



INTERNATIONAL COURT OF JUSTICE

Peace Palace, Carnegieplein 2, 2517 KJ The Hague, Netherlands

Tel.: +31 (0)70 302 2323 Fax: +31 (0)70 364 9928

[Website](#) [X](#) [YouTube](#) [LinkedIn](#)

Press Release

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Russia files an Application against Australia and the Netherlands constituting an appeal against a decision by the ICAO Council

THE HAGUE, 19 September 2025. On 18 September 2025, Russia instituted proceedings against Australia and the Netherlands before the International Court of Justice. According to Russia, its [Application](#) constitutes an appeal against a decision rendered by the Council of the International Civil Aviation Organization (the “ICAO Council”) on 30 June 2025, in proceedings initiated jointly by the above-mentioned States against Russia on 14 March 2022, pursuant to Article 84 of the 1944 Convention on International Civil Aviation (the “Chicago Convention”) concerning the settlement of disputes.

In its Application, Russia states that the proceedings before the ICAO Council “concerned a disagreement relating to the interpretation and application of the Chicago Convention regarding the aerial incident of the Boeing 777 Malaysian Airlines Flight MH17 (‘Flight MH17’) that occurred on 17 July 2014”, and that Australia and the Netherlands “claimed before the ICAO Council that the Russian Federation was internationally responsible under the Chicago Convention for the shooting down of Flight MH17 with a ‘Buk’ surface-to-air missile system”. Russia opposed this claim.

In its decision of 30 June 2025, the ICAO Council found the claim to be founded and considered that “the shooting down of Flight MH17 on 17 July 2014 constitute[d] a non-conformity by the [Russian Federation] with its obligations under Article 3 *bis* of the Chicago Convention”.

Russia requests the Court to adjudge and declare that, “in adopting [its decision of 30 June 2025], the ICAO Council erred in fact and in law, [and] breached fundamental principles of proper administration of justice”, and, in particular, that:

- “(a) By virtue of Article 89 of the Chicago Convention, the Convention does not apply to situations of armed conflict and, consequently, the ICAO Council does not have competence under Article 84 of the Chicago Convention to settle differences arising in such contexts;
- (b) Alternatively and subsidiarily, Article 3 *bis* of the Chicago Convention is limited in scope such that it: (i) does not *per se* apply to situations of armed conflict; (ii) is limited to cases of interception of an aircraft that violates the sovereignty of a State over its airspace; and/or (iii) only applies where an aircraft has been provisionally identified as civilian;

- (c) Alternatively and subsidiarily, the downing of Flight MH17 did not constitute a breach of IHL and, consequently, Article 3 *bis* of the Chicago Convention was not violated;
- (d) Alternatively and subsidiarily, the ICAO Council caused prejudice in a fundamental way to the requirements of a just procedure;
- (e) Alternatively and subsidiarily, the ICAO Council failed to apply a proper standard of proof, which in light of the gravity of the allegations against the Russian Federation is that of certainty beyond reasonable doubt, and requires evidence that is fully conclusive;
- (f) Alternatively and subsidiarily, the downing of Flight MH17 is not attributable to the Russian Federation under the law of State responsibility;
- (g) Alternatively and subsidiarily, the ICAO Council failed to consider the implications of Ukraine's involvement in the incident when deciding on the Russian Federation's responsibility for the downing of Flight MH17;
- (h) Alternatively and subsidiarily, the remedies ordered by the ICAO Council are inconsistent with the Council's powers under Article 84 of the Chicago Convention;
- (i) Alternatively and subsidiarily, the Respondents' claim was not well-founded in facts because it relies on evidence that is biased, unreliable, marred with significant technical deficiencies and clear falsifications, disregards the evidence supplied by the Russian Federation, and, by the ICAO Council's admission, is in many respects circumstantial; and, therefore,
- (j) The Final Decision is null and void and without legal effect."

The Applicant seeks to found the Court's jurisdiction on Article 84 of the Chicago Convention, in conjunction with Article 36, paragraph 1, and Article 37 of the [Statute of the Court](#).

Note: The Court's press releases are prepared by its Registry for information purposes only and do not constitute official documents.

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

Information Department:

Ms Monique Legerman, First Secretary of the Court, Head of Department: +31 (0)70 302 2336

Ms Joanne Moore, Information Officer: +31 (0)70 302 2337

Mr Avo Sevag Garabet, Associate Information Officer: +31 (0)70 302 2481

Email: media@icj-cij.org