



Security Council

Distr.: General
15 May 2020

Original: English

Letter dated 14 May 2020 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

I am writing to you as a follow-up to the videoconference of the members of the Security Council that took place on 8 April 2020 at the initiative of my country on the issue of the downing of the MH17 flight over eastern Ukraine on 17 July 2014. I would like also to refer to the letter dated 6 March 2020 from the Permanent Representative of the Netherlands to the United Nations issued as a document of the Council ([S/2020/181](#)).

From the outset, I would like to reiterate that Russia remains fully committed to the implementation of Security Council resolution [2166 \(2014\)](#) and therefore supports the efforts to establish a full, thorough and independent international investigation into the incident, as well as to hold those responsible for the incident to account.

Proceeding from this commitment, Russia cooperated with the Dutch Safety Board, which conducted a technical investigation of the MH17 tragedy, and the joint investigation team composed of Australia, Belgium, Malaysia, the Netherlands and Ukraine and dealing with the criminal investigation of the incident over Ukraine. We continuously provided these bodies with necessary data, conducted a number of technical experiments and declassified military documents in order to contribute to the establishment of the truth. Unfortunately, all of these important findings have been groundlessly disregarded or labelled as “Russian propaganda” and “attempts to mislead the investigation”.

These facts, to our regret and disappointment, make it clear that neither the investigation by the Dutch Safety Board nor the investigation by the joint investigation team comply with the high standards set by Security Council resolution [2166 \(2014\)](#). The team’s investigation notably is not a “full, thorough and independent investigation” as required by this resolution.

A full investigation would imply various lines of inquiry taken into consideration. In the meantime, from the very start the team only examined seriously one prearranged scenario: the use of a purportedly “Russia-supplied” BUK missile system by Donetsk People’s Republic forces. As a result, only “information” that allegedly supported this version of events, no matter how dubious (coming from anonymous sources, unverifiable, inconclusive, disproved by other evidences, etc.), was taken into account. Meanwhile, everything else, including scientific data from a physical simulation of the explosion, information on the Ukrainian origin of the missile that was allegedly used to shoot down the aircraft, the presence of multiple Ukrainian BUK systems in the zone of the conflict, the refusal of the Ukrainian



authorities, in blatant disregard for the safety of aircraft passengers and crews, to close the airspace over the conflict zone – despite the fact that several Ukrainian military aircraft had been downed there previously, was left beyond the scope of the team’s investigation.

A full investigation would require, inter alia, that all relevant facts and evidence were considered, an objective investigation – that all evidence was treated equally, and a thorough investigation – that any evidence was carefully examined. Regretfully, the team’s modus operandi did not satisfy these criteria. Its conclusions were predominantly grounded on dubious information either generated by social media, provided by the biased Ukrainian Security Service or submitted by anonymous “witnesses” whose reports could not be verified, while any evidence not fitting with the established narrative was disregarded. Even the technical report of the Dutch Safety Board (2015), greatly relied on by the criminal investigation, contains numerous elements challenged by alternative scientific and technical expertise.

Firstly, the independence of the investigation by the joint investigation team is as well highly questionable. As we know, the team was reportedly disallowed by a special classified agreement signed by its founding States (Australia, Belgium, the Netherlands and Ukraine) – the full contents of which are still being kept secret from the public – from disclosing any evidence without permission from all of these States, including Ukraine.

Therefore, the investigation’s objectivity was threatened ab initio due to being subjected to limitations from participating countries – of which Ukraine, at least, was clearly an interested party with the intention of eluding any of its own responsibility and implicating Russia. For such a party to enjoy a right of veto over the information released by the investigation would clearly impact its supposed “impartiality”. This might explain why a number of independent experts claim that central pieces of evidence of the team were tampered with or faked.

Secondly, Malaysia, which is the State of nationality of the aircraft and whose citizens were as well among the victims, greatly contributed to the examination of the crash site but was intentionally not allowed to join the team for months – obviously due to the independent position of the Malaysian Government, which was not inclined to support politically motivated conclusions or accusations.

Finally, Russia was never allowed to join this body, apparently in order to enable the biased character of the investigation in contravention of resolution [2166 \(2014\)](#). This, of course, clearly impacted the impartiality and objectivity of the investigation, particularly in light of Ukraine’s participation.

Therefore, I have to register that the claim made in the letter dated 6 March 2020 from the Permanent Representative of the Netherlands that “actions taken by the team and the Dutch public prosecution service continue to implement Security Council resolution [2166 \(2014\)](#)” is nothing but either wishful thinking or deliberate misinformation of the relatives of the victims of the MH17 crash and the international community.

As to the criminal trial under Dutch law that started on 9 March 2020, I would like to underline that the Russian Federation is not a party to these hearings. Nevertheless, we carefully follow these proceedings, considering that three of the defendants are Russian citizens.

Contrary to the statement of the Permanent Representative of the Netherlands, it is too early to conclude whether the trial fits within the requirements of resolution [2166 \(2014\)](#). We would like to express hope that the trial will be fair despite all attempts by Dutch officials to predetermine its outcome and to put pressure on the judges. All facts and information available should be considered, including that which

has been unfairly dismissed by the investigation team; additional independent examinations should be made to verify the conclusions of the Dutch public prosecution service; the role of Ukrainian authorities should be scrutinized; and ways should be explored to declassify the reportedly existing United States satellite images. Hopefully, the Dutch judiciary will avoid the pitfalls that compromised the investigation, and will conduct its work in accordance with the resolution and fully cooperate through the mutual legal assistance channels.

I would be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vassily **Nebenzia**
