

## THE CRASH OF THE MH17 AIRCRAFT IS ONE OF THE FIRST VISIBLE MANIFESTATIONS OF RUSSIA'S ARMED AGGRESSION AGAINST UKRAINE

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### Abstract

**The aim of the work:** to investigate the status of the investigation of the downing of the Malaysian plane flight MH17 in Donbas after 10 years from the day of the tragedy and to demonstrate that it was one of the first visible manifestations of russia's armed aggression against Ukraine and the first manifestation of the unity of the civilized world against russia's illegal behaviour.

**The methodology of the study** is based on the principles of scientificity, systematicity and objectivity with the use of general scientific methods: content analysis, event analysis, modelling, comparison, forecasting, structuring, systematicity and generalization.

**The scientific novelty** of the article lies in the fact that it was analysed for the first time in Ukraine in scientific circles the statements of the Ministry of Foreign Affairs of Ukraine, the statements of the President of Ukraine, the statements of the Government of the Netherlands, the reports of the investigative journalism community Bellingcat, the reports of the International Joint Investigative Group on the investigation of the plane crash, the decisions of the Public Prosecution Service of the Netherlands, the reports of the Dutch Safety Board, the judgment of the International Court of Justice of the UN, the decisions of the European Court of Human Rights, experts' comments, reports in the national and international media regarding the downing of the passenger plane Boeing 777 Malaysia Airlines flight MH17.

**Conclusions.** Based on the reports of the international investigation, it was established that the plane of flight MH17 was shot down by the russian-made Buk anti-aircraft missile system. It was emphasized that since July 17, 2014, the whole world understood what russian aggression really means and that terror knows no borders. It was established that this terrible event was the first manifestation of the unity of the civilized world against russia's illegal behaviour and one of the first visible manifestations of russia's armed aggression against Ukraine.

The main focus is on the importance of restoring justice for the families of the victims of the downing of flight MH17 and the inevitability of punishing russian military personnel and officials for violating the norms of international law. Russia must bear punishment under international law for inaction in the investigation and for not preventing the supply of money and weapons to illegal armed groups in the east of Ukraine, which were involved in the downing of the MH17 plane. Restoring justice and reparations to the victims is the only right way to preserve the rules-based international order and restore peace and stability to the world.

**Keywords:** the Dutch Safety Board, the European Court of Human Rights, Flight MH17, the International Joint Investigative Group, International Court of Justice of the UN, the investigative journalism community Bellingcat, Malaysia Airlines, Russian-Ukrainian war, Ukraine

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## ЗБИТТЯ ЛІТАКА РЕЙСУ МН17 – ОДИН ІЗ ПЕРШИХ ВИДИМИХ ПРОЯВІВ ЗБРОЙНОЇ АГРЕСІЇ РОСІЇ ПРОТИ УКРАЇНИ

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### Анотація

**Мета роботи:** дослідити стан розслідування збиття малайзійського літака рейсу МН17 на Донбасі через 10 років із дня трагедії та продемонструвати, що це був один із перших наочних проявів збройної агресії росії проти України і перший прояв єдності цивілізованого світу проти протиправної поведінки рф.

**Методологія дослідження** ґрунтується на принципах науковості, системності та об'єктивності з використанням загальнонаукових методів: контент-аналіз, івент-аналіз, моделювання, порівняння, прогнозування, структуризація, системність та узагальнення.

**Наукова новизна** статті полягає в тому, що було вперше в Україні в наукових колах проаналізовано заяви Міністерства закордонних справ України, заяви Президента України, заяви уряду Нідерландів, звіти спільноти журналістських розслідувань Bellingcat, звіти Міжнародної спільної слідчої групи з розслідування авіакатастрофи, рішення прокуратури Нідерландів, звіти Нідерландської ради безпеки, рішення Міжнародного суду ООН, рішення Європейського суду з прав людини, коментарі фахівців, повідомлення в національних та міжнародних ЗМІ щодо збиття пасажирського літака Boeing 777 Malaysia Airlines рейсу МН17.

**Висновки.** На основі звітів міжнародного розслідування встановлено, що літак рейсу МН17 був збитий зенітним ракетним комплексом «Бук» російського виробництва. Наголошено, що з 17 липня 2014 року весь світ зрозумів, що насправді означає російська агресія і що терор не знає кордонів. Констатовано, що ця жахлива подія стала першим проявом єдності цивілізованого світу проти протиправної поведінки росії і один із перших видимих проявів збройної агресії росії проти України.

Основну увагу зосереджено на важливості відновлення справедливості для родин жертв збитого літака рейсу МН17 та невідворотності покарання військовослужбовців і посадових осіб рф за порушення норм міжнародного права. Росія має відповісти за бездіяльність у проведенні розслідування та не перешкоджання в постачанні грошей та зброї незаконним збройним формуванням на сході України, які були залучені у збиття літака МН17. Відновлення справедливості та відшкодування збитків постраждалим – єдиний правильний шлях, який допоможе зберегти міжнародний порядок, заснований на правилах, та відновити мир і стабільність у світі.

**Ключові слова:** Європейський суд з прав людини, Малайзійські авіалінії, Міжнародна спільна слідча група, Міжнародний суд ООН, Нідерландська рада безпеки, рейс МН17, російсько-українська війна, спільнота журналістських розслідувань Bellingcat, Україна

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**URL:** <https://konsensus.net.ua/index.php/konsensus/article/view/140>

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**Formulation of the problem of the research.** Ten years ago on 17 July 2014, the world was shocked by the downing of Malaysia Airlines Flight MH17 by russian militaries and individuals under their direct control<sup>1</sup>. The Malaysian Airlines plane was shot down from Buk missile system that had been transferred to the occupied territory of Donbas from the russian federation<sup>2 3</sup>. The plane was shot down near Torez, Donetsk region, during the russian armed aggression in the east of Ukraine<sup>4</sup>. The flight was on its way from Amsterdam to Kuala Lumpur. On board were 283 passengers and 15 crew members. All 298 people on board lost their lives<sup>5</sup>.

In the ten years that have passed since the tragic day, the russian federation has not found the courage to admit responsibility, apologize to the relatives of the victims and the affected countries, and pay compensation. Instead, from the very first day after the crime was committed, the russian propagand machine has launched a systematic disinformation campaign to avoid responsibility.

Russia and its propagandists have continued to lie about MH17 even after the Hague District Court established all the true facts and issued a verdict in 2022. Russia struck the MH17 victims twice. The first time it used a missile against a civilian aircraft. The second time it dishonored their memory and the grief of their relatives and friends<sup>6</sup>.

**Analysis of recent research and publications.** Relevance of the research attracted the attention of the international community, and for the first time in history such coordinated efforts were made, including the conduct of a technical investigation in accordance with the Chicago Convention, the creation of a Joint Investigative Team that used best practices for the investigation and prosecution of accused persons. Statements of the Ministry of Foreign Affairs of Ukraine, Statements of the President of Ukraine, Statements of the Government of the Netherlands, comments of experts, international reaction, reports of the international commission investigating the plane crash, the report of the investigative journalism community Bellingcat, Reports of the International

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<sup>1</sup> Statement by the Ministry of Foreign Affairs of Ukraine on the 10th anniversary of the downing of Flight MH17. *The Ministry of Foreign Affairs of Ukraine*. 2024. URL: <https://mfa.gov.ua/en/news/zavava-mzs-ukravini-u-zvyazku-z-10-mi-rokovinami-zbittva-rejsu-mn17>

<sup>2</sup> Crash MH17. *The Dutch Safety Board*. 2014. URL: <https://onderzoeksraad.nl/en/onderzoek/crash-mh17-17-july-2014/>

<sup>3</sup> Krupenya I.M. Putin's war against Ukraine from the hybrid aggression to full-scale war and its consequences. Development trends in social science in the era of digitalization: Scientific monograph. Riga, Latvia: «Baltija Publishing», 2023. P. 136–155.

<sup>4</sup> У Харкові Володимир Зеленський і Марк Рютте зустрілися з українськими слідчими та експертами, які брали участь у розслідуванні збиття літака рейсу МН17. *Офіційне інтернет-представництво. Президент України*. 2024. URL: <https://www.president.gov.ua/news/u-harkovi-volodimir-zelenskij-i-mark-ryutte-zustrilisya-z-uk-89485>

<sup>5</sup> Flight MH17: European Court of Human Rights to hear the Netherlands' inter-State application against the Russian Federation. *Government of the Netherlands*. 2024. URL: <https://www.government.nl/topics/mh17-incident>

<sup>6</sup> Statement by the Ministry of Foreign Affairs of Ukraine on the 10th anniversary of the downing of Flight MH17. *The Ministry of Foreign Affairs of Ukraine*. 2024. URL: <https://mfa.gov.ua/en/news/zavava-mzs-ukravini-u-zvyazku-z-10-mi-rokovinami-zbittva-rejsu-mn17>

Joint Investigative Group, Reports of the Dutch Safety Board, the decision of the Public Prosecution Service of the Netherlands, the judgment of the International Court of Justice of the UN, the decision of the European Court of Human Rights, media reports were separately analysed.

**The purpose of research.** To investigate the status of the investigation of the downing of the Malaysian plane flight MH17 in Donbas after 10 years from the day of the tragedy and to demonstrate that it was one of the first visible manifestations of russia's armed aggression against Ukraine and the first manifestation of the unity of the civilized world against russia's illegal behaviour. Emphasize the importance of restoring justice for the families of the victims of the downing of Flight MH17 and the inevitability of punishing servicemen and officials of the russian federation for violating the norms of international law.

**Main research results.** In one of his daily addresses to the people of Ukraine, President Volodymyr Zelenskyi began by reminding that July 17 is already the tenth anniversary of the day when the russian occupiers destroyed a passenger plane in the Ukrainian skies – flight MH17. A Malaysian Boeing with 298 people on board, including 80 children. And over the time that has passed, it has been possible to fully establish the circumstances of this crime: how it became possible, who provided it. And there is no doubt that the trial and the work of international justice, in general, will inevitably lead to absolutely fair verdicts for everyone who is guilty of this crime<sup>7</sup>.

On this day, the First Deputy Minister of Foreign Affairs of Ukraine Andrii Sybiha took part in a commemorative event dedicated to the 10th anniversary of the downing of flight MH17 by russian servicemen in the sky over the temporarily occupied territory of the Donetsk region of Ukraine. The event organized by the Embassy of the Kingdom of the Netherlands in Ukraine was also attended by the Prosecutor General of Ukraine, representatives of the diplomatic corps accredited in Ukraine, as well as representatives of investigative and law enforcement agencies of Ukraine.

The participants expressed their condolences to the families of the victims of this terrible tragedy, who have been striving for truth and justice for 10 years. During the speech, Andrii Sybiha noted that “this terrible event was the first manifestation of the unity of the civilized world against the illegal behavior of russia”. The importance of restoring justice for the families of the victims of the downing of flight MH17 and the inevitability of punishing military personnel and officials of the russian federation for violating the norms of international law was separately emphasized<sup>8</sup>.

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<sup>7</sup> Сьогодні вдалося звільнити з російського полону ще 95 наших людей – звернення Президента. *Офіційне інтернет-представництво. Президент України.* 2024. URL: <https://www.president.gov.ua/news/sogodni-vidalosya-zvilniti-z-rosijskogo-polonu-she-95-nashih-92233>

<sup>8</sup> Андрій Сибіга взяв участь у заході із вшанування пам'яті жертв збиття рейсу MH17. *Міністерство закордонних справ України.* 2024. URL: <https://mfa.gov.ua/news/pershij-zastupnik-ministra-andrij-sibiga-zvyav-uchast-u-zahodi-prisvyachenomu-pamyati-zhertv-zbittva-rejsu-mh17>

At the same time, in Vijfhuizen, the Netherlands, at the ceremony marking the 10th anniversary of the MH17 air disaster, the Prime Minister of the Netherlands, Dick Schoof, delivered his speech with the words of a poem by the Dutch author Toon Tellegen, called “Come Back”. In one of the couplets, he emphasized that

*...«How sorely we wish it were possible.  
To bring back our loved ones, in defiance of the laws of nature.  
And even though we know, in a corner of our minds,  
that this will never happen, we still try to  
get as close as possible to that point, through all the things we can do.*

*The power of togetherness stretches beyond our national borders.  
Around the world we are connected to families who have lost loved ones.  
Some of them are here today.*

*To the grieving families and to the representatives of these countries  
I'd like to say: thank you for being here.  
Today we come together in Vijfhuizen, but even on all those other days,  
when we are separated by great distances,  
we remain connected.  
United not only in our grief, but also in our fight for justice.*

*Because this is the other thing that drives us.  
And I don't have to tell you what steps have already been taken,  
or the outcome of the criminal investigation,  
or who was convicted and what the sentence was.  
You already know all this.  
And you also know  
that a conviction isn't the same thing as actually putting someone behind  
bars.*

*And I know it too: justice takes time.  
But we have the time.  
And the patience.  
And the perseverance.*

*That is my message to the guilty parties, and my promise to you»...<sup>9</sup>*

A few months earlier, on March 1, 2024, the President of Ukraine Volodymyr Zelenskyi and the Prime Minister of the Netherlands, Mark Rutte, held a joint meeting in Kharkiv (Ukraine) with Ukrainian investigators and rescuers who participated in the work of the Joint Investigation Team for the criminal investigation of the crime, as well as those involved in forensics and transportation of the bodies of the victims of the crash of

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<sup>9</sup> Speech Prime Minister Schoof at ceremony 10th anniversary MH17 air disaster. *Government of the Netherlands*. 2024. URL: <https://www.government.nl>

Malaysia Airlines Boeing 777 flight MH17. The international investigation has come to the conclusion that the aircraft was hit by a russian-made Buk surface-to-air missile system. Volodymyr Zelenskyi emphasized during the meeting that since then the whole world has understood what russian aggression and war really mean. **Terrorism knows no boundaries, and any country, any nation can suffer when one person starts a brutal terrorist war.** On his part, Mark Rutte expressed his gratitude to Ukrainian experts for their important work and emphasized that the investigation of the tragedy is of great significance to his country<sup>10</sup>.

### **The state of the investigations into the downing of flight MH17**

The accident to flight MH17 which occurred at Thursday 17th of July 2014 in the region of Donetsk, Ukraine was investigated by the Dutch Safety Board. The Dutch Safety Board has conducted various investigations, which have been published in two reports. The first report is on the causes of the crash and the issue of flying over conflict areas. The second report is on the compilation of the passenger list and the process of informing the relatives of the Dutch victims. In addition to the investigation of the Dutch Safety Board, several other investigations were initiated: Criminal investigation into flight MH17; Victim identification investigation.

On 9 September 2014 was published a Preliminary Report by the Dutch Safety Board. The findings published in the Preliminary Report are listed below: according to the information received from Malaysia Airlines the crew was properly licensed and had valid medical certificates to conduct the flight; the aircraft was in an airworthy condition at departure from Amsterdam Airport Schiphol. There were no know technical malfunctions; the engine parameters were consistent with normal operation during the event flight; no distress messages were received by the air traffic control etc.<sup>11</sup>

The Preliminary Report shown that the aeroplane was stuck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system. This conclusion is based on the combination of the following: the recorded sound peak, the damage pattern found on the wreckage caused by the blast and the impact of fragments, the bow-tie and cubic shaped fragments found in the cockpit and in the bodies of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint found and the size and distinct, bow-tie, shape of some of the fragments<sup>12</sup>.

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<sup>10</sup> У Харкові Володимир Зеленський і Марк Рютте зустрілися з українськими слідчими та експертами, які брали участь у розслідуванні збиття літака рейсу МН17. *Офіційне інтернет-представництво. Президент України.* 2024. URL: <https://www.president.gov.ua/news/u-harkovi-volodimir-zelenskij-i-mark-rvutte-zustrilysya-z-uk-89485>

<sup>11</sup> Crash of Malaysia Airlines flight MH17. *The Dutch Safety Board.* 2014. P. 17. URL: [https://onderzoeksraad.nl/wp-content/uploads/2023/11/debcd724fe7breport\\_mh17\\_crash.pdf](https://onderzoeksraad.nl/wp-content/uploads/2023/11/debcd724fe7breport_mh17_crash.pdf)

<sup>12</sup> Crash of Malaysia Airlines flight MH17. *The Dutch Safety Board.* 2014. P. 256. URL: [https://onderzoeksraad.nl/wp-content/uploads/2023/11/debcd724fe7breport\\_mh17\\_crash.pdf](https://onderzoeksraad.nl/wp-content/uploads/2023/11/debcd724fe7breport_mh17_crash.pdf)

An investigative journalism organisation Bellingcat conducted its independent investigation into the downing of Malaysia Airlines Flight MH17 in Ukraine by using open-source information from Google Earth and social media. Bellingcat researchers were able to reconstruct how and by whom the aircraft was downed. Bellingcat concluded that the Russian Federation was responsible for the downing of flight MH17<sup>13</sup>. Bellingcat researchers established that the Buk anti-aircraft missile complex, which was used to shoot down Malaysia Airlines Flight MH17 in Ukraine, was part of the 53rd anti-aircraft missile brigade of the Russian Armed Forces, based in the city of Kursk<sup>14</sup>.

On 23 February 2016 an investigative journalism organisation Bellingcat issued the report “MH17 – Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade”. In the final section, “Commanders of the 53<sup>rd</sup> Anti-Aircraft Missile Brigade”, is provided extensive information regarding the leadership structure of the brigade and battalion that provided and possibly operated the likely murder weapon in the downing of MH17. According to investigators of Bellingcat responsibility for the downing of MH17 from a weapon provided and possibly operated by the Russian military lies with the Ministry of Defence and the Supreme Commander of the Russian Armed Forces, President Vladimir Putin<sup>15</sup>.

The Public Prosecution Service of the Netherlands prosecuted four suspects (Igor Vsevolodovich Girkin, Sergey Nikolayevich Dubinskiy, Oleg Yuldashevich Pulatov, Leonid Volodymyrovych Kharchenko) for bringing down Malaysia Airlines flight MH17 on the 17<sup>th</sup> of July 2014 killing all 298 passengers and crew. This decision was made on the basis of the investigation conducted by the Joint Investigation Team, consisting of law enforcement agencies from Australia, Belgium, Malaysia, Ukraine and the Netherlands. The trial started on the 9<sup>th</sup> of March 2020 at 10.00 AM before the District Court of The Hague, which conducted the hearings at the Schiphol Judicial Complex<sup>16</sup>. On 17 November 2022 the Court delivered the verdict. Three accused (Leonid Kharchenko, Sergey Dubinskiy and Igor Girkin) are sentenced to life imprisonment. In the verdict was written that causing the crash of Flight MH17 and the murders of all persons on board is such a serious accusation, the consequences are so devastating, and the attitude of the accused are so reprehensible, that a limited period of imprisonment will not suffice. Oleg Pulatov was acquitted as was not known that he has been in the vicinity of the launch site at or

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<sup>13</sup> Eliot Higgins awarded Treaties of Nijmegen Medal: speech by Secretary-General Paul Huijts. *Government of the Netherlands*. 2024. URL at: <https://www.government.nl/documents/speeches/2024/04/18/eliot-higgins-awarded-treaties-of-nijmegen-medal-speech-by-secretary-general-paul-huijts>

<sup>14</sup> Bellingcat назвав голландцям підозрюваних в атаці на МН-17. *Українська правда*. 2016. URL:<https://web.archive.org/web/20160225105016/http://www.pravda.com.ua/news/2016/02/24/7100100/>

<sup>15</sup> MH17 – Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade. *A Bellingcat Investigation*. 2016. P. 108–109 URL: <https://web.archive.org/web/20160928114410/https://www.bellingcat.com/wp-content/uploads/2016/02/53rd-report-public.pdf>

<sup>16</sup> Prosecution of four suspects for downing flight MH17. *Netherlands Public Prosecution Service*. 2019. URL: <https://www.prosecutionservice.nl/topics/mh17-plane-crash/news/2019/06/19/prosecution-of-four-suspects-for-downing-flight-mh17>

around the moment that the Buk TELAR fired the missile. Nor are there any indications that he could have changed anything about this<sup>17</sup>.

Separately, it is worth emphasizing responsibility of the Russian Federation as a state and holding Russia accountable for its part in the downing of flight MH17 on the basis of international law. Holding a state responsible is a complex legal process, and there are several ways to do this<sup>18</sup>. On 29 July 2015 Prime Minister of the Netherlands Mark Rutte spoke with President Vladimir Putin and try to draw the Russian leader's attention to the proposal submitted by Malaysia for a resolution establishing a UN tribunal to try those suspected of perpetrating the MH17 air disaster. The Dutch government has been reaching out to other leaders as well, in a concerted diplomatic effort. Foreign Minister Koenders has been in talks with various parties in New York and addressed the Security Council about the resolution at session on 29 July 2015<sup>19</sup>.

In addition to the Netherlands, Australia, Belgium, Malaysia and Ukraine supported the proposal to create an international criminal tribunal in accordance with Chapter VII of the UN Charter<sup>20</sup>. Permanent members of the UN Security Council, the United States, Great Britain and France supported the creation of the tribunal, while China abstained. Two non-permanent members of the UN Security Council also abstained – Angola and Venezuela. At the same time with 11 votes in favour of the creation of the tribunal, but Russia blocked the decision to create the tribunal. Russia's ambassador to the UN Security Council, Vitaly Churkin, noted that his country «remains serious questions before the investigation is conducted». The representative of Lithuania, speaking after the vote, noted that the Buk anti-aircraft missile system, from which the plane was probably shot down, «cannot be bought on the local market, and an ordinary miner will not be able to use it». And the Minister of Foreign Affairs of Lithuania, Linas Linkevičius, on his page on the social network Twitter, advised to think about the situation when «a permanent member of the UN Security Council repeatedly resists international peace and justice»<sup>21</sup>.

On January 16, 2017, Ukraine filed a lawsuit with the UN International Court of Justice to hold the Russian Federation accountable for committing acts of terrorism and

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<sup>17</sup> Summary of the day in court: 17 November 2022 – Judgment. *De Rechtspraak*. 2022. URL: <https://www.courtmh17.com/en/insights/news/2022/summary-of-the-day-in-court-17-november-2022-judgment/>

<sup>18</sup> MH17: The Netherlands and Australia hold Russia responsible. *Government of the Netherlands*. 2018. URL: <https://www.government.nl/topics/mh17-incident/news/2018/05/25/mh17-the-netherlands-and-australia-hold-russia-responsible>

<sup>19</sup> Prime Minister Rutte spoke with President Putin about establishing a UN tribunal regarding the MH17 air disaster. *Government of the Netherlands*. 2015. URL: <https://www.government.nl/latest/news/2015/07/29/prime-minister-rutte-spoke-with-president-putin-about-establishing-a-un-tribunal-regarding-the-mh17-air-disaster>

<sup>20</sup> «Ми повинні забезпечити справедливість жертвам рейсу MH17»: – Міністри закордонних справ Австралії, Бельгії, Малайзії, Нідерландів та України. *Міністерство закордонних справ України*. 2015. URL: <https://mfa.gov.ua/news/38496-mi-povinni-zabezpechiti-spravedlivisty-zhertvam-rejsu-mh17ministri-zakordonnih-sprav-avstraliji-belvgiji-malajziji-niderlandiv-ta-ukrajini>

<sup>21</sup> Росія заблокувала створення міжнародного трибуналу MH17. *DW*. 2025. URL: <https://www.dw.com/uk>



discrimination during its illegal aggression against Ukraine. The lawsuit was filed under the International Convention on the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination.

Among the listed terrorist attacks was the downing of passenger plane flight MH17 near Donetsk. Also, among the acts of terrorism committed by russian terrorists are the shelling of residential areas in Mariupol and Kramatorsk, the destruction of a civilian passenger bus near Volnovakha, and a deadly explosion during a peaceful gathering in Kharkiv.

In the statement of the Ministry of Foreign Affairs of Ukraine, Minister Pavlo Klimkin emphasized that «We have tried to settle the existing disputes through negotiations for more than two years, but russia does not want to stop its violations of international law. That is why we filed a lawsuit at the UN International Court of Justice with the aim of holding the russian federation accountable for these violations and restoring the rights of the Ukrainian people guaranteed by these international treaties to which the russian federation is a party»<sup>22</sup>.

On 31 January 2024, the International Court of Justice of the UN delivered its judgment on the merits of Ukraine's case against the russian federation under the International Convention International Convention for the Suppression of the Financing of Terrorism, and the International Convention on the Elimination of All Forms of Racial Discrimination. The Court concluded that russia violated both treaties. This is the first time in its history that the International Court of Justice has reached a final judgment on russia's violations of international law. The judgment of the International Court of Justice leaves no doubt that the russian federation is in violation of international law. Ukraine remains committed to pursuing justice and accountability for all of russia's illegal acts, including the full-scale invasion russia launched in 2022<sup>23</sup>.

On the tenth anniversary of the downing of Malaysia Airlines Flight MH17, the European Union once again called on russia to accept responsibility for the tragedy. The European Union emphasizes that the evidence presented by the Joint Investigative Group during the proceedings in the District Court of the Netherlands and submitted to the European Court of Human Rights, the Council of the International Civil Aviation Organization, clearly indicates that the Buk air defense system, which was used to downing of MH17, «belonged without a doubt to the russian armed forces»<sup>24</sup>.

The European Court of Human Rights issued a decision on 25 January 2023 in which it declared that the Netherlands' inter-State application against the russian

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<sup>22</sup> Україна подала позов проти Російської Федерації до Міжнародного суду ООН. *Міністерство закордонних справ України*. 2017. URL: <https://mfa.gov.ua/news/53743-ukrajina-podala-pozov-proti-rosijskoi-federaciji-do-mizhnarodnogo-sudu-oon>

<sup>23</sup> Заява МЗС України щодо рішення Міжнародного суду ООН у справі проти Російської Федерації. *Міністерство закордонних справ України*. 2024. URL: <https://mfa.gov.ua/news/zayava-mzs-ukrayini-shchodo-rishennya-mizhnarodnogo-cudu-oon-u-spravi-proti-rosijskovi-federacivi>

<sup>24</sup> ЄС знову закликав Росію визнати відповідальність за збиття рейсу MH17. *Суспільне новини*. 2024. URL: <https://suspilne.media/791993-es-znovu-zaklikav-rosiu-viznati-vidpovidalnist-za-zbitta-rejsu-mh17/>

federation regarding the downing of Flight MH17 is admissible. On 12 June 2024 the European Court of Human Rights started to consider the Netherlands' inter-State application against the Russian Federation regarding the downing of flight MH17. The hearing took place in Strasbourg<sup>25</sup>. The Court held a Grand Chamber hearing in the case of Ukraine and the Netherlands v. Russia. The case concerns complaints about 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. The beginning of the consideration of the case in the European Court of Human Rights is an important step towards establishing the truth and achieving justice and accountability for all the victims and their next of kin<sup>26 27</sup>.

Separately, it is worth emphasizing that Australia and the Netherlands also brought a dispute to the Council of the International Civil Aviation Organization (ICAO). On 17 March 2023, the ICAO-Council has confirmed it has jurisdiction in this dispute. On 15 March 2024, the Council decided to commence its consideration of the merits of the dispute. The first step was the first hearing which took place on 18 and 20 June 2024. Despite the Russian Federation's disappointing withdrawal, the proceedings continue in line with the ICAO dispute settlement rules. The safety and security of international civil aviation is of critical importance to all states. The ICAO Council has responsibility for ensuring state adherence to legal and operational standards that underpin the safety and security of international civil aviation. This is another important further step towards truth, justice, and accountability for the victims of the tragedy and their next of kin<sup>28</sup>.

**Conclusions.** The analysis of a large number of statements, reports, the judgment, decisions of both national and international state and judicial bodies, reports in the mass media, comments of experts prove that the downing of the Malaysian flight MH17 in Donbas was one of the first visible manifestations of Russia's armed aggression against Ukraine and the first manifestation of the unity of the civilized world against illegal behaviour of Russia.

To date, the Russian Federation has not acknowledged its responsibility for the violation of the Convention on Combating the Financing of Terrorism by Providing Weapons and Other Types of Assistance to Illegal Armed Forces, which committed a number of acts of terrorism on the territory of Ukraine, including the downing of

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<sup>25</sup> Flight MH17: European Court of Human Rights to hear the Netherlands' inter-State application against the Russian Federation. *Government of the Netherlands*. 2024. URL: <https://www.government.nl/latest/news/2024/06/10/flight-mh17-european-court-of-human-rights-the-netherlands-inter-state-application-russian-federation>

<sup>26</sup> Grand Chamber hearing in an inter-State case. *European Court of Human Rights*. 2024. URL: <https://prd-echr.coe.int/web/echr/w/grand-chamber-hearing-in-an-inter-state-case-1>

<sup>27</sup> Webcast of the hearing an inter-State case. *European Court of Human Rights*. 2024. URL: <https://vodmanager.coe.int/cedh/webcast/cedh/2024-06-12-1/en>

<sup>28</sup> Joint Statement Ten years since the downing of Malaysia Airlines Flight MH17. *U.S. Mission to the OSCE*. 2024. URL: <https://osce.usmission.gov/joint-statement-ten-years-since-the-downing-of-malaysia-airlines-flight-mh17/>

Malaysian Airlines Flight MH17. Instead, in the commentary of the Department of Information and Press of the Ministry of Foreign Affairs of Russia in connection with the fifth anniversary of the plane crash of flight MH17, it is publicly stated that the evidence base is based on very dubious sources of information: social networks, poor quality photos and video materials, unsubstantiated data of Ukrainian special services, etc.<sup>29</sup>

Reports of the international investigative indicate that the Malaysian Airlines plane was shot down from the Buk anti-aircraft missile complex that had been transferred to the occupied territory of Donbas from the 53<sup>rd</sup> anti-aircraft missile brigade of the Russian armed forces, based in the city of Kursk<sup>30</sup>.

The author of this study absolutely agrees with the statement of the Prosecutor General of Ukraine, Andrii Kostin, during one of his public speeches, that holding Russia accountable for its barbaric crimes, restoring justice and compensating the victims is the only correct way that will help preserve the international order based on rules, and restore peace and stability in the world<sup>31</sup>.

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<sup>29</sup> Комментарий Департамента информации и печати МИД России в связи с пятой годовщиной авиакатастрофы рейса MH17. *Министерство иностранных дел Российской Федерации*. 2019. URL: [https://archive.mid.ru/ru/foreign\\_policy/news/-/asset\\_publisher/cKNonkJEozBw/content/id/3728225](https://archive.mid.ru/ru/foreign_policy/news/-/asset_publisher/cKNonkJEozBw/content/id/3728225)

<sup>30</sup> MH17 – Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade. *A Bellingcat Investigation*. 2016. URL: <https://web.archive.org/web/20160928114410/https://www.bellingcat.com/wp-content/uploads/2016/02/53rd-report-public.pdf>

<sup>31</sup> Андрій Костін: Мета українських слідчих і прокурорів – відновити справедливість та забезпечити відповідальність росії за її міжнародні злочини в Україні, аби зупинити агресора раз і назавжди. *Офіс Генерального Прокурора*. 2024. URL: <https://www.gp.gov.ua/ua/posts/andrii-kostin-meta-ukrayinskix-slidcix-i-prokuroriv-vidnoviti-spravedlivist-ta-zabezpeciti-vidpovidalnist-rosivi-za-yivi-miznarodni-zlocini-v-ukrayini-abi-zupiniti-agresora-raz-i-nazavzdi>

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