

**27 NOVEMBRE 2025**

**ORDONNANCE**

**APPEL DE LA DÉCISION DU CONSEIL DE L'OACI DATÉE DU 30 JUIN 2025**

**(FÉDÉRATION DE RUSSIE c. AUSTRALIE ET PAYS-BAS)**

---

**APPEAL FROM THE ICAO COUNCIL DECISION DATED 30 JUNE 2025**

**(RUSSIAN FEDERATION v. AUSTRALIA AND NETHERLANDS)**

**27 NOVEMBER 2025**

**ORDER**

**INTERNATIONAL COURT OF JUSTICE**

**YEAR 2025**

**2025  
27 November  
General List  
No. 201**

**27 November 2025**

**APPEAL FROM THE ICAO COUNCIL DECISION DATED 30 JUNE 2025**

**(RUSSIAN FEDERATION *v.* AUSTRALIA AND NETHERLANDS)**

**ORDER**

*Present:* *President* IWASAWA; *Vice-President* SEBUTINDE; *Judges* TOMKA, XUE, BHANDARI, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDO, AURESCU, HMOUD, OKOWA; *Registrar* GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 1, and 48 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 18 September 2025, instituting an appeal by the Russian Federation from the decision rendered by the Council of the International Civil Aviation Organization on 30 June 2025 in proceedings initiated jointly by Australia and the Kingdom of the Netherlands (hereinafter the “Respondent States”) against the Russian Federation on 14 March 2022, pursuant to Article 84 of the Convention on International Civil Aviation, adopted at Chicago on 7 December 1944;

Whereas signed originals of the Application were communicated to the Respondent States on 19 September 2025;

Whereas the Applicant and each of the Respondent States have appointed Agents and Co-Agents for the purposes of the proceedings; whereas the Russian Federation has appointed Mr Vladimir Tarabrin, Mr Maksim Musikhin, Mr Gennady Kuzmin and Mr Denis Grunis as Agents; whereas Australia has appointed Mr Jesse Clarke as Agent and Mr Greg French and Ms Kate Mitchell as Co-Agents; and whereas the Kingdom of the Netherlands has appointed Mr René J. M. Lefeber as Agent and Ms Annemarieke Künzli and Mr David Raič as Co-Agents;

Whereas, on 20 November 2025, a meeting was held by the President of the Court with the Agents and Co-Agents of the Parties, pursuant to Article 31 of the Rules of Court, in order to ascertain their views with regard to the time-limits for the filing of the initial written pleadings in the case;

Whereas, at this meeting, Mr Kuzmin, Agent of the Russian Federation, stated that his Government wished to have at its disposal a period of ten months for the preparation of the Memorial; whereas, in support of this request, the Agent emphasized that the case represented the first appeal from a decision of the Council of the International Civil Aviation Organization concerning the merits of that decision; whereas he further explained that the proceedings in the case raised specific legal questions relating to the interpretation of Articles *3bis* and 89 of the Convention on International Civil Aviation as well as highly complex issues of fact regarding the circumstances of the downing of Malaysian Airlines Flight MH17; whereas, at the same meeting, the Agents of Australia and the Kingdom of the Netherlands indicated that they considered that a period of four months for the preparation of the Memorial and Counter-Memorial, respectively, would be sufficient; whereas the Agents noted, in particular, that an appeal, by its very nature, was limited in scope; and whereas they pointed out that evidentiary materials relating to the shooting down of Flight MH17 had already been presented by Australia and the Kingdom of the Netherlands in the proceedings before the Council of the International Civil Aviation Organization and that the Applicant had been able to access these materials for over three years;

Taking into account the views of the Parties,

*Fixes* the following time-limits for the filing of the written pleadings:

29 June 2026 for the Memorial of the Russian Federation;

29 January 2027 for the Counter-Memorial of Australia and the Kingdom of the Netherlands;  
and

*Reserves* the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-seventh day of November, two thousand and twenty-five, in four copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Russian Federation and the Governments of Australia and the Kingdom of the Netherlands, respectively.

*(Signed)* IWASAWA Yuji,  
President.

*(Signed)* Philippe GAUTIER,  
Registrar.

---