/1990
22	Gibson	Chelsea	Ms	30/04/1993
23	Jackson	Craig	Mr	11/03/1962
24	Turnbull	Robert	Mr	17/04/1939
25	Turnbull	Angela	Ms	19/11/1940
26	Sturdee	Cathy-Ann	Ms	28/02/1969
27	Sidelik	Hans	Mr	10/03/1955
28	Baker	Jeffrey	Mr	16/06/1987
29	Baker	Steven	Mr	17/01/1989



30	Teoh	Kooi Weng	Mr	12/11/1956
31	Yim	Lim Swee	Mr	14/08/1962
32	Vern	Evonne Teoh Ee	Ms	28/07/1989
33	Teoh Qi En	David	Mr	25/11/1993

Date of introduction – 20 June 2018

No.	Last Name	First Name	Title English	Date of Birth
1	Bats	Peter Alexander	Mr	09/11/1973
2	Bats van Breda	Jessica Ellen	Ms	09/01/1975
3	Borgsteede	Franciscus	Mr	20/01/1939
4	Borgsteede-Wiersma	Johanna Everarda	Ms	06/05/1943
5	Borgsteede	Ronny Franciscus	Mr	25/02/1970
6	van Druten-Borgsteede	Laura Maria	Ms	17/06/1966
7	Bras	Eric Jan	Mr	12/09/1964
8	Djodikromo	Sadimin	Mr	28/08/1951
9	Djodikromo	Warinih Doris	Ms	17/12/1958
10	Djodikromo	Nikolev Soenarto	Mr	03/09/1976
11	Djodikromo	Valeri Sumantri	Ms	24/08/1984
12	Djodikromo	Carol Instanti Sabrina	Ms	12/03/1987
13	van Duijn	Gijsbert	Mr	28/01/1943
14	van Duijn	Cornelia Quirina	Ms	08/01/1941
15	van Duijn	Nicole Karina	Ms	13/12/1971
16	Chong	Pirkko Liliane	Ms	09/06/1955
17	Burr	Eila Marilyn	Ms	07/05/1956
18	de Kadt	Emerentiana Josephina	Ms	01/08/1926
19	Kamsma	Eric Jacobus Bernardus	Mr	11/02/1959
20	Kamsma	Edwin	Mr	23/01/1963
21	Kamsma	Bernardus Jacobus	Mr	11/07/1965
22	Keijzer	Freek	Mr	06/06/1961
23	Keijzer - Ten Heuvel	Jacqueline	Ms	10/11/1960
24	Keijzer	Annebel	Ms	23/01/1991
25	Keijzer	Rutger	Mr	23/01/1993
26	van Keulen	Arjen	Mr	14/03/1961
27	van Keulen	Jennigje Margaretha Andrina Ariëtta	Ms	12/05/1938
28	van Doorn	Willy Elisabeth	Ms	01/08/1929

29	van Doorn	Elisabeth Veronica	Ms	06/04/1961
30	van Noort	Alida Johanna	Ms	17/03/1936
31	van Langeveld	Anthony Martin	Mr	09/07/1964
32	Bartsen	Ida Petronella	Ms	29/01/1954
33	de Leeuw	Arjan Willem	Mr	02/05/1979
34	Misran	Robert Rakiman	Mr	02/04/1942
35	Misran-Resosemito	Antijem	Ms	30/03/1942
36	Misran	Aniane Rosinie	Ms	02/07/1965
37	Misran	Annette Soerani	Ms	26/04/1967
38	Misran	Armand Rakijo	Mr	15/10/1968
39	Misran	Ardi Rakidie	Mr	10/11/1970
40	Misran	Astrid Soeratie	Ms	04/06/1974
41	van Nielen	Gerardus Cornelis	Mr	12/10/1953
42	van Nielen	Wilhelmina Cornelia Maria Lucia Geudens	Ms	04/01/1955
43	van Nielen	Martijn Willem Franciscus	Mr	13/09/1987
44	Peereboom	Dennie Jan	Mr	26/12/1984
45	Pijnenburg	Franciscus Antonius	Mr	17/05/1956
46	Marinus	Pim	Mr	19/06/1991
47	Raap	Roelof	Mr	03/09/1956
48	Raap	Sijbren	Mr	08/04/1963
49	van der Sar	Leendert Eliza	Mr	04/04/1950
50	van der Sar - Lorier	Cornelia Lena	Ms	20/11/1950
51	van der Sar	Daniel	Mr	17/11/1977
52	van der Sar	Lieselotte	Ms	20/10/1983
53	van den Schoor	Peter Mathij	Mr	28/03/1959
54	van den Schoor	Catharina Maria Gerarda	Ms	29/11/1960
55	van den Schoor	Rob Henricus Antonius	Mr	05/01/1991
56	van der Schoot	Anna Maria Theresia	Ms	18/02/1967
57	Specken	Reginald Jacques Wilhelmus Marie	Mr	12/04/1950
58	Peusens	Marie-Jeanne Mechtilde Josephine	Ms	10/08/1950
59	Specken	Michel An	Ms	22/07/1985
60	Slok	Jan	Mr	24/03/1959
61	Soeltan	Sharon Fazia	Ms	09/09/1990
62	Soeltan	Raoul Alexander	Mr	19/10/1993

63	Wagemans	Gustave Gerardus Marie	Mr	27/06/1962
64	Dormans-Wagemans	Johanna Maria Josefa	Ms	03/04/1960
65	Wagemans	Andreas Gerardus Marie	Mr	28/02/1953
66	Wilhelmina	Hubertina Maria Catharina	Ms	24/11/1956
67	van der Weide	Robert	Mr	03/05/1931
68	de Leeuw	Hendrica Gerarda Nida	Ms	10/04/1938
69	van der Weide	Richard	Mr	08/01/1963
70	Hijmans	Antonius Lambertus	Mr	11/04/1927
71	Dirks e/v Hijmans	Susanna Cornelia Eimerdina	Ms	21/02/1928
72	Hijmans	Madelon Antoinette Cornélie	Ms	10/09/1952
73	Hijmans	Ellen Jeanine Susanne	Ms	26/10/1953
74	Hijmans	Michel Dirk Matthijs	Ms	25/04/1958
75	Hijmans	Linda Geraldine Jeannette	Ms	26/09/1959
76	Hijmans	Richard Matthijs Anton	Ms	13/10/1961
77	Huijbers	Coenraad Jan Willem	Mr	07/03/1955
78	Knoop-Huijbers	Janine Femmy	Ms	16/08/1958
79	Huijbers	Annemieke Yvonne	Ms	28/11/1983
80	Martens	Johannes Peter	Mr	02/08/1946
81	Martens	Christiaan Martijn	Mr	02/08/2010
82	Willems	Johanna Agatha Wilhelmina	Ms	29/07/1949
83	Nieveen	Jan	Mr	03/12/1947
84	Nieveen	Lisette	Ms	11/04/1974
85	Engelen	Eline	Ms	23/09/1982
86	Nieveen	Jannieke Sietske	Ms	06/10/1989
87	Nieveen	Ilse Maria	Ms	29/03/1991
88	Nguyen	Ngoc Khanh	Mr	20/02/1952
89	Quan	Thi Phong	Ms	25/01/1956
90	Nguyen	Minh Quang	Mr	20/02/1982
91	Pabellon	Lilia Cabile	Mr	19/01/1966
92	Pabellon Carale	Erlinda	Ms	05/04/1950
93	Pabellon Cabili	Tirso	Ms	23/09/1957
94	van der Steen	Akke	Ms	28/01/1972

95	van Der Steen	Jacobus Hendrik Wilhelmus Bastiaan	Mr	22/06/1965
96	van der Sande	Alida Maria Theodora Wilhelmina	Ms	20/01/1953
97	van der Sande	Martinus Raphael Maria	Mr	30/10/1959
98	van der Sande	Willibrordus Martinus Maria	Mr	03/06/1956
99	Timmers	Dennis Petrus Martinus	Mr	27/12/1982
100	Timmers	Jolanda Henrica Johanna	Ms	01/08/1985
101	van Grinsven-Timmers	Sandra Johanna Stephani	Ms	11/02/1981
102	Smolders	Nicolaas Franciscus Leonardus Arnoldina	Mr	13/01/1968
103	Smolders-van Hoof	Anna Maria Arnoldina Catharina	Ms	02/02/1944
104	Smolders	Nicolaas Petrus Hubertus	Mr	27/09/1943
105	Pfarrer	Hillary Catharine	Ms	15/04/1960
106	Meuleman	Henri Willibrord Antonius	Mr	31/05/1959
107	Wals	Marieke	Ms	07/08/1964
108	van Noord	Anna	Ms	09/04/1941
109	Ernst	Wilhelmus Maria	Mr	09/12/1946
110	van der Leij	Leopold Theodurus	Mr	29/09/1954
111	Kiezebrink	Christiana Lutine	Ms	09/11/1957
112	van der Leij	Jessica	Ms	13/03/1979
113	Gluckstern	Eliane Antoinette	Ms	29/09/1937
114	Hemelrijk	Sylvia	Ms	22/11/1970
115	Hemelrijk	Anouschka	Ms	28/09/1995
116	de Graaf	Everardus Wilhelmus Theodorus	Mr	10/02/1964
117	de Graaf	Hendrina Sophia Theodora	Ms	13/02/1990
118	de Graaf	Johannes Pieter Willy	Mr	07/05/1995 (06/05/1995 in app.form)
119	de Graaf	Johannus Cornelis Nicolai	Mr	19/04/1988

120	Brouwer-Lemaire	Raymonde Anna Leonce	Ms	13/12/1928
121	Brouwer	Cécile Hyacintha Christine	Ms	25/11/1970
122	Brouwer	Hélène Cornelia Raymonde	Ms	05/12/1962
123	Bakker	Frederik Lambertus	Mr	17/06/1951
124	Bakker	Jakobus	Mr	19/03/1958
125	Bakker	Gert Leo	Mr	17/05/1966
126	Vermeulen	Judith Geraldine Maria	Ms	22/01/1963
127	Vermeulen-Hopman	Ellen Johanna	Ms	24/08/1927
128	Vermeulen	Eleonora Veritas Maria	Ms	20/07/1958
129	Schoofs	Rink	Mr	30/03/1990
130	Fan	Chi Yeung	Mr	26/04/1984
131	Loh	Ean Tin	Ms	20/03/1965
132	Loh	Ean Lee	Ms	10/10/1961
133	Loh	Kok Hong	Mr	05/06/1969
134	Loh	Loo Hwa	Mr	21/06/1976
135	Loh	Kok Wah	Ms	30/05/1963
136	van Geene	Jan	Mr	02/06/1931
137	Schmidt-Golstijn	Henderieka Katriena	Ms	10/04/1940
138	de Rycker	Geert Antoon Karel Leopold	Mr	22/01/1954
139	Adler	Enrico-Ricardo Alexis	Mr	15/08/1959
140	Adler	Feodorowich Larry	Mr	22/03/1956
141	Adler	Priscilla Felice	Ms	02/01/1949
142	Kraay	Willem Frans	Mr	28/10/1938
143	Koch	Kirsten	Ms	02/04/1996
144	Koch	Nils	Mr	01/06/1994
145	van Eldijk-Kuijpers	Wilhemlina Theodora	Ms	27/09/1933
146	van Eldijk	Antonius Johannes Maria	Mr	15/04/1958
147	van Eldijk	Johannes Wouter Maria	Mr	02/02/1960
148	van Eldijk	Wouter Antonius Wilhelmus	Mr	13/08/1967
149	Brouwers	Josephus Johannes	Mr	24/03/1960
150	Brouwers-van Golde	Anna Maria Petronella	Ms	02/01/1940
151	Wiegel	Gita Tryan Welyanda Putu	Ms	16/12/2000

152	de Schutter	Maarten Wim	Mr	02/02/1999
153	de Schutter-Gijzen	Jacoba Cornelia Maria	Ms	09/10/1939
154	de Schutter	Wilhelmus Johannes Maria	Mr	14/11/1938
155	de Schutter	Adriana Elisabeth	Ms	11/10/1969
156	van Muijlwijk	Frits Jan	Mr	20/04/1952
157	Westhoff	Johanna	Ms	21/05/1953
158	van Muijlwijk	Kelvin Lourens Gerardus	Mr	14/04/1997
159	van Muijlwijk	Lourens Gerardus	Mr	03/02/1995
160	van Muijlwijk	Marjef	Ms	19/09/1977
161	Avnon	Dov	Mr	31/07/1957
162	Avnon-Boele	Jeanne Jacomijntje	Ms	06/12/1958
163	Avnon	Jonathan	Mr	07/01/1984
164	Avnon-Sarris	Ruth	Ms	21/09/1986
165	van Doorn	Diederick Kristiaan	Mr	24/10/1970
166	van Doorn	Menno Ernst	Mr	14/11/1939
167	Abeln e/v Van Doorn	Sabine Marie Pauline	Ms	27/08/1943
168	Dewa	Shazelina Zaini	Ms	24/05/1972
169	van den Hende	Jakobus Gerardus	Mr	17/02/1940
170	Wijngaard e/v van den Hende	Wilhelmina Maria	Ms	01/01/1940
171	van den Hende	Francisca Maria	Ms	11/04/1968
172	van den Hende	Hendrika Elisabeth	Ms	18/12/1969
173	van der Graaff	Willem Gerardus	Mr	15/06/1941
174	van der Graaff-van der Waal	Agatha Wilhelmina Flora	Ms	27/05/1947
175	van der Graaff	Marnix Willem	Mr	14/08/1981
176	Heerkens	Joris Michael Gerardus	Mr	08/05/1960
177	Heerkens	Thomas Vincentius Maria	Mr	05/04/1965
178	Heerkens	Paul Gerardus Antonius	Mr	21/07/1962
179	Witteveen	Freek Gerrit	Mr	31/07/1991
180	Witteveen	Julie Mathilde	Ms	16/06/1960
181	Witteveen	Raoul Johannes	Mr	14/06/1955
182	Jhinkoe	Soenderpersad	Mr	04/05/1959
183	Ramdien	Dolawatia	Ms	17/08/1966
184	Jhinkoe	Radjan Wininder	Mr	07/09/1990
185	Jhinkoe	Raisheri Ashwini	Ms	28/08/1996
186	Leermans	Maria Adriana	Ms	04/06/1942

187	Trugg	Willem Désiré Joseph	Mr	10/05/1946
188	van der Velden	Antonetta Petronella Gerarda	Ms	24/07/1951
189	Trugg	Marc Willem Hendrik	Mr	09/08/1972
190	Schneider	Jolande Gerarda Maria	Ms	16/07/1949
191	de Kuijer	Johannes Christiaan	Mr	07/01/1950
192	Lee	Kok Chew	Mr	22/12/1978
193	Lee	Boo Kwang	Mr	30/12/1941
194	Sek	Kiew Far	Ms	16/06/1945
195	Lee	Kiah Kheng	Ms	27/08/1971
196	Lee	Kiah Hooi	Ms	26/06/1972
197	Lee	Kiah Yoong	Ms	21/09/1973
198	Lee	Kiah Hong	Ms	15/09/1977
199	Liew	Chau Seong	Mr	14/11/1941
200	Yeong	Loi Ho	Ms	15/02/1949
201	Liew	Huey Min	Ms	03/05/1974
202	Liew	Yau Lin	Ms	20/02/1976
203	van der Linde	Engelina Cornelia	Ms	13/04/1954
204	van der Linde	Gerhardus Evert	Mr	10/08/1958
205	Mahler	Hendrik Joseph	Mr	27/02/1950
206	Willemsen	Karola Marina	Ms	09/03/1950
207	Mahler	Jeroen Joost	Mr	16/03/1984
208	Mahler	Felix Tristan	Mr	04/01/1989
209	Niewold	Christiaan Hendrik	Mr	13/08/1955
210	Niewold	Ernst Martinus Michael Hendrik	Mr	11/11/1984
211	Niewold	Julian Johannes Albertus	Mr	03/02/1986
212	Niewold	Odulf-Benjamin	Mr	29/10/1987
213	Niewold	Astrid Maria Edith Cornelia	Ms	05/01/1995
214	de Ridder	Hendrikus Johannes Wilhelmus	Mr	17/04/1937
215	de Ridder	Remco	Mr	19/01/1983
216	de Ridder	Laura Elisabeth	Ms	21/05/1986
217	van der Steen	Maria Jacoba	Ms	04/03/1968
218	Wesselink	Chanouk	Ms	27/04/1990
219	Marckelbach	Paul Jurgen	Mr	25/04/1975
220	Van der Meer	Peter Eduard	Mr	25/10/1967
221	Jesurun	Hannele Suzanne	Ms	08/05/1954

222	van Keulen	Jacobus Cornelis	Mr	07/07/1932
223	de Leeuw	Adrianus Cornelis Theodorus Maria	Mr	12/03/1948
224	Otter, den-Pijnenbur	Elisabeth Huberta Joanna Maria	Ms	24/10/1957
225	Chu	Kok Chew	Ms	01/01/1928
226	Dewa	Zaini Bin Md	Mr	20/06/1944
227	Abdullah	Siti Dinah Binti	Ms	05/10/1945
228	Dewa	Sharil Zaini	Mr	04/07/1975
229	de Kuijer	Paulus Franciscus Johanna Maria	Mr	20/08/1984
230	Stuhrmann	Margarete	Ms	06/01/1959
231	Niewold	Lidwina Diotima	Ms	29/10/1987

Date of introduction – 10 January 2019

No.	Last Name	First Name	Title English	Date of Birth
1	Dijkgraaf-Janssen	Johanna Lena	Ms	30/08/1936
2	Adriaanse-Janssen	Johanna Lidia	Ms	24/12/1961
3	Janssen	Martin Willem	Mr	17/06/1966
4	Mateman-Janssen	Franciska Elena	Ms	30/08/1972
5	Waldherr-de Haan	Henrica Joanna Jeanne	Ms	24/10/1958
6	de Haan	Herman Gerardus	Mr	14/10/1953
7	Bolhaar	Johanna Dieka	Ms	14/10/1926
8	de Haan	Leonardus Reinerus	Mr	13/01/1966
9	Anderson	Joanna Marie	Ms	13/03/1977
10	Ng	Kok Eng	Mr	27/11/1949
11	Van Zijtveld-Schardijn	Grace Astrid Georgine	Ms	25/05/1957
12	Van Zijtveld	Evert	Mr	27/11/1954
13	Ioppa	Elena	Ms	18/06/1970
14	Kenke	Chris Willem	Mr	02/07/1988
15	Kenke	Denise	Ms	10/10/1984
16	Oreshkin	Serge	Mr	09/05/1952
17	Oreshkin	Vera	Ms	04/09/1949



**Application no. 56328/18**

Date of introduction – 23 November 2018

No.	Last Name	First Name	Title English	Date of Birth
1	Angline		Ms	07/08/1989
2	Baaij	Babs Petronella	Ms	30/07/1975
3	Baaij	Yoeki Vos Elisabeth	Ms	21/03/2015
4	Besseler	Fredrika	Ms	04/01/1958
5	Camfferman	Roxanne	Ms	20/07/1990
6	Crolla	Robert	Mr	26/05/1961
7	Crolla	Fleur	Ms	18/03/1993
8	Essers	Esther	Ms	17/12/1981
9	Essers	Eva	Ms	21/12/1983
10	Essers	Adrian	Mr	26/09/1950
11	Everdink, Van	Adriana	Ms	24/11/1947
12	Florentinus	Mignon	Ms	06/02/1942
13	Hakse	Richard	Mr	15/03/1940
14	Hakse	Richard	Mr	12/12/1963
15	Heijningen, Van	Robbert	Mr	04/04/1957
16	Huntjens	Marie	Mr	04/07/1960
17	Kol	Maria	Ms	08/12/1947
18	Kroon	Astrid	Ms	30/06/1987
19	Kurver	Joanna	Ms	29/01/1948
20	Lam	Herman	Mr	14/07/1944
21	Lam	Maria	Ms	04/01/1928
22	Lambregts	Willebrordus	Mr	07/02/1979
23	Lambregts	Sabine	Ms	06/05/1976
24	Lambregts	Antonius	Mr	28/12/1946
25	Martens	Richard	Mr	28/03/1965
26	Martens	Constantinus	Mr	10/02/1938
27	Martens	Constantinus	Mr	30/06/1963
28	Mastenbroek	Tosca	Ms	21/12/1968
29	Meijer	Hans	Mr	23/01/1946
30	Nelissen	Francisca	Ms	14/08/1953
31	Nieburg	Dorothea	Ms	20/07/1951
32	Noto	Molebatsi	Mr	03/03/1958
33	Oost, Van	Flint	Mr	07/11/2001
34	Oost, Van	Elisabeth	Ms	22/03/1963

35	Paulus	Marie	Ms	14/08/1928
36	Ridder, De	Sander	Mr	31/05/1964
37	Risah	Jackie	Mr	25/05/1952
38	Roo, De	Roy	Mr	06/10/1973
39	Schilder	Theodorus	Mr	24/01/1988
40	Smallenburg	Adriana	Ms	10/07/1951
41	Smallenburg	Charles	Mr	27/05/1928
42	Souren	Arno	Mr	01/05/1983
43	Souren	Reinier	Mr	02/02/1987
44	Souren	Anna	Ms	17/03/1955
45	Stok	Johanna	Ms	26/02/1959
46	Stuiver	Johannes	Mr	04/09/1948
47	Stuiver	Marian	Ms	19/04/1990
48	Sutherland	Alice	Ms	06/03/1952
49	Tamtelahitu	Jahja	Mr	11/04/1980
50	Tensen	Guda	Ms	04/09/1933
51	Tol	Catherina	Ms	05/07/1979
52	Tongeren, Van	Philip	Mr	06/10/1950
53	Tongeren, Van	Bart	Mr	03/02/1988
54	Toonen	Wilhelmina	Ms	24/09/1950
55	Tournier	Ellen	Ms	14/05/1975
56	Uijterlinde	Aplonia	Ms	20/04/1957
57	Veldhuis	Maria	Ms	21/03/1938
58	Verhaegh	Peter	Mr	03/10/1955
59	Verhaegh	Monique	Ms	10/05/1980
60	Vranckx	Maarten	Mr	26/08/1988
61	Vranckx	Willy	Mr	09/10/1957
62	Vranckx	Lianne	Ms	12/08/1999
63	Vranckx	Wouter	Mr	07/06/1990
64	Vreeswijk, Van	Marinus	Mr	28/02/1968
65	Vreeswijk, Van	Nick	Mr	01/06/1995
66	Warta	Steffie	Ms	26/04/1965
67	Wels	Camiel	Mr	01/08/1970
68	Wels	Robert	Mr	24/07/1969
69	Zantkuijl	Adriaan	Mr	13/02/1951
70	Zantkuijl	Mark	Mr	12/01/1980
71	Baaij	Jacob Johannes	Mr	29/09/1947
72	Been e/v Ploeg	Elisabeth	Ms	21/10/1933
73	Chrystine		Ms	20/12/1995

74	Chuah	Peng See	Ms	22/12/1961
75	Engels	Jan	Mr	28/10/1959
76	Heijningen, Van	Leonardus	Mr	13/04/1930
77	Keuning	Hilda	Ms	29/12/1959
78	Kraats, van De	Anja	Ms	22/12/1957
79	Kroon	Louise	Ms	14/08/1990
80	Meijer	Sandra	Ms	16/10/1973
81	Murtini	Murtini	Ms	02/05/1980
82	Ng	Siang Seng	Mr	30/04/1961
83	Nieburg	Julia	Ms	27/11/1982
84	Ploeg	Piet	Mr	21/10/1958
85	Ploeg	Frederik	Mr	21/06/1933
86	Schelb	Heidi	Ms	06/12/1966
87	Sengers	Maria	Ms	29/11/1956
88	Tamtelahitu	Naomi	Ms	15/12/1983
89	Tan	A In	Ms	12/08/1968
90	Tournier	Nanda	Ms	17/01/1978
91	van Dijk	Linda	Ms	16/10/1952
92	Verbaas	Desiree	Ms	23/06/1982
93	Vos, De	Walter	Mr	10/11/1958
94	Ploeg	Mirjam	Ms	21/09/1991

Date of introduction – 28 January 2019

No.	Last Name	First Name	Title English	Date of Birth
1	Ploeg	Sandra Elisa	Ms	14/07/1996
2	Van Wiggen	Barbara	Ms	22/05/1978
3	Van Wiggen	Jesse	Mr	02/05/1974
4	Sukel	Johanna	Ms	02/06/1950
5	Chardome	Veronique Franoise Louise	Ms	29/10/1964

**APPENDIX II**

**Application no. 25714/16**

**List of annexes**

<b>Annex No.</b>	<b>Description</b>	<b>Page</b>
1	Dutch Safety Board Final Investigative Report & Dutch Safety Board Main Addendum to Final Report & A Addendum V, W, X, Y and Z (Documents 1-7 came pre-consecutively #’d)	p. 1-279
2	Bellingcat Computer Forensics Report, Sources of the Separatists BUK.	p. 1-35
3	Putin War, Nemetsov, May 2015	p. 4-65
4	ARES/Armament Research Report #3 November, 2014	p. 1-78
5	Russia’s Path to War, Bellingcat, 2015	p. 1-67
6	How Social Sleuthing Uncovered Evidence of Surface to Air Missiles in Eastern Ukraine (with maps) published July 19, 2014, Storyful.com	p. 1-22
7	An Invasion By Any Other Name: The Kremlin’s Dirty War in the Ukraine, The Interpreter, Institute of Modern Russia, 2015	p. 1-84
8	Jerome L. Skinner’s Credentials (Documents 8-38 are consecutively numbered)	p. 1-6
9	Compilations of Disinformation from European Union with sources identified	p. 7-12
10	Bellingcat Individual Topic Reports, July, 2014 to November 2014.	p. 13-134
11	Bellingcat Individual Topic Reports, January, 2015 to June, 2015	P. 135-287
12	Bellingcat Individual Topic Reports, October, 2015.	p. 288-321
13	Bellingcat Individual Topic Reports, July to August, 2015	p. 322-402
14	Convention on International Civil Aviation December 7, 1944; Chicago Convention	p. 403-453
15	Various news articles on Russian Federation derioals, UN security Council Veto, Operation Pawn Storm, Putin’s 70th Russion Journal Assembly	p. 454-493
16	Dutch Safety Board Final Report; Page 146, Figure 64, Launch Area Simulation.	p. 494-495
17	Igore (Girkin) Strelkov Tweets and Retweets.	p. 496-524
18	Bellingcat Filterable List of Equipment Sighting.	p. 525-539
19	Bellingcat Filterable List of Equipment Sighting, Items 22-16.	p. 540-544
20	Bellingcat Filterable List of Equipment Sighting, Individual Data Cards Item 001.	p. 545-547
21	Bellingcat Filterable List of Equipment Sighting, Individual Data Cards Item 003.	p. 548-550
22	Bellingcat Filterable List of Equipment Sighting, Individual Data Cards Item 0013.	p. 1-7

23	Bellingcat Filterable List of Equipment Sighting, Individual Data Cards Item 0017.	p. 1-5
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26	Bellingcat Filterable List of Equipment Sighting, Individual Data Cards Item 0101.	p. 17-19
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