**NATIONAL PROSECUTOR**

Date: February 2016

Subject: Criminal investigation MH17

Dear survivors:

In this letter I would like to inform you about the status of the criminal investigation into the crash of the MH17. This is in addition to the communications that the Joint Investigation Team (JIT) regularly

shares with family members of the deceased via Dutch family inspectors and at the same time on a non-public website

Recently, the Dutch Minister of Security and Justice informed the Lower House of radar and satellite data, the research collective Bellingcat and prosecution capabilities. The same issues are also discussed in a public hearing in the House. I noticed that among family members of the deceased there are still questions about this. In this letter I would like to provide further explanation of this on behalf of the JIT. In addition, for the short-term there will be an information meeting at which these issues will also be given orally. Read more about this at the end of this letter.

JIT extension

Australia, Belgium, Malaysia, Ukraine and the Netherlands have expressed their agreement to continue the JIT this year. This is an agreement for the extension of the JIT. All parties are committed to work on the implementation of this complex research ..

Weapon

From November 22 to December 10, 2015 there has been a forensic expert meeting in the Netherlands, to which experts have participated from the countries of the JIT. This study was carried out on a number of specific parts, which were found on the crash site, and which might possibly have been the weapon used. Research is also conducted on material found in the wreckage parts of the aircraft that possibly come from the missile that shot down the aircraft. Further technical research into the specific features of these parts, including paint and metal composition, is still taking place. Partly based on interim, preliminary results of the criminal technical investigation, the Dutch Safety Board (OVV) already established that MH17 was shot down with a BUK missile. In the meantime, the criminal technical investigation has continued. The final results are expected in the second half of this year. That should provide conclusive evidence that is obtained in accordance with the prescribed procedures and can stand before a judge. On this basis, the JIT expects to adopt also criminally provable evidence of what rocket shot down MH17.

Launch Location

To the extent that the JIT has been able to ascertain, there are no video or film footage available from launch or trajectory of the missile. However, there are regular radar data, but these only give information about movements in airspace. This is especially important for determining whether other aircraft were in the area. The radar does not see the missile. Although the JIT does not have at its disposal primary raw radar data, it has been provided with the available (secondary raw and processed primary and secondary) radar data which is already sufficient information about the traffic.

Raw primary radar data could potentially provide information on a rocket trajectory. JIT does not have this data. JIT has questioned members of the Ukrainian air traffic control and a Ukrainian radar technician about this. They explained why no primary radar data was recorded in Ukraine. The Public Prosecutor (OM) has also asked the Russian Federation for primary raw radar data. To date, the Public Prosecution has not received this. To the OVV [Dutch Safety Board], the Russian Federation reported that the location and recording of raw primary data were not saved. The prosecution is discussing with the Russian authorities.

There are also satellite data on the situation on the ground. To date the JIT has no satellite images of the launch of the missile. Because of clouds usable images are not available from the firing location at the time of day when the MH17 was shot down. However, there are images available just before and after July 17, 2014 that contribute to the investigation.

The US authorities have data generated by their own security forces, which could potentially provide information on a rocket trajectory. These data have been confidentially shared with the Dutch Military Intelligence and Security Service (DISS). DISS and OM are now investigating in what form the US state secret information can be used in the criminal investigation and what will be provided in a so-called official report to the Public Prosecution. That official report can be used as evidence by the JIT.

Raw primary radar data and US secret information are only two sources of information to determine the launch site. There's more. For example, the JIT collects evidence from intercepted phone calls, location data with some phones, images, witness statements and technical calculations of the rocket track. Those calculations are made by the National Aerospace Laboratory based on the location of the MH17, the damage pattern of the wreckage parts and the special characteristics of the specific missile. In this respect, the JIT makes greater depth with respect to the investigation of the OVV. On the basis of these other sources, the JIT is gaining clarity on the exact launch location. An answer is expected for the second half of this year.

Perpetrators

If the used rocket and firing location can be criminally established, a stronger relationship can be established with the perpetrators. JIT has a larger group of people in the picture, which in one way or another seem to have been involved in the shooting down of the MH17. The task of the JIT is to identify who they are and what exactly was their role. Also, this is conclusive and irrefutable proof. As I explained in my previous letter, the JIT cannot do much about sharing here. That would frustrate the investigation and play to the advantage of the perpetrators.

For the investigation into the perpetrators telecom data, witness statements and Internet resources are important. With that aim more than five billion web pages and more than half a million images, audio and video files have been examined. Cyber ​​specialists of JIT play an important role. With advanced search tools the relevant data are selected, whose origin is then followed up and its reliability tested. The same happens with information submitted by third parties such as international research collective Bellingcat.

On December 26, 2015 Bellingcat has submitted a draft report to the JIT. The report has been gathered using social media and other public Internet sources, include information about members of a Russian military unit with, according to Bellingcat, a possible BUK-missile system in Ukraine. Many sources which Bellingcat relies on were known to the JIT. In addition, the research team still has more and other information on this subject, which is not mentioned by Bellingcat. Insofar as Bellingcat has offered new sources, they are examined and assessed for suitability for the criminal investigation. No evidence of direct involvement of individual members of this unit at the shooting of the MH17 follows from the report of Bellingcat. .

Arrest and trial

Once it is clear which individuals were punishably involved in the shooting down of MH17, they must be found, arrested and (possibly) be extradited to the country or tribunal where the trial will take place. Experiences in similar cases teach that this can cost a lot of time. In the Lockerbie case, for example, in the investigation into the attack on Pan Am flight 103 on December 21, 1988, it took nearly three years before two arrest warrants were issued and more than another seven years before the suspects could be extradited.

At present there are two real options for prosecution and trial: national prosecution by one of the JIT countries or prosecution before an international tribunal, set up by the JIT countries. For a final choice for one or the other option, the results of the criminal investigation is important: it will be clear where suspects reside, what nationality they are and where they can best be judged. The position of the relatives plays an important role in this choice.

Although JIT is making additional efforts and proceeding as expeditiously as possible, this is a study for the long-term. I understand that the passage of time is tough for you. , but I want [sic] to raise false expectations. It's a long road to trial, but the JIT has the patience and perseverance to bring the case to a successful conclusion.

Conclusion

For the second half of this year, the JIT expects to provide criminal evidence on what type of weapon and from where the MH17 was shot. JIT undertakes to inform you of these. In the same period the JIT also expects to gain more insight into possible perpetrators. At what time their exact involvement took place, the establishment of their identity and their current whereabouts cannot be specified yet. But even if the JIT has collected such information, there may be a reason we are not yet ready to share with you, to ensure that the evidence or suspects do not disappear. . To that extent, I will have to put your patience to the test. How heavy this is, it is in the interest of the final adjudication.

Information meeting

I can imagine that the information in this letter raises further questions. As before, you can always refer to me by the central e-mail address or phone number of the Dutch family detectives and their international liaisons. Given the passage of time and the recent public attention in the Netherlands for certain topics (such as Internet research, radar and satellite images and prosecution options) an information meeting has been organized in the Netherlands for survivors. All survivors are invited. During this meeting an explanation on the subject of this letter will be given. For the survivors who cannot or will not attend, a report of the meeting will be made, which can be consulted afterwards.

The meeting will be held on March 7 a.s. in the NBC Congress, Blokhoeve 1 in Nieuwegein. Entrance is from 16:00; The program starts at 17:00 and lasts until 21:00. There will be sandwiches and snacks.

Survivors who wish to attend, are requested to register before February 26th at Victim Support Netherlands by e-mail (Deleted, TPO)

If several relatives are notified at the same time, I ask you kindly to take them the individual names in the e-mail. If you have specific questions you would like to ask at the event, you can already pass them on to us in the same email. During the meeting there we can then respond as well as possible.

Yours sincerely,

 On behalf of the Joint Investigation Team

 Australia

 Belgium

 Malaysia

 Ukraine

 Netherlands



Fred Westerbeke

Chief Public Prosecutor of the National Prosecutor

Coordinator of the Joint Investigation Team