INTRODUCTION

JIT partner

Word of welcome by Brechtje van de Moosdijk, press officer of the Dutch National Prosecutors Office.

(will be translated by interpreters and does not have to be published, so not translated)

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

Dear next of kin, ladies and gentlemen,

It's going to happen. You had to wait for a long time, but today I can finally inform you that based on the investigative results of the Joint Investigation Team the Prosecutors Office has decided to prosecute four suspects for their alleged roles in the downing of flight MH17 on 17 July 2014.

Almost 5 years ago, Malaysian Airlines flight MH17 with 298 innocent passengers - your loved ones - , came down in an area in Eastern Ukraine where an armed conflict was going on. That conflict continues to this day and with that, a war zone became our crime scene. This made tracking down the perpetrators a complicated matter. That's why it took such a long time and why you had to be so patient.

From the very first moment, many theories circulated about the cause of the flight MH17 disaster, and about who is responsible. Often these theories are based on distrust, assumptions and regularly even on deliberately presented untruths. This creates a lot of insecurity and anger among you and other persons involved.

In 2015, the Dutch Safety Board took the first important step to provide you 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.

As you know, the investigation of the JIT did not only focus on the question what had happened on July 17, 2014, but also on those who were responsible for this crime. From day one, the JIT felt the urgency to do justice to the victims who had died as a result of this terrible crime. And we want to give answers to you, the relatives, but we can only present investigation results that are fully supported by legal and convincing evidence and as far as presenting these results is not undermining the interest of the investigation. Furthermore, the court is the only place where we can present all our results.

The complexity of the investigation and the circumstances under which we had to conduct the investigation, have effected the progress. It did not go very fast. Being careful takes time. But all the little steps we were taking along the way, made us confident in achieving our goal.

That's why we have always said that we are confident that we will achieve our goal. That goal was and still is: to find out the truth and to prosecute those responsible. Today I can tell you that the investigation has progressed in such a way that there will be a prosecution for sure. We are talking about 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 PAULISSEN 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: forensic investigation, finding and questioning witnesses and experts, analysing radar and satellite images, evaluating large amounts of telecom data such as wiretapped conversations and analysing big data.

As you know, the area of investigation in Eastern Ukraine is still inaccessible to the investigation team. This means that 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 telecom data from Ukraine in the past year, which we have been

able to analyse. To date, more than 50 investigators and 10 prosecutors are working on the investigation. Some of the Dutch and Australian investigators are still permanently based in the field office in Kiev, were they are working side by side with the Ukrainian investigators. The cooperation with the JIT-partners there is incredibly valuable.

Through the years, we have repeatedly made calls for witnesses. These calls have yielded highly relevant information, which has further advanced the investigation. For that reason, at the end of the press conference this afternoon 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 certain investigation lines. 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 telecom data, social media forms an important part of the investigation. The JIT screens a huge amount of data every day. We do this with the help of advanced analysis tools and specially developed computer programs help us to investigate this data as smartly as possible in various languages. Relevant information is then analysed and further examined. This way we can complete our investigation.

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 the National and International Tracking Lists. For that reason we will make public their names and pictures.

This concerns the following persons:

(show photographs and names)

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

The suspects Girkin, Dubinskiy and Pulatov have the Russian citizenship and our information indicates that they are currently residing in Russia. The suspect Kharchenko is of Ukrainian citizenship and we assume that he is living in Eastern Ukraine, in an area that is not controlled by the Ukrainian authorities. On July 17, 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 Perviy, born on 17 December 1970 is a former colonel of the FSB, the Russian Federal Security Service.

Sergey Nikolayevich Dubinskiy, nicknamed Khmuriy, born on 9 August 1962 was employed by the GRU for a long time, the Russian military intelligence service. Suspect Oleg Yuldashevich Pulatov, also known as Giurza, born on July 24, 1966 is a former soldier of the Spetznaz-GRU, the special forces of that military intelligence service. In the past, they were all sent abroad as soldiers in the service of the Russian armed forces.

Leonid Volodymyrovych Kharchenko, also called Krot, is the only Ukrainian suspect. He was born on January 10, 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 certain parts of eastern-Ukraine as "Donetsk People's Republic" and "Luhansk People's Republic". Although these areas are not independent states, administratively they were organised that way. The armed groups, for example, appointed their own "prime ministers" and "ministers" and they consider themselves the "armies" of their "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 show down. 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 thus the deputy 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 that these 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 the facts that led to the suspicion against these individuals. When it comes to the concrete actions of 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, the suspects 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 that 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 that they worked closely together to get the BUK TELAR at the firing location and to put it into position with the aim of shooting down an aircraft. They can therefore jointly be suspected of the shooting down of 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 suspects will be prosecuted for:

- 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)

- 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 that 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 judgment on these accusations, based on the information in the court file. The suspects will have the opportunity to explain their side of the story in court.

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 or to allow us to do so. A similar formal request will be done to Ukraine with respect to the Ukrainian suspect.

The Public Prosecution Service is not going to ask the Russian Federation or Ukraine for extradition of the suspects, because both the Russian and 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 where this 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. In the press conference we will 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, we invite them to contact us via the communication channels that we will announce shortly.

THE CRIMINAL PROCEEDINGS

We recently informed the district court of The Hague about the decision to prosecute. We have also informed the court 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, having its session in the high security Schiphol Judicial Complex in Badhoevedorp. The five JIT countries decided in 2017 that 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 commence 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 you 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 that the relatives can take in it.

With this in mind, the National Police, Victim Support Netherlands and the Public Prosecution Service are organising an information meeting for all relatives on 21 September 2019. At this meeting, legal and practical questions related to the upcoming trial will be discussed, as well as the rights you as next of kin have. We will also inform you what you can and may expect from the Prosecutors Office, the coordinating family liaisons and Victim Support Netherlands. The relatives who cannot be present will receive the same information digitally via the mailbox .

On the 28th of September it will be possible for next of kin to visit the court at JCS (Schiphol). During a guided tour you will be able to take a look in the courtrooms at JCS and to get some explanation about the building and its facilities. Relatives who cannot be present on the 28th will receive a link to a previously recorded video of the same tour, so they will receive the same information.

From the end of october, a team of 10 public prosecutors will have personal conversations with the relatives. These conversations will take place on Fridays and Saturdays at five locations, being Assen, Apeldoorn, Eindhoven, Dordrecht and Hoofddorp. The purpose of these conversations is to enable you to inform the Prosecutor what the impact of the downing of flight MH17 has been and still is on your life. A customised solution will be devised for foreign relatives.

Later today, you will receive an email with all the details of all afore mentioned events.

Today is a special day for us and all those involved. We promised you and all the other relatives to do our utmost to find out who is responsible for the death of their loved ones and to hold those 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. Thereafter, the court will come to a judgement. The suspects are innocent until proven guilty in court. That's how it should be in a constitutional state.

(Wilbert Paulissen takes over)

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 determined to bring this quest for truth and justice to a satisfactory conclusion.

Last week, representatives of 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 and the United Kingdom 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. Therefor we will also call upon witnesses today. We will give you a preview of that witness call right now.

The step we have taken today gives us the energy to continue. We will not let go.

Thank you for your attention.