**SUMMARY REPORT OF A BRIEFING AT CIVIL SERVICE LEVEL**

*For information purposes only. This is a summary report based on a non-authorised verbatim report of a briefing at civil service level given to Members of the House of Representatives.*

On Monday 11 August 2014, a briefing at civil service level took place in which the Standing Committee on Foreign Affairs, the Standing Committee on Security and Justice and the Standing Committee on Defence were informed by Mr Dick Schoof, National Co-ordinator for Security and Counterterrorism (NCTV), General Tom Middendorp, Chief of the Netherlands Defence Staff (CdS), Mr Gerard Bouman, Chief Constable of the National Police Force, and Mr Wim Geerts, Director-General for Political Affairs (DGPZ) of the Ministry of Foreign Affairs, about the **MH17 repatriation mission**.

Start of briefing: 14.00.

**Briefing by senior officials**

Mr **Geerts** outlined the context of the Cabinet’s decision to discontinue the repatriation mission for the time being. The security situation in eastern Ukraine has deteriorated considerably. Fighting in the region has intensified and the separatists’ main supply route passes close to the crash site, making parts of it inaccessible to members of the repatriation mission. Russian activities in the region are also causing concern, particularly the build-up of troops along the border with Ukraine. The risk that hostages might be taken has increased. Australia has also expressed doubts about continuing the mission. For security reasons, to pursue it without Australian participation would be irresponsible. Taking all these factors into consideration, the Cabinet decided last Wednesday that there is no point in continuing the mission under the present circumstances. At the same time, however, it expressed its desire for a return to the area once the situation there has stabilised for a sufficient period of time. When this happens, the OSCE will again assist the Netherlands, Australia and the other countries involved.

The local populace should continue to have the opportunity to hand over victims’ remains and personal effects. As part of an interim arrangement to facilitate this, a multidisciplinary mission team will remain in Kiev and Kharkiv. It includes a liaison officer from the Ministry of Foreign Affairs. A collection centre is to be set up at a hospital in the region, where human remains can be kept in a mortuary.

The mission team is actively communicating with residents of the crash zone through the press, radio, television, social media and official channels. The message is that any remains or effects found should be reported to the Ukrainian emergency services number, 101, or to one of the special telephone hotlines established for the purpose. Mr Geerts admitted that opportunities for direct contact with people living in the area are limited. It is difficult for them and for local organisations to transport finds out of the immediate area.

Mr **Middendorp** summarised the complexity of the operation. There has to be co-ordination with Ukraine, but also – through the OSCE – with the separatists. The Netherlands must at all times act as a neutral party uninvolved in the conflict and with only one goal in the region: the repatriation of the victims’ remains.

Another complicating aspect is the international nature of the recovery effort. It is not and never has been a purely Dutch operation, but a joint multinational undertaking with Australia and Malaysia.

A forward operating base was originally established in the city of Donetsk. It was from there that, accompanied by the OSCE, the mission attempted to reach the crash site. Whilst in Donetsk, it also recovered DNA and personal effects held in the mortuary there and transferred them to the Netherlands.

On 1 August the mission’s base was relocated to Soledar, from where it sought to access the crash site from a more northerly direction. That move proved an immediate success, with the team able to work unhindered at the site for the first three days. On 3 August it was also able to recover the railway truck in which a large number of personal effects had been stored. On 4 August an additional flight containing a single casket of human remains departed for the Netherlands. But on the same day, and even more so on the next two, it became more difficult to reach the crash site. On Wednesday 6 August tensions in the area were running so high that the decision had to be taken to call off the mission. On Thursday 7 August the base at Soledar was dismantled. Most of the personnel returned to the Netherlands on Friday 7 and Saturday 8 August. Immediately after that, fighting broke out in the vicinity of the crash site.

The decision to end this phase of the mission was dictated primarily by security considerations. Tensions in the area were mounting and there was an increasing risk of violence incidents or hostage-taking. At the time of mission’s withdrawal, fighting was expected to reach the crash site within a day or two. It would therefore have been irresponsible to continue to work there.

The Netherlands’ partners, Australia and the OSCE, came to the same conclusion: that it was no longer possible to conduct search activities safely.

The local populace was hugely affected by the incident and expressed great sympathy with all those touched by it, including the bereaved relatives in the Netherlands.

Finally, Mr Middendorp outlined the future shape of the operation. “The next phase is one of reduced or interim presence, in which we are retaining a small team on the ground. This phase will be kept as short as possible. If we can end it before the onset of winter, and then complete the rest of our search work, that would be ideal. The third phase will be finishing what we have started and looking for any more remains we can find in the area. But that will only happen once the area is stable enough to allow the operation to proceed more thoroughly and without hindrance. To determine when that is, we shall continue to monitor and assess the situation. For that purpose, too, we are going to maintain a small presence in the region.”

Mr **Schoof** said that the repatriation of the victims was the absolute priority, but that investigations into the cause of the disaster and a judicial inquiry have also been set in motion. Over the past few weeks, 25 international investigators have gathered information from air traffic control records, radar images and satellite photographs. The aircraft’s black boxes have also provided data. All of this material is currently being compared, and will then be analysed. As well as the Netherlands, the following nations and organisations are represented on the international investigation team: Ukraine, the United States, the United Kingdom, Australia, Germany, France, Malaysia, EUROCONTROL and the International Civil Aviation Organisation (ICAO). Russia did not want to take part in the first instance, but has now joined. The Dutch Safety Board is co-ordinating all the investigations and the various teams from the countries involved. It believes that initial conclusions can now be drawn using the sources available. Their publication is expected at the end of August or the beginning of September. This interim report will be compiled in accordance with the international agreements on aviation incident reporting, as established in ICAO Annex 13.

The Dutch Public Prosecution Service and National Police Service initiated a judicial investigation on the day of the crash, working in close co-operation with international partners. The Netherlands has more or less taken the lead in this respect. To that end, a formal agreement has been reached to establish an international Joint Investigation Team (JIT). Set up with the full support of Eurojust, on this we are working closely with Ukraine, Australia, Belgium and Malaysia, in particular.

The crash site is inaccessible to the judicial investigators. Nonetheless, their inquiries are proceeding expeditiously at other locations. All attention at present is focused upon gathering evidence. Charging and prosecuting any offenders remains the ultimate objective, of course, but where and how this might be done has not yet been the subject of international consultations.

Mr **Bouman** gave a presentation, with photographs, showing how the investigation is being conducted. Although searches at the crash site are no longer possible, a great deal can be ascertained through the analysis of satellite images. The Netherlands is doing this within an international framework, with the Australians playing a not inconsiderable role.

Based upon the information available from a variety of sources, including the searches already undertaken at the crash site, it is reasonable to assume that the great majority of the bodies, the other human remains and the victims’ personal effects have now reached the Netherlands. Mr Bouman reported a search operation in the western part of the crash site, an area the repatriation mission did not reach. There, more than 800 people went in search of bodies and other remains.

Mr Bouman then turned to the interim arrangement. A team will remain active in Kiev. This comprises detectives, a public prosecutor, special investigators, officials from the Ministry of Defence and liaison officers from the Ministry of Foreign Affairs. Its duties include facilitating the recovery of further human remains and personal effects, communication with the local populace and international co-ordination. Another important task is making preparations for a future mission to the crash site itself. That will come, Mr Bouman said, although we do not yet know when.

Next, Mr Bouman described the identification process. This is proceeding relatively rapidly. Police family liaison officers have gathered relevant information from surviving relatives and attempted to find DNA material. The Netherlands Forensic Institute has guaranteed that genetic profiles of the remains currently in Hilversum will be established no later than 20 August. Once that has been done, a so-called “reconciliation” phase will begin. That is, matching the victims’ profiles with other identifying material. “We will then know how many unique identifications that has produced,” said Mr Bouman.

**Questions from Members of the House**

The briefing was followed by questions from the following Members of the House: Mr Verheijen, Mr Servaes, Mr Van Bommel, Mr Omtzigt, Mr Sjoerdsma, Mr Bosma, Mr Slob, Mr Van Ojik, Mr Bisschop, Ms Thieme and Mr Bontes.

All expressed their thanks, appreciation and respect for the persons engaged in recovering the victims’ bodies and personal effects at the crash site and in their identification here in the Netherlands.

Although the House is disappointed that the mission has been discontinued, there was broad support for the Cabinet’s decision to do this in the light of the circumstances and developments described by the speakers at this briefing.

It was also noted that the original decision – a very difficult one at the time – to send an unarmed mission into a war zone has been proven the correct path of action. There have been no tensions, incidents, hostage-takings or violence directed against Dutch or other investigators on the ground.

*Questions*

* What role did the Russian build-up of troops, and the threat that poses, play in the decision to discontinue the mission?
* The mission was not intended to last more than three weeks. Does that limit still apply?
* The press has reported that material has disappeared or been destroyed. Is there any evidence to that effect?
* There have been reports that the separatists are still handing over human remains and personal effects to the Ukrainian authorities. Are those reports correct?
* Is it possible to provide an idea of what human remains are still at the crash site? What do the investigators still expect to find, and how much material has already been collected and examined?
* How many victims and personal effects are still thought to be in the priority search zone, waiting to be found?
* Was it known when the mission began that a mass search by 800 people had already taken place? Were those people Ukrainians? Were they directed by the separatists or were they independent experts who did have access to the area? What co-operation has there been with those people?
* Was enough use made of the momentum of the first couple of days?
* What exactly will be the objective of the follow-up investigation at the crash site? Will that mainly be the recovery of personal effects?
* What effects might winter have for the investigation? Will there be any material left to find once it has passed?
* What possibility is there that the mission can be resumed in the short term?
* What diplomatic steps are being taken, with Russia, with Ukraine and with the separatists through the OSCE, to recover all the outstanding human remains and personal effects?
* How great is the chance that we will ever really know exactly what happened on 17 July? Is the investigation into the cause of the crash being put on the back burner?
* Why has the Dutch Safety Board not been given access to the crash site? What consequences will this have for the certainty of its conclusions regarding the cause of the crash and the reliability of the evidence against those responsible for it?
* How can we ensure that the wreckage of the aircraft is recovered as evidence?
* How great is the chance that the Public Prosecution Service will actually be able to establish who is guilty of this terrible crime, given the limited accessibility of the crash site?
* The more specific the question of guilt becomes, the more difficult it will be to access the site. How is this problem assessed?
* Talking about the judicial investigation, Mr Schoof said that the Netherlands has more or less taken the lead. What did he mean by “more or less”?
* Has the government in Kiev breached the ceasefire agreements and perhaps even misused the situation to regain ground from the separatists?
* Under the present circumstances, what requests are being made to the government in Kiev?
* Has contact with the separatists, through the OSCE, entirely ceased?
* What effect is the violent role played by the separatists in the conflict having on relations between the government in Kiev and the international community, and especially with the Netherlands as leader of the activities on the ground?
* With hindsight, would it not have been better to send in special forces immediately after the crash to seal off the area so that it could be thoroughly searched within a couple of weeks? That would also have sent a clear message to the Russians, the separatists and the Ukrainians.

**Answers to questions from the House**

Mr **Geerts** explained that there have been numerous bilateral diplomatic contacts since 17 July, between Prime Minister Rutte and President Poroshenko, between Minister of Foreign Affairs Timmermans and his Ukrainian counterpart, Mr Klimkin, and between the Dutch and Ukrainian ministers of Defence. The Netherlands cannot act alone, however, and so also operates very much within the frameworks provided by the European Union, the United Nations and the OSCE. In the latter respect, there is also the trilateral contact group made up of the OSCE, Russia and Ukraine. The Netherlands has used every available diplomatic channel in endeavouring to ensure that the mission can complete its task. In all these contacts, and at the UN, we have insisted that all parties should comply with Security Council Resolution 2166. Every possible means has been used to make sure that the task can be fulfilled.

For as long as the mission was active in the area, Ukraine did observe the ceasefire.

Regarding the role of the government in Kiev, Mr Geerts stated that the Netherlands has contacts at all levels. The Dutch embassy in Kiev has been in touch with representatives of the Ukrainian government on a daily basis. Within Ukraine itself, there are high-level consultations about the situation every day.

Mr **Middendorp** said that Russia has deployed a variety of units along the border. The separatists are receiving active and overt support from Russia, which has admitted that in the UN Security Council. There has also been shelling across the border, into Ukrainian territory. It was these tensions which resulted in the decision to end this phase of the mission.

The three-week period no longer applies, since the mission has been discontinued within that time. There is a now a new situation, with new follow-up activities. The first of these is the interim arrangement, which is intended to ensure that everything found by the local populace, by NGOs or by other parties can be processed and then transferred to the Netherlands. Meanwhile, we shall continue to await possible opportunities to resume search activities. It is hoped that this can be done before the onset of winter, which is expected in October. The area will then be covered with a thick blanket of snow and the temperature will fall to well below freezing point. In such conditions, there is no point in conducting searches.

In the immediate wake of the disaster, the Cabinet weighed up all the options and decided on an unarmed mission. From the debriefing of the personnel involved, it appears that this was probably the only alternative which would have allowed them to carry out their searches.

Mr **Schoof** addressed the question of whether the Dutch Safety Board and the Public Prosecution Service will be able to reach reliable conclusions concerning the cause of the crash and responsibility for it now that they are unable to work at the site. A substantial amount of material is already available, obtained from forensic investigation of the bodies and the personal effects returned to the Netherlands. There is also plenty of digital information to hand. This will have to be validated during the course of the judicial investigation, so that it is acceptable as evidence in the event of any criminal proceedings. Internationally, a lot of information has been shared. Both the Dutch Safety Board and the Public Prosecution Service have every confidence that they will be able to conduct serious inquiries.

All diplomatic efforts remain focused upon gaining access to the crash site. This applies not only to the repatriation mission (“track 1”), but also to the investigation into the cause of the disaster (“track 2”) and the judicial inquiry (“track 3”). According to Mr Schoof, “It should be clear that tracks 1, 2 and 3 will successively entail greater tensions and affect more interests, and so might possibly become easier or more difficult according to the political context of the moment. It all depends upon who controls what in the area, if I can put it that way.”

Repatriation of the victims and recovery of their personal effects remain the Cabinet’s number-one priority, but from now on activities related to the investigations into the cause of the crash and responsibility for it will become increasingly visible.

Mr Schoof next turned his attention to the relationship between the two investigations, by the Dutch Safety Board and the Public Prosecution Service, and to the comment that the Netherlands has “more or less” taken the lead.

Regarding the inquiry into the cause of the incident, in accordance with ICAO rules Ukraine has requested that the Netherlands take the lead. The Dutch government has delegated that task to the Dutch Safety Board, as an independent investigative body. Consequently, the board is now formally leading this inquiry.

An arrangement of this kind is not possible for the judicial investigation. That is being conducted as a joint international effort, although the Netherlands is indisputably playing a leading role – not just because most of the victims were Dutch, but also because the quality and expertise of our criminal investigation and public prosecution services are highly respected internationally.

As to whether enough use was made of the momentum of the first few days, Mr Schoof answered that decisions during that period – both political and official – were taken with human concern combined with professional detachment. “In saying that I make no judgement as to whether we should have done things differently. But we did act carefully and professionally.”

At the request of the House, Mr **Bouman** provided more details of the local search by more than 800 people in the western part of the crash site. The first reports of this, including information that it was being conducted in a systematic manner, were received on 5 August. Everyone could see that groups of people were busy collecting victims’ remains in the days immediately after the crash, especially at the main site. That was how most of the bodies and other remains were recovered. It was known that searches had been conducted there, then, but not until 5 August did news begin to come in of activities in other parts of the priority area.

The 800 people involved were not an international group but members of a sort of civil defence corps led by a military medical officer with the rank of colonel. After 5 August these personnel were debriefed, and the colonel was asked what exactly had been done. From the answers provided, it was apparent that the area had been searched fairly systematically.

Regarding the effects of the winter, Mr Bouman stated that the condition of the material remaining in situ will deteriorate with time, bad weather and all kinds of encroachments onto the site. But material containing DNA can remain useful for many years, for a lot of purposes – amongst them identification and evidence. Still, said Mr Bouman, “My reaction is: we want it as quickly as possible. And that has been the aim throughout.”

Close: 16.24.