INTRODUCTION

JIT partner

Ladies and gentlemen,

Welcome to this press meeting of the Joint Investigation Team, the JIT. Welcome also to the relatives and others who follow this meeting via a live stream. My name is Peter Crozier, Assistent Commissioner from the Australian Federal Police.

Since 2014, Australia, Belgium, Malaysia, the Netherlands and Ukraine have been working as a Joint Investigation Team on one of the most complex criminal investigations ever: the investigation into the downing of flight MH17 on 17 July 2014. A tragedy connecting our five countries. An investigation that we would not have been able to carry out as individual countries and not in this way.

Representatives of all JIT countries are present today and I would like to take the opportunity to introduce them to you: … (*reading out loud names, positions and countries*) They will all speak to the press later on. The working languages of the meeting are English and Dutch.

The JIT coordinator, Mr Fred Westerbeke, chief public prosecutor of the National Public Prosecutor's Office in the Netherlands and Mr Wilbert Paulissen, on behalf of the National Criminal Investigation Service of the Dutch National Police, will take the floor. This presentation is concluded with a witness call and afterwards there is an opportunity to ask questions and conduct 1 on 1 interviews.

I am happy to give the floor to Mr Fred Westerbeke.

(FRED)

Ladies and gentlemen,

We have called you here today to inform you that based on the investigative results of the Joint Investigation Team it has ben decided that four suspects will be prosecuted for their alleged roles in the downing of flight MH17 on 17 July 2014. Therewith the Dutch criminal proceedings will start.

Almost 5 years ago, Malaysian Airlines flight MH17, with 298 passengers and crew, came down in Eastern Ukraine where an armed conflict was taking place. A war zone became our crime scene and that conflict continues to this day. This made tracking down the

perpetrators a complicated matter. From the very first moment, many theories circulated about the cause of the disaster, and about who was responsible. Often these theories are based on mistrust, assumptions and regularly even on deliberately presented mistruths. This creates a lot of insecurity and restlessness among the next of kin.

In 2015, the Dutch Safety Board took the first important step to provide the relatives with clarity during this uncertain period. The board investigated the cause of the crash and concluded that flight MH17 had been hit by a BUK missile from the 9M38 series. Beside the question what happened on 17 July 2014, the JIT investigation also aimed for those who are responsible for this crime.

From day one, the JIT felt the urgency to do justice to the victims who died and to give answers to the relatives. However, we can only present investigation results that are fully supported by legal and convincing evidence and only when it is not contrary to the interests of the investigation. And furthermore, the only place that we can present all results is the courtroom.

We have always expressed confidence we will achieve our goal. That goal was and still is: to find out the truth about what happened and prosecute those responsible. Today I can tell you that the investigation is so far advanced that we will actually start prosecution of four persons whom we hold responsible for bringing the deadly weapon, a BUK-TELAR, to Eastern Ukraine. We will tell you who they are, but first I will show you what preceded it.

(short video)

In September 2016, the JIT announced that flight MH17 had been shot down by a BUK missile from the 9M38 series. The missile had been fired from an agricultural field near Pervomaiskiy by a BUK TELAR, which had been brought in from the Russian Federation. And after flight MH17 had been shot down, that BUK TELAR was brought back to the Russian Federation. At that time, the JIT was looking at about a hundred individuals who could in some way be associated with the transport of that BUK TELAR and the shooting down of flight MH17. Further investigation was needed to show whether they had played a criminal role.

In May 2018, the JIT announced that the BUK TELAR that shot down flight MH17 came from the 53rd Anti-Aircraft Missile Brigade of the Russian armed forces. We showed the unique combination of specific characteristics of this BUK TELAR, based on which we were able to identify this BUK TELAR. We also said that the group of about a hundred individuals had decreased: the role of many of them had become a lot clearer to us. In the meantime, it had appeared that a large number of these persons were not criminally involved.

(WILBERT takes over)

Over the past five years we have been able to reduce the number of persons whom we are investigating.

All these years, the investigation focused on various components, including forensic investigation, finding and questioning witnesses and experts, analysing radar and satellite images, looking at huge quantities of telecommunication data such as wiretapped conversations and analysing big data. The area of investigation in Eastern Ukraine is still inaccessible to the investigation team. This means we have been unable to perform some investigative acts and that other investigation activities require more time than usual. However, we also received a lot of valuable telecommunication data and other relevant information from Ukraine in the past year. In the JIT, more than 50 investigators and some 25 members of the prosecutors office presently are working on the investigation. Some of the Dutch and Australian investigators are still permanently based in the field office in Kiev, were they work side by side with the Ukrainian investigators. The cooperation there is incredibly valuable.

Over the last few years we have made repeated calls for witnesses. These calls have yielded relevant information, which has further advanced the investigation. For that reason, at the end of this meeting we will make a new call for witnesses. The purpose of this witness call is not to gather more evidence against the four suspects that we are going to prosecute, but to deepen other investigative avenues. After all, the investigation continues.

The JIT realises that witnesses in this case are potentially placing themselves at risk. The safety of witnesses is therefore paramount and we take the duty to protect our witnesses extremely serious.

In addition to witnesses and telecommunication data, social media forms an important part of the investigation. The JIT screens a huge amount of data every day. We do this advanced analysis tools and specially developed computer programs to help us investigate this data as smartly as possible. Relevant information is then analysed and further examined. In this way we can progress our investigation more effectively.

SUSPECTS

Today we will send out an international arrest warrant for each of the four suspects we are going to prosecute. We will also place them on National and International Tracking Lists. For that reason we announce the full names of the suspects and show their photographs. This concerns the following persons:

(show photographs and names)

- Igor GIRKIN
- Sergey DUBINSKIY
- Oleg PULATOV
- Leonid KHARCHENKO

The suspects Girkin, Dubinskiy and Pulatov have Russian citizenship and our information indicates they are currently residing in Russia. The suspect Kharchenko is of Ukrainian citizenship and we assume he is living in Eastern Ukraine, in an area that is currently not under control of Ukrainian authorities. On 17 July 2014, all four suspects were in Eastern Ukraine. They played a crucial role in the armed conflict and held important positions:

(Start VIDEO with animation of organisation chart, moving images and possibly soundbites from suspects)

Igor Vsevolodovich Girkin, also known as Strelkov or Pjerviy, born on 17 December 1970 is a former colonel of the FSB, the Russian Federal Security Service.

Sergey Nikolayevich Dubinskiy, also known as Khmuriy, born on 9 Augustus 1962 was employed by the GRU for a long time, the Russian military intelligence service.

Suspect Oleg Yuldashevich Pulatov, also known as Guirza, born on 24 July 1966, is a former soldier of the Spetznaz-GRU, the special forces of that military intelligence service. In the past, all were sent abroad as soldiers in the service of the Russian armed forces.

Leonid Volodymyrovych Kharchenko, also known as Krot, is the only Ukrainian suspect. He was born on 10 January 1972 and has no military background. In July 2014, he led a combat unit in the Donetsk region as a commander.

At that time, from the spring of 2014, a fierce battle raged in eastern Ukraine. On 12 May 2014, pro-Russian fighters proclaimed parts of eastern-Ukraine as so called "Donetsk People's Republic" and "Luhansk People's Republic". Although these areas are not independent states, administratively they are organised that way. The armed groups, for example, appointed their own "prime ministers" and "ministers" and they consider themselves the "armies" of their so called "people's republics."

Igor Girkin was appointed Minister of Defence and was given the highest position in the army of the self-proclaimed Donetsk People's Republic. From this area flight MH17 was downed.

He was the commander there on 17 July 2014. Being the highest military officer and so-called "Minister of Defence", Girkin was in direct contact with the Russian Federation.

Suspect Dubinskiy was one of Girkin's deputies and also head of the intelligence service. He was in regular contact with officials in Russia as well.

Oleg Pulatov was the deputy head of that intelligence service and one of the deputies of Dubinskiy.

And suspect Kharchenko was under the direct supervision of Dubinskiy and led a military unit in the region as the commander.

From the so-called "Defence Minister" to the commander on the ground: together they formed a chain linking the self-proclaimed Donetsk People's Republic with the Russian Federation. It was through this chain the suspects were able to get heavy military equipment from Russia to the battlefield in Eastern Ukraine and in this way, the BUK TELAR of the 53rd Brigade could be transported to the agricultural field in Pervomaiskyi and its missile could be fired, with terrible consequences.

(Fred takes over with the indictment)

Today we will not comment on all the facts that led to the suspicion against these individuals. When it comes to the concrete actions of and our evidence against individuals, the courtroom is the only place where we as the Public Prosecution Service want to speak openly. But we *can* tell you the following:

In July 2014, Girkin, Dubinskiy, Pulatov and Kharchenko were active in the armed conflict in Donetsk province. Their common goal during this period was to gain ground at the expense of the Ukrainian State and its armed forces. Anti-aircraft was also used during the fighting. The Public Prosecution Service believes the cooperation between suspects Girkin, Dubinskiy, Pulatov and Kharchenko, their plans and their actions on and around 17 July 2014, ultimately led to the shooting down of flight MH17.

Although they did not press the button themselves, it is alleged they worked closely together to get the BUK TELAR to the firing location with the aim of shooting down an aircraft. They are therefore suspected to be held jointly responsible for shooting down flight MH17.

In Dutch criminal law, persons who are not present during the execution of a crime but who play an important organising role are just as liable to punishment as the person who actually commits the crime.

Specifically, the accusations against these suspects amount to:

- 1. being responsible for the downing of flight MH17, resulting in the death of all passengers and crew, punishable under article 168 of the dutch penal code, and .

- 2. murder of the 298 people on board of flight MH17, punishable under article 289 of the dutch penal code

When deciding to prosecute these suspects and when formulating the charges, we took into account the armed conflict going on at the time. It is possible the suspects wanted to shoot down a military aircraft instead of a passenger aircraft. Even if that is the case, we still hold

them accountable for downing MH17. What the suspects actually knew, wanted and ultimately did must be determined by the court in criminal proceedings.

We realise this brief summary of the accusations does not yet provide answers to many questions, for example about the available evidence. I emphasise that today we only disclose the accusations against these suspects. It is up to the district court of The Hague to pass judgement on these accusations. The suspects have the opportunity to explain their side of the story at the court hearing.

How to proceed from here?

In the short term, we will formally request the Russian Federation to hand over the summons to the suspects who are in the Russian Federation. We will also ask them to question the suspects about the accusations. A similar formal request will be done to Ukraine with respect to the Ukrainian suspect.

The Public Prosecution Service is not going to ask for extradition the four suspects, because both the Russian as the Ukrainian Constitution prohibits extraditing its own nationals. We *will* ask the Russian Federation, again, to cooperate in legal assistance. Several requests for legal assistance, have still not been answered.
For example, we are still waiting for an answer to the question of where the BUK TELAR, filmed in June 2014 in a convoy of the 53rd brigade in the Russian Federation, was located on and around 17 July 2014. We asked this question more than a year ago. Other questions the Russian Federation refuses to answer. For example, whether suspect Dubinskiy worked for the Russian government in July 2014. These are simple questions that can be answered quickly. We invite the Russian Federation to swiftly answer these and other questions from the requests for legal assistance.

Of course we are also open to a direct response from the suspects to the investigation team. All four suspects have previously given public interviews about their role in the armed conflict in 2014. If they also want to explain their role directly to the JIT, we would like to hear that. To this end, they can contact us via the communication channels that we will announce shortly.

THE CRIMINAL PROCEEDINGS

We recently informed the court about the decision to prosecute and the fact that we are in the process of finalising the digital case file. We expect to be able to submit this extensive file, before the end of the year.

The criminal proceedings will take place before the district court in The Hague, to be held in the high security Schiphol Judicial Complex in Badhoevedorp. The five JIT countries decided in 2017 that a prosecution under Dutch law and before a Dutch court is the best option.

The court informed us that the criminal proceedings against these suspects will start on **9 March 2020**. At 10.00 AM. We hereby explicitly call on the suspects to report themselves to

the district court to be present at their hearing, or to contact us before that. The criminal proceedings will also continue if the suspects choose not to be present.

In recent years, the JIT has kept the relatives informed as much as possible about the progress of the investigation. In the run-up to the proceedings, the provision of information will mainly focus on the upcoming criminal trial and the position of relatives.

With this in mind, the National Police, Victim Support Netherlands and the Public Prosecution Service are organising an information meeting for all relatives this autumn. Legal and practical questions related to the upcoming trial will be discussed here. The relatives who cannot be present will receive the same information digitally.

Today is a special day for us and all those involved. We promised the relatives to do our utmost to find out who is responsible for the death of their loved ones and to hold these people accountable during a public hearing in court. This announcement confirms our commitment to those promises. The JIT alleges Girkin, Dubinskiy, Pulatov and Kharchenko played an important part in the deaths of 298 innocent civilians. We will present the evidence on which that allegation is based in the courtroom. Afterwards, the court will give a judgement. The suspects are innocent, until proven guilty in court. That's how it should be in a constitutional state.

(Australian host Peter Crozier)

The tragedy of MH17 has connected many different countries for many years now. Not only the five JIT states, but also the other grieving nations. These countries also mourn their victims and are still determined to bring this quest for truth and justice to a satisfactory conclusion.

Last week, representatives of the judicial authorities of grieving nations met in The Hague in a meeting organized by Eurojust, where they expressed their solidarity for the coming years.

Just like Australia, Belgium, Malaysia and Ukraine, these representatives of Canada, Germany, Indonesia, Italy, New Zealand, Romania, South Africa, the United States, the United Kingdom and have expressed their faith in the Dutch legal system. The Dutch Public Prosecution Service has gratefully accepted that faith in the knowledge that a complex international criminal case such as this one will demand a lot from us all in the coming years. As a JIT, we will also continue the investigation. The step we have taken today gives us the energy to continue. We will not let go. To progress, we are again appealing for witnesses today. My colleague Wilbert Paulissen will tell more about that.

Text for Witness call

(Wilbert)

Today, we as a JIT have taken an important step. But with the decision to prosecute four individuals, our investigation does not end. Several persons played a role in

bringing down flight MH17. The further investigation also focuses on the crew of the BUK-TELAR and on persons who were an important link in decision making in the Russian Federation about military support to eastern-Ukraine. The call for witnesses I'm about to make is intended to achieve maximum clarity about the entire chain of responsible parties. The message we give today is therefore twofold: we're going to prosecute four suspects, but the investigation into the involvement of other people continues.

Last year we asked questions about the BUK TELAR and its crew in a witness call. Of course we also put those questions to the Russian Federation. The Russian Federation has indicated that it sees no reason to answer these questions. Even without that cooperation, we made progress in the investigation. Partly for this reason we turn to the public again with questions to which we would like to receive answers.

We will let you listen to parts from recorded telephone conversations and show you parts from a chat. In this presentation these are shown in English translation. The complete audio files of these wiretapped conversations and the partial text of the chat will be made available on the JIT website.

BUK TELAR CREW

To refresh your memory; already in 2015, we let you listen to a wiretapped conversation of 17 July 2014 at 09.08 hours, in which the suspect Dubinskiy asks if "it" has come with a crew. The person he is speaking to confirms that "it" came with a crew. By "it" is meant the BUK TELAR, which has since been determined to be a TELAR of the third battalion of the 53rd Anti-Aircraft Missile Brigade from Kursk, in the Russian Federation. Based on this conversation and other investigation results, it is likely that not only the BUK TELAR, but also the crew came from the Russian Federation.

We also previously posted the following conversation of 17 July 2014 at 21.32 hours online. It is a conversation between the suspect Kharchenko (A) and a man (B), whom he calls 'Ryazan' and who addresses Kharchenko as 'commander'.

START VIDEO

Apparently, one of the crew members of the BUK TELAR who had just shot down MH17 lost contact with the rest of the crew. Kharchenko orders the crew member to be brought to him. The JIT would like to know who that crew member was.

This telephone conversation does not demonstrate to which Brigade this crew belongs. The JIT does have evidence from other sources that at that time, Russian soldiers of the 53rd Brigade were present near the border with Eastern Ukraine.

Many soldiers were active on social media. We now show you a passage from a chat of 2015 in which a soldier of the second battalion of the 53rd Brigade looks back on the summer of 2014. The chat is shown here in English, the full version in Russian is posted online.

This soldier was part of the convoy that departed on 23 June 2014 from the base of the 53rd Brigade in Kursk and headed towards Millerovo, in the Russian Federation.

This convoy also included the BUK TELAR with the 3 and the 2 on the side. The soldier chats with a certain Anastasia. He tells her that they did not reach Rostov but have passed Millerovo and Kamensk .. and he tells her that they stayed in the forest at Kuybeshevo for three months. Anastasia asks him in which battalion he serves. The soldier tells her that he was in the second battalion, but that they were together with some cool guys of the third. It was a BUK-TELAR from the third battalion that shot down MH17 in eastern Ukraine. The first lieutenant the soldier refers to, but who's name we cannot mention at this moment, was at that time with those cool guys from the third battalion close to the Ukrainian border. The soldier tells her that to his regret, they were going another way. What way? That is a big secret. He can give her a hint: maybe she knows the song: "they got orders… to go West". She answers: Blue-yellow? As a reference to the Ukrainian flag. He suggests that Anastasia guessed it well, because he calls her not only beautiful but also smart.

The JIT would like to get in touch with the first lieutenant, who now is a captain. His name has been made unrecognisable here, but we know he belongs to the 53rd Brigade from Kursk. The JIT calls on this first lieutenant or other witnesses to report to us in order to answer a number of questions about his role.

Many photo's have been posted on social media, showing soldiers of the 53rd brigade that have been made in the summer of 2014 in the border region with eastern Ukraine. These photo's were found on accounts of soldiers or their friends or family.

The JIT has documents regarding the 53rd Brigade, which show exactly which members of the 53rd Brigade were present in mid-July 2014 in the area near the Ukrainian border. This concerns both members of the June convoy and other members of the 53rd Brigade who went to the same border region in July 2014.

The JIT also knows that the military convoy that went to Millerovo with 6 TELARS in June 2014 returned by train to the base in Kursk with only 5 TELARS in September 2014. Last year we showed you that the BUK TELAR with the numbers 3 and 2 on the side from this convoy (show: that particular BUK in convoy) is the BUK TELAR that brought down flight MH17 on 17 July 2014. That means members of the 53rd Brigade might know the identity of that specific TELAR crew. Those members and perhaps also the people from their immediate environment form an important group of witnesses.

END OF VIDEO

WILBERT continues

The JIT would like to get in touch with these persons, because they might know the identity of the BUK TELAR crew that brought down MH17.

The JIT seeks persons who have information about the following questions.

- Were any of the persons in the photographs in Eastern Ukraine on 17 July 2014?

- Do any of the persons in the photographs have information about the use of the BUK TELAR with the 3 and the 2 on the side on 17 July 2014?
- Which soldiers were part of the BUK TELAR crew that shot down MH17.

It is unlikely the crew independently decided to go to Eastern Ukraine. We are looking for more information about who sent them there.

In the months prior to 17 July 2014, the leadership of the self-proclaimed Donetsk People's Republic requested military support from the Russian Federation on several occasions.

These requests were made both by the so-called 'Prime Minister' Aleksander Borodai, as well as by the suspect Igor Girkin, the so-called 'Minister of Defence'.

We know from our investigation the suspect Girkin was in contact about this matter with Sergej Aksyonov, the Russian leader of Crimea appointed by the Russian government. The Ukrainian peninsula was annexed by the Russian Federation in the spring of 2014. Girkin spoke with one of the staff members of Aksyonov on 8 June 2014. In that conversation Girkin asks for military support from Russia, including a good anti-aircraft system with trained personnel. Please listen with us

(…)

On 8 june 2014 at 11:30:47 Girkin 380930721558 calls Sheremet 380962662006, replacement for Aksyonov.

Girkin is in a hurry because he is about to lose the battle. He wants decent airdefense material, no "manpads", that are fired from the shoulder. And he wants trained staff because there is no time to train them.

About fifteen minutes after this conversation, Girkin is called back by Aksyonov. In that conversation, Aksyonov says that they are already arranging the required permission for the requested support.

[…]

Aksyonov, the Russian commander in Crimea assures Girkin that the support is already being arranged.

In June and July of 2014, Girkin and the self-proclaimed leader of the Donetsk peoples republic, Alexander Borodai have frequent telephone contact with people in the Russian Federation. Borodai can also be found in Moscow regularly during that period. Girkin and Borodai together give a press conference in Donetsk on 10 July 2014. The latter has just returned from Moscow and gives them the following information about that visit:

Apparently he is not being secretive about the contacts with the Russian Federation. A few weeks earlier, Borodai had already stated in another interview with whom he was in contact in Moscow. In an interview with a Russian newspaper he mentions that Vladislav Surkov, a high official at the Russian Government, 'is of great support to the Donetsk People's

Republic' and 'truly our man in the Kremlin'. One day after the press conference in Donetsk, Alexander Borodai, separatist leader in Donetsk, calls this Surkov, about the military situation in eastern Ukraine.

Wilbert continues:

This conversation of 11 july 2014 shows that there were indeed talks about military support between 'the prime minister' of the self-proclaimed Donetsk Peoples Republic and a high government official of the Russian Federation. The anti-aircraft system that was already requested as from June 2014, was actually delivered after 11 July. We would like to know who was involved in the decision-making in the Russian Federation and with what mission the anti-aircraft system was sent to Ukraine.

The JIT has the following questions:

Who decided to send a Russian anti-aircraft system, specifically the TELAR with the 3 and the 2 on the side, to Ukraine?

Who decided which persons should be members of the crew?

What instruction was given to that crew?

Who gave that instruction?

Do you have information? Our contact details are listed on the JIT website (www.jitMH17.com). Here you will also find information about our comprehensive witness protection program. Thank you for your attention. We will now proceed with the questions.

(call for witnesses)

Thank you for your attention.