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Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe (OSCE)

Statement by Ambassador Christophe Kamp on "Ten years since the downing of Malaysia Airlines Flight MH17" 1483rd Meeting of the Permanent Council - 18 July 2024

I have the honour to inform you that Australia, Belgium, Canada, Germany, Ireland, Italy, Romania, the United Kingdom and the United States of America align themselves with this statement.

Mr. Chair. Yesterday marked ten years since the downing of Malaysia Airlines Flight MH17. All 298 innocent people on board, including 80 children, lost their lives as a result. They were taken from us for no reason, without warning. The pain of their passing is still felt intensely today, by their families and friends all over the world. The victims came from 17 different countries.

We remain steadfast in our commitment to achieving truth, justice and accountability for the victims of the downing of Flight MH17 and their next of kin. Those who have been left behind deserve closure. They need to know that everything that can be done has been done to prevent these tragedies from happening in the future.

In response to the disaster, on 21 July 2014, the Security Council adopted resolution 2166 (2014), which demanded that those responsible for the incident be held to account and that all States cooperate fully with efforts to establish accountability.

To this end, the law enforcement authorities of Australia, Belgium, Malaysia, the Netherlands and Ukraine have been cooperating in a joint investigation team (JIT) to conduct a criminal investigation into the downing of Flight MH17, with the involvement of other countries. The purpose of the criminal investigation was to determine what happened, identify the individuals responsible for the downing of Flight MH17 and gather criminal evidence for use in court. On 17 November 2022, the District Court of The Hague, sitting in the MH17

criminal case, sentenced three individuals to life imprisonment for their role in the downing of Flight MH17.

Secondly, 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 Federation regarding the downing of Flight MH17 is admissible. The Court is currently considering the merits of the application including a hearing which took place on 12 June 2024. This is an important step towards establishing the truth and achieving justice and accountability for all the victims and their next of kin.

Thirdly, Australia and the Netherlands 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 this year. 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.

Mr. Chair. We all owe it to those who are grieving to honour their loved ones by supporting accountability for the downing of Flight MH17 pursuant to Security Council Resolution 2166.

Australia, Belgium, Canada, Germany, Ireland, Italy, Romania, the United Kingdom, the United States of America and my own country the Netherlands in particular call on the Russian Federation to accept its responsibility for cooperating fully with efforts to establish accountability.

I thank you.