EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

GRAND CHAMBER

CASE OF UKRAINE AND THE NETHERLANDS v. RUSSIA

(Applications nos. 8019/16, 43800/14 and 28525/20)

ANNEX TO THE DECISION

STRASBOURG

25 January 2023

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RELEVANT EVIDENCE IN THE CASE FILE

A. Relevant domestic law

1. Russia

(a) Criminal liability under the Criminal Code

1. Article 12 of the Russian Criminal Code ("CC") provides:

"1. Russian nationals and stateless persons who permanently reside in the Russian Federation and who have committed a crime outside the Russian Federation against the interests protected by this Code shall be held criminally liable under this Code unless there is a court decision of a foreign State regarding that crime with respect to the aforementioned persons.

2. Servicemen of military units of the Russian Federation deployed outside the Russian Federation shall be held criminally liable under this Code for crimes committed on the territory of a foreign State unless otherwise provided for by a treaty of the Russian Federation.

3. Foreign nationals and stateless persons who do not reside permanently in the Russian Federation and who have committed a crime outside the Russian Federation shall be held criminally liable under this Code when the crime is committed against the interests of the Russian Federation or a Russian national or a stateless person who permanently resides in the Russian Federation, as well as when so provided for by a treaty of the Russian Federation or other international instrument containing obligations recognised by the Russian Federation in the area of relations covered by this Code, unless foreign nationals and stateless persons who do not permanently reside in the Russian Federation are convicted in a foreign State and provided they are held criminally liable in the territory of the Russian Federation."

(b) Procedure for criminal complaints and investigations

(i) Provisions of the Code of Criminal Procedure

2. Article 140 § 1 of the Code of Criminal Procedure ("the CCrP") provides:

"The following shall serve as the reasons for opening a criminal case:

(1) a report of a crime;

...

(3) a notification received from other sources about a crime having been committed or being prepared;

..."

3. Article 140 § 2 provides that a criminal case may be opened if there are sufficient indications that a criminal offence has been committed.

4. Article 141 provides that a report of a crime may be submitted orally or in writing. A written report of a crime must be signed by the person submitting it. If a report of a crime is submitted orally, a relevant record must be made by the person who receives it. The record must contain the reporting

person's personal data and information about his or her identification documents.

5. Article 143 provides that the person who receives a notification of a crime from other sources must prepare a report on the discovery of the elements of a crime (*рапорт об обнаружении признаков преступления*).

6. Article 144 of the CCrP provides that a notification of a crime must be accepted, verified and decided upon within three days by an inquiry officer, inquiry agency, investigator or the head of an investigation unit. They may carry out, with experts' assistance or on their own, documentary inspections, checks, and the examination of documents, objects or dead bodies, and may issue compulsory orders for operational search activities. The three-day period may be extended to ten days, and, where documentary inspections, checks, forensic examinations, the examination of documents, objects or dead bodies, or operational and investigative measures are to be performed, to thirty days. After the pre-investigation inquiry is completed, the official in charge takes a decision in accordance with Article 145 on whether to open a criminal case, to refuse to open a criminal case or to transfer the notification of a crime to another law-enforcement agency with the appropriate jurisdiction.

7. Article 125 of the CCrP allows for an appeal against acts or failures to act of investigators, including a failure to conduct a pre-investigation inquiry or a decision not to open a criminal case following the pre-investigation inquiry. It provides, in so far as relevant:

> "1. The decisions of an inquiry officer, investigator or head of an investigation unit refusing to open a criminal case ... or any other decisions and acts (failure to act) ... which are liable to infringe the constitutional rights and freedoms of the parties to criminal court proceedings or to impede citizens' access to justice, may be appealed against to a district court ...
>
> 3. A judge shall examine the legality and the grounds of the impugned decisions or acts ... within five days of receipt of the complaint ...
>
> 5. Following examination of the complaint, the judge shall issue one of the following decisions:
>
> (1) to declare the decisions or acts (failure to act) of the official unlawful or unfounded and order the official to rectify the breach committed;
>
> (2) to dismiss the applicant's complaint ...

8. On 10 February 2009 the Plenary of the Supreme Court of the Russian Federation issued Ruling no. 1 "On the practice of examination by the courts of complaints lodged under Article 125 of the [CCrP]", which it subsequently revised on several occasions. The current text, in force since 29 November 2016, reads as follows, in so far as relevant:

> "1. ... the decision taken by a judge as a result of the examination of a complaint [under Article 125 of the CCrP] must be lawful, well-founded, reasoned and based on [case-file] materials and the arguments of the applicant that have been examined.

When a judge examines the lawfulness of decisions, actions or failures to act by an inquiry officer, investigator, head of an investigation unit or prosecutor, or whether those decisions, actions or failures to act were well-founded, he or she must not prejudge questions which may later relate to the subject matter of a criminal case to be examined on the merits. In particular, a judge has no right to make [any] conclusion about the factual circumstances of the case or the assessment of evidence, or legally characterise a person's action or failure to act.

...

14. A judge who examines the lawfulness of a decision not to open a criminal case ..., or whether that decision was well-founded, must establish whether the rules on the order of examination of a report on a ... crime ... have been complied with; [the judge must also establish] whether the decision not to open a criminal case was delivered by a competent official on a legal basis [and in accordance with the legal requirements]. Having determined that a decision not to open a criminal case was unlawful or that it was not well-founded, the judge delivers a ruling to that effect and sends it for execution to the head of the investigation unit or to the head of the inquiry body. The judge also informs the applicant of that decision ...

...

20. If the court's decision under Article 125 of the [CCrP] remains unenforced by the investigative authorities, an applicant may challenge in court their failure to act..."

(ii) Relevant examples

(α) The alleged murder of Syrian citizen Mohammad Elismail in Syria

9. In 2019 a video was published online by an unknown source. It showed several armed men in camouflage uniforms speaking Russian torturing and then killing a man in civilian clothes, later identified as a Syrian civilian, Mohammad Elismail. The perpetrators dismembered the body, burned it and displayed the severed head. The video clearly showed the faces of the executioners and the victim. The perpetrators in the video were identified in the media as members of the Wagner Group, a private military company with alleged links to Russia.

10. On 11 March 2021 the victim's brother lodged a report of a crime with the Investigative Committee of the Russian Federation ("ICRF") asking that a criminal case be opened into his brother's murder, which he claimed had taken place in Syria. He provided the alleged name of one of the killers. On 26 March 2021 and 13 October 2021 his legal representatives requested information from the ICRF about the registration of the report of a crime, the progress and results of the pre-investigation inquiry, and copies of procedural documents. No reply was received.

11. On 19 April, 4 May and 19 July 2021 they submitted complaints to the Basmanny District Court of Moscow under Article 125 of the CCrP about the ICRF's failure to act. The first two times, the complaints were returned on various grounds. On 1 October 2021, the legal representatives applied to the President of the Basmanny District Court asking to be informed in writing about the decision on the third complaint. On 18 January 2022 the court

dismissed the complaint. It stated that there was "no information as to the circumstances indicating the elements of a crime" and that it was therefore "not subject to registration in the KUSP [the register of crime reporting] and does not require a procedural check [pre-investigation inquiry]". The judge referred to the submissions to the court by the ICRF, in which it had argued that "the fact of Mr Elismail's death has not been established and has not been documented", that "the video-recording has not been authenticated, the place of recording has not been identified, thus it cannot serve as evidence", that "no relevant information or requests for legal assistance have been received from the Syrian authorities" and that "the applicant's arguments that Russian citizens were involved in the murder are of a suggestive nature".

12. On 9 February 2022 the District Court's dismissal of the complaint was upheld on appeal by the Moscow City Court.

(β) The alleged poisoning of Alexei Navalnyy

13. On 20 August 2020 Alexei Navalnyy, a Russian opposition figure and anti-corruption activist, took a flight from Tomsk to Moscow. During the flight he experienced acute malaise and lost consciousness. The aircraft had to land in Omsk and Mr Navalnyy, in a coma, was transported to a local municipal hospital, where he was put on life support.

14. On the same day his associate, Mr G., filed a report of a crime with the ICRF asking that a criminal case be opened into the incident. Mr G. alleged that Mr Navalnyy had been intentionally poisoned by an unknown substance in an attempted murder related to his political activities.

15. On 22 August 2020, Mr Navalnyy was transferred for treatment in the Charité hospital in Berlin, Germany.

16. On 1 September 2020 Mr G. applied to the Basmannyy District Court of Moscow challenging the ICRF's alleged failure to act and referring to Article 125 of the CCrP. On 3 September 2020 the head of the ICRF's department for processing petitions submitted a written explanation to the Basmannyy District Court stating that "Article 125 [was] not applicable as there [was] no legal act to challenge under this provision".

17. The following day, the German Government made a statement. Its later publication by the Press and Information Office of the German Federal Government in the form of a press release read as follows:

> "On 2 September 2020, the Federal Government announced that, at the request of the Charité Universitätsmedizin Berlin, a specialist Bundeswehr laboratory carried out toxicological tests on samples from Alexei Navalny. The results of these tests have revealed unequivocal proof of the presence of a chemical nerve agent from the Novichok group ...
>
> This constitutes a severe violation of the Chemical Weapons Convention ...
>
> In efforts separate from the [Organisation for the Prohibition of Chemical Weapons] examinations, which are still ongoing, three laboratories have meanwhile independently

of one another presented proof that Mr Navalny's poisoning was caused by a nerve agent from the Novichok group.

We once again call on Russia to make a statement on the incident. We are closely consulting with our European partners regarding possible next steps."

18. On 4 September 2020, the Basmannyy District Court dismissed Mr G.'s complaint on the grounds that his request had been forwarded to the relevant department and that he, as Mr Navalnyy's representative, could access the information relating to its processing. Therefore, his rights had not been infringed. Mr G. appealed to the Moscow City Court, arguing that the ICRF had neither opened a criminal case nor taken a formal decision dispensing with the pre-investigation inquiry within the statutory time-limit of three days. He also argued that an obligation to investigate the alleged attempted murder arose from the public statement by the German authorities.

19. On 18 September 2020 the investigator of the Tomsk Department of the Interior issued a decision refusing to open a criminal case in respect of Mr Navalnyy's alleged attempted murder on the grounds that it had received no objective information suggesting that any intentional criminal acts had been committed. The decision noted that the pre-investigation inquiry had been extended to 19 September 2020, that a request for information had been sent to the competent German authorities and that it had not been possible in the preceding period to obtain explanations from Ms P., one of Mr Navalnyy's team members who had been on the trip to Tomsk. On the same day, the Deputy Chief of the Tomsk Department of the Interior quashed that decision and extended the pre-investigation inquiry by thirty days. His decision indicated that Mr Navalnyy's wife and doctor and Ms P. were to be questioned and that other steps had to be taken.

20. On 21 September 2020 Mr G. challenged the Tomsk Department of the Interior's failure to act before the Kirovskiy District Court of Tomsk, referring to Articles 125, 144 and 145 of the CCrP.

21. On 28 September 2020, the Moscow City Court upheld the decision of the Basmannyy District Court of 4 September 2020 (see paragraph 18 above). It found no breach of procedural or substantive law.

22. On 2 October 2020 the Kirovskiy District Court dismissed the complaint filed by Mr G. It found no evidence that the investigating bodies had been inactive or had breached the statutory time-limits. On 7 October 2020 Mr G. appealed.

23. Meanwhile, on 6 October 2020, the Organisation for the Prohibition of Chemical Weapons ("OPCW") published a document stating that the biomarkers of the cholinesterase inhibitor found in Mr Navalny's blood and urine samples had similar structural characteristics to the toxic chemicals belonging to schedules in the Annex on Chemicals to the Chemical Weapons Convention. The following day, Mr Navalnyy's representative submitted a report of a crime proscribed by Article 355 of the CC (development, production, stockpiling, acquisition or sale of weapons of mass destruction).

24. On 16 October 2020 the investigator of the Tomsk Department of the Interior issued a decision refusing to open a criminal case into Mr Navalnyy's attempted murder on the grounds that no objective information had been obtained suggesting that any intentional criminal acts had been committed. The decision noted that over 200 people had been questioned and multiple venues and material exhibits had been examined. However, there had been no opportunity to question Mr Navalnyy, Ms P. and other persons whose questioning was necessary in order to take a lawful and well-reasoned decision in the case. Moreover, no reply had been received from the German authorities pursuant to an earlier legal assistance request. On the same day, the Deputy Chief of the Tomsk Department of the Interior quashed the decision and extended the pre-investigation inquiry by a further thirty days.

25. On 30 October 2020 the Kirovskiy District Court examined and dismissed a further complaint by Mr G. about the Tomsk Department of the Interior's failure to act. It found that the investigating authorities had acted lawfully. The court also dismissed the request to return Mr Navalnyy's personal belongings that had been seized for the inquiry, stating that it had no jurisdiction to decide on the matter. An appeal against that decision was dismissed by the Tomsk Regional Court on 28 December 2020.

26. On 16 November 2020 Mr Navalyy's representative challenged, under Article 125 of the CCrP, the failure of the investigators of the Investigative Department of the Federal Security Service of the Russian Federation to react to the OPCW report. On 25 November 2020 the Lefortovo District Court of Moscow dismissed the challenge. It accepted the investigators' argument that the allegation of a crime had been formulated in general terms, lacked the required details and could not therefore trigger an obligation to carry out a pre-investigation inquiry. It also noted that the applicant's grievances fell outside the scope of examination under Article 125 of the CCrP. In particular, the court noted:

> "When a court examines a complaint under Article 125 of the [CCrP], it examines only the lawfulness of the [impugned] actions of the officials which may interfere with the constitutional rights and freedoms of the participants in the criminal proceedings or impede access to justice, as well as the question whether [those] actions were well-founded, or not. The court has no right to predetermine the actions of the official responsible for the investigation, to quash or order him or her to quash his or her decision, or to impose on that official an obligation to carry out a pre-investigation inquiry, to open a criminal case or to refuse to open a criminal case."

27. On 30 November 2020 Mr Navalyy's representative appealed to the Moscow City Court. The Moscow City Court dismissed the appeal on 22 December 2020, endorsing the finding by the lower court.

28. In the meantime, on 20 November 2020, Mr Navalyy's representative lodged a claim with the Kirovskiy District Court challenging the failure of police officials to act in respect of various procedural requests which had been

previously submitted by him. On 4 December 2020 the court dismissed the claim. It held, in particular:

> "In accordance with Article 38 of the [CCrP], an investigator is a separate [independent (*самостоятельный*)] official, who has a right to independently decide on investigative actions ...
>
> ... [A] court cannot examine complaints asking it to impose on the investigator an obligation to carry out certain investigative actions, as that does not fall within the subject matter of the judicial function under Article 125 of the [CCrP]. In this connection, the applicant's request to open a criminal case on the basis of the inquiry materials ... does not fall within the scope of judicial examination under Article 125 of the [CCrP]."

29. An appeal against that decision was dismissed by the Tomsk Regional Court on 8 December 2020.

30. On 10 February 2021 the Investigative Committee of the Tomsk Linear Police refused to open a criminal case. Mr Navalnyy challenged the decision under Article 125 of the CCrP. The Kirovskiy District Court of Tomsk dismissed the complaint. The text of the decision noted:

> "The judge is not satisfied with the applicant's argument that the investigator failed to assess the elements of a crime punishable under Articles 105 and 277 of the CC, as investigators under the linear police are not responsible for conducting inquiries or making decisions under Articles 144-145 of the CCrP with regard to the offences in question."

31. Mr Navalnyy's representative appealed against the decision. The outcome of the appeal is unknown.

(γ) Criminal cases instituted in respect of recent events in Ukraine

32. A number of criminal cases have been opened by the ICRF into acts committed in Ukraine allegedly by Ukrainians since March 2022. The list is published on the official website of the ICRF. It does not appear from the details provided that any investigations have yet been opened with a view to examining allegations that crimes have been committed by Russian nationals in Ukraine.

(c) Law on State secrets

(i) Law No. 5485-1 of the Russian Federation of 21 July 1993 on State secrets

33. The State Secrets Act (Federal Law no. 5485-1 of 21 July 1993) specifies the types of military information which are protected by State secrecy. Section 5 lists the "types of information protected by State secrecy" and includes:

> "(1) military information:
>
> about the content of strategic and operational plans, documents relating to the preparation and conduct of military operations, strategic/operational/mobilisation

deployment of armed forces ..., combat and mobilisation status of armed forces, setting up and use of mobilisation resources;

...

about the location, naming, organisational structure, weaponry and number of troops, or information about the status of their military supply, as well as their politico-military and/or operational situation ...”

(ii) Presidential Decree No. 1203 of 30 November 1995 on approval of the list of information classified as State secrets

34. Presidential Decree no. 1203 of 30 November 1995 contains a detailed list of information which must be considered a State secret. It includes, in particular, plans on the use of the Russian armed forces, operational plans on the use of armed forces, information relating to military activity and supply and combat management. It also includes plans on the use of armed forces during peacetime in special (counterterrorist) operations, and activities aimed at protecting the State/society/persons from anti-constitutional activity and illegal armed violence. Lastly, it includes information about combat or mobilisation training of the armed forces.

(d) Instruments concerning Ukraine and Russia’s relationship with the separatist entities

(i) Resolution of the Federation Council of the Federal Assembly of the Russian Federation on the use of the Armed Forces of the Russian Federation on the territory of Ukraine (No. 48-SF), 1 March 2014

35. By this resolution, the Federation Council “[gave] permission (*дать согласие*) to the President of the Russian Federation to use the Armed Forces of the Russian Federation on the territory of Ukraine until the social and political situation in the country [became] normal”, in the interests of the safety of “citizens of the Russian Federation, our compatriots and the personnel of the military contingent of the Armed Forces of the Russian Federation deployed in accordance with an international treaty in Ukraine (Autonomous Republic of Crimea)”. The Resolution entered into force on the day of its adoption and was cancelled on 25 June 2014 upon the proposal of President Putin, in accordance with Ruling No. 296-SF of the Federation Council of the Federal Assembly of the Russian Federation.

(ii) Order no. 2537-P on the inter-agency commission for provision of humanitarian support to the affected territories in the south-eastern districts of the Donetsk and Luhansk Regions of Ukraine, 15 December 2014

36. The order set up a commission of deputy ministers and other officials of the same level with the following tasks: (i) to cooperate with the Ukrainian authorities in the field of reconstructive works and humanitarian aid; (ii) to coordinate the work of the Russian authorities and public associations in

respect of the reconstruction of important infrastructure in the affected territories; and (iii) to provide methodological assistance for those territories in their assessment of their humanitarian aid needs, as well as the effective use of that aid.

(iii) Presidential Decree of the Russian Federation of 18 February 2017 (no. 74) on recognition in the Russian Federation of documents and vehicle registration plates issued to Ukrainian citizens and stateless persons permanently residing in certain districts of Ukraine's Donetsk and Luhansk Regions

37. This decree provided for the recognition by the Russian Federation of identity documents, documents concerning education and qualifications, birth, marriage and death certificates, certificates of name change and vehicle registration documents issued by the "DPR" and the "LPR" to citizens of Ukraine and stateless persons permanently residing in territory controlled by the two entities. The decree was amended by Presidential Decree no. 665 of 4 November 2020 to provide for recognition of papers issued by the "DPR" and "LPR" regardless of citizenship.

(iv) Presidential Decree of 24 April 2019 (no. 183) on determination for humanitarian purposes of the categories of persons entitled to apply for admission to Russian citizenship in a simplified manner

38. This decree provided for the simplified naturalisation of residents of the "DPR" and the "LPR" who provided identity documents issued by the *de facto* authorities functioning in those territories.

(e) Cossack associations

39. There are two types of Cossack associations in Russia: associations of "non-registered Cossacks" (*нереестровые казаки*) and associations of "registered Cossacks" (*реестровые казаки*). The associations of "non-registered Cossacks" are established under general provisions of the Federal Law on Public Associations (no. 82-FZ of 19 May 1995). The associations of "registered Cossacks" are established under special provisions of domestic law.

2. Ukraine

(a) Law No. 1680-VII on the special order of local self-government in certain districts of the Donetsk and Luhansk Regions of 16 September 2014

40. On 16 September 2014 the *Verkhovna Rada* passed a law temporarily introducing a special order of local self-government in certain districts of the Donetsk and Luhansk regions (Bulletin of the *Verkhovna Rada* (VVR), 2014, No. 45, p. 2043).

(b) Resolution No. 1085-p of the Cabinet of Ministers of Ukraine of 7 November 2014

41. This resolution listed settlements where the State authorities of Ukraine did not exercise their powers in full and settlements on the line of contact. The resolution was amended on 5 May 2015, 2 December 2015, 7 February 2018, 13 June 2018, 5 July 2019 and 16 September 2020.

(c) Resolution No. 106-p of the Cabinet of Ministers of Ukraine of 18 February 2015

42. This resolution provided for the closure of certain border crossings with Russia in the Donetsk, Luhansk, Chernigiv, Sumy and Kharkiv regions.

(d) Resolution No. 254-VIII of the *Verkhovna Rada*, 17 March 2015

43. On 17 March 2015 the *Verkhovna Rada* of Ukraine adopted Resolution No. 254-VIII on the recognition of individual regions, cities, towns and villages of the Donetsk and Luhansk regions as temporarily occupied territories (Bulletin of the *Verkhovna Rada* (VVR), 2015, No. 17, p.128). The relevant territories in the Donetsk and Luhansk regions were recognised as temporarily occupied, “until the withdrawal of all illegal armed formations, Russian occupation forces, their military equipment, as well as militants and mercenaries from the territory of Ukraine and the restoration of full control of Ukraine over the State border of Ukraine”.

B. Relevant international materials

1. International treaties

(a) United Nations Convention against Transnational Organized Crime and the Protocols thereto

44. The United Nations (UN) Convention against Transnational Organized Crime was adopted by the UN General Assembly on 15 November 2000 by Resolution no. 55/25. It commits Member States to taking a series of measures against transnational organised crime, including the adoption of new and sweeping frameworks for extradition and mutual legal assistance and law enforcement cooperation. The Russian Federation signed the Convention on 12 December 2000 and ratified it on 26 May 2004. Upon ratification, the Russian Federation declared that requests for legal assistance and related materials transmitted to it had to be accompanied by a translation into Russian, unless otherwise provided by an international treaty of the Russian Federation or an agreement had otherwise been reached between the central authority of the Russian Federation and the central authority of the other State Party to the Convention.

(b) Convention on International Civil Aviation

45. The Convention on International Civil Aviation ("Chicago Convention") was signed on 7 December 1944 and entered into force in 1947. The International Civil Aviation Organization (ICAO) subsequently became a specialised UN agency. The Chicago Convention now has 193 States Parties. Article 26 provides:

> "In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident occurs will institute an inquiry into the circumstances of the accident, in accordance, in so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization."

46. Standard 5.1 of the Annex 13 to the Chicago Convention on Aircraft Accident and Incident Investigations reads as follows:

> "The State of Occurrence shall institute an investigation into the circumstances of the accident and be responsible for the conduct of the investigation, but it may delegate the whole or any part of the conducting of such investigation to another State by mutual arrangement and consent. In any event the State of Occurrence shall use every means to facilitate the investigation."

2. United Nations

(a) UN Security Council

(i) Resolutions

(α) Resolution 2166 (2014)

47. On 21 July 2014 the UN Security Council unanimously adopted Resolution 2166 (2014) concerning the downing of Malaysia Airlines Flight 17. The Resolution condemned "in the strongest terms" the downing of flight MH17 and stressed the need for a full, thorough and independent international investigation into the incident in accordance with international civil aviation guidelines, noting the crucial role played by the ICAO. It recognised the efforts under way by Ukraine, working in coordination with ICAO and others, to institute an international investigation of the incident, and called on all States to provide any requested assistance to related civil and criminal investigations. It also called on all States and actors in the region to cooperate fully in relation to the international investigation of the incident, including with respect to immediate and unrestricted access to the crash site. It demanded that those responsible for the incident be held to account and that all States cooperate fully with efforts to establish accountability and decided to remain seized of the matter.

(β) Resolution 2202 (2015)

48. UN Security Council Resolution 2202 (2015), adopted on 17 February 2015, reaffirmed the Security Council's full respect for the sovereignty and

territorial integrity of Ukraine, expressed "grave concern" about the escalation of violence in eastern Ukraine and reaffirmed its Resolution 2166 (2014). It endorsed the Minsk II Package (see paragraph 113 below) and called on all parties to fully implement the measures in it.

(γ) Vote on resolution establishing an international criminal tribunal in respect of the downing of flight MH17

49. On 29 July 2015 the UN Security Council failed to adopt a resolution that would have established an international tribunal for the purpose of prosecuting persons responsible for crimes connected with the downing of flight MH17, following use of the veto by the Russian Federation. The draft resolution, presented by Malaysia on behalf of the Joint Investigation Team ("JIT"), received eleven affirmative votes, three abstentions (Angola, China and Venezuela) and one negative vote (Russian Federation).

(ii) Correspondence

50. The Government of the Netherlands has regularly informed the Security Council the staps taken following the downing of flight MH17. For example, on 28 August 2014, the Permanent Representative of the Netherlands informed the Security Council that, at the request of Ukraine, the Netherlands had taken the lead in coordination of international efforts regarding the incident with flight MH17. On 9 September 2014, the Permanent Representative of the Netherlands informed the Security Council that the Dutch Safety Board ("DSB") had published a preliminary report regarding the downing of flight MH17, and appended that report. On 20 July 2015, the Government of the Netherlands sent a letter to the Security Council providing an update in relation to the status of that investigation, as well as the recovery and repatriation mission and the international technical investigation into the cause of the MH17 crash. On 25 May 2018, the Permanent Representatives of Australia and the Netherlands informed the Security Council that they had notified the Russian Federation, through a note verbale appended to their letter, that in their view the Russian Federation bore responsibility, under international law, for its role in the downing of flight MH17.

(b) UN General Assembly

51. On 27 March 2014 the UN General Assembly adopted Resolution 68/262 affirming its commitment to the sovereignty, political independence, unity and territorial integrity of Ukraine within its internationally recognised borders. The resolution also called on all States to desist and refrain from actions aimed at the partial or total disruption of the national unity and territorial integrity of Ukraine and underscored that the "referendum" held in

Crimea had no validity. It welcomed UN and OSCE assistance to Ukraine in protecting the rights of all persons, including minorities.

(c) UN Secretary General

52. On 24 January 2015 a statement was issued by the Spokesman for the UN Secretary-General on Ukraine. It read as follows:

> "The UN Secretary-General strongly condemned today's rocket attack on the city of Mariupol, which reportedly killed dozens of civilians and left over one hundred injured. He notes that rockets appear to have been launched indiscriminately into civilian areas, which would constitute a violation of international humanitarian law.
>
> The Secretary-General further denounces yesterday's unilateral withdrawal from the cease-fire by rebel leadership, and particularly their provocative statements about claiming further territory. This constitutes a violation of their commitments under the Minsk accords.
>
> The Secretary-General urges all concerned to redouble their efforts to revive the Minsk accords. Ukraine's peace, territorial integrity and stability, intrinsically linked to that of the broader region, must be urgently restored."

53. On 26 January 2015 the UN Under-Secretary General for Political Affairs briefed the Security Council on the situation in Ukraine (S/PV.7368). In his speech, he noted that in the previous five days, fifty civilians had been killed and nearly 150 seriously wounded. He referred to the barrage of attacks with multiple rocket launcher systems that had hit Mariupol on 24 January 2015, destroying buildings and impacting a market filled with civilians. He explained that the OSCE SMM had reported, based on crater analysis, that the rockets had originated from the "DPR"-controlled territory. He concluded that the attackers had "knowingly targeted a civilian population" in a city that lay "outside of the immediate conflict zone."

(d) UN Human Rights Council

54. The Human Rights Council ("the HRC") is an intergovernmental body within the United Nations system made up of forty-seven States. It is responsible for the promotion and protection of all human rights around the globe.

(i) Resolution 9/11. Right to the truth

55. On 18 September 2008 the HRC adopted a resolution on the "Right to the truth". It reiterated the importance for the victims of gross human rights violation to find out the truth and to obtain appropriate redress, and the importance of ensuring an end to impunity. It encouraged States to consider establishing specific judicial mechanisms and, where appropriate, truth and reconciliation commissions to complement the justice system, to investigate and address gross violations of human rights and serious violations of international humanitarian law.

56. The resolution also encouraged States to provide requesting States with the necessary and appropriate assistance regarding the right to the truth by means of, among other actions, technical cooperation and exchange of information concerning administrative, legislative and judicial and non-judicial measures, as well as experiences and best practices that had as a purpose the protection, promotion and implementation of the right to truth.

(ii) Resolution 12/12. Right to the truth

57. On 12 October 2009 the HRC adopted a further resolution reiterating the importance of the right to the truth. It built on the provisions of Resolution 9/11 and on subsequent reports of the Office of the High Commissioner for Human Rights (OHCHR) on the right to the truth.

3. International Court of Justice

58. On 16 January 2017 Ukraine lodged an application against the Russian Federation with the International Court of Justice (ICJ) for alleged violations of the International Convention for the Suppression of the Financing of Terrorism (ICSFT) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Its complaints under the CERD concerned Crimea only. Ukraine also lodged a request for the indication of provisional measures of protection.

59. Relying on the ICSFT, Ukraine accused Russia of supporting the acts of terrorism committed by its proxies in eastern Ukraine, including the downing of flight MH17 and shellings of civilians in Volnovakha, Mariupol and Kramatorsk. Ukraine further accused Russia of failure to cooperate with the Ukrainian authorities, notably to halt all forms of support for terrorism, including the supply of weapons, money and other materials across its border; to stop the fundraising efforts for Russian-backed illegal armed groups routed through Russian banks; and to help bring public and private individuals to justice for financing terrorism. Ukraine asked the ICJ to order Russia: (a) to refrain from aggravating the dispute; (b) to exercise appropriate control over its borders; (c) to halt and prevent all transfers from its territory of money, weapons, vehicles, equipment, training or personnel to groups that had engaged in acts of terrorism against civilians in Ukraine; and (d) to ensure that any such groups that received Russian support would refrain from carrying out acts of terrorism against civilians in Ukraine.

60. On 19 April 2017 the ICJ found that the conditions for the award of provisional measures of protection had not been met in so far as the ICSFT was concerned.

61. In a preliminary objections judgment of 8 November 2019, the ICJ found that it had jurisdiction to entertain the claims made by Ukraine under the ICSFT and that the application in relation to those claims was admissible. The proceedings remain pending.

4. International Criminal Court

(a) Report on Preliminary Examination Activities 2014, Office of the Prosecutor of the International Criminal Court

62. On 2 December 2014, the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) issued its "Report on Preliminary Examination Activities 2014". The OTP explained the procedural history of its examination as follows:

> "58. On 17 April 2014, the Government of Ukraine lodged a declaration under article 12(3) of the [Rome] Statute accepting the jurisdiction of the Court over alleged crimes committed on its territory from 21 November 2013 to 22 February 2014.
>
> 59. On 25 April 2014, in accordance with the Office's policy on preliminary examinations, the Prosecutor opened a preliminary examination into the situation in Ukraine."

63. The report noted that further communications had been received concerning allegations of crimes committed since March 2014, but that these were outside its temporal jurisdiction.

(b) Report on Preliminary Examination Activities 2015, Office of the Prosecutor

64. In its Report on Preliminary Examination Activities 2015, published on 12 November 2015, the OTP explained the extension of its investigation in respect of Ukraine:

> "79. On 8 September 2015, the Government of Ukraine lodged a second declaration under article 12(3) of the Statute accepting the exercise of jurisdiction of the ICC in relation to alleged crimes committed on its territory from 20 February 2014 onwards, with no end date. On 29 September, the Prosecutor announced, based on Ukraine's second declaration under article 12(3), the extension of the preliminary examination of the situation in Ukraine to include alleged crimes occurring after 20 February 2014."

(c) Report on Preliminary Examination Activities 2016, Office of the Prosecutor

65. In its 2016 report, published on 14 November 2016, the OTP commented:

> "168. Based on the information available it seems that by 30 April 2014 the level of intensity of hostilities between Ukrainian government forces and anti-government armed elements in eastern Ukraine reached a level that would trigger the application of the law of armed conflict. This preliminary analysis is based on information that both sides used of military weaponry, resources of the armed forces including airplanes and helicopters were deployed by the Ukrainian Government, and there were casualties to military personnel, non-government armed elements and civilians. Furthermore, information available indicates that the level of organisation of armed groups operating in eastern Ukraine, including the 'LPR' and 'DPR', had by the same time reached a degree sufficient for them to be parties to a non-international armed conflict.
>
> 169. Additional information, such as reported shelling by both States of military positions of the other, and the detention of Russian military personnel by Ukraine, and *vice-versa*, points to direct military engagement between Russian armed forces and Ukrainian government forces that would suggest the existence of an international armed

conflict in the context of armed hostilities in eastern Ukraine from 14 July 2014 at the latest, in parallel to the non-international armed conflict."

66. The OTP explained that it was also examining allegations that the Russian Federation exercised overall control over armed groups in eastern Ukraine, for the purpose of determining whether the otherwise non-international armed conflict could be actually international in character. It said:

"170. ... In conducting its analysis, the Office must assess whether the information available indicates that Russian authorities have provided support to the armed groups in the form of equipment, financing and personnel, and also whether they have generally directed or helped in planning actions of the armed groups in a manner that indicates they exercised genuine control over them. The Office is currently undertaking a detailed factual and legal analysis of the information available of relevance to this issue."

(d) Report on Preliminary Examination Activities 2017, Office of the Prosecutor

67. On 4 December 2017, the OTP issued its Report on Preliminary Examination Activities 2017.

68. The OTP described the general background as follows:

"Maidan events

84. At the start of the events that are the subject of the Office's preliminary examination, the Government of Ukraine was dominated by the Party of Regions, led by the President of Ukraine at the time, Viktor Yanukovych. Mass protests in the area of Independence Square (*Maidan Nezalezhnosti*) in Kyiv began on 21 November 2013, prompted by the decision of the Ukrainian Government not to sign an Association Agreement with the EU. Over the following weeks, the protest movement, which became known as the 'Maidan' protests, continued to grow in strength and reportedly diversified to include individuals and groups who were generally dissatisfied with the Yanukovych Government and demanded his removal from office.

85. Violent clashes occurred at several points in the context of the demonstrations, resulting in injuries both to protesters and members of the security forces, and deaths of some protesters. Violence escalated sharply on the evening of 18 February 2014 when the authorities reportedly initiated an operation to attempt to clear the square of protesters. Scores of people were killed and hundreds were injured within the following three days. On 21 February 2014, under EU mediation, President Yanukovych and opposition representatives agreed on a new government and scheduled the presidential election for May 2014. However, on 22 February 2014, the Ukrainian Parliament voted to remove President Yanukovych, who left the country that day to the Russian Federation."

69. After describing events in Crimea, it went on to set out the events in eastern Ukraine from 20 February 2014 onwards:

"89. In parallel to events in Crimea, anti-government protests took place in other regions of Ukraine following the departure of President Yanukovych, most notably in the east of the country. The situation deteriorated rapidly into violence and on 15 April 2014, the Ukrainian Government announced the start of an 'anti-terror operation', deploying its armed forces to the eastern provinces of the country. By the end of April, the acting Ukrainian President announced that the Ukrainian Government was no longer in full control of the provinces of Donetsk and Luhansk, declared that the country was

on ‘full combat alert’, and reinstated conscription to the armed forces by decree. On 2 May 2014, protests in Odessa between pro-unity and pro-federalism supporters turned violent and ended in more than 40 deaths, mainly of pro-federalism protesters who had taken refuge inside a trade union building, in which a fire then started.

90. Following ‘referendums’ held on 11 May 2014 that were deemed illegitimate by the Ukrainian Government, representatives of the self-proclaimed ‘Donetsk and Luhansk People’s Republics’ (‘DPR’/’LPR’) made declarations claiming ‘independence’ from Ukraine. Both the DPR and the LPR also appealed to be incorporated into the Russian Federation. Both of the self-declared ‘republics’ remain unrecognised by the vast majority of States.

91. The intensity of hostilities in eastern Ukraine rapidly increased. In spite of several attempts to broker a lasting ceasefire, including the ‘Minsk II’ agreement of February 2015, which is monitored by the Organization for Security and Co-operation in Europe (‘OSCE’), multiple violations of the ceasefire continue to be reported daily. Fighting of varying degrees of intensity, and involving the use of heavy military weaponry by both sides, has persisted for over three years.

92. During the course of the conflict, periods of particularly intense battles were reported in Ilovaisk (Donetsk oblast) in August 2014 and in Debaltseve (Donetsk) from January to February 2015. The increased intensity of fighting during these periods has been attributed to alleged corresponding influxes of troops, vehicles and weaponry from the Russian Federation to reinforce the positions of the armed groups.

93. In January and February 2017, intense shelling was reported in Avdiivka and Yasynuvata, on both sides of the contact line in Donetsk oblast, notably in builtup residential areas, prompting the UN Security Council to express in a press statement dated 31 January 2017 ‘grave concern’ over the ‘dangerous deterioration’ in eastern Ukraine, and the consequent ‘severe impact on the local civilian population’.”

70. The OTP referred to its assessment set out in its Report on Preliminary Examination Activities 2016 that by 30 April 2014:

> “... the level of intensity of hostilities between Ukrainian government forces and anti-government armed elements in eastern Ukraine had reached a level that would trigger the application of the law of armed conflict and that the armed groups operating in eastern Ukraine, including the LPR and DPR, were sufficiently organised to qualify as parties to a non-international armed conflict.”

71. It noted that in its 2016 report it had cited additional information, pointing to “direct military engagement between the respective armed forces of the Russian Federation and Ukraine, suggesting the existence of an international armed conflict in eastern Ukraine from 14 July 2014 at the latest, in parallel to the non-international armed conflict”. It continued:

> “95. For the purpose of determining whether the otherwise non-international armed conflict involving Ukrainian armed forces and anti-government armed groups could be actually international in character, the Office continues to examine allegations that the Russian Federation has exercised overall control over armed groups in eastern Ukraine. The existence of a single international armed conflict in eastern Ukraine would entail the application of articles of the Statute relevant to armed conflict of an international character for the relevant period.”

72. As to the alleged crimes, the OTP described them as follows:

"104. The Office has recorded more than 1,200 incidents involving crimes allegedly committed since 20 February 2014 in the context of events in eastern Ukraine.

105. *Killings*: according to the OHCHR, some 10,225 people have been killed and 24,541 injured, including members of the armed forces and armed groups and civilians, since the start of the conflict. Between April 2014 and August 2017, at least 2,505 civilians were allegedly killed in armed hostilities. A further 298 civilians, including 80 children, were killed in the downing of the civilian aircraft flight MH17 on 17 July 2014. In the same period, between 7,000 and 9,000 civilians were reportedly injured. Most civilian deaths resulted from the shelling of populated areas in both government-controlled territory and areas controlled by armed groups, with smaller numbers allegedly killed or injured by firearms. A number of summary executions of persons who were *hors de combat*, including members of armed groups and of Ukrainian forces who had been captured by the opposing side were also alleged. Such incidents were attributed to both pro-government forces and armed groups.

106. *Destruction of civilian objects*: in the course of the conflict hundreds of civilian objects, including residential properties, schools and kindergartens have allegedly been destroyed or damaged, largely by shelling, in both government-controlled territory and areas controlled by armed groups. In some cases, it is alleged that the shelling of such objects was deliberate or indiscriminate or that civilian buildings including schools have been improperly used for military purposes.

107. *Detention*: all sides have allegedly captured and detained both civilians and fighters of the opposing side in the context of the conflict in eastern Ukraine. Ukrainian security forces are alleged to have held both civilians and alleged armed group members without due process, while DPR and LPR forces are alleged to have arbitrarily detained, and in many cases ill-treated, civilians suspected of being pro-Ukrainian and members of Ukrainian armed forces. Irregular places of detention were reportedly used by both pro-Ukrainian forces and anti-government armed groups. Several hundred detentions have occurred during the conflict and in many instances those detained have been exchanged in mutual prisoner releases by both sides, though often after long periods of detention.

108. *Torture/ill-treatment*: torture or ill-treatment was reportedly perpetrated by both sides in the context of the conflict, involving several hundred alleged victims. Beatings, electric shocks and other forms of physical abuse, as well as mock executions and other threats causing severe psychological trauma were allegedly inflicted on civilians, including persons suspected of allegiance to the opposing side in the conflict, and on members of both Ukrainian armed forces and armed groups. In the majority of the alleged incidents, torture or ill-treatment occurred in the context of detention, frequently in 'irregular' detention facilities and often during interrogation. Torture and ill-treatment were reportedly used to attempt to extract confessions from detained persons or to force them to cooperate.

109. *Sexual and gender-based crimes*: while there are some documented instances of alleged sexual and gender-based crimes in the context of the conflict in eastern Ukraine, the information available might suffer from underreporting due to social and cultural taboos, and a lack of support services for victims in conflict-affected areas, among other factors. The majority of documented instances allegedly occurred in the context of detention and targeted male and female victims, including civilians and members of the armed forces and volunteer battalions or armed groups. These alleged crimes were attributed to both state and non-state forces. In several reported cases, sexual violence, including rape, threats of rape, beating of genitals and forced nudity were perpetrated in the context of interrogations.

110. *Disappearance*: official statistics suggest that more than 15,000 persons have been reported as 'missing' in the conflict zone since April 2014. However, many of these individuals were believed to be dead, detained *incommunicado*, or to have since reappeared. In spite of the lack of clear statistics on the actual number of alleged disappearances, reliable sources have documented several instances of alleged forced disappearance, the majority of which were attributed to pro-government forces."

73. The OTP emphasised that the summary was preliminary in nature and based on publicly available reports and other information received by the OTP. It further clarified that the descriptions were "without prejudice to the identification of any further alleged crimes which may be made by the Office in the course of its analysis, and should not be taken as indicative of, or implying any particular legal qualifications or factual determinations regarding the alleged conduct".

74. Summarising its activities in 2017, the OTP said:

"111. In the past year the Office has continued to review and consider additional information of relevance to the classification of the situation in Crimea and eastern Ukraine under international law.

112. In parallel, the Office has continued to gather, receive and review available information from a range of sources on alleged crimes committed in Crimea and Eastern Ukraine, as well as to review further information received related to the Maidan events. The Office took a number of steps to gather further information on the methodology used by various sources and to verify the seriousness of information received, including through external verification of information by consulting multiple reliable sources.

113. The Office has further developed its database of over 1,200 reported incidents alleged to have occurred in the context of the situation in Eastern Ukraine. This database has been updated as additional information became available and provides a basis for the preliminary crime pattern analysis conducted by the Office. This analysis focusses on identifying key features of the conflict and of the alleged conduct of the different parties, such as the most affected locations, time frames and types of targets, the different modus operandi employed, as well as casualty figures.

114. Due to the volume of information in its possession, and the broad range of types of conduct, the Office has sought to prioritise certain types of alleged conduct believed to be most representative of the patterns of alleged crimes and to analyse a selection of incidents in greater detail with regard to the specific elements of crimes under the Statute. The alleged crimes that have been the subject of analysis by the Office to date, including detention-related conduct and shelling in eastern Ukraine, require complex factual and legal assessments, such as in relation to the conduct of hostilities and the applicable legal framework.

115. In its analysis, the Office is also considering the relevance of information presented by both parties to the proceedings that Ukraine initiated before the ICJ against the Russian Federation for alleged violations of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination.

116. During the reporting period, the Office continued to engage with State authorities and intergovernmental and non-governmental organisations in order to address a range of matters relevant to the preliminary examination and to seek additional information to further inform its assessment of the alleged crimes and other connected issues. For that purpose, it has held a number of meetings with relevant stakeholders both at the

> seat of the Court and during a mission to Ukraine in April 2017. During this mission, the Office held extensive consultations with the Office of the Prosecutor General of Ukraine in order to assess the availability of information relevant to the Office's analysis. The Office also met with other stakeholders, including a number of civil society organisations, to further verify the seriousness of information received, and discuss cooperation and progress in the preliminary examination.
>
> 117. The Office is analysing additional information related to the Maidan events that it has received in 2017. The new information is being examined with regard to the Office's previous preliminary analysis that the crimes allegedly committed during the period 21 November 2013 to 22 February 2014 would not amount to crimes against humanity under the Statute."

75. It concluded that it would continue its detailed analysis of the alleged crimes, under the strict guidance of the Statute and with a view to reaching conclusions on jurisdictional issues within a reasonable time frame.

(e) Report on Preliminary Examination Activities 2018, Office of the Prosecutor

76. On 5 December 2018 the OTP issued its "Report on Preliminary Examination Activities 2018". The report reiterated much of the information in the 2017 report. It stated that between April 2014 and August 2018, at least 2,737 civilians had allegedly been killed in armed hostilities. In the same period, between 7,300 and 9,300 civilians had reportedly been injured. The Report also stated that the use of heavy weaponry by all parties to the conflict had caused widespread damage and destruction of civilian infrastructure, residential property, hospitals and other medical facilities, schools and kindergartens in both government-controlled territory and areas controlled by armed groups. According to the Report, the Office had recorded more than 1,200 incidents involving crimes allegedly committed since 20 February 2014 in the context of events in eastern Ukraine. Although the highest numbers of incidents had occurred in 2014 and 2015, during the most intense phase of hostilities, all forms of alleged conduct had continued to be reported up to the present time.

77. The Report also stated that the battle of Ilovaisk in August 2014 had been one of the deadliest periods of the armed conflict, and had allegedly resulted in the deaths of approximately 1000 Ukrainian servicemen. It was reported that many Ukrainian troops had been killed as they had attempted to retreat from the area, when they had come under fire from armed anti-government entity/Armed Forces of the Russian Federation troops, some of whom were disguised as Ukrainian troops. It was also indicated that a number of alleged summary executions of persons who had been captured by the opposing side and were *hors de combat*, including members of armed groups and of Ukrainian government forces, had been attributed to both pro-government forces and armed groups.

78. The Report concluded that it expected to finalise its analysis of subject-matter jurisdiction in relation to eastern Ukraine "in the near future", with a view to assessing admissibility as appropriate.

(f) Report on Preliminary Examination Activities 2019, Office of the Prosecutor

79. On 5 December 2019 the OTP published its annual Report on Preliminary Examination Activities for the period up to 30 November 2019. The summary of the alleged crimes in eastern Ukraine largely reproduced the content of the 2018 report. As to the allegedly "international" character of the conflict, the report continued:

> "277. For the purpose of determining whether the otherwise non-international armed conflict involving Ukrainian armed forces and anti-government armed groups could in fact be international in character, the Office considered information that suggests that the Russian Federation may have exercised overall control over armed groups in eastern Ukraine for some or all of the armed conflict. The existence of a single international armed conflict in eastern Ukraine would entail the application of articles of the Statute relevant to armed conflict of an international character for the relevant period. Taking into account these possible alternative classifications of the armed conflict(s) in eastern Ukraine, the Office considered the provisions of the Rome Statute applicable in both international and non-international armed conflict in conducting its analysis of the alleged crimes committed by the different parties to the conflict.
>
> 278. In its analysis of subject-matter jurisdiction with regard to eastern Ukraine, the Office examined a sample of specific attacks in the context of conduct of hostilities, by both sides in the conflict. It also examined information available regarding conflict-related detention, including allegations of arbitrary detention, summary executions of persons *hors de combat*, ill-treatment, torture, rape and other forms of sexual violence. The information available at this stage suggests in particular that members of armed anti-government entities have generally committed detention-related alleged crimes of a more severe nature and on a significantly larger scale than members of Ukrainian Government Forces. As noted above, however, the current availability of information in relation to certain conduct appears to have been generally impacted by the challenges that organisations documenting human rights violations have encountered in collecting information relating to these events. This includes factors such as the general level of insecurity, denial of access to detainees, and concerns for the safety of witnesses and victims. This in turn may have impacted the availability of information regarding certain alleged crimes, both in public reports and communications provided to the Office."

80. The OTP concluded that based on its preliminary assessment of subject-matter jurisdiction, the information available provided "a reasonable basis to believe" that, in the period from 30 April 2014 onwards, at least the following war crimes had been committed in the context of the armed conflict in eastern Ukraine: intentionally directing attacks against civilians and civilian objects; intentionally directing attacks against protected buildings; wilful killing/murder; torture and inhuman/cruel treatment; outrages upon personal dignity; and rape and other forms of sexual violence. Moreover, if the conflict was international in character, there was "a reasonable basis to believe" that the following war crimes had also been committed: intentionally launching attacks that resulted in harm to civilians and civilian objects that was clearly excessive in relation to the military advantage anticipated (disproportionate attacks); and unlawful confinement.

81. The OTP explained that it had now moved the focus of its preliminary examination of the situation in Ukraine to the assessment of admissibility. It said:

> "281. ... Since 2014 national investigative and prosecutorial authorities in Ukraine, and in other states, have initiated investigations and prosecutions of relevance to ICC jurisdiction. These proceedings include cases against persons holding senior or command-level positions in relation to the potential cases that would likely be the focus of any investigation by the Office. These proceedings are being, or have been conducted, by several different investigative and prosecutorial bodies in Ukraine and in other states. The Office has conducted an initial 'mapping' of relevant proceedings and identified the existence of multiple and overlapping jurisdictions with regard to conduct of relevance to ICC jurisdiction.
>
> ...
>
> 284. In relation to eastern Ukraine, the information available to the Office indicates that relevant Ukrainian authorities have carried out a number of criminal proceedings against both members of Ukrainian Government Forces and members of the armed anti-government entities, including in relation to: instances of shelling and other alleged crimes related to the conduct of hostilities; summary executions and other killings in detention; torture; ill-treatment; rape and other forms of sexual violence; forcible disappearances; and arbitrary detention. In relation to these relevant proceedings identified, the Office is currently seeking further information for purposes of assessing whether the specific conduct that is the focus of these national proceedings is the same as that identified in the potential cases identified by the Office.
>
> 285. For purposes of the admissibility assessment, the Office is also considering whether, based on the information available, the crimes allegedly committed in eastern Ukraine and in Crimea respectively are sufficiently grave within the meaning and requirements of the Statute to justify the opening of an investigation, in particular considering their scale, nature, manner of commission, and their impact on victims and affected communities."

82. The OTP indicated that during 2020 it would seek to finalise its assessment of the admissibility of potential cases that would likely be the focus of any investigation in order to enable the Prosecutor to decide whether there was a reasonable basis to enabling a request to the Pre-Trial Chamber for authorisation of an investigation (Article 15(3) of the Statute).

(g) Statement dated 11 December 2020 of the Prosecutor, International Criminal Court

83. On 11 December 2020 the Prosecutor of the ICC made the following statement on the conclusion of the preliminary examination in the situation in Ukraine:

> "Today, I announce the conclusion of the preliminary examination in the situation in Ukraine.
>
> ... Following a thorough and independent process, I can announce today that the statutory criteria for opening investigations into the situation in Ukraine are met.
>
> The preliminary examination of the situation in Ukraine was opened on 24 April 2014 on the basis of an initial *ad hoc* declaration lodged by the Government of Ukraine

accepting the jurisdiction of the Court, which was subsequently extended by a second declaration by Ukraine, lodged in 2015, to encompass ongoing alleged crimes committed on the territory of Ukraine from 20 February 2014 onwards.

Specifically, and without prejudice to any other crimes which may be identified during the course of an investigation, my Office has concluded that there is a reasonable basis at this time to believe that a broad range of conduct constituting war crimes and crimes against humanity within the jurisdiction of the Court have been committed in the context of the situation in Ukraine. These findings, which will be spelled out in more detail in our annual Report on Preliminary Examination Activities, include three broad clusters of victimisation: (i) crimes committed in the context of the conduct of hostilities; (ii) crimes committed during detentions; and (iii) crimes committed in Crimea. My Office furthermore found that these crimes, committed by the different parties to the conflict, were also sufficiently grave to warrant investigation by my Office, both in quantitative and qualitative terms.

Throughout the preliminary examination, my Office has benefitted from the cooperative engagement of the Ukrainian authorities, including the provision of detailed information on investigations and judicial proceedings at the national level with regard to crimes of relevance to ICC jurisdiction initiated by the national authorities in relation to alleged crimes by all parties to the conflict. Information available regarding national proceedings relevant to the situation in Ukraine initiated by the Russian Federation has also been considered in our assessment.

Having examined the information available, despite the existence of information on domestic proceedings, my Office has concluded that the potential cases that would likely arise from an investigation into the situation in Ukraine would be admissible. This is because the competent authorities in Ukraine and/or the Russian Federation are either inactive in relation to the categories of persons and conduct that the Office has identified, or because the national judicial system is ‘unavailable’ in territory under the control of the opposing party, rendering the competent authorities unable genuinely to obtain the accused or the necessary evidence and testimony or otherwise to carry out their proceedings.

Moving forward, the next step will be to request authorisation from the Judges of the Pre-Trial Chamber of the Court to open investigations ...”

(h) Report on Preliminary Examination Activities 2020, Office of the Prosecutor

84. On 14 December 2020 the OTP published its annual Report on Preliminary Examination Activities. The report details the preliminary examination activities carried out up to 14 December 2020. The OTP had collected and reviewed information from a variety of sources about national proceedings related to the broadly defined potential cases identified by the OTP in its subject-matter assessment. In this regard, the OTP had made detailed requests to national authorities to provide information on proceedings of relevance to its assessment. It had received responses from Ukraine regarding national proceedings but no response had been received to requests sent to the Russian Federation. As regards Ukraine, the report found a reasonable basis to believe that crimes under the Statute had been committed both in the context of the situations in Crimea and in eastern Ukraine. In the context of the armed conflict in eastern Ukraine, the Report

stated that at least the following war crimes had been committed in the context of the armed conflict in eastern Ukraine: intentionally directing attacks against civilians and civilian objects, pursuant to Article 8(2)(b)(i)-(ii) or 8(2)(e)(i) of the Statute; intentionally directing attacks against protected buildings, pursuant to Article 8(2)(b)(ix) or Article 8(2)(iv); wilful killing/murder, pursuant to Article 8(2)(a)(i) or Article 8(2)(c)(i); torture and inhuman/cruel treatment, pursuant to Article 8(2)(a)(ii) or Article 8(2)(c)(i)); outrages upon personal dignity, pursuant to Article 8(2)(b)(xxi) or Article 8(2)(c)(ii); and rape and other forms of sexual violence, pursuant to Article 8(2)(b)(xxii) or Article 8(2)(e)(vi).

5. Articles of the International Law Commission

(a) Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA)

85. At its first session, in 1949, the International Law Commission (ILC) selected State responsibility as one of the topics for codification. Work began in 1955 and continued until its adoption of the Articles on Responsibility of States for International Wrongful Acts (ARSIWA) in 2001. The UN General Assembly, in Resolution 56/83 of 12 December 2001, took note of the draft articles, the text of which was annexed to the resolution, and commended them to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action.

86. The ARSIWA provide that there is an internationally wrongful act of a State, entailing its international responsibility, when conduct consisting of an action or omission is attributable to the State under international law and constitutes a breach of an international obligation of the State (Articles 1 and 2).

87. Chapter II of the ARSIWA concerns attribution of conduct to a State. Article 4 provides:

Conduct of organs of a State

> "1. The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central Government or of a territorial unit of the State.
>
> 2. An organ includes any person or entity which has that status in accordance with the internal law of the State."

88. Article 8 provides:

Conduct directed or controlled by a State

> "The conduct of a person or group of persons shall be considered an act of a State under international law if the person or group of persons is in fact acting on the instructions of, or under the direction or control of, that State in carrying out the conduct."

(b) Articles on Diplomatic Protection

89. The relevant parts of Article 14 of the ILC Articles on Diplomatic Protection reads as follows:

> "1. A State may not present an international claim in respect of an injury ... before the injured person has, subject to draft article 15, exhausted all local remedies.
>
> 2. "Local remedies" means legal remedies which are open to an injured person before the judicial or administrative courts or bodies, whether ordinary or special, of the State alleged to be responsible for causing the injury."

90. Article 15 of the ILC Articles sets out a number of situations in which local remedies do not need to be exhausted. It provides, in particular, in paragraph (c) that local remedies do not need to be exhausted where "there was no relevant connection between the injured person and the State alleged to be responsible at the date of injury."

91. The ILC's commentary to Article 15 explains the purpose of Article 15 (c) (footnotes omitted):

> "(7) ... [E]ven where such local remedies exist, it would be unreasonable and unfair to require an injured person to exhaust local remedies ... where he is on board an aircraft that is shot down while flying over another State's territory. In such cases it has been suggested that local remedies need not be exhausted because of the absence of a voluntary link or territorial connection between the injured individual and the respondent State.
>
> (8) There is support in the literature for the proposition that in all cases in which the exhaustion of local remedies has been required there has been some link between the injured individual and the respondent State, such as voluntary physical presence, residence, ownership of property or a contractual relationship with the respondent State ...
>
> (9) Neither judicial authority nor State practice provide clear guidance on the existence of such an exception to the exhaustion of local remedies rule. ..."

6. Council of Europe

(a) European Convention on Mutual Assistance in Criminal Matters

92. The European Convention on Mutual Assistance in Criminal Matters (ETS No. 30) was opened for signature in 1959 and entered into force on 12 June 1962. By the time of the outbreak of hostilities in eastern Ukraine, it had been ratified by all three States Parties involved in the present case.

93. Article 1 provides:

> "The Contracting Parties undertake to afford each other, in accordance with the provisions of this Convention, the widest measure of mutual assistance in proceedings in respect of offences the punishment of which, at the time of the request for assistance, falls within the jurisdiction of the judicial authorities of the requesting Party."

94. The Convention sets out rules for the enforcement of letters rogatory aiming to procure evidence or to communicate the evidence in criminal proceedings undertaken by the judicial authorities of another Party. It also

specifies the requirements that requests for mutual assistance and letters rogatory have to meet. Article 16 provides that translations of requests and annexed documents are not required but that Contracting Parties may reserve the right to stipulate that they must be accompanied by a translation. In a Declaration contained in the instrument of ratification deposited on 10 December 1999, the Russian Federation declared that requests for assistance and annexed documents addressed to the Russian Federation under Article 16 should be accompanied by a translation into the Russian language.

95. Article 19 of the Convention requires that reasons be given for any refusal of mutual assistance.

(b) Committee of Ministers

96. On 17 September 2014, at its 1027th meeting, the Committee of Ministers of the Council of Europe adopted a decision on the situation in Ukraine. It stressed that the conflict could only be resolved by peaceful means that fully respected the territorial integrity of Ukraine within its internationally recognised borders. The ministers welcomed the Minsk Protocol as a first step towards a durable ceasefire and a long-term solution to the crisis in eastern Ukraine and called on all parties to strictly observe its conditions. The Committee of Ministers "called upon the Russian Federation to use its influence over the separatist movement in Eastern Ukraine with a view to de-escalating tensions and facilitating dialogue in the search for a peaceful and negotiated outcome to the crisis". It also

> "urged the Russian Federation to withdraw all its troops from Ukraine and refrain from any further military interference in Ukraine, including the supply of military assets to other parties; and to secure the border to avoid the illegal transfer of such assets, in full respect of the United Nations Charter and its commitments within the Council of Europe, regarding in particular the principles of the peaceful settlement of disputes and the full respect of the territorial integrity, sovereignty and independence of States, rejecting any forms or threats of force."

(c) Parliamentary Assembly of the Council of Europe

(i) Resolution 1990 (2014) on reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation

97. On 10 April 2014 the Parliamentary Assembly of the Council of Europe ("PACE") adopted Resolution 1990 (2014) on reconsideration on substantive grounds of the previously ratified credentials of the Russian delegation. The relevant parts of the resolution read:

> "6. The Assembly believes that by violating the sovereignty and territorial integrity of Ukraine, Russia has created a threat to stability and peace in Europe. The annexation of Crimea and the steps leading to it, have set a pattern which is now being followed by other parts of Ukraine, as demonstrated by the developments in Donetsk, Kharkiv and Lugansk since the first week of April.

7. The Assembly is particularly concerned by the position taken by the members of both chambers of the Russian Parliament at different stages of the process of annexation, including the unanimous vote in the Council of the Federation authorising the use of military force in Ukraine, the approval of constitutional amendments allowing for the annexation of Crimea and the ratification of the illegal treaty on unification."

(ii) Resolution 2028 (2015) on the humanitarian situation of Ukrainian refugees and displaced persons

98. On 27 January 2015 the PACE adopted Resolution 2028 (2015) on the humanitarian situation of Ukrainian refugees and displaced persons, in which it stated:

"1. The Parliamentary Assembly is deeply concerned about the ongoing instability in some parts of the Donetsk and Luhansk regions of Ukraine and the continued violation of the ceasefire signed in Minsk on 5 September 2014. Particularly disturbing is the direct involvement of the Russian Federation in the emergence and worsening of the situation in these parts of Ukraine."

99. It called on the Russian authorities to:

"15.1. refrain from destabilising Ukraine and financing and providing military support to illegal armed groups, and to use their influence on them to make them fully respect and implement the provisions of the Minsk agreements;

15.2. ensure the security and respect for human rights of all those who live under the *de facto* illegal control of the Russian Federation in Crimea, ensure full respect of all the obligations of the occupying State in accordance with international humanitarian law ...;"

(iii) Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation

100. On 28 January 2015 the PACE adopted Resolution 2034 (2015) on the challenge, on substantive grounds, of the still unratified credentials of the delegation of the Russian Federation:

"7. The Assembly is extremely concerned about the developments in eastern Ukraine and condemns Russia's role in instigating and escalating these developments, including with arms supplies to insurgent forces and covert military action by Russian troops inside eastern Ukraine, which are a gross violation of international law, including the Statute of the Council of Europe as well as of the Minsk Protocol to which Russia is a party. In addition, the Assembly expresses its dismay about the participation of large numbers of Russian 'volunteers' in the conflict in eastern Ukraine without any apparent action of the Russian authorities to stop this participation, despite it being in violation of the Criminal Code of the Russian Federation itself. It takes note of credible reports of burials of soldiers on Russian territory. The Assembly condemns the violation of the territorial integrity and borders of a Council of Europe member State by the Russian Federation. It therefore calls on the Russian authorities to immediately:

7.1. withdraw all its troops, including covert forces, from Ukrainian territory;

7.2. refrain from supplying weapons to the insurgent forces;

7.3. take credible measures to end the influx of Russian ‘volunteers’ into the conflict in eastern Ukraine;

7.4. adopt amendments to the Criminal Code that criminalise the participation of Russian civilians in armed conflicts abroad, including when they are not remunerated for their actions;

7.5. prosecute to the full extent of Russian law, all Russian citizens who have participated as ‘volunteers’ in the armed conflict in eastern Ukraine;

7.6. give its full co-operation to the investigations into the downing of Malaysia Airlines flight MH17;

7.7. bring the Federal Law on Defence of the Russian Federation into line with the opinion of the European Commission for Democracy through Law (Venice Commission) on this law;

7.8. ensure permanent Ukrainian/Russian control of their joint State border;

7.9. release all hostages, prisoners of war and illegally held persons.”

101. The resolution continued:

“8. In the view of the Assembly, the conflict in eastern Ukraine can only be resolved by political means. It therefore welcomes the Minsk Protocol and Memorandum, signed by the Russian Federation and Ukraine, as well as by the self-proclaimed people’s republics of Donetsk and Luhansk. It therefore expresses its great concern that the Russian Federation is now denying that it is even a party to the Minsk Protocol and Memorandum, asserting that it is only an observer. It deplores the repeated violations by all sides of the ceasefire. It calls on all signatories to respect the ceasefire and fully implement the Minsk Protocol. It particularly calls on the Russian authorities to allow and assist the Ukrainian authorities to establish full control, under international monitoring, of its entire border with Russia, which is the basis of the political solution of the conflict as provided for in the Minsk Protocol.

9. The Assembly is deeply concerned by repeated and credible reports of human rights violations, including possible war crimes, by armed insurgents as well as voluntary battalions fighting alongside the Ukrainian armed forces. The Russian and Ukrainian authorities should fully and transparently investigate any reports of human rights violations and war crimes committed by their nationals and, where violations are found, prosecute them to the fullest extent of the law.

10. Underscoring the need for a negotiated solution to the conflict, the Assembly cannot but condemn the statement of the pro-Russian rebel leader, Alexander Zakharchenko, on 23 January 2015, that his forces will no longer abide by, and are no longer interested in, a ceasefire agreement, as well as his decision to start an offensive to occupy the rest of the Donetsk region as well as the city of Mariupol. This represents a serious escalation of the conflict in eastern Ukraine. The Assembly equally condemns the rocket attack by separatist forces on the town of Mariupol that left at least 30 civilians dead. It urges Russia to use its influence to ensure that the rebel forces return to the negotiating table and fully adhere to the ceasefire agreement as provided for in the Minsk Protocol.”

(iv) Resolution 2067 (2015) on missing persons during the conflict in Ukraine

102. The relevant parts of Resolution 2067 (2015) on missing persons during the conflict in Ukraine, adopted by the PACE on 25 June 2015, read as follows:

> "2. Since the beginning of the Russian aggression in Ukraine, in early 2014, more than 1 300 persons have been reported missing. This figure, which only takes into account data collected by the Ukrainian authorities, is in reality certainly higher. Among the missing persons are not only soldiers, but also civilians, including volunteers who were helping victims of the conflict. Their fate and whereabouts are unknown and difficult to determine as their most likely location is in the territory which remains under the control of separatist groups.
>
> ...
>
> 4. The Assembly deplores the decision of the President of the Russian Federation to classify information on casualties among the personnel of the Armed Forces of the Russian Federation incurred in special operations during peacetime.
>
> ...
>
> 9. The Assembly further urges the authorities of the Russian Federation to:
>
> 9.1. release all prisoners illegally captured in Ukrainian territory;
>
> 9.2. conduct an effective investigation and prosecute perpetrators in cases of abduction, enforced disappearances, torture and politically motivated killings of Ukrainian activists and members of the Crimean Tatar community;
>
> 9.3. exercise pressure over the separatist groups which control the occupied territories in the Donetsk and Luhansk regions for the immediate release of all civilians held in custody on the territory under their control and for the exchange of prisoners;
>
> ...
>
> 9.5. provide the families of missing Russian soldiers with accurate information on the fate and whereabouts of their missing relatives;
>
> ..."

(v) Resolution 2112 (2016) on the humanitarian concerns with regard to people captured during the war in Ukraine

103. Resolution 2112 (2016) on the humanitarian concerns with regard to people captured during the war in Ukraine, adopted on 21 April 2016, reads as follows:

> "1. Since the illegal annexation of Crimea by the Russian Federation and the beginning of military aggression in the Luhansk and Donetsk regions in eastern Ukraine, hundreds of Ukrainian servicemen and civilians have been reported captured or abducted.
>
> 2.According to the Security Service of Ukraine, 3,015 captured persons have been released since April 2014, but 123 persons are still being held captive by the separatists and 693 are still reported missing. However, these numbers do not include all the people who have been captured by the separatists in the occupied territories, as their relatives are often afraid to declare their captivity to the Ukrainian authorities.

3.The Parliamentary Assembly is deeply concerned about the numerous reports of inhumane and degrading treatment of captured persons, who are subjected to torture, ill-treatment and sexual violence. Moreover, there is also evidence that captured persons have been executed by the separatist forces.

...

The Assembly believes that without the strong determination of all sides to stop this war, a solution to the problem of people captured during the Russian military aggressions in Ukraine is not possible. Therefore, it urges Ukraine, the Russian Federation and the separatist groups controlling the occupied territories of the Donetsk and Luhansk regions to:

9.1. stop all military operations in the east of Ukraine, withdraw all weapons and restore peace in this region;

9.2. implement, without further delay, the Minsk Agreement, especially prioritising the paragraph on the release of all captured persons; their release should not be based upon the fulfilment of other Minsk Agreement points;

9.3. respect international humanitarian law and the rights and obligations of the parties in respect of prisoners of war and the protection of civilians, which are provided for in the Third and Fourth Geneva Conventions of 1949 and the two additional protocols of 1977 (on international and non-international armed conflicts);

9.4. grant international humanitarian organisations access to all detainees, without any conditions.

10. The Assembly further urges the authorities of the Russian Federation to:

10.1. release all Ukrainian prisoners captured and imprisoned in the Russian Federation and in illegally annexed Crimea on politically motivated charges, including, but not limited to, Mr Ahtem Çiygöz;

10.2. conduct effective investigations and prosecute perpetrators in cases of abduction, enforced disappearances, torture and politically motivated killings of Ukrainian and Crimean-Tatar activists in Crimea;

10.3. use their influence over the separatist groups which control the occupied territories in the Donetsk and Luhansk regions to urge them to release all Ukrainian captives;

10.4. immediately provide unimpeded access to Crimea for conventional and monitoring mechanisms of international human rights organisations;

10.5. immediately release Ms Savchenko, who enjoys European parliamentary immunity under the General Agreement on Privileges and Immunities of the Council of Europe, and other illegally detained Ukrainian prisoners, and allow their return to Ukraine.

11. The Assembly urges the separatist groups which control the occupied territories in the Donetsk and Luhansk regions to:

11.1. release all captured prisoners and hostages;

11.2. stop all violations of human rights, in particular the abduction, torture and politically motivated killing of Ukrainian citizens;

11.3. co-operate with the Ukrainian side in the co-ordination of lists and categories of captured persons with a view to their exchange in the framework of the Minsk Agreement based on the ‘all for all’ principle;

11.4. grant international humanitarian missions access to all places of detention of captured persons.

...”

(vi) Resolution 2133 (2016) on the legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities

104. On 12 October 2016, Resolution 2133 (2016) on the legal remedies for human rights violations on the Ukrainian territories outside the control of the Ukrainian authorities was adopted by the PACE. The relevant parts of the resolution read as follows:

“3. The ‘DPR’ and ‘LPR’ – established, supported and effectively controlled by the Russian Federation – are not legitimate under Ukrainian or international law. This applies to all their “institutions”, including the ‘courts’ established by the *de facto* authorities.

4. Under international law, the Russian Federation, which exercises *de facto* control over these territories, is responsible for the protection of their populations. Russia must therefore guarantee the human rights of all inhabitants of Crimea and of the ‘DPR’ and ‘LPR’.

5. ... In the ‘DPR’ and the ‘LPR’, effective control is based on the crucial and well-documented role of Russian military personnel in taking over and maintaining power in these regions, against the determined resistance of the legitimate Ukrainian authorities, and on the complete dependence of these regions on Russia in logistical, financial and administrative matters.

6. Both in Crimea and in the conflict zone in the Donbas region, serious human rights violations have occurred, and are still occurring, as documented by numerous reports from, *inter alia*, the Council of Europe’s Commissioner for Human Rights, the United Nations Human Rights Monitoring Mission in Ukraine, the Special Monitoring Mission to Ukraine of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), and leading Ukrainian and international non-governmental human rights organisations. These violations include extrajudicial executions, enforced disappearances, torture and inhuman and degrading treatment, unlawful detentions and disproportionate restrictions on the freedom of expression and freedom of information.

7. Victims of human rights violations have no effective internal legal remedies at their disposal:

7.1. as far as the residents of the ‘DPR’ and ‘LPR’ are concerned, local ‘courts’ lack legitimacy, independence and professionalism; the Ukrainian courts in the neighbouring government-controlled areas, to which jurisdiction for the non-controlled areas was transferred by Ukraine, are difficult to reach, cannot access files left behind in the ‘DPR’ or ‘LPR’ and cannot ensure the execution of their judgments in these territories;

...

10. In the conflict zone in the Donbas region, the civilian population as well as a large number of combatants were subjected to violations of their rights to life and physical integrity and to the free enjoyment of property, as a result of war crimes and crimes

against humanity including the indiscriminate or even intentional shelling of civilian areas, sometimes provoked by the stationing of weapons in close proximity.

11. Numerous inhabitants of the conflict zone in the Donbas, on both sides of the contact line, still suffer on a daily basis from numerous violations of the ceasefire that was agreed in Minsk. These violations are documented daily by the OSCE Special Monitoring Mission to Ukraine, despite the restrictions on access imposed mainly by the *de facto* authorities of the 'DPR' and 'LPR'. The inhabitants also suffer from the prevailing climate of impunity and general lawlessness due to the absence of legitimate, functioning State institutions, and in particular access to justice in line with Article 6 of the European Convention on Human Rights (ETS No. 5). They also endure severe social hardship worsened by restrictive measures imposed by the Ukrainian authorities regarding pension and social assistance payments. The legal and humanitarian situation of ordinary detainees sentenced to prison terms before the conflict (about 5 000 persons in the 'LPR' alone) is unacceptable: decisions by the Ukrainian judicial authorities on early release (probation, amnesty) are routinely ignored by the *de facto* authorities, who subject prison inmates to forced labour and various forms of inhuman and degrading treatment. Finally, persons displaced from the 'DPR' and 'LPR' face expropriation of the properties they left behind due to the unlawful re-registration requirements imposed by the *de facto* authorities."

(vii) Resolution 2198 (2018) on humanitarian consequences of the war in Ukraine

105. Resolution 2198 (2018) on humanitarian consequences of the war in Ukraine, adopted on 23 January 2018, reads as follows, in so far as relevant:

"1. The Parliamentary Assembly is alarmed by the humanitarian situation resulting from the ongoing Russian war against Ukraine, which is taking place in certain areas of the Donetsk and Luhansk regions, and from the occupation and attempted annexation of Crimea by the Russian Federation. More than 4 million people are in need of humanitarian assistance. The armed conflict has taken the lives of more than 10 000 people. The number of people injured during the war has reached more than 24 000. In addition, more than 1.6 million people are internally displaced and almost half a million people are seeking asylum in other countries, most of them in the Russian Federation. The Assembly calls on all member States to step up their political co-operation in order to put an end to this conflict and the suffering of the civil population.

2. The Assembly is particularly concerned about the alarming humanitarian situation in the occupied territories in the Donetsk and Luhansk regions, which has been aggravated by the restrictions imposed by the illegal armed groups on the freedom of movement and humanitarian access. The affected population suffers from a lack of security, problems with water and energy supplies and access to social benefits and medical care."

(viii) Resolution 2292 (2019) on the challenge, on substantive grounds, of the still unratified credentials of the parliamentary delegation of the Russian Federation

106. In June 2019 the PACE voted to ratify the credentials of the Russian delegation. It called on the Russian authorities to, *inter alia*, unconditionally and fully cooperate with the joint investigation team and the Dutch prosecution service in bringing those responsible for the downing of flight MH17 to justice.

(ix) Resolution 2452 (2022) on ensuring accountability for the downing of flight MH17

107. Resolution 2452 (2022) on ensuring accountability for the downing of flight MH17, adopted on 23 June 2022, read, in relevant part, as follows:

> "7. Based on the evidence made available to the rapporteur by the Ukrainian and Dutch authorities, the Assembly considers as the most convincing scenario by far that flight MH17 was shot down by a Buk missile made available to the military units controlled by the Russian Federation by the Russian military.
>
> 8. The Assembly is appalled by the failure of the Russian authorities to co-operate in good faith with the air safety investigation by the OVV and the criminal investigation by the JIT. Instead of providing reliable information to the competent investigative bodies, the Russian authorities spread disinformation, including successive contradictory versions of the events designed to create confusion. As demonstrated by open-source intelligence published in numerous reports, the Russian authorities even went so far as to submit manipulated radar, satellite and other data in order to obfuscate the truth. In particular, the versions according to which a Ukrainian SU25 or MiG29 fighter jet had shot down flight MH17 have been thoroughly disproved, as has been the version that a Ukrainian Buk missile fired from the government-controlled territory was to be blamed. The Assembly calls on the Russian Federation to provide all satellite and radar data to the OVV and the JIT.
>
> 9. Disinformation by the Russian authorities and State-controlled media and the disrespectful treatment of the bodily remains of the crash victims by the military units controlled by Russian Federation who were in control of the crash site have strongly aggravated and prolonged the suffering of the crash victims' relatives and friends. They desperately need to know the truth of what happened to their loved ones, and how and why, and they need a measure of accountability of the perpetrators in order to find closure.
>
> 10. The Assembly therefore calls on the Russian Federation to co-operate henceforth in good faith with the JIT by providing it with all the information requested and rectifying the falsified or otherwise misleading data already provided, and to formally apologise to the crash victims' relatives and friends for the pain and suffering caused by earlier disinformation."

(d) Congress of Local and Regional Authorities of the Council of Europe

108. The Congress of Local and Regional Authorities of the Council of Europe adopted, on 14-16 October 2014, Declaration 3 (2014) on separatist tensions in Ukraine and neighbouring countries, the relevant parts of which read as follows:

> "3. Today, the Congress condemns Russia's military intervention in the east of Ukraine, and condemns all forms of pressure by Russia on its neighbours.
>
> 4. The security of this continent is seriously threatened by the Russian Federation's repeated failure to comply with international rules and the principles and values of the Council of Europe that it signed up to when it joined the Organisation
>
> ...
>
> 6. The principles of international law, such as territorial integrity, sovereignty and the inviolability of the internationally recognised borders of states are imperative for the

peaceful settlement of conflicts in Georgia, Ukraine, Azerbaijan and the Republic of Moldova faced with separatist movements. Armed separatism, supported by mercenaries and the intervention of foreign troops, is the antithesis of all that the Congress stands for and has created a humanitarian crisis that the national authorities and the international community must resolve together.

...

9. What has taken place in the Crimea (Ukraine), in South Ossetia and Abkhazia (Georgia), and in Transnistria (Republic of Moldova), and what is happening today in the east of Ukraine is totally contrary to the Europe of the regions that we are striving to achieve. At the same time, the Congress reaffirms its commitment to a peaceful dialogue on the basis of European values, especially the respect for human rights, including language rights of national minorities. With regard to the east of Ukraine, a cease-fire has been agreed in Minsk between the different parties concerned by the conflict. This cease-fire must be effectively and comprehensively implemented and must be followed by a political dialogue to enable Ukraine to recover its territorial integrity."

7. OSCE

(a) General

109. On 2 July 2014 the OSCE Parliamentary Assembly adopted a Resolution on Clear, Gross and Uncorrected Violations of Helsinki Principles by the Russian Federation. The resolution referred to events in Crimea and expressed concern that the Russian Federation continued to violate its international commitments in order to make similarly illegitimate claims in the eastern part of Ukraine. It condemned the "clear, gross and uncorrected violation of the Helsinki principles by the Russian Federation with respect to Ukraine, including the particularly egregious violation of that country's sovereignty and territorial integrity" and deplored "the armed intervention by forces under the control of the Russian Federation in Ukraine, and the human rights violations that they continue to cause".

(b) The Minsk agreements

(i) Protocol on the results of consultations of the Trilateral Contact Group ("Minsk Protocol")

110. The Trilateral Contact Group of senior representatives of Ukraine, of the Russian Federation and of the OSCE Chairperson-in-Office met on 1 September 2014 with representatives of the "DPR" and "LPR" to discuss the situation in the conflict zone in eastern Ukraine,

111. On 5 September 2014 the Minsk Protocol was signed by the Trilateral Contact Group on Ukraine. It established a twelve-point roadmap including the following steps: ensure an immediate bilateral ceasefire; carry out decentralisation of power, allowing temporary local self-government in areas of Donetsk and Luhansk in eastern Ukraine under a "special status" law; immediately free all hostages and illegally detained persons; ensure monitoring on the Ukrainian-Russian border and a security zone; ensure the

holding of snap local elections in Donetsk and Luhansk; remove illegal armed groups, military hardware, and all fighters and mercenaries from Ukrainian territory; and pass a law against the prosecution and punishment of people over certain events in the Donetsk and Luhansk regions.

112. On 19 September 2014 a memorandum outlining the parameters for the implementation of commitments of the Minsk Protocol ("the Minsk Memorandum") was signed. The Minsk Memorandum contained further details of the measures to be taken in order to secure the bilateral ceasefire agreed in the Minsk Protocol.

(ii) Package of Measures for the Implementation of the Minsk Agreements ("Minsk II")

113. On 12 February 2015 it was announced that a new package of measures had been agreed by Ukraine, the Russian Federation, the OSCE and the "DPR" and "LPR". The parties agreed on a thirteen-point deal, which included: (i) an immediate and comprehensive ceasefire starting from midnight (Kyiv time) on 15 February 2015; (ii) withdrawal of heavy weapons on both sides; (iii) monitoring and verification of the ceasefire regime and the withdrawal of heavy weapons by the OSCE; (iv) dialogue on interim self-government for the Donetsk and Luhansk regions, in accordance with Ukrainian law, and acknowledgment of special status by Ukrainian parliament; (v) a pardon and amnesty law prohibiting the prosecution and punishment of persons in connection with the events in the Donetsk and Luhansk regions; (vi) release and exchange of all hostages and unlawfully detained persons; (vii) humanitarian assistance; (viii) resumption of socioeconomic ties, including pensions and payments; (ix) reinstatement of full control of the State border by Ukraine throughout the conflict area; (x) withdrawal of foreign armed formations, military equipment and mercenaries from the territory of Ukraine and disarmament of all illegal groups; (xi) constitutional reform in Ukraine providing for decentralisation, including a reference to the specificities of certain areas in the Donetsk and Luhansk regions and adoption of permanent legislation on the special status of the Donetsk and Luhansk regions; (xii) elections in Donetsk and Luhansk; and (xiii) intensification of the Trilateral Contact Group's work including representatives of Ukraine, the Russian Federation and the OSCE.

(c) The Joint Centre for Control and Coordination

114. The Joint Centre for Control and Coordination ("JCCC") of issues related to the ceasefire regime and the stabilisation of the situation was established on 26 September 2014 with the participation of representatives of the armed forces of Ukraine and the Russian Federation. It was intended to ensure the effective control and verification by the OSCE of the existing agreements on compliance with the Minsk ceasefire regime.

115. In late December 2017 the Russian representatives left the JCCC. The Russian Foreign Ministry stated:

> "[T]he Ukrainian side has deliberately created a tense moral and psychological situation for the Russian service personnel involved in the Centre's work and has hampered the execution of their official duties."

8. European Union

116. On 6 March 2014 the European Union's Heads of State or Government strongly condemned the unprovoked violation of Ukrainian sovereignty and territorial integrity by Russia and called on the Russian Federation to immediately withdraw its armed forces to the areas of their permanent stationing. They stated that any further steps by Russia to destabilise the situation in Ukraine would lead to additional and far-reaching consequences for relations in a broad range of economic areas.

117. On 17 March 2014, at the end of a meeting in the Foreign Affairs Council, the Council of the European Union adopted Resolution No. 269/2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine. The ministers decided to introduce a first set of measures against twenty-one officials, and the persons and entities associated with them, for their role in actions threatening the territorial integrity, sovereignty and independence of Ukraine. Travel bans and asset freezes within the European Union entered into force on that very day.

118. On 12 May 2014 the Council of the European Union condemned recent violent events in Ukraine and the organisation of the referendum in eastern regions. In the light of events in eastern Ukraine and in Crimea, the Council agreed on a new set of sanctions. It also reiterated its demand to Russia to call back its troops from the Ukrainian border and to immediately withdraw the mandate of the Federation Council to use force on Ukrainian soil.

119. On 16 July 2014 the Council of the European Union agreed to target Russia with a new set of six restrictive measures including restrictions on economic cooperation with Russia.

120. On 22 July 2014 the Foreign Affairs Council urged Russia to actively use its influence over the illegally armed groups.

121. Following the downing of the flight MH17, on 22 and 25 July 2014 the Council adopted reinforced sanctions. This brought the number of persons currently under European Union sanctions in connection with the situation in Ukraine to eighty-seven while the number of entities rose to twenty. The Council also urged Russia to stop the increasing flow of weapons, equipment and militants across the border.

122. On 29 July 2014 the Council of the European Union adopted a package of targeted "economic sanctions" against the Russian Federation. These measures concerned exchanges with Russia in specific economic

sectors. On 12 September 2014 a new package of restrictive measures targeting exchanges with Russia in specific economic sectors entered into force, reinforcing the measures adopted in July.

123. On 28 November 2014 an asset freeze and an EU travel ban were imposed on thirteen persons and five entities involved in action against Ukraine's territorial integrity. This decision brought the total of persons subject to sanctions over Ukraine's territorial integrity to 132 and the number of entities under an asset freeze to twenty-eight.

124. On 15 January 2015 the European Parliament adopted a resolution on the situation in Ukraine (2014/2965(RSP)) and noted that "the ceasefire of 5 September 2014 has been violated by the separatists and Russian forces on a daily basis" and that the main points of the Memorandum signed on 19 September 2014 had "not been implemented by the Russian-backed separatists". It further noted that, according to credible sources, Russia continued to support the separatist militias through a steady flow of military equipment, mercenaries and regular Russian units, including main battle tanks, sophisticated anti-aircraft systems and artillery. It condemned the acts of terrorism and criminal behaviour of the separatists and other irregular forces in eastern Ukraine:

> "5. Strongly condemns Russia's aggressive and expansionist policy, which constitutes a threat to the unity and independence of Ukraine and poses a potential threat to the EU itself, including the illegal annexation of Crimea and waging an undeclared hybrid war against Ukraine, including information war, blending elements of cyber warfare, use of regular and irregular forces, propaganda, economic pressure, energy blackmail, diplomacy and political destabilisation; ... calls on Moscow to stop escalating the situation by immediately halting the flow of weapons, mercenaries and troops in support of the separatist militias and to use its influence with the separatists to convince them to engage in the political process;
>
> 6. Urges all parties to fully implement the Minsk Protocol without further delay and thus demonstrate their true commitment to de-escalation and maximum restraint; calls on Russia to allow international monitoring of the Russian-Ukrainian border, to use its influence over the separatists to ensure they abide by the ceasefire, and to work constructively for the implementation of the Minsk arrangements; ...

125. On 29 January 2015 the Council of the European Union met in an extraordinary session to discuss the latest escalation of violence in Ukraine. It condemned the indiscriminate shelling of residential areas, especially in Mariupol, and the escalation of fighting in the Donetsk and Luhansk regions. The Council declared that it expected Russia to exert its influence and to induce the separatists to fully live up to the commitments under the Minsk Agreements. These included notably the cessation of hostilities and the withdrawal of heavy weapons from the security zone as urgent first steps.

126. On 9 February 2015 the Council of the European Union adopted additional listings concerning separatists in eastern Ukraine and their supporters in Russia. These consisted of an asset freeze and a travel ban on

nineteen persons and nine entities involved in action against Ukraine's territorial integrity.

127. On 16 February 2015 an asset freeze and a travel ban were imposed on nineteen persons and nine entities involved in action against Ukraine's territorial integrity. Among them were the Russian Deputy Defence Minister, Anatoly Antonov, and the First Deputy Defence Minister, Arkady Bakhin, on the grounds that they were "involved in supporting the deployment of Russian troops in Ukraine". Both Antonov and Bakhin were found to be participating in shaping and implementing the policy of the Russian government, threatening the territorial integrity, sovereignty and independence of Ukraine. Bakhin was also allegedly involved in supporting the deployment of Russian troops in Ukraine. The Council also listed Andrei Kartapolov, a senior Russian military commander, for being involved in shaping and implementing the military campaign of the Russian forces in Ukraine.

128. On 21 December 2015 the Council of the European Union noted that the Minsk Agreements would not be completely implemented by 31 December 2015 and renewed the restrictive measures for a further six months in order to enable the Council to further assess the implementation of those agreements.

129. In March 2016 the European Union's Foreign Affairs Council agreed on five guiding principles for EU-Russia relations:

(i) implementation of the Minsk Agreement as the key condition for any substantial change in the European Union's stance towards Russia;

(ii) strengthened relations with the European Union's Eastern Partners and other neighbours, in particular in Central Asia;

(iii) strengthening the resilience of the European Union (for example energy security, hybrid threats, or strategic communication);

(iv) need for selective engagement with Russia on issues of interest to the European Union; and

(v) need to engage in people-to-people contacts and support Russian civil society.

130. The Council of the European Union regularly prolonged the application of sanctions targeting actions against Ukraine's territorial integrity, sovereignty and independence. They are renewed every six months.

C. Monitoring and observer missions set up by intergovernmental organisations

1. The OHCHR

131. At the request of the Government of Ukraine, the OHCHR established the UN Human Rights Monitoring Mission in Ukraine ("HRMMU"). The HRMMU was deployed on 14 March 2014 and continues today. It monitors, reports and advocates on the human rights situation in Ukraine, with a particular focus on the conflict area of eastern Ukraine. As of

April 2022, thirty-six periodic reports and nine thematic public reports have been released.

132. As regards its methodology, its report of 15 May 2014 explained:

> "9. The HRMMU coordinates and cooperates with various partners in Ukraine, in particular the UN Country Team (UNCT) and the OSCE Special Monitoring Mission (SMM) to Ukraine.
>
> 10. The HRMMU monitors reports of human rights violations by conducting on-site visits (where access and security allow), carrying out interviews, gathering and analysing all relevant information. The HRMMU exercises due diligence to corroborate and cross-check information from as wide a range of sources as possible, including accounts of victims and witnesses of human rights violations, state actors, the regional authorities, local communities, representatives of groups with diverse political views, the Ombudsman Institution, civil society organisations, human rights defenders, regional organisations, UN agencies and the diplomatic community. The HRMMU also collects information through secondary sources, such as media reports and information gathered by third parties. Wherever possible, the HRMMU ensure that its analysis is based on the primary accounts of victims and/or witnesses of the incident and on-site visits. On some occasions, primarily due to security-related constraints affecting access, this is not possible. In such instances, the HRMMU relies on information gathered through reliable networks, again through as wide a range of sources as possible that are evaluated for credibility and reliability.
>
> 11. Where the HRMMU is not satisfied with the corroboration of information concerning an incident, it will not be reported. Where information is unclear, the HRMMU will not report on the incident and conclusions will not be drawn until the information obtained has been verified.
>
> 12. The cases presented in the report do not constitute an exhaustive list of all cases being monitored by the HRMMU but are rather considered emblematic of current human rights concerns, pointing to existing or emerging trends and patterns of human rights violations. The HRMMU works through an electronic database to support its analysis of cases and reporting."

2. The OSCE

133. The OSCE Special Monitoring Mission to Ukraine ("SMM") was deployed on 21 March 2014, following a request to the OSCE by Ukraine's Government and a consensus decision by all fifty-seven OSCE participating States. The SMM is an unarmed, civilian mission, present on the ground at all times and in all regions of Ukraine. Its main tasks are to observe and report in an impartial and objective way on the situation in Ukraine; and to facilitate dialogue among all parties to the crisis. Since 14 April 2014 the SMM has published daily reports based on its observations in the field. It has also published spot reports on particular matters of concern. Following the aggression of the Russian Federation against Ukraine and pursuant to the instruction of the OSCE Secretary General and Chairmanship of 24 February 2022, the SMM completed its temporary evacuation of international members from the Mission's area of operations and on 7 March 2022 it suspended its reporting activities. On 31 March 2022 the SMM's mandate expired. It

appears that the OSCE participating States have not yet reached a consensus on its future.

134. On 24 July 2014, the OSCE deployed an observer mission ("BM") at the Russian border checkpoints Gukovo and Donetsk, following a request to the OSCE by the Government of the Russian Federation and a consensus agreement by all fifty-seven OSCE participating States. The observers were to contribute to reducing tensions during the current crisis.

135. In its interpretative statement attached to the Decision no. 1130 on the deployment of OSCE observers to two Russian checkpoints on the Russian-Ukrainian border, the Ukrainian Government said that the "deployment of the OSCE observers only at two Russian checkpoints will have a marginal effect on addressing the existing grave security concerns, in particular regarding increased flows of weapons, equipment and mercenaries from the Russian Federation into Ukraine". In this context, the United States of America's interpretative statement found it, "deeply regrettable that the Russian Federation was only willing to take the minimal steps provided for in this decision. Despite questions and requests from other participating States to expand the geographic scope of the observer mission, Russia would only accept a limited-scope mission, covering just two border checkpoints – which account for approximately one kilometer of the 2,300 kilometer border". The Canadian Government also indicated that "the limited geographic scope of the observer mission ... will prevent the mission from providing a credible accounting of the scope of the flows of Russian weapons and militants to support the separatists in eastern Ukraine". Throughout its mandate, there were numerous calls on Russia to end its objection to the expansion of the BM to the entirety of the uncontrolled section of the border. Notably, in some of the latest decisions on the extension of the deployment (Decision no. 1402 of 28 May 2021 and Decision no. 1409 of 22 July 2021), the representative of the European Union said the BM's "very limited mandate and its small size do not provide for comprehensive border monitoring". Calling again for a significant expansion, the representative criticised the "Russian Federation's continued resistance to the long overdue expansion of the Observer Mission, including the improvement of its equipment" and urged it to reconsider its position.

136. The BM published weekly updates and spot reports based on its observations at the checkpoints, until it discontinued its operations on 30 September 2021 as a result of Russia's refusal as host country to extend its mandate beyond that date.

3. The content of the reports

137. The OHCHR and OSCE missions regularly published reports on their observations. These reports constitute contemporaneous accounts of events as they unfolded in eastern Ukraine. This section includes summaries of, and relevant extracts from, some of the reports. Only those details which

concern the allegations made by the applicant Governments in respect of the Donetsk and Luhansk regions, and are thus pertinent facts for the examination of the case, are included in the summaries below. The entirety of the reports can be found on the websites of the OHCHR and the OSCE.

(a) Observations concerning the general nature of the armed groups, their material and equipment

138. Beginning with its report of 15 May 2014, the HRMMU stated that it had received credible reports regarding the increasing numbers and presence of well-organised armed persons in eastern Ukraine, particularly in the Donetsk region, which in some towns were forming so-called "self-defence" units. These armed groups were seizing and occupying more and more public and administrative buildings, including those of the Donetsk regional administration, the Prosecutor, the Security Service of Ukraine, and police departments in various towns, mostly in the northern part of the Donetsk region and parts of the Luhansk region. These illegal takeovers of administration buildings by both armed and unarmed persons were accompanied by political demands for regionalisation, and at times reportedly separatism. The groups set up barricades and checkpoints in order to maintain control of the areas seized. In its report of 15 June 2014, the HRMMU indicated that, in the aftermath of the referendum of 11 May 2014, a call had been made for Ukrainian troops to leave the region by these groups.

139. Beginning from its earliest daily reports, notably on 14 April, 23 April, 27 April, 28 April, 29 April, 4 May, 6 May, 7 May, 2 July, 4 July and 13 November 2014, the SMM described the separatists as being both masked men in uniforms or military camouflage and men in civilian clothing. It noted the presence of men in uniforms with no insignia outside occupied buildings.

140. A number of SMM's reports, notably its first report dated 14 April 2014, refer to the "professional" nature of the actions of the armed men or their equipment. The HRMMU also stressed the professionalisation of armed groups in eastern Ukraine and indicated their connections with the Russian Federation. In June 2014 it noted that "[t]heir leadership, many of whom are nationals of the Russian Federation, are trained and hardened by experience in conflicts, such as Chechnya (Russian Federation) and Transnistria (Republic of Moldova). What was previously something of a rag tag of armed groups with different loyalties and agendas is now being brought together under the central command of these men". In the same report the HRMMU indicated, moreover, that heavy weaponry including mortars and anti-aircraft guns, tanks and armoured vehicles, and landmines were now being used by the armed groups.

141. On 23 April 2014 the SMM team in Mariupol monitored the situation in the city administration building, which remained occupied. Outside the building approximately forty occupiers were noticed without weapons or

masks. A new, professionally designed poster had appeared there, promoting the creation of a "Novorossiya" region that would include the Donbas area as well as the Kherson, Zaporizhzhia and Odesa regions.

142. In the early weeks of the conflict the SMM observed armed men with AK-47s and RPG-7s (see, for example, daily reports for 4 May and 6 May 2014). On 15 May 2014 it indicated that the armed men in the Luhansk region had anti-aircraft missile launchers. On 20 May 2014 it reported that men in Luhansk had been seen carrying "Russian-style PKM machine guns and AK-74Ms".

143. In a number of daily reports published between 6 May 2014 and 16 December 2014, the SMM also observed military equipment including military trucks (sometimes without number plates), Tigr heavy armoured vehicles, KAMAZ open-bed trucks "painted blue with yellow stripes", armoured personnel carriers, tanks (BTR-70 or 80), T-64 tanks, and 122 mm anti-tank weapons.

144. The SMM reported on 15 May 2014 that, on the way from Donetsk to Mariupol on the H-20 road, it had observed traffic police officers checking cars coming to Donetsk and personnel with "Battalion Vostok" insignia armed with AK rifles and grenade launchers. At the time the SMM passed the checkpoint, a truck had arrived with about twenty armed persons wearing St George ribbons

145. According to the OHCHR, the separatist armed groups were operated and ran towns "with impunity", notably in Slovyansk. It noted, for example in its May 2014 report that there was a noted shift of apparent "control" from the "political base" of the "DPR" in Donetsk, to the "armed operations base" of the "Slovyansk self-defence unit" in Slovyansk. In June 2014 the HRRMU reported that, having gained access to deposits of weapons, including from the SBU building, the armed groups had increasingly started spreading violence. The proliferation of armed groups had clearly exacerbated threats to the security of the population. The report added that the "DPR" had declared the presence among them of citizens of the Russian Federation, including from Chechnya and other republics in the North Caucasus.

146. On 15 May 2014 the SMM daily report indicated that personnel with Vostok insignia had AK rifles and grenade launchers. Later, Valery Bolotov called for people with experience handing mortars, heavy machine guns and armoured personnel carriers to join the "South-Eastern Army".

147. On 31 May 2014, the SMM referred to "sporadic infighting between various groups". It noted that according to media sources, Vostok batallion had taken control of the Regional Administration Building, previously controlled by the "DPR" in the centre of Donetsk. Similarly, in its report of 15 June 2014, the HRMMU referred to the complexity of the situations as a result of the fact that some of the armed groups in the regions had "reportedly slipped out of the control and influence of the self-proclaimed republics and

their leaders". It gave the examples of Horlivka, in Donetsk, and the armed groups operating in the border area of the Luhansk region.

148. The SMM daily report for 17 June 2014 reported that the president of the "LPR" had appealed publicly for those with specific military experience to join the "South-Eastern Army". In particular, he asked for those who had previously handled mortar, heavy machine guns and APCs to volunteer.

149. Alexander Khodakovsky, head of the Vostok battalion and "DPR" Minister of Security, told the SMM that if a ceasefire was agreed it was not clear that all the groups would observe it because some were not under "DPR" control. The SMM daily report for 18 June 2014 reported that he referred to two competing centres of power outside Donetsk: Minister of Defence Igor Girkin in Slovyansk and Igor Bezler in Horlivka. On 15 May 2014 the HRMMU also referred to a "noted shift of apparent 'control'" from the political base of the "DPR" in Donetsk to the "Armed operation base" of the "Slovyansk self-defence unit" in Slovyansk.

150. In June 2014 the HRRMU reported that a particular call for women to join the armed groups had been made on 17 May 2014 through a video released with Igor Girkin, urging women of the Donetsk region to enlist in combat units.

151. The SMM reported on 4 July 2014 that the Prosecutor General of the "DPR" had informed the SMM that fighters answering to Igor Bezler had attacked the Regional Headquarters in Donetsk on 1 July 2014.

152. In its report of 15 July 2014, the HRMMU reported that on 2 July 2014, the first indication of the use of landmines by the armed groups had come when Ukraine forces had regained control of the border area in Luhansk. On 4 July, the Ministry of the Interior of Ukraine informed the HRMMU that the armed groups had been using two types of blast land mines. One of the types was an anti-personnel non-removable land mine complex with two wires between the mines which made it almost impossible to safely de-activate. It was also reported that anti-tank mines were being used in combination with anti-personnel mines, which made them more dangerous, not only for the armed forces, but also for the residents not involved in the fighting. After Ukrainian forces regained control of Slovyansk, they had discovered explosive remnants on many roads, enterprises and buildings.

153. The SMM noted, on 10 August 2014, that the new prime minister of the "DPR" had released a statement, saying that it was willing to engage in a ceasefire arrangement with Ukrainian military forces in order to avoid a "humanitarian catastrophe".

154. In August 2014 the HRMMU reported that, as noted in its July 2014 report, the armed groups were now professionally equipped and appeared to benefit from a steady supply of sophisticated weapons and ammunition, enabling them to shoot down Ukrainian military aircraft such as helicopters, fighter jets and transport planes. In September 2014 it referred to reports from

Ukrainian forces that they were being bombarded by armed groups with advanced weaponry.

155. According to the spot report for 6 September 2014, the SMM had observed a grey micro-light aircraft with no markings and single pilot, flying over the SMM position at the checkpoint. The SMM had spoken to the Ukrainian military commander at the checkpoint, who had informed them that the Ukrainian Army did not have such aircraft. Whilst the aircraft was overflying the checkpoint, the SMM had heard two shots being fired from the direction of Ukrainian Army-controlled territory, possibly aimed at the aircraft.

156. It appears from the daily reports of 12 and 19 September 2014 that in Zolotpoye locals had told the SMM that four different separatist groups were engaged in a power struggle in the area. A senior "LPR" representative in Luhansk told the SMM that Pervomaisk was under the control of a Cossack commander unanswerable to the "LPR". The SMM met the commander, self-styled Colonel Pavel Dremov, who confirmed that he had been involved in shelling and that there were about 700 Cossack armed personnel in town, equipped with three D-30 artillery pieces.

157. On 8 October 2014 a local Cossack commander near Debaltseve told the SMM that three sets of armed groups were operating in the area of Fashchivka, south-west of Debaltseve: Cossacks led by Koztsynm, the "LPR" and the "DPR". Each had its own chain of command and respective area around Fashchivka which it controlled.

158. On 11 November 2014 a member of an irregular armed group affiliated with the "LPR" in Krasnodon told the SMM that there was ongoing antagonism between the "LPR" in Krasnodon and the "LPR" in Luhansk, resulting in a fire-fight between the two sides and the brief detention of Luhansk-based "LPR" personnel.

159. On 19 November 2014, while driving on "DPR"-controlled Leninskyi Prospekt (south-west of Donetsk city centre), the SMM saw an armoured truck of an unknown model, painted in green and brown, with the number plate K001 (written in white on a black background) and a Russian flag on it. Behind, on the platform of the truck, the SMM observed anti-aircraft machine-gun with twin canons. There were also two men wearing camouflage clothes without insignia and helmets. The SMM was unable to ascertain the affiliation of the trucks and the men.

160. On 20 November 2014 the SMM met in Luhansk with a former "LPR" member who said that there were six military groups operating within the "LPR". According to him, there were armed "LPR" personnel, volunteer "LPR" armed groups and four armed independent Cossack groups. Each of these groups had its own area of responsibility, he added.

161. On 25 November 2014 the SMM visited Perevalsk, under the "LPR"'s control. The SMM met two members of a humanitarian organisation who informed them of the worsening situation in the neighbouring town of

Alchevsk, due to a shortage of food and medicines. The interlocutors said that they believed that the situation was caused by an irregular armed group which had control over that area and was confiscating humanitarian aid directed to Alchevsk. The SMM also met with a representative from the "LPR" in Perevalsk, who stated that the entire situation in Alchevsk was out of control and that the "LPR" was reluctant to visit the village.

162. On 5 July 2015 the SMM reported that, on 4 July 2015, the SMM Deputy Chief Monitor in Donetsk had had a meeting with the "DPR" minister of defence, who admitted that the "DPR" had at its disposal sophisticated equipment for jamming unmanned aerial vehicles.

163. In its reports covering the periods between 16 August to 15 February 2016, the HRMMU noted the absence of effective control of the Government of Ukraine over considerable parts of the border with Russia and that the Russian Federation continued to facilitate an inflow of ammunition, weaponry and fighters from the Russian Federation to the territories controlled by the armed groups. It noted that there was an urgent need to raise people's awareness of the dangers posed by explosive remnants of war (ERW) and improvised explosive devices (IEDs) in the conflict zone. Mapping of the minefields was so far incomplete and inaccurate, and signposting was urgently required to warn the population about their presence. The HRRMU observed that the Russian Federation had continued to send white-truck convoys without the full consent or inspection of Ukraine, and their exact destination and content could not be verified.

(b) Observations concerning "humanitarian" convoys

164. The BM at the Russian checkpoints Gukovo and Donetsk reported that, on 22 August 2014 at 12.08 p.m. local time, the first 34 trucks, which had been inspected during the previous day, had started to move and crossed the Russian-Ukrainian border without an escort from the ICRC. Another group of 34 trucks, which had not been inspected, had followed and crossed into Ukraine. Until 2.20 p.m. that day, a total of 134 trucks (out of which 34 had been inspected) and 12 support vehicles, including one ambulance, had crossed the border. The ICRC informed the BM that they were not accompanying the convoy. On 23 August all 227 vehicles had returned to the Russian Federation through the Donetsk border crossing point.

165. On 6 September 2014, at 8.45 a.m., the SMM observed an ICRC convoy of humanitarian aid, consisting of ten trucks, approaching the bridge near the Shchastya checkpoint in order to move towards the direction of Luhansk city. The convoy turned back without crossing the bridge after ICRC personnel were informed that the bridge was mined.

166. The BM reported that on 12 September 2014 starting at 10.20 p.m. (Moscow time) and throughout the night, a Russian convoy of 216 vehicles, including 193 cargo trucks, had entered the Donetsk border crossing point and crossed into Ukraine in six groups. By 13 September at 7.45 a.m., all the

vehicles had crossed into Ukraine. According to the Russian Ministry for Emergency Situations, the convoy was carrying only food products and heading to Luhansk. The first group of 40 trucks were quickly checked by the Russian border guard and customs services. The 180 other vehicles were not inspected. All vehicles crossed into Ukraine without being inspected by Ukrainian border guard and customs officers or the ICRC. On 14 September 2014, the BM noted that all 216 vehicles had returned to the Russian Federation.

167. The BM reported that on 30 November 2014 at 9.42 a.m. (Moscow time), a Russian convoy consisting of 43 vehicles had arrived at the Donetsk border crossing point. The vehicles were checked by the Russian border guard and customs services. All cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". On the same day at 9.16 p.m., all vehicles had crossed back into the Russian Federation.

168. On 12 December 2014 at 7.50 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of fifty-eight cargo trucks, nineteen fuel trucks, two escort vehicles, two logistics vehicles, one command-and-control vehicle, and one ambulance. All cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area and the cargo trucks were opened and inspected by Russian border guards and customs officers. The BM saw that Ukrainian officers were present on the site during the inspection process. By 9.20 a.m., the convoy had left the border crossing point towards Ukraine. At least one official from the Ministry of Emergency Situation was present on site at the Donetsk border crossing point during the inspection of the convoy. At 7.05 p.m., the convoy arrived at the border crossing point from Ukraine, lined up at the customs area and was inspected by the Russian officials. The BM saw Ukrainian officers on site as well. By 7.47 p.m. all eighty-three vehicles had returned and crossed back into the Russian Federation.

169. On 12 December 2014, at the border crossing point between Ukraine and the Russian Federation near "DPR"-controlled Uspenka (70 km south-east of Donetsk) the SMM saw fifty cargo-type trucks, twenty of which were fuel trucks, with the inscription "Humanitarian Aid from the Russian Federation", accompanied by five civilian vehicles, including one medical ambulance, entering Ukraine. The SMM saw that the trucks had black registration plates with the label "RUS". All truck drivers were wearing blue uniforms of the Ministry of Emergency of the Russian Federation. All vehicles had crossed the border by 9 a.m. Ten trucks loaded with canned meat, canned fish and sugar stopped at a warehouse in Makiivka (10km east of Donetsk) at 10.50 a.m., where the contents were unloaded in the presence of local and international media and monitored by the SMM. The SMM went on to monitor the storage of electrical supplies at another distribution centre in Makiivka (10 km east of Donetsk). It saw eighteen trucks with various

supplies and equipment needed for repairing and restoring cables, electric wiring, and generator parts. The SMM observed a further fifty-six "Humanitarian Aid from the Russian Federation" cargo trucks and nineteen fuel trucks travelling north on the E40 highway from "LPR"-controlled Krasnodon (49 km south-east of Luhansk). On the outskirts of Luhansk city, the convoy stopped and divided into three separate groups. The SMM followed sixteen trucks until they reached their destination, a factory located at Lutuginskaya Street in Luhansk city.

170. On 19 December at 10.10 p.m. the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of six trucks. The livery of the trucks included popular motifs associated with celebration of New Year, and taglines such as "From Russia with love" or "New Year of Donbass children". Every truck bore one Russian and one white flag. The vehicles stopped at the customs control area and the trucks were opened and inspected by Russian Federation border guards and customs officers. According to Russian border crossing point officials, the trucks were carrying gifts, toys, chocolates, cakes and candies. The BM did not see any Ukrainian officers present during the inspection. By 10.25 p.m. the convoy had left the border crossing point towards Ukraine.

171. On 21 December at 7.45 a.m. the BM observed the arrival of another Russian convoy at the gate of the Donetsk border crossing point. This convoy consisted of seventy-one cargo trucks, sixteen fuel trucks, two escort vehicles, one logistics vehicle, one command-and-control vehicle and one ambulance. All but one cargo truck bore the inscription "Humanitarian Aid from the Russian Federation", the other "Gifts for the children of Donbass". The vehicles stopped at the customs control area and the cargo trucks were opened and inspected by Russian border guards and customs officers. The BM saw that Ukrainian officers were present during the inspection process. By 9.41 a.m. the convoy had left the border crossing point towards Ukraine. At 8.55 p.m. the convoy returned, lined up at the customs area and was inspected by Russian officers. The BM saw Ukrainian officers on site as well. By 9.42 p.m. all ninety-two vehicles had returned and crossed back into the Russian Federation.

172. On 21 December 2014, the SMM observed a Russian Federation humanitarian aid convoy travelling north on the M04 road from "LPR"-controlled Krasnodon (49 km south of Luhansk). The convoy split into two before entering Luhansk city. The SMM observed sixteen white cargo trucks entering a compound at 19 Frunze Street in Luhansk city and seven fuel trucks entering the "TNK" fuel station in Krasnodonska Street and delivering the fuel. Further on, the SMM observed seventeen white cargo trucks moving from the candy factory on Lutuginska Street to 50 Rokiv Oborony Luhanska Street. The convoy entered the main compound and parked.

173. The same day, the SMM monitored a Russian Federation humanitarian convoy consisting of forty trucks coming from the direction of "DPR"-controlled Amvrosiivka (57 km south-east of Donetsk) and moving towards Donetsk city. Drivers of the convoy, which also included a medical and communications truck, wore the uniform of the Russian Federation Ministry of Emergency Situations. In Makiivka (10km east of Donetsk), the SMM observed volunteers unloading boxes off ten of the fifteen trucks designated for this particular distribution centre in Makiivka. The SMM did not observe the contents of the boxes but the labels on the boxes indicated sweets, Christmas cards, biscuits and washing powder.

174. On 8 January 2015 at 8.30 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of fifty-three cargo trucks, two escort vehicles, one logistics vehicle, five support vehicles, and one ambulance. All trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area and the cargo trucks were opened and inspected by Russian border guards and customs officers. At least one official from the Ministry of Emergency Situations of the Russian Federation was present on site during the inspection of the convoy. The BM did not see any Ukrainian officers present. By 10 a.m., the convoy had left the border crossing point towards Ukraine. At 2.40 a.m. on 9 January, the convoy arrived back, lined up at the customs area of the border crossing point and cargo trucks were inspected by Russian officers The BM also saw Ukrainian officers taking part in the inspection. By 3.28 a.m. all sixty-two vehicles had returned and crossed back into the Russian Federation.

175. On 31 January 2015 at 8 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of eighty-one cargo trucks and nine escort vehicles. All trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area and the cargo trucks were opened and inspected by Russian border guards and customs officers. The BM observed Ukrainian officers also taking part in the inspection alongside their Russian counterparts. Two officials from the Ministry of Emergency Situations of the Russian Federation were present on site during the inspection of the convoy. By 10.05 a.m., the convoy had left the border crossing point towards Ukraine. At 7.50 p.m on 31 January, the convoy returned, lined up at the customs area of the border crossing point and cargo trucks were inspected by Russian officers. The BM saw Ukrainian officers taking part in the inspection too. By 9.20 p.m. all ninety vehicles had returned and crossed back into the Russian Federation.

176. On 31 January 2015 at around 10.30 a.m., at a location 2 km south of the village of Kuteinikove (45km south-east of Donetsk, "DPR"-controlled), the SMM saw a convoy composed of sixty vehicles escorted by the Ministry of Emergency Situations of the Russian Federation

and by the "DPR" police. The SMM also observed seventeen fuel trucks in a separate convoy, which caught up with the main convoy, were allowed to overtake the first convoy and proceeded to an unknown destination. The SMM saw that the convoy was subsequently split into three parts en route to Donetsk. After reaching Makiivka (13 km west-north-west of Donetsk, "DPR"-controlled), the SMM observed the arrival of approximately thirty trucks at a known humanitarian aid warehouse, and saw eleven vehicles being unloaded of what appeared to be foodstuffs and personal hygiene items.

177. On the same day, while on a routine patrol in Luhansk city, the SMM observed a vehicle convoy which consisted of ten trucks accompanied by a "LPR" police escort. The trucks bore large signs indicating that the convoy was humanitarian in nature and had been sent from Russia. At 12.20 p.m., as part of its patrol, the SMM visited Kindergarten no. 37 in the north of Luhansk city, where it saw that two of the trucks seen earlier were being unloaded by members of the local community. The items were moved to a storeroom in the kindergarten.

178. On 8 February 2015 at 4.50 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty-two cargo trucks, twenty-one fuel trucks, two escort vehicles, one ambulance and four support vehicles. All trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area and the back doors of the cargo trucks were opened and visually inspected by Russian border guards and customs officers from outside. No dogs were used this time round. Ukrainian officers (six border guards and three customs officers) were present on site. They performed a visual observation of the opened trucks using flashlights and in some instances taking pictures of the cargo from the outside. In a few cases, the BM saw Ukrainian officers glance into the trucks' cabins. By 8.27 a.m., the convoy had left the border crossing point towards Ukraine. A Russian Ministry of Emergency Situations team was present on site at the BCP during the crossing of the convoy. At 3.09 p.m., the convoy came back and lined up at the customs area. The back doors of the trucks were open and both Russian and Ukrainian officers checked the returning convoy. By 4.33 p.m. all seventy vehicles had returned and crossed back into the Russian Federation.

179. On 15 February 2015 at 7.50 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy crossing. The convoy consisted of fifty-eight cargo trucks, twenty-one fuel trucks, two escort vehicles, one ambulance, one towing truck and three support vehicles. All but two trucks bore the inscription "Humanitarian Aid from the Russian Federation". The BM spoke to the Ministry of Emergency Situations team on site about the two vehicles without the inscription. They informed the BM that the two vehicles were refrigerated semi-trailer trucks; these trucks were not the property of the Russian Ministry of Emergency

Situations but were hired to carry temperature-sensitive medication and frozen fish. On the dashboards of some of the cargo trucks the BM observed flags of the "DPR/LPR" and "Novorossiya". The vehicles stopped at the customs control area in four lines, and the back doors of the cargo trucks were opened and visually inspected by Russian border guards and customs officers from outside. The Russian border guards used a dog to check most of the cargo trucks. Ukrainian officers (eight border guards and three customs officers) were present on site and divided into four teams on each of the aforementioned lines. They performed a visual observation of the opened trucks from the outside. By 9.25 a.m. all but one vehicle had left the border crossing point towards Ukraine. One vehicle – the refrigerated semi-trailer truck carrying frozen fish – broke down at the border crossing point. It took over an hour to fix it and it finally left the border crossing point towards Ukraine at 10.40 a.m., making it the last vehicle from the convoy to leave the territory of the border crossing point towards Ukraine. At 6.15 p.m., the convoy came back and lined up at the customs area. The back doors of the trucks were opened and both Russian and Ukrainian officers checked the returning convoy. By 7.22 p.m. all eighty-six vehicles had returned and crossed back into the Russian Federation.

180. On 20 February 2015 at 7 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy crossing. The convoy consisted of eleven cargo trucks, one escort vehicle, one ambulance and two support vehicles. All trucks bore the inscription "Humanitarian Aid from the Russian Federation". The convoy entered the border crossing point territory and waited for the customs inspection to begin. At 7.25 a.m. the vehicles entered the customs control area and all of them were quickly visually checked by the Russian border guards and customs officers from outside. No dogs were used in the check this time round. Ukrainian officers were not present on site during the check. By 7.40 a.m. all vehicles had left the border crossing point towards Ukraine. At 3.45 p.m., the convoy arrived back at the customs area and was quickly visually checked by the Russian officers. Ukrainian officers were not present on site during the return of the convoy. By 4.05 p.m. all fifteen vehicles had returned and crossed back into the Russian Federation.

181. On 27 February 2015 at 7.24 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy crossing. The convoy consisted of fifty-six cargo trucks, twenty-one fuel trucks, four escort vehicles, one towing truck and three support vehicles. All trucks bore the inscription "Humanitarian Aid from the Russian Federation". On the dashboards of a few cargo trucks the BM observed flags of the so-called "Novorossiya", "LPR" or "DPR". The vehicles stopped at the customs control area in three lines, and the back doors of the cargo trucks

were opened and visually checked by Russian border guards and customs officers from outside. The Russian border guards used a dog to check most of the cargo trucks. Ukrainian officers – six border guards and three customs officers – were present on site and divided into three teams on each of the aforementioned lines. They performed a visual observation of the opened trucks from the outside. By 8.52 a.m. all vehicles had left the border crossing point towards Ukraine. At 5.20 p.m. the convoy arrived and lined up at the customs area. The back doors of the trucks were opened and both Russian and Ukrainian officers checked the returning convoy. By 6.14 p.m. all eighty-five vehicles had returned and crossed back into the Russian Federation.

182. On 4 March 2015 at 7.21 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of eighty-three vehicles were checked by the Russian border guard and customs services. Ukrainian officers were present on site. All the vehicles had crossed back into the Russian Federation by 5.18 p.m.

183. On 13 March 2015 at 3.14 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of twenty-four vehicles were checked by the Russian border guard and customs services. The BM was not aware of this convoy coming as it had not been announced in advance. All the vehicles had crossed back into the Russian Federation by 12.02 a.m. on 14 March.

184. On 15 March 2015 at 8.11 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy movement. The convoy consisted of thirty cargo trucks, ten fuel trucks, one crane and two support vehicles. Out of the thirty cargo trucks, twenty bore the inscription “Humanitarian Aid from the Russian Federation”, one bore the inscription “North Caucasus Regional Search and Rescue Team” and nine bore no inscriptions. On the dashboards of a few of the cargo trucks the BM observed flags of the Russian Federation and the “DPR” and “LPR”. The vehicles stopped at the customs control area in three lines, and the back doors of all of the cargo trucks were opened and visually checked by Russian border guards and customs officers from outside. While the first thirty-three vehicles arrived at 8.11 a.m., the last ten vehicles came later. At 8.38 a.m. two cargo trucks arrived; at 8.43 a.m. the last seven cargo trucks and one crane arrived. The Russian border guards used two service dogs to check most of the cargo trucks. Ukrainian officers were neither present on site nor at the fence during the convoy crossing. By 8.55 a.m. all vehicles had left the border crossing point towards Ukraine. At 6.28 p.m. the convoy arrived back and lined up at the customs area. The back doors of the trucks were opened. Russian border guards and customs officers checked the returning convoy; four service dogs were used to check the cargo trucks from outside. Ukrainian officers were not on site during the convoy crossing. By 6.55 p.m. all forty-three vehicles had returned and crossed back into the Russian Federation.

185. On 19 March 2015 at 7.10 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of fifty-five cargo trucks, twenty fuel trucks, two escort vehicles and four support vehicles. All the cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area in three lines, and the back doors of all of the cargo trucks were opened and visually checked by Russian border guards and customs officers from outside using flashlights. The Russian border guards used two service dogs to check most of the cargo trucks. Ukrainian officers – six border guards and three customs officers – were present on site during the check. They performed a visual observation of the opened trucks from the outside. By 8.20 a.m. all vehicles had left the border crossing point towards Ukraine. At 3.28 p.m. the convoy came back. The back edoors of the trucks were opened and both Russian and Ukrainian border guards and customs officers visually checked the returning convoy. Three service dogs were used to check the cargo trucks from outside. By 4.07 p.m. all eighty-one vehicles had returned and crossed back into the Russian Federation.

186. The BM observed that on 26 March 2015 at 7.20 a.m., a Russian convoy had arrived at the Donetsk border crossing point. A total of eighty-two vehicles were checked by the Russian border guard and customs services. Ukrainian officers – six border guards and three customs officers – were also present on site during the check. All the vehicles had crossed back into the Russian Federation by 5.20 p.m.

187. According to the BM's spot report, on 2 April 2015 at 7.34 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of forty-two vehicles were checked by the Russian border guard and customs services. Ukrainian officers – six border guards and three customs officers – were also present on site during the check. All the vehicles had crossed back into the Russian Federation by 2.56 p.m.

188. The BM observed that on 16 April 2015 at 7.14 a.m., a Russian convoy had arrived at the Donetsk border crossing point. A total of sixty-two vehicles were checked by the Russian border guard and customs services. Ukrainian officers – six border guards and one customs officer – were also present on site during the check. All the vehicles had crossed back into the Russian Federation by 5.45 p.m.

189. On 14 May 2015 at 6.52 a.m., the BM observed the arrival of a Russian convoy at the Donetsk border crossing point. A total of fifty vehicles (forty-four cargo trucks and six support vehicles) were checked by the Russian border guard and customs services. Ukrainian officers – six border guards and one customs officer – were also present on site during the check. All the vehicles had crossed back into the Russian Federation by 2.45 p.m.

190. On 28 May 2015 at 7 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy movement. The

convoy consisted of forty-four cargo trucks and six support vehicles. All cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". The vehicles stopped at the customs control area and lined up in three lines, and the back doors and/or tarpaulins of all of the cargo trucks were opened and visually checked from outside by Russian border guards and customs officers. One service dog was used by the Russian border guards to check most of the cargo trucks. Ukrainian officers – eight border guards and one customs officer – were present during the check. They performed a visual observation of the opened trucks from the outside together with Russian border guards. By 7.40 a.m. all vehicles had left the border crossing point towards Ukraine. At 2.25 p.m., the convoy arrived back. After the check by both Russian and Ukrainian border guards and customs officers, all fifty vehicles had returned back into the Russian Federation.

191. On 11 June 2015 at 6.55 a.m., a Russian convoy arrived at the Donetsk border crossing point. The convoy consisted of forty-three cargo trucks and nine support vehicles. All cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". The last three vehicles arrived fifteen minutes after the main body of the convoy. All fifty-two vehicles were checked by the Russian border guard and customs services. Ukrainian officers – three border guards and two customs officers – were also present on site during the check. All the vehicles had crossed back into the Russian Federation by 3.45 p.m.

192. On 14 June 2015 at 6.10 p.m., the BM observed a black Volvo-type truck with a trailer, registered in the Federal Republic of Germany, arriving at the Donetsk border crossing point from the Russian Federation side. There were four men and one woman in the vehicle and all were speaking Russian. The truck bore a banner with the inscription "Humanitarian Aid" on the side of the vehicle in both Russian and German languages. The truck also had German and "DPR" flags on it. After passing the usual border and customs controls, the truck left the border crossing point for Ukraine.

193. On 18 June 2015 at 7.05 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. A Russian Ministry of Emergency Situations team led the process of the convoy movement. The convoy consisted of forty-three cargo trucks and seven support vehicles. With the exception of one vehicle (refrigerated truck), all the forty-two cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of all of the cargo trucks were opened and visually checked from outside by Russian border guards and customs officers. Three service dogs were used by Russian border guards to check most of the cargo trucks. Ukrainian officers were not present. By 7.40 a.m. all vehicles had left the border crossing point towards Ukraine. Two official photographers from the Russian Ministry of Emergency Situations were present and took

photographs of the convoy crossing. At 2.30 p.m., the convoy came back and lined up at the customs area. The back doors of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. As in the morning, no Ukrainian border guards or customs officers were present. One service dog was used to check some of the cargo trucks. By 3.05 p.m., all fifty vehicles had returned and crossed back into the Russian Federation.

194. On 25 June 2015 at 6.50 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty cargo trucks and seven support vehicles. With the exception of one vehicle (refrigerated truck), all the forty cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of all of the cargo trucks were opened and visually checked from outside by Russian border guards and customs officers. One service dog was used by Russian border guards to check most of the cargo trucks. Ukrainian officers –- three border guards and one customs officer – were present during the check. They performed a visual observation of the opened trucks from the outside with Russian border guards. By 7.40 a.m. all vehicles had left the border crossing point towards Ukraine. At 2.15 p.m., the convoy arrived back and lined up at the customs area. The back doors of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. Ukrainian officers – three border guards and one customs officer– visually checked the returning convoy. One service dog was used to check some of the cargo trucks. The returning convoy consisted of two waves: the first part, consisting of forty-two vehicles, arrived at 2.15 p.m. and left the border crossing point at 2.37 p.m.; the second part, consisting of five vehicles, arrived at 4.22 p.m. and left at 4.31 p.m. By 4.31 p.m., all forty-seven vehicles had returned and crossed back into the Russian Federation.

195. On 16 July 2015 at 6.50 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty-three cargo trucks and seven support vehicles. All the forty-three cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of all of the cargo trucks were opened and visually checked from outside by Russian border guards and customs officers. Three service dogs were used by Russian border guards to check most of the cargo trucks. Ukrainian officers – three border guards and one customs officer – were present during the check. They performed a visual observation of the opened trucks from the outside together with the Russian border guards. By 7.50 a.m. all the vehicles had left towards Ukraine. At

2 p.m., the convoy arrived back and lined up at the customs area. The back doors of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. Ukrainian officers – three border guards and one customs officer – visually checked the returning convoy. One service dog was used to check some of the cargo trucks. By 2.40 p.m., all fifty vehicles had returned and crossed back into the Russian Federation.

196. On 23 July 2015 at 7.25 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty-five cargo trucks and six support vehicles. All the forty-five cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of some of the cargo trucks were opened and visually checked from outside by Russian border guards and customs officers. One service dog was used to check some of the cargo trucks. Ukrainian officers – three border guards and one customs officer – were present during the check. They performed a visual observation of the opened trucks from the outside together with the Russian border guards. By 8.20 a.m. all the vehicles had left the border crossing point towards Ukraine. At 3.35 p.m., the convoy came back and lined up in three lines at the customs area. The back doors of some of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. Ukrainian officers – three border guards and one customs officer – visually checked the returning convoy. Three service dogs were used to check some of the cargo trucks. By 4.11 p.m., all fifty-one vehicles had returned and crossed back into the Russian Federation.

197. On 30 July 2015 at 7.05 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty-six cargo trucks and six support vehicles. All but two of the forty-six cargo trucks displayed the Russian national flag and bore the inscription "Humanitarian Aid from the Russian Federation". One truck bore the inscription "Day of knowledge in Novorossiya" (Original text: "*День Знания в Новороссии*") and the other one (a refrigerated semi-trailer) had no inscription at all. In the cabin of at least one cargo truck, the BM observed flags of the so-called "Novorossiya" and the "LPR". All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of all of the cargo trucks were opened and visually checked from the outside by Russian border guards and customs officers. In some cases, the BM observed Russian border guards climb into the trucks' cargo space. Two service dogs – one from the Russian border guard and one from the Russian customs service – were used to check some of the cargo trucks. Ukrainian officers –- three border guards and one customs officer – were present during the check. They performed a visual observation

of the opened trucks from the outside together with the Russian border guards. By 8.10 a.m. all vehicles had left the border crossing point towards Ukraine. At 3.28 p.m. the convoy arrived and lined up in four lines at the customs area. The back doors of all the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. Ukrainian officers – three border guards and one customs officer – visually checked the returning convoy. One border guard service dog was used to check some of the cargo trucks. By 3.58 p.m., all fifty-two vehicles had returned and crossed back into the Russian Federation.

198. On 14 August 2015 at 7.04 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty cargo trucks and nine support vehicles. All forty cargo trucks displayed the Russian Federation national flag and bore the inscription "Humanitarian Aid from the Russian Federation". One truck had a flag of "Novorossiya" on its dashboard. All the vehicles stopped at the customs control area and lined up in three lines, and the back doors of some of the cargo trucks were opened and visually checked from the outside by Russian border guards and customs officers. Two service dogs were present in the customs area during the crossing of the convoy. Ukrainian officers – three border guards and one customs officer – were present during the check. They performed a light visual observation of some of the opened trucks from the outside. By 7.44 a.m. all the vehicles had left the border crossing point towards Ukraine. At 2.05 a.m., the convoy arrived back and lined up in three lines at the customs area. The back doors of some of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy. Ukrainian officers – three border guards and two customs officers – performed a light visual observation of the returning convoy. Two service dogs were used to check some of the cargo trucks. By 2.40 p.m. all forty-nine vehicles had returned and crossed back into the Russian Federation.

199. On 20 August 2015 at 6.45 a.m., the BM noted that a Russian convoy had arrived at the Donetsk border crossing point. A total of fifty-one vehicles were checked by the Russian border guard and customs services. Ukrainian officers – three border guards and one customs officer – were present during the check. All the vehicles had crossed back into the Russian Federation by 4.43 p.m.

200. On 27 August 2015 at 7.10 a.m., the BM reported that a Russian convoy had arrived at the Donetsk border crossing point. A total of thirty-nine vehicles were checked by the Russian border guard and customs services. Ukrainian officers – two border guards and one customs officer – were present during the check. All the vehicles had crossed back into the Russian Federation by 3.04 p.m. on 27 August.

201. According to the BM's spot report for 17 September 2015 at 6.56 a.m., a Russian convoy arrived at the Donetsk border crossing point. A

total of forty-four vehicles were checked by the Russian border guard and customs services. Ukrainian officers – two border guards and two customs officers – were present during the check. They performed a superficial visual observation of some of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 2.18 p.m.

202. On the same day at 9.30 a.m., on the outskirts of "Luhansk People's Republic" ("LPR")-controlled Novohannivka (23 km south-east of Luhansk), the SMM observed a convoy of forty cargo trucks and three support vehicles, moving in the direction of Luhansk. The trucks had Russian Federation registration plates, some of which were white, others black. Some trucks had "Humanitarian Aid from the Russian Federation" written on the side.

203. On 24 September 2015 at 7.10 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of fifty-seven cargo trucks and seven support vehicles. All cargo trucks displayed the Russian Federation national flag and bore the inscription ''Humanitarian Aid from the Russian Federation''. At 7.15 a.m. the vehicles entered the customs control area and lined up in three lines, and the tailgates and tarpaulin of all the cargo trucks were opened and visually checked from the outside by Russian border guards and customs officers. Two service dogs were present on site and were used to check some of the cargo trucks from the outside. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed a superficial visual observation of the opened trucks from the outside. By 8 a.m. all vehicles had left towards Ukraine. At 4.33 p.m. the convoy arrived back and lined up in four lines at the customs area. The tailgates and tarpaulins of the most of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy from the outside. Ukrainian representatives – three border guards and two customs officers – performed a superficial visual observation of the returning convoy from the outside. One service dog was present on site but was not used to check the vehicles. By 5.23 p.m. all sixty-four vehicles had returned and crossed back into the Russian Federation.

204. The BM reported that on 30 September 2015 at 6.45 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of fifty-three vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – three border guards and one customs officer – were present during the check. They performed a superficial visual observation of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 3.35 p.m.

205. According to the BM's spot report of 15 October 2015, at 6.50 a.m. a Russian convoy arrived at the Donetsk border crossing point. A total of forty-eight vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed a visual observation

of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 2.55 p.m.

206. On 22 October 2015 at 6.58 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of thirty-nine cargo trucks and seven support vehicles. All the cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation''. At 6.58 a.m. the vehicles entered the customs control area and lined up in three lines. The cargo trucks were visually checked by Russian border guards and customs officers from the outside. One service dog was present on site during the convoy crossing. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed a visual observation of the opened trucks from the outside. By 7.40 a.m. all the vehicles had left the border crossing point towards Ukraine. At 1.59 p.m. the convoy arrived and lined up in three lines at the customs area. The tailgates and tarpaulins of all of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy from the outside. Ukrainian representatives – three border guards and two customs officers – performed a visual observation of the returning convoy from the outside. One service dog was present and was used to check some of the cargo trucks from the outside. By 2.47 p.m. all forty-six vehicles had returned and crossed back into the Russian Federation.

207. On 29 October 2015 the BM reported that at 6.40 a.m. a Russian convoy had arrived at the Donetsk border crossing point. A total of forty-five vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed a visual observation of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 2.10 p.m.

208. On 12 November 2015 at 6.44 a.m., the BM spotted the arrival of a Russian convoy at the Donetsk border crossing point. A total of forty-six vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed a visual check of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 2.13 p.m.

209. On 26 November 2015 the BM reported that at 6.50 a.m. a Russian convoy had arrived at the Donetsk border crossing point. A total of forty-five vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – one customs officer and two border guards – were present during the check. They performed a visual check of the opened trucks from the outside. All the vehicles had crossed back into the Russian Federation by 2.15 p.m.

210. On 17 December 2015 at 7 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of forty-six vehicles were checked by the Russian and Ukrainian border guard and customs services. All but one of the forty-six vehicles had crossed back into the Russian Federation by 2.30 p.m. One escort vehicle was delayed and crossed the border into the Russian Federation at 4.05 p.m.

211. On 24 December 2015 at 6.50 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of forty-four vehicles were checked by the Russian border guard and customs services. Ukrainian representatives – two customs officer and two border guards – were present during the check. All of the forty-four vehicles had crossed back into the Russian Federation by 4 p.m.

212. On 18 February 2016 at 7 a.m., the BM observed the arrival of a Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of twenty-nine cargo trucks and ten support vehicles. All the cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation''. At 7.03 a.m. the vehicles entered the customs control area and lined up in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. Ukrainian representatives – one customs officer and four border guards – were present during the check. They performed visual checks of the opened trucks from the outside. By 7.40 a.m. all vehicles had left towards Ukraine. At 1.30 p.m. the convoy arrived back and lined up in three lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian and Ukrainian border guards and customs officers visually checked the returning convoy from the outside. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. By 1.50 p.m. all of the thirty-nine vehicles had returned and crossed back into the Russian Federation.

213. On 24 March 2016 at 6.40 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of forty-two cargo trucks and six support vehicles. All cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation''. At 6.52 a.m. the vehicles entered the customs control area and lined up in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. Ukrainian representatives – four border guards and one customs officer – were present during the check. They performed light visual checks of the opened trucks from the outside. By 7.28 a.m. the vehicles had left the border crossing point towards Ukraine. At 8.17 a.m. five more trucks, four cargo trucks and one support vehicle arrived at the border crossing point. These

trucks were visually checked from the outside by Russian border guards and customs officers. Two Ukrainian border guards were present during the check of these five vehicles. By 8.25 a.m. the five vehicles had left the border crossing point towards Ukraine. At 5.26 p.m. the convoy arrived back and lined up in three lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian and Ukrainian border guards and customs officers visually checked the returning convoy from the outside. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. By 6 p.m. all of the forty-eight vehicles had returned and crossed back into the Russian Federation.

214. On 21 April 2016 at 7.29 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of thirty-six cargo trucks and seven support vehicles. All but two cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". At 7.30 a.m. the vehicles entered the customs control area and lined up in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed light visual checks of the opened trucks from the outside. By 8.09 a.m. the vehicles had left the border crossing point towards Ukraine. At 2.51 p.m. the convoy arrived and lined up in three lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian and Ukrainian border guards and customs officers visually checked the returning convoy from the outside. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. By 3.18 p.m. all of the forty-three vehicles had returned and crossed back into the Russian Federation. According to a statement from the Russian Federation officials, this convoy was considered to be the fifty-first Russian convoy which had been sent to Ukraine. As one of those convoys did not cross through the Donetsk or Gukovo border crossing points, the BM did not record it. Hence, according to the BM's count, this convoy was considered to be the fiftieth convoy crossing into Ukraine.

215. On 26 May 2016 at 6.33 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of forty-seven vehicles were checked by the Russian border guards and customs services. Ukrainian representatives – three border guards and two customs officers – were present during the check. All of the forty-seven vehicles had crossed back into the Russian Federation by 2.45 p.m.

216. On 23 June 2016 at 7.05 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of thirty-eight cargo trucks and seven support vehicles. All but three cargo trucks bore the

inscription "Humanitarian Aid from the Russian Federation". At 7.07 a.m. the vehicles entered the customs control area and parked up in four lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. Two service dogs were present on site during the convoy crossing and were used to check some of the cargo trucks from the outside. Ukrainian representatives – six border guards and three customs officers – were present during the check. They performed light visual checks of the opened trucks from the outside. By 7.45 a.m. the vehicles had left the border crossing point towards Ukraine. At 2.24 p.m. the convoy arrived and parked up in three lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian and Ukrainian border guards and customs officers visually checked the returning convoy from the outside. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. By 2.58 p.m. all of the forty-five vehicles had returned and crossed back into the Russian Federation.

217. On 18 July 2016 the BM at the Donetsk border crossing point observed a Russian Ministry of Emergency Situations truck (a white KAMAZ with official black registration plates) entering at 5.15 a.m. from the Russian Federation side. The truck was one of those usually used for convoys, but without any inscription concerning humanitarian aid. The truck had two uniformed ministry officers inside. After a thirty-minute-long procedure with the border guards and customs representatives, it moved from the customs control zone and parked in front of the duty-free shop. At 6.05 a.m. it left the border crossing point towards Ukraine. The cargo part of the truck was not opened and/or checked. Ukrainian border guards were not present, although the BM saw a Ukrainian guard watching the truck from the camp where the Ukrainian border guards were stationed. The OSCE Special Monitoring Mission to Ukraine was informed about this event. At 1.05 p.m. the BM observed the same truck entering the border crossing point from the Ukrainian side. The BM did not notice any physical check of the vehicle. Two uniformed ministry officers were in the truck. The Ukrainian representatives were not present on the spot. After about twenty minutes, the truck left the customs control zone and at 1.27 p.m. left the border crossing point towards the Russian Federation.

218. On 25 August 2016 at 6.55 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team-led convoy at the gate of the Donetsk border crossing point. The convoy consisted of thirty-two cargo trucks (among them five refrigerator trucks) and seven support vehicles. All but five refrigerator trucks bore the inscription "Humanitarian Aid from the Russian Federation". At 6.55 a.m. the vehicles entered the customs control area and parked up in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. A service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. Ukrainian representatives – four

border guards and a customs officer– were present during the check. They performed light visual checks of the opened trucks from the outside. By 7.25 a.m. the vehicles had left the border crossing point towards Ukraine. At 3.50 p.m. the convoy arrived back and parked up in three lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian and Ukrainian border guards and customs officers visually checked the returning convoy from the outside. One service dog was present on site during the convoy crossing and was used to check some of the cargo trucks from the outside. By 4.15 p.m. all of the thirty-nine vehicles had returned and crossed back into the Russian Federation.

219. On 22 September 2016 at 6.25 a.m., a Russian convoy arrived at the Donetsk border crossing point. A total of thirty-three vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Ukrainian representatives – five border guards and a customs officer– were present during the check. They performed light visual checks of the opened trucks from the outside. All of the thirty-three vehicles had crossed back into the Russian Federation by 2.40 p.m.

220. On 27 October 2016 at 6.31 a.m., the fifty-fifth Russian convoy arrived at the Donetsk border crossing point. A total of twenty vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Ukrainian representatives – four border guards and two customs officers – were present during the check. They performed visual checks of the opened trucks from the outside and some of them were taking notes. All of the twenty vehicles had crossed back into the Russian Federation by 1.10 p.m.

221. On 24 November 2016 at 6.34 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team coordinated and led convoy at the gate of the Donetsk border crossing point. The convoy consisted of twelve cargo trucks (among them five refrigerated trucks) and five support vehicles. All but one truck bore the inscription “Humanitarian Help from the Russian Federation”. At 6.57 a.m. the vehicles entered the customs control area and queued in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. A service dog was present on site during the convoy crossing and was used to check most of the cargo trucks from the outside. Ukrainian representatives – four border guards and one customs officer– were present during the check. They performed visual checks of the opened trucks from the outside and some of them were taking notes. By 7.17 a.m. the vehicles had left towards Ukraine.

222. Later that day, the SMM observed a convoy marked with “Ministry of Emergency Situations” consisting of twelve trucks, with Russian Federation licence plates, escorted by “police” vehicles, a liaison truck, a support truck and one ambulance (all with Ukrainian licence plates), in Luhansk. The convoy was later observed in Izvaryne going towards the border crossing point.

223. In Donetsk, the SMM observed a convoy of fifteen cargo trucks marked “Russian Federation Humanitarian Aid”. The observers saw six trucks enter a compound on Bauman Street, five moving further south and four trucks arriving at a storage area on Proletarska Street. A guard denied the SMM access to the area. From the gate the SMM observed some cardboard boxes inside the trucks.

224. At 2.15 p.m. the convoy arrived back at the Donetsk border crossing point and queued in two lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy from the outside. Ukrainian officials were not present. By 2.30 p.m., the BM recorded, all of the seventeen vehicles had returned and crossed back into the Russian Federation. Only three out of the twelve cargo trucks bore the inscription “Humanitarian Help from the Russian Federation” (compare paragraph 221 above).

225. On 22 December 2016 at 7.24 a.m., the fifty-seventh Russian convoy arrived at the Donetsk border crossing point. A total of twenty vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Ukrainian representatives – four border guards and one customs officer – were present during the check. They performed visual checks of the opened trucks from the outside and some of them were taking notes. All of the twenty vehicles had crossed back into the Russian Federation by 6.25 p.m.

226. On 21 February 2017 at 7.20 a.m., the BM observed the arrival of a Russian Ministry of Emergency Situations team coordinated and led convoy at the gate of the Donetsk border crossing point. The convoy consisted of five cargo trucks and five support vehicles. All trucks bore the inscription “Humanitarian Aid from the Russian Federation”. At 9.55 a.m. the vehicles entered the customs control area and queued in three lines. The cargo trucks were visually checked from the outside by Russian border guards and customs officers. Two service dogs were present on site during the convoy crossing and were used to check most of the cargo trucks from the outside. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed visual checks of the opened trucks from the outside and some of them were taking notes. By 10.07 a.m. the vehicles had left towards Ukraine. At 3.20 p.m. the convoy arrived and queued in two lines at the customs area. The tailgates and tarpaulins of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy from the outside. Two service dogs were present on site during the convoy crossing and were used to check most of the cargo trucks from the outside. Ukrainian representatives – three border guards and two customs officers – were present during the check. They performed visual checks of the opened trucks from the outside and some of them were taking notes. By 3.38 p.m. all of the ten vehicles had returned and

crossed back into the Russian Federation. On the way back none of the cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation".

227. On 28 February 2017 at 6.55 a.m., the fifty-ninth Russian convoy arrived at the Donetsk border crossing point. A total of ten vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Five Ukrainian officials, three border guards and two customs officers were observed. They accompanied their Russian counterparts and also performed a visual observation of the vehicles from the outside (not entering the trucks' cargo space). All of the ten vehicles had crossed back into the Russian Federation by 12.32 p.m.

228. On 16 March 2017 at 7.20 a.m., the sixtieth Russian convoy arrived at the Donetsk border crossing point. A total of fifteen vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Six Ukrainian officials, four border guards and two customs officers were observed. They accompanied their Russian counterparts and also performed a visual observation of the vehicles from the outside (not entering the trucks' cargo space). All of the fifteen vehicles had crossed back into the Russian Federation by 1.45 p.m.

229. On 23 March 2017 at 6.37 a.m., the BM observed the sixty-first Russian convoy arrived at the Donetsk border crossing point. A total of fifteen vehicles were checked by the Russian border guards and customs services prior to crossing into Ukraine. All of the fifteen vehicles had crossed back into the Russian Federation by 1.31 p.m.

230. On 27 April 2017 at 7.04 a.m. the BM observed the arrival of a Russian Ministry of Emergency Situations-led convoy (sixty-second convoy) at the gate of the Donetsk border crossing point. The convoy consisted of ten cargo trucks and five support vehicles belonging to the ministry. All the trucks bore the inscription "Humanitarian Aid from the Russian Federation". At 7.04 a.m. the vehicles entered the customs control area and queued in three lines. Once the convoy arrived, the vehicles were visually checked from the outside by the Russian Federation border guards and customs officers. The Russian Ministry of Emergency Situations staff rolled up/opened the tarpaulins of the trucks and the border guards and customs officials performed a visual observation from the outside. One service dog was present and used by the Russian Federation border guards to check the vehicles from the outside. Six Ukrainian officials, four border guards and two customs officers, were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. By 7.27 a.m. all the vehicles had left the border crossing point towards Ukraine. At 2.35 p.m. the convoy returned and queued in the customs area. The tarpaulins of the trucks were opened and Russian border guards and customs officers visually checked the returning convoy from the outside with the assistance of two service dogs. Ukrainian

representatives – four border guards and two customs officers – were present during the check. They also performed visual checks of the opened trucks from the outside. By 2.58 p.m. all fifteen vehicles had crossed back into the Russian Federation.

231. On 27 July 2017 at 7.05 a.m., the sixty-fifth Russian convoy arrived at the Donetsk border crossing point. A total of twenty-one vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Five Ukrainian officials, four border guards and one customs officer were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All of the twenty-one vehicles had crossed back into the Russian Federation by 2.39 p.m.

232. On 24 August 2017 at 6.47 a.m., the sixty-sixth Russian convoy arrived at the Donetsk border crossing point. A total of twenty-eight vehicles were checked by the Russian Federation border guards and customs services prior to crossing into Ukraine. Six Ukrainian officials (five border guards and one customs officer) were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by three armed men in camouflage. All of the twenty-eight vehicles had crossed back into the Russian Federation by 4.18 p.m.

233. On 28 September 2017 at 6.34 a.m., the sixty-seventh Russian convoy arrived at the Donetsk border crossing point. A total of twenty vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by one armed man in camouflage. All of the twenty vehicles had crossed back into the Russian Federation by 1.15 p.m.

234. On 26 October 2017 at 6.55 a.m., the sixty-eighth Russian convoy arrived at the Donetsk border crossing point. A total of seventeen vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by two armed men in camouflage. All seventeen vehicles had crossed back into the Russian Federation by 2.18 p.m.

235. On 23 November 2017 at 6.35 a.m., the sixty-ninth Russian convoy arrived at the Donetsk border crossing point. A total of twenty vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Three Ukrainian border guards and three customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by two armed men in camouflage. All twenty vehicles had crossed back into the Russian Federation by 2.40 p.m.

236. On 21 December 2017 at 6.31 a.m., the seventieth Russian convoy arrived at the Donetsk border crossing point. A total of twenty-one vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Four Ukrainian border guards and one customs officer were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by two armed men in camouflage. All twenty-one vehicles had crossed back into the Russian Federation by 4.39 p.m.

237. On 25 January 2018 at 7.54 a.m., the seventy-first Russian convoy arrived at the Donetsk border crossing point. A total of fifteen vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Four Ukrainian border guards and one customs officer were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. The Ukrainian officials were permanently escorted by two armed men in camouflage. All fifteen vehicles had crossed back into the Russian Federation by 2.47 p.m.

238. Later that same day, the SMM observed a convoy of trucks with "Humanitarian Aid from the Russian Federation" written in Russian on the side. The SMM saw ten covered cargo trucks, three support vehicles, two ambulances (all with Russian Federation licence places), as well as two cars marked "Police" and three further vehicles (all with "LPR" plates) driving west through LPR"-controlled Sorokyne (formerly Krasnodon, 43 kilometres south-east of Luhansk). The SMM attempted to follow the convoy into a compound at 4a Darhomyzhskoho Street in Luhansk city, but was prevented from doing so by four "LPR" members (two armed) who closed a gate in front before the SMM vehicles were able to enter. One of the "LPR" members told the SMM that it needed permission from other "LPR" members in order to access the compound.

239. On 22 February 2018 at 6.47 a.m., the seventy-second Russian convoy arrived at the Donetsk border crossing point. A total of sixteen

vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. According to the BM, all sixteen vehicles had crossed back into the Russian Federation by 3.23 p.m.

240. That same day, the SMM observed near Novosvitlivka (non-government-controlled, 16 kilometres south-east of Luhansk), ten white cargo trucks labelled "Humanitarian Aid from the Russian Federation" (in Russian) with Russian Federation licence plates accompanied by two cars labelled "Police" with "LPR" plates, four cars labelled "Ministry of Emergency Services of Russia", an ambulance with Russian Federation licence plates and two other vehicles with "LPR" plates. The convoy was seen entering a compound at 2a Rudneva Street in Luhansk city. When the SMM attempted to follow, it was blocked by two armed men who stated that the SMM would not be allowed to enter the compound because it had not "co-ordinated in advance". Near Poltavske (non-government-controlled, 32 kilometres south-east of Donetsk), the SMM observed twenty-three white covered cargo trucks labelled "Humanitarian Aid from the Russian Federation" (in Russian), three cars with "DPR" plates labelled "Police", two minibuses, and three cars labelled "Ministry of Emergency Service of Russia." In Donetsk city, the SMM observed eight white cargo trucks labelled "Humanitarian Aid from the Russian Federation" (in Russian) with Russian Federation licence plates being unloaded inside a compound at 1 Baumana Street. The SMM was unable to see the contents.

241. On 29 March 2018 at 6.50 a.m., the seventy-third Russian convoy arrived at the Donetsk border crossing point. A total of sixteen vehicles were checked by the Russian border guards and customs services prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. All sixteen vehicles had crossed back into the Russian Federation by 2.26 p.m.

242. On 8 May 2018 at 6.57 a.m., the seventy-fourth Russian convoy arrived at the Donetsk border crossing point. A total of sixteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Two Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. All sixteen vehicles had crossed back into the Russian Federation by 1.53 p.m.

243. On 24 May 2018 at 6.31 a.m., the seventy-fifth Russian convoy arrived at the Donetsk border crossing point. A total of sixteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and three customs officers were observed accompanying their Russian counterparts; they also performed visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. All sixteen vehicles had crossed back into the Russian Federation by 2.33 p.m.

244. On 28 June 2018 at 6.19 a.m., the seventy-sixth Russian convoy arrived at the Donetsk border crossing point. A total of seventeen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. All seventeen vehicles had crossed back into the Russian Federation by 1.25 p.m.

245. On 26 July 2018 at 6.35 a.m., the seventy-seventh Russian convoy arrived at the Donetsk border crossing point. A total of twenty-one vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). The Ukrainian officials had clipboards in their hands and were taking notes. One service dog was present during the procedure. A man dressed in civilian clothing took pictures at the beginning of the check. All twenty-one vehicles had crossed back into the Russian Federation by 3.55 p.m.

246. On 23 August 2018 at 6.45 a.m., the seventy-eighth Russian convoy arrived at the Donetsk border crossing point. A total of twenty-one vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). Two of them had clipboards in their hands and were taking notes. One service dog was present during the procedure. All twenty-one vehicles had crossed back into the Russian Federation by 3.34 p.m.

247. On 27 September 2018 at 6.33 a.m., the seventy-ninth Russian convoy arrived at the Donetsk border crossing point. A total of sixteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and one customs officer were observed accompanying their Russian

counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. One service dog was present during the procedure. All sixteen vehicles had crossed back into the Russian Federation by 2.01 p.m.

248. On 25 October 2018 at 7.02 a.m., the eightieth Russian convoy arrived at the Donetsk border crossing point. A total of twenty-five vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. One service dog was present during the procedure. All twenty-five vehicles had crossed back into the Russian Federation by 3.27 p.m.

249. On 22 November 2018 at 6.44 a.m., the eighty-first Russian convoy arrived at the Donetsk border crossing point. A total of nineteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. One service dog was present during the procedure. All nineteen vehicles had crossed back into the Russian Federation by 3.07 p.m.

250. On 20 December 2018 at 8.20 a.m., the eighty-second Russian convoy arrived at the Donetsk border crossing point. A total of twenty-two vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. Two service dogs were present during the procedure. All twenty-two vehicles had crossed back into the Russian Federation by 8.57 p.m.

251. On 25 July 2019 at 6.39 a.m., the eighty-third Russian convoy arrived at the Donetsk border crossing point. A total of nine vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. All nine vehicles had crossed back into the Russian Federation by 1.46 p.m.

252. On 19 September 2019 at 6.11 a.m., the eighty-fourth Russian convoy arrived at the Donetsk border crossing point. A total of ten vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and three customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. All ten vehicles had crossed back into the Russian Federation by 1.52 p.m.

253. On 17 October 2019 at 7.22 a.m., the eighty-fifth Russian convoy arrived at the Donetsk border crossing point. A total of twelve vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. By 7.41 a.m. all of the vehicles had left towards Ukraine. During the crossing one civilian was present who took photos of the procedure. All twelve vehicles had crossed back into the Russian Federation by 3 p.m.

254. On 24 October 2019 at 6.47 a.m., the eighty-sixth Russian convoy arrived at the Donetsk border crossing point. A total of sixteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Two Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. By 7.10 a.m. all of the vehicles had left towards Ukraine. During the crossing one Russian Federation border guard took photos of the procedure. All sixteen vehicles had crossed back into the Russian Federation by 2 p.m.

255. On 7 November 2019 at 6.51 a.m., the eighty-eighth Russian convoy arrived at the Donetsk border crossing point. A total of thirteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. All thirteen vehicles had crossed back into the Russian Federation by 12.28 p.m.

256. On 14 November 2019 at 6.45 a.m., the eighty-ninth Russian convoy arrived at the Donetsk border crossing point. A total of fourteen vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also

performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All fourteen vehicles had crossed back into the Russian Federation by 1.07 p.m.

257. On 21 November 2019 at 6.30 a.m., the ninetieth Russian convoy arrived at the Donetsk border crossing point. A total of eight vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All eight vehicles had crossed back into the Russian Federation by 11.25 a.m.

258. On 28 November 2019 at 6.50 a.m., the BM observed the arrival of the ninety-first Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of twelve vehicles: one escort car and eleven civilian cargo trucks. Out of the eleven cargo trucks, only two bore the inscription "Humanitarian Aid from the Russian Federation". At 6.50 a.m. the vehicles entered the customs control area. Once the convoy arrived, the vehicles were visually checked from the outside by Russian Federation border guards and customs officers. The truck drivers rolled up/opened the tarpaulins of the trucks and the border guards and customs officials performed a visual observation from the outside. One dog was present and used by Russian Federation border guards to check the vehicles from the outside. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). They had clipboards in their hands and were taking notes. By 7.10 a.m. all of the vehicles had left towards Ukraine. One border guard officer was taking pictures and videoing during the whole procedure. At 12.28 p.m. the convoy arrived back and queued in the customs area. The Russian Federation border guards and customs officers visually checked the returning convoy from the outside. Ukrainian representatives – four border guards and two customs officers – were present during this check. The Ukrainian officials also performed visual checks of the trucks from the outside. One dog was present and used by Russian Federation border guards to check the vehicles from the outside. By 12.38 p.m. all twelve vehicles had crossed back into the Russian Federation.

259. On 5 December 2019 at 6.20 a.m., the ninety-second Russian convoy arrived at the Donetsk border crossing point. A total of ten vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All ten vehicles had crossed back into the Russian Federation by 12.35 p.m.

260. On 12 December 2019 at 6.35 a.m., the ninety-third Russian convoy arrived at the Donetsk border crossing point. A total of ten vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. All ten vehicles had crossed back into the Russian Federation by 12.18 p.m. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space).

261. On 19 December 2019 at 6.32 a.m. (Moscow time), the ninety-fourth Russian convoy arrived at the Donetsk border crossing point. A total of eight vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All eight vehicles had crossed back into the Russian Federation by 2.51 p.m.

262. On 30 July 2020 at 6.37 a.m., the ninety-fifth Russian convoy arrived at the Donetsk border crossing point. A total of nine vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and four customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All nine vehicles had crossed back into the Russian Federation by 11.47 a.m.

263. On 27 August 2020 at 6.23 a.m., the ninety-sixth Russian convoy arrived at the Donetsk border crossing point. A total of six vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All six vehicles had crossed back into the Russian Federation by 11.19 a.m.

264. On 29 October 2020 at 6.20 a.m., the ninety-seventh Russian convoy arrived at the Donetsk border crossing point. A total of seven vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Four Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All seven vehicles had crossed back into the Russian Federation by 1.23 a.m.

265. On 26 November 2020 at 7.19 a.m., the ninety-eighth Russian convoy arrived at the Donetsk border crossing point. A total of seven vehicles were checked by Russian Federation border guards and customs officers prior to their crossing into Ukraine. Three Ukrainian border guards and two

customs officers were observed accompanying their Russian counterparts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). All seven vehicles had crossed back into the Russian Federation by 5.04 p.m.

266. On 17 December 2020 the BM observed the arrival of the ninety- nineth Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of seven vehicles: one escort car and six cargo trucks. One truck was civilian and five trucks belonged to the Russian Ministry of Emergency Situations. All six cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". At 6.34 a.m. the vehicles entered the customs control area. Once the convoy arrived, the vehicles were visually checked from the outside by Russian Federation border guards and customs officers. The truck drivers rolled up/opened the tarpaulins of the trucks and the border guards and customs officials performed a visual observation from the outside. One dog was present and used by Russian Federation border guards to check the vehicles from the outside. One Russian Federation border guard took photos and videoed the convoy crossing. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counter parts; they also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). By 6.46 a.m. all seven vehicles had left towards Ukraine. At 2.50 a.m. the convoy returned to the border crossing point and queued in the customs area. The Russian Federation border guards and customs officers visually checked the returning convoy from the outside. Ukrainian representatives – three border guards and two customs officers – were present during this check. The Ukrainian officials also performed visual checks of the trucks from the outside. One dog was present and used by Russian Federation border guards to check the vehicles from the outside. By 2.54 p.m. all seven vehicles had crossed back into the Russian Federation.

267. On 12 August 2021 at 6.23 a.m., the BM observed the arrival of the hundredth Russian convoy at the gate of the Donetsk border crossing point. The convoy consisted of four vehicles: one escort car and three civilian cargo trucks. All the cargo trucks bore the inscription "Humanitarian Aid from the Russian Federation". At 6.28 a.m. the vehicles entered the customs control area. Once the convoy arrived, the vehicles were visually checked from the outside by Russian Federation border guards and customs officers. The truck drivers rolled up/opened the tarpaulins of the trucks and the border guards and customs officials performed a visual observation from the outside. Three dogs were present and used by Russian Federation border guards to check the vehicles from the outside. One Russian Federation border guard took photos and videoed the convoy crossing. Three Ukrainian border guards and two customs officers were observed accompanying their Russian counterparts. They also performed a visual observation of the vehicles from the outside (without entering the trucks' cargo space). By 6.47 a.m. the vehicles had left

for Ukraine. At 12.25 p.m. the convoy came back and queued in the customs area. The Russian Federation border guards and customs officers visually checked the returning convoy from the outside. Ukrainian representatives – three border guards and two customs officers – were present during the check. The Ukrainian officials also performed visual checks of the trucks from the outside. One dog was present and used by Russian Federation border guards to check the vehicles from the outside. By 12.35 p.m. all four vehicles had crossed back into the Russian Federation.

(c) Observations concerning armed hostilities

268. On 13 April 2014 the Government of Ukraine announced an anti-terrorist operation in eastern Ukraine. Following the discovery of the bodies, with alleged signs of torture, of Volodymyr Rybak, Horlivka city councillor, and Yuriy Popravko, a student and Maidan activist from Kyiv, in a river near Slovyansk on 19 April 2014, the acting President of Ukraine ordered the resumption of the anti-terrorist operation in eastern Ukraine, as it sought to regain control of territory in the eastern regions. Heavy armament, including tanks, military aviation and helicopters, were used in addition to artillery.

269. On 20 April 2014 the SMM indicated that the entire town of Slovyansk was under the control of armed groups and that the security situation had been assessed as deteriorating, and operating conditions for OSCE teams were marginal. It reported a shooting incident early that morning. It also noted that owing to unpredictable security risks, it was not possible for the SMM to reach the scene of the incident in the immediate aftermath of the incident.

270. On 2 May 2014 the SMM noted that two Ukrainian army helicopters had been shot down, reportedly by unidentified armed groups using man-portable air defence systems. Multiple casualties were reported in Slovyansk.

271. The SMM reported on 12 May 2014 that artillery shelling of the northern outskirts of Kramatorsk (105 kilometres north of Donetsk) from beside the Slovyansk TV Tower had been confirmed to it by both the Ukrainian military and the separatists. Damage caused by the shelling was presented to the SMM. It was, however, impossible to unambiguously identify which side had conducted the shelling.

272. The HRMMU reported in May 2014 that the security operations by the government, with military and National Guard forces particularly concentrated around the town of Slovyansk, were present in the regions of Donetsk and Luhansk. With their superior manpower and military hardware, the Ukrainian armed forces had controlled access to the cities through multiple layers of checkpoints. In its July 2014 report, the HRMMU indicated that incidents involving civilian deaths had occurred without any possibility

of ascertaining beyond any doubt whether the casualties had been caused by Ukrainian forces or separatist armed groups.

273. By the end of 2014 and the beginning of June 2014, the SMM was reporting intense fighting on a daily basis. For example, on 3 June 2014 the SMM referred to a seventeen-hour exchange of fire between the separatists and border guards defending in the south-west outskirts of Luhansk. The next day, it observed intense fighting in and around Slovyansk in the Donetsk region.

274. The SMM reported that prior to the separatist attack on the airport in Luhansk on the night of 9-10 June 2014, which was believed to be guarded by a platoon of Ukrainian soldiers, an earlier attempt on 8-9 June had been made by the "South-Eastern Army" to seize the airport.

275. The SMM noted that on 14 June 2014, separatist armed groups had shot down a Ukrainian military transport plane as it approached Luhansk airport. Forty soldiers believed to be from the Dnipropetrovsk 25th battalion, plus nine crew, were killed. In a press conference held on 15 June, Valeriy Bolotov claimed that the "South-Eastern Army" was responsible for the shooting down of the plane.

276. In its report of 15 June 2014, the HRRMU reported that on 26 May 2014, fighting had broken out between the separatist armed groups and the Ukrainian military for control of Donetsk airport. According to the Interior Minister, there were no losses within the Ukrainian military but according to various sources, the armed groups suffered over fifty casualties, of whom at least thirty-one volunteers were reportedly from the Russian Federation, including from Chechnya and other republics in the North Caucasus.

277. Following the announcement of a peace plan by the President of Ukraine on 20 June 2014, the government implemented a ten-day ceasefire but this was reportedly breached at least 108 times. The SMM reported that the authorities in the "DPR" and "LPR" refused the ceasefire. In July 2015 the HRRMU reported that after the ceasefire ended on 30 June 2014, the government had mounted an intense offensive, recapturing territory including the main strategic base of the armed groups in the Donetsk region – the city of Slovyansk – and stating it had regained control of the Ukraine-Russian Federation border areas that had previously been under the control of the armed groups.

278. In Luhansk during the night of 29 to 30 June 2014, the SMM heard, from an unidentified direction, five explosions. The next day, at around 1 p.m., 3.20 p.m. and 6.30 p.m., artillery and mortar fire was heard by the SMM, all coming from the northern part of Luhansk city.

279. On 4 July 2014 the SMM reported armed clashes across various parts of Donetsk and Luhansk and noted that the UN had stated that there were numerous reports of deaths due to intensified security operations in Donetsk and Luhansk. It is not clear from the report which side of the conflict was responsible for those deaths.

280. On 8 July 2014 the SMM in Luhansk was asked to visit a Ukrainian border guard camp adjacent to the village of Yuganivka, 45 km north-east of Luhansk city, and just 200 m from the border with the Russian Federation. The SMM talked to the border guards and local villagers, and was shown the impacts of mortar shells and unexploded rounds. The SMM also spoke to two local villagers, who confirmed that there had been shelling the previous night, but that the origin of the shelling was unknown. The SMM monitoring teams were shown a jeep and a bus that had been hit by shrapnel. No other damage was visible within the camp. It concluded that while there was sufficient evidence to suggest a mortar attack had taken place, there was insufficient evidence to draw conclusions as to the origin of the fire, or the identity of the perpetrators.

281. On 10 July 2014 the SMM reported that the prime minister and minister of defence of the "DPR" had announced at a press conference that the partial evacuation of some areas of Donetsk city were under preparation.

282. According to the SMM's report dated 11 July 2014, fighting intensified during 10 and 11 July in and around Donetsk airport. The SMM heard explosions from the direction of the airport and saw two pillars of smoke. Road access from the east and south to the airport area was blocked by "DPR" forces. The SMM saw "DPR" fighters moving in an armoured personnel carrier from the east of the city towards the airport; and two military trucks carrying armed "DPR" forces moving from the city centre towards the airport area.

283. On 14 July 2014 the SMM reported that the director of Dnipropetrovsk's Mechnikov Hospital and the acting chief of the Regional Health Department had informed it that from 9 May to 13 July, a total of 128 wounded soldiers had been treated in the hospital, including eighty-two who had arrived between 11 and 13 July 2014.

284. On 16 July 2014, throughout the day, the SMM heard shelling and artillery fire in the southern area of Luhansk city.

285. In its daily report for 20 July 2014, the SMM reported shelling of Luhansk city on 18 and 19 July. On 19 July, the SMM went to a city-centre location, where they observed a large crater beside a bus stop. Shattered windows and shrapnel fragments in the walls of two nearby six-storey buildings were seen, and blood and body parts along the pavement and road. The same day, the SMM observed five houses reduced to rubble on the outskirts of the city and the remains of a rocket of an indeterminable type at the scene. The monitors received casualty figures from two sources. The head of the local emergency services department in Luhansk city informed the SMM on 19 July that twenty people had been killed and 150 injured in Luhansk city on 17 and 18 July. The head of the city morgue informed the SMM on 19 July that twenty-nine people had been killed on 18 and 19 July. He said that five of the victims were women, and all but one were civilians. At the morgue, the SMM saw a man and a woman carrying a small,

child-sized coffin. The head of the Ukrainian government's security operation in Luhansk province on 20 July denied Ukrainian military involvement in the shelling of Luhansk city.

286. On 22 July 2014, three SMM reported increased shelling of Luhansk city on 21 July, after which three monitors based in the city were re-located to Starobilsk (85 km north of Luhansk city). Prior to its departure, while at their hotel 3 km south of the city centre, the SMM heard what appeared to be an artillery exchange a further 1.5 km south of their hotel. It heard the sound of outgoing Grad rockets and, separately, the sound of impacts at the same location.

287. According to the SMM's daily report for 25 July 2014, they heard, on the night of 24-25 July, what appeared to be shelling on the outskirts of Donetsk city. A senior Ukrainian military officer told the SMM that Shastye (24 km north of Luhansk city) and Verhnayaya Olhovka (15 km north of Luhansk city) – both under Ukrainian military control – had come under fire from Grad BM-21 rockets on 25 July.

288. On 27 and 28 July 2014, the SMM reported that fighting in parts of Donetsk region was continuing and that shelling in the outskirts of the city could be heard by the SMM.

289. On 28 July 2014, the SMM visited Shchastya (23 km north of Luhansk city), a town retaken by Ukrainian forces in the first half of June. The sound of heavy artillery and Grad systems could be heard in the distance, from the direction of Luhansk city to the south.

290. The SMM reported, on 29 July 2014, that fighting around Donetsk city was continuing and the situation had deteriorated. Following a loud explosion audible in the vicinity, the SMM visited three areas of the city and observed moderate damage caused by shrapnel from artillery attacks in the neighbourhoods of Trenova and Batisheva Street. But the neighbourhood that sustained the most serious damage was at Rosa Luxemburg Street, including one fatality. All the windows on the apartment blocks were broken, while holes were visible on building facades. In addition, the monitors saw human body parts at the scene.

291. On 30 July 2014 the SMM heard shelling throughout the day, apparently in the outskirts of Donetsk city. In the early hours of that day, the monitors heard what they assessed to be a convoy of tracked vehicles in Donetsk city.

292. In its daily report for 31 July 2014, the SMM assessed that the overall security situation in Donetsk remained a cause for concern, though instances of shelling in the city's outskirts appeared less intensive. The monitors visited several streets close to Donetsk airport, 5 km north of the city centre, which had been hit by artillery on 29 July. The SMM saw damaged apartments with broken windows and walls, which had been demolished by unknown perpetrators. Houses in one of the visited areas had been without water and electricity since 28 July because of shelling, according to local residents.

293. On 1 August 2014 the SMM monitored the situation in Shchastya (25 km north-west of Luhansk city). It remained tense, with audible shelling and small-arms fire. At the Ukrainian checkpoint, the SMM was told that as of that day, 282 people had transited through Shchastya from Luhansk city and been checked. The SMM spoke to people who had fled Luhansk because of the fighting in the area. According to them, the situation in Luhansk city was tense, with heavy artillery shelling on 31 July.

294. The same day, the SMM reported that shelling on the outskirts of Donetsk city was more frequent than the previous day, with more activity in the evening hours. The monitors visited areas affected by shelling, located east and north-east of the city airport. These areas were exclusively civilian localities, with neither military nor police installations nearby. According to the inhabitants, the areas were shelled in the early hours of 28 and 29 July.

295. On 2 and 3 August 2014 the SMM – at the village of Petropavlivka (7 km south of the main wreckage site at Hrabove, which is 78 km east of Donetsk city) – heard artillery impacts, twice on 2 August (first at a distance of 2 km and the second at a distance of 7-15 km); and once on 3 August (at a distance of 3 km). The SMM, whilst in Petropavlivka on 2 August, also heard on two occasions what appeared to be overhead aircraft at high altitude. On the same day, the SMM observed two minibuses, each containing up to twelve armed personnel of the "LPR". An "LPR" commander at the scene claimed that the Ukrainian National Guard had attacked their positions.

296. On 4 August 2014, while they were near to Petropavlivka and Rozsypne, the SMM observed multiple incoming and outgoing mortars and artillery rounds at a distance of 2-3 km from an unidentified direction.

297. On 7 August 2014, at 9.36 a.m., the SMM heard a series of loud explosions in the city centre of Donetsk, lasting six seconds, followed thirty minutes later by another series of explosions. On the basis of information received from local sources, the SMM proceeded to a city-centre residential area 2 km north of their initial location, where they observed two high-rise buildings that had evidently sustained serious damage, which the SMM assessed as being consistent with shelling. Several buildings in residential areas, as well as a hospital, were damaged and at least one person died.

298. On 10 August 2014, during the day and the evening, the OSCE observer teams heard several heavy detonations identified as departing artillery fire at a distance of approximately 10 km west south-west of the border crossing point. On 12 August, from 5.15 a.m. to 5.30 a.m., the observer teams heard continuous heavy artillery fire at an approximate distance of 10 km in the west-north-west direction. From 7 a.m. to 7.15 a.m. the observer teams heard other similar heavy artillery fire at an approximate distance of 10 km north of the border crossing point. In both instances the noise resembled multiple-launch rocket systems.

299. On 14 August 2014 at 1.30 p.m., the SMM heard a series of loud explosions consistent with shelling, and subsequently observed what

appeared to be two bodies in the city centre of Donetsk. People at the scene told the SMM that there had also been a number of people injured.

300. On 15 August 2014 the SMM heard, loud explosions on the outskirts of Donetsk city, to the east and south of the city centre. The SMM was told, but could not verify, that rockets had hit the building of a military school and a local stadium.

301. In its report of August 2014, the HRRMU indicated that the Ukrainian armed forces had tightened their blockades around the main strongholds of the armed groups – the cities of Luhansk, Donetsk and to a lesser extent Horlivka. By 3 August 2014 the government of Ukraine stated it had regained control of sixty-five towns and villages in eastern Ukraine that had been held by the armed groups. However, armed groups remained in control of about 100 km of the Ukraine-Russian Federation border.

302. On 19 August 2014 the SMM reported loud explosions consistent with shelling in various parts of Donetsk.

303. In its report for 22 August 2014, the SMM noted evidence of shelling in the Kyiv district of Donetsk city. It saw two multi-storey buildings: one with several damaged apartments and the other with around thirty damaged apartments and shattered windows. Local residents of the latter approached the SMM saying that their residential area had been hit six times by mortars on 21 August. The director of a local kindergarten in Donetsk told the SMM that the facility had recently been shelled three times.

304. On 27 and 29 August 2014 the SMM observed continued shelling in Donetsk city and an increasing impact on the civilian population and infrastructure.

305. On 31 August 2014 the SMM visited Shchastya (25 km north of Luhansk city). The SMM's interlocutors said that shelling had decreased over the past couple of days. The same day, in Donetsk city, the SMM observed sporadic shelling in the very early hours.

306. On 1 September 2014 the intensity of shelling appeared to decrease in Donetsk city, whilst mortar fire was observed coming from within the airport area. The SMM was informed by Ukrainian officials that the airport in Luhansk was no longer under the control of the Ukrainian forces.

307. On 2 September 2014 the SMM observed a column of three armoured personnel carriers in Donetsk city, with no inscriptions on the hardware, followed by two small trucks full of armed individuals passing through the centre and moving towards the west side of the city. In the early hours of 2 September the SMM heard shelling in Donetsk city centre coming from a north-westerly direction. It also observed mortar shelling going out from the airport area.

308. On 3 September 2014 at about 2 p.m. the SMM in Donetsk heard, three or four times, the sound of shelling coming from the western part of town, from the direction of the airport.

309. Despite the ceasefire, hostilities in the east of Ukraine and related human rights violations and abuses continued. According to the HRRMU's report of October 2014, the fighting was particularly severe around the Donetsk airport, Debaltseve and Mariupol (Donetsk region), and Shchastya (Luhansk region), causing casualties among civilians, military servicemen and members of the armed groups.

310. In its weekly update for 28 August to 3 September 2014, the OSCE observer mission reported that, throughout the week, shootings, blasts and artillery detonations had been heard at various times of the day and night, and from different distances and directions around the Donetsk Border Crossing Point. Artillery detonations were especially intense during the weekend in the direction north of Krasnodon. Throughout the night of 30 to 31 August, dozens of very loud artillery detonations were heard and felt by the observer teams.

311. On 4 September 2014 the SMM published its spot report on the situation in Mariupol. The report stated that military activity in the area had increased, primarily in the east of Mariupol city. Reportedly, heavy fighting in the area of Shyrokyne (24 km east of Mariupol city) and Bezimenne (34 km east of Mariupol city) was taking place. The Ukrainian authorities informed the SMM early on 4 September that the situation in Mariupol was worsening by the hour and that there was a danger that irregular armed groups could move into the city that night. Shelling began at 12.40 p.m. on 4 September in the area of Shyrokyne and Bezimenne. The SMM was informed by local inhabitants that they had heard fifty to sixty explosions and that at 5.15 p.m. four explosions had been heard from the direction of Shyrokyne. In the village of Berdyansk the SMM was told by local inhabitants that Shyrokyne had been shelled and that there had been casualties. In Shyrokyne the SMM saw burning fields on both sides of the road at the entrance of the village. Local inhabitants told the SMM that fighting between Ukrainian army and the separatist armed groups had been ongoing during the entire day. It appeared that neither Ukrainian army nor irregular armed groups were in control of the village. On the way out of Shyrokyne the SMM could hear five to six rounds of artillery shelling from the direction of Bezimenne towards Mariupol.

312. The same day, the SMM heard explosions and shooting for about half an hour coming from the north and west of the Donetsk city centre. Because of several rounds of outgoing mortar shelling coming from the direction of the airport, the SMM observed the inaccessible airport from a distance of 1 km.

313. On 5 September 2014 the Ukrainian military representatives at the Vostochny checkpoint stated to the SMM that there were many casualties in the village of Shyrokyne and some thirty to forty rounds of artillery fired at the Vostochny checkpoint from different directions and hidden firing points.

314. A new round of peace talks initiated by the President of Ukraine was held in Minsk on 31 July 2014, with representatives of Ukraine, the Russian

Federation and the armed groups, under the auspices of the OSCE. On 5 September 2014 the Trilateral Contact Group on Ukraine, meeting in Minsk, signed the Minsk Protocol, which included a ceasefire agreement. This made provision for an immediate ceasefire, an exchange of prisoners and the establishment of effective border control, all to be monitored by the OSCE. At 6 p.m. that day, the ceasefire came into effect.

315. On 6 September 2014 an SMM monitoring team remained stationary from 7.30 a.m. until 6 p.m. at Shchastya checkpoint (24 km to the north of Luhansk and controlled by Ukrainian armed forces). At 8.26 a.m. the team heard a single shot of an AK 47 but could not ascertain from which direction it had been fired. At 11.50 a.m. the SMM observed a grey microlight aircraft with no markings and single pilot, flying over the SMM position at the checkpoint. The SMM spoke to the Ukrainian military commander at the checkpoint, who informed it that the Ukrainian armed forces did not have any such aircraft. Whilst the aircraft was flying over the checkpoint, the SMM heard two shots being fired from the direction of Ukrainian Army-controlled territory, possibly aimed at the aircraft. At 2.35 p.m. the SMM heard two high-calibre artillery shells but could not ascertain the location or the origin of the shelling.

316. The same day, another SMM monitoring team at Stanytsia Luhanska (24 km to the north-east of Luhansk) heard artillery fire from Luhansk city, which was under the control of the "LPR", towards the area of Stanytsia Luhanska, which was under the control of Ukrainian forces. This was followed by artillery fire from Stanytsia Luhanska towards Luhansk city. Shortly afterwards, the SMM observed smoke around 2 km to the east of Stanytsia Luhanska.

317. Also on 6 September 2014, at 10.45 p.m. the SMM heard artillery shelling to the east of Mariupol but could not ascertain from which direction the shelling was coming. It lasted until 11.51 p.m. During that period the SMM heard a total of thirty rounds. At 11.45 p.m. small-arms shooting was also heard by the SMM in the eastern part of Mariupol city. At 11.47 p.m. the SMM received a call from a local inhabitant from the village of Vostochny (3 km to the east of Mariupol city centre) informing it that the Vostochny checkpoint, located at the entrance to the city of Mariupol along the main road from Novoazovsk, was on fire. A nearby gas station is also burning.

318. In its spot report dated 7 September 2014 on the situation at Donetsk International Airport and Shchastya (Luhansk region), the SMM stated that it had seen evidence of an exchange of fire close to the area. A local resident, who lived between 2.5 and 3 km from Donetsk International Airport, called the SMM at 8.25 a.m. saying that he had heard shooting taking place from the direction of the airport and the village of Spartak. The shooting, according to the source, started at around 8.10 a.m. and was sporadic, that is, one to two shots at a time. At 10 a.m. the SMM went on patrol, together with police escort provided by the "DPR", to verify that account. At the

"DPR"-controlled checkpoint on the Putylivskiy Bridge, close to the site of the airport, the SMM could hear mortars being fired from the airport area. The "DPR" denied the SMM further access for security reasons. The SMM and "DPR" representatives accessed the roof of an abandoned apartment building in the neighbourhood of the checkpoint. From there, the SMM observed a number of mortars being fired and impacts. Smoke was seen rising between some trees 800 metres away, close to the village of Spartak, which is located north-east of the airport. According to the "DPR" representatives, they controlled the village. The SMM visited Spartak and observed numerous impacts from shelling which had allegedly taken place earlier in the day. Two small family houses were also observed still burning after impacts coming undoubtedly from the shelling. The SMM was informed that the houses were abandoned, and that the shelling had not caused any casualties in the village. Altogether, between 10.15 a.m. and 12.30 p.m. (at which point the SMM left to return to the office), the SMM heard in all fifteen to twenty mortars being fired, observed the impacts of a few of these, and heard small-arms fire also coming from the airport. In Shchastya (20 km north of Luhansk) an exchange of fire was also witnessed by the SMM. At 1.37 p.m. fighters affiliated to the "LPR" fired at Ukrainian troops, which led to a response by the Ukrainian armed forces. Both sides exchanged small arms, rocket-propelled grenade and artillery fire. The incident had ended by 2.50 p.m. Medical staff working at the scene informed the SMM that one Ukrainian soldier had been wounded in the chest. The Ukrainian commando confirmed this to the SMM and presumed that one fighter affiliated to the "LPR" had been killed.

319. On 8 September 2014 the SMM reported shelling and explosions in the south of Donetsk city and in Mariupol.

320. On 9 September 2014, in Kievski district, to the north of Donetsk city centre, local residents told the SMM that the area had been shelled since the previous Friday night, and persistently in the following days, by an unspecified number of howitzer artillery pieces and Grad missiles. According to local inhabitants, five men had died as a result of the impacts and many others had been injured. The SMM could not independently verify this information.

321. The same day at 11.50 a.m. the SMM visited the northern outskirts of Donetsk city and entered a nine-storey apartment building, located less than 1 km away from the airport, from where it observed the airport area and its surroundings. At 12.34 p.m. mortar shelling was heard, but the SMM could not ascertain its origin. The monitors saw two impacts caused by shelling, and resultant smoke, one in the airport area and the second one 200-250 m from the building where the SMM stood, but could not ascertain from where the shelling had originated. The SMM in total observed up to fifteen instances of shelling at the airport area.

322. On 10 September 2014 the SMM reported that according to local residents of Maryinka, no military activities had been observed in the town

since 5 September, but shelling sounds could be still heard, reportedly from the direction of Donetsk airport. In Dzerzhynsk (55 km north of Donetsk), the head of the local police informed the SMM that the situation in the town remained peaceful, but claimed that Ukrainian checkpoints were being shelled on a daily basis from Horlivka by the "DPR". During the meeting, the SMM heard two instances of shelling consistent with mortar use.

323. On 14 September 2014 the SMM received numerous accounts indicating breaches of the arrangements on the non-use of weapons, in the light of the Minsk Protocol I, in the Donetsk and Luhansk regions. The same day, the monitors patrolled the areas of the H21 road after Shakhtarsk (60 km to the east of Donetsk), Torez (69 km east of Donetsk) and the route northwards towards Debaltseve (70 km north-east of Donetsk), a strategic area which had been subject to intense fighting prior to the signing of the Protocol. The SMM also carried out an on-site assessment in the area of the MH17 crash site, upon request of the Dutch, Australian and Malaysian authorities. The patrol vehicles were damaged by artillery or mortar fire at 6.37 p.m. The team left the area in the remaining useable vehicle and returned to Donetsk city.

324. On 15 September 2014 the SMM received reports from various interlocutors about alleged shelling at irregular intervals on the outskirts of the Donetsk city. This information was confirmed by the Ukrainian armed forces and the defence ministry of the "DPR". For security reasons the SMM was unable to conduct patrols and verify this information and the security situation in this area.

325. On 16 September 2014 the SMM saw evidence of shelling in two places in the Kuibyshevskyi district of Donetsk city.

326. On 18 September 2014 the SMM could hear, and received reports from local inhabitants of, shelling at irregular intervals on the outskirts of Donetsk city, mainly in the north, in the area of the airport, and in the south--east. The same day, the SMM visited the airport in Mariupol (115 km south of Donetsk), where Ukrainian Army representatives confirmed that the previous day they had fired anti-aircraft systems at a UAV.

327. On 19 September 2014 at 7 p.m. the head of the village council of Pavlopol (25 km north-west of Mariupol) claimed to the SMM by phone that there had been artillery shelling, involving Uragan multiple rocket launchers (MRLS), between 4 p.m. and 6 p.m. The shelling, he said, emanated from the area around Krasnoarmeyske) – controlled by the "DPR" – and targeted the Ukrainian-controlled village of Kelchik and the H20 road. At 8.45 p.m. the SMM heard shelling to the north-east of Mariupol. The village council head again called almost immediately, saying shelling had recommenced with the same firing line as he had earlier indicated. The SMM noted that the shelling had lasted for one hour, with approximately forty-five rounds being fired.

328. On 21 September 2014 at 2.20 p.m. the SMM, when visiting the Ukrainian checkpoint in Debaltseve, heard two explosions, allegedly from 82 mm mortar shelling approximately 1 km north-east of the checkpoint.

329. During the night hours of 23 September 2014, the SMM heard a series of eleven explosions consistent with Grad shelling in Donetsk city, but could not ascertain the origin or the direction. On the next day, between 6 p.m. and 6.42 p.m., the SMM heard a series of fifty-three intermittent explosions, which appeared to be consistent with mortar shelling and concentrated in the northern part of the city, where the airport is located.

330. At around 6.55 p.m. on 24 September 2014, the SMM heard what appeared to be approximately twenty outgoing mortar rounds emanating from the north-western suburbs of Donetsk city. The following morning at 8.50 a.m., the SMM heard more explosions, again in the north-west of the city. Later that day, from 6 p.m. to 6.35 p.m., the SMM heard approximately thirty explosions in the northern outskirts of the city, assessed to have been mortars and Grad rockets.

331. On 25 September 2014 a liaison officer at the headquarters of Ukraine's "Anti-Terrorist Operation" in Mariupol (113 km south of Donetsk city) told the SMM that there had been shelling in an area 10 km east of Mariupol. Later, the commander of a Ukrainian military checkpoint 8 km east of the city told the SMM that there had been shelling at another Ukrainian checkpoint 2 km further east, as indicated by the liaison officer. When later at that checkpoint, the SMM heard five incoming artillery rounds landing approximately 200 metres away. The SMM noted two outgoing rounds almost immediately from the checkpoint.

332. The same day at 1.50 p.m., the SMM heard approximately twenty-five mortar and artillery shots being fired between the Ukrainian army and the "LPR" checkpoints near Smile, coming from the direction of Pervomaisk. The SMM verified through a site inspection that the Ukrainian army checkpoint at the crossing of P-66 and the road to Frunze was the target of incoming artillery shots. On 26 September 2016, the SMM returned to the Ukrainian army checkpoint near Smile and was informed that on the previous evening between 8 p.m. and midnight the checkpoint had been shelled. The monitors observed the presence of fresh impacts on the site. They also heard a heavy barrage impacting in the vicinity of the Ukrainian army checkpoint at Frunze and were later able to confirm that the checkpoint had been shelled.

333. On 26 September 2014 the SMM observed several artillery impact explosions near Shchastya and later observed four tanks, and two armoured personnel carriers (BTRs) carrying Ukrainian soldiers at the first checkpoint from Shchastya to Sievierodonetsk which were rejoined by eight tanks and two BTRs previously seen near the Ukrainian army checkpoint at the entrance of Novoaidar.

334. On 28 September 2014 the SMM observed and received reports of shelling in a number of locations, including Shchastya and Donetsk city.

335. On 29 September 2014 the SMM observed ongoing fighting at Donetsk airport and heard sporadic shelling in the northern sectors of Donetsk (Avdiivka). The SMM also reported artillery and mortar fire in the north-eastern sectors of Mariupol.

336. On 30 September 2014 the SMM heard incoming shelling throughout the day, at intervals of approximately two hours, all of which was concentrated towards the north of Donetsk city, in the direction of the airport. The same day, the SMM visited the Ukrainian army checkpoint on road 66 close to Smile (35 km north-west of Luhansk) and was told that their position had been shelled by tank fire and mortar rounds in the morning. At 12.36 p.m. on the same day, in Debaltseve (75 km north-east of Donetsk) and in the outskirts of Dzerzhinsk, the SMM heard a rapid succession of explosions which the SMM believed to be consistent with outgoing Grad rockets.

337. On 4 October 2014 throughout the entire day, the SMM heard regular volleys of incoming and outgoing heavy artillery fire concentrated in the northern sectors of Donetsk city. On 5 October at 11 a.m. the SMM observed that the vicinity of the Donetsk regional museum was under artillery attack. On 5 October at 11 a.m. the SMM heard ten artillery explosions in the vicinity of the villages of Slavnoe (65 km north-east of Donetsk) and Novomikhailovsk (45 km north-west of Donetsk).

338. On 5 October 2014 the SMM spoke with a commander of a Ukrainian police checkpoint deployed in the southern sectors of Lysychansk (90 km north-west of Luhansk). The commander reported that he had heard a volley of BM-21 Grad artillery fire impacting 5 km south of his position on the afternoon of 4 October. The SMM spoke with local inhabitants in Mirnaya Dolina (75 km north-west of Luhansk) who said that a volley of Grad artillery fire had impacted the same afternoon in the surrounding fields without causing damage or casualties. Local villagers in Hirske (70 km north-west of Luhansk) told the SMM that the town had not been directly shelled since 26 September, although the artillery fire had targeted the surrounding areas since the aforementioned date.

339. On 12 October 2014 the SMM reported that it had continued to receive reports, and directly observed, shelling occurrences in a number of areas, such as Popasna (85 km west of Luhansk) and Krasnogorovka (28 km west of Donetsk), both controlled by Ukrainian forces.

340. On the evening of 13 October 2014, a Ukrainian military officer told the SMM that armed forces affiliated to the “LPR” had advanced towards a Ukrainian military checkpoint between Khoroshe and Smile (approximately 40 km north-west of Luhansk city), and had issued the Ukrainian soldiers there with an ultimatum: either surrender or face attack. Early in the morning of 14 October 2014, a Ukrainian military officer attached to the Joint Control and Coordination Centre in Debaltseve (75 km north-east of Donetsk city) told the SMM that fighting was ongoing around the checkpoint in question. Later that morning, a Ukrainian military checkpoint commander near Frunze

(45 km north-west of Luhansk city) told the SMM that the checkpoint between Khoroshe and Smile was surrounded by "LPR" irregular armed forces. He said that a relief convoy – consisting of three armoured personnel carriers – had been ambushed by "LPR" irregular forces 2.7 km west of Smile, resulting in, he said, twelve Ukrainian military casualties – dead and wounded – and two burnt-out armoured personnel carriers remaining at the scene. Following an unsuccessful Ukrainian military attempt to retrieve the dead and wounded – involving a tank and two armoured personnel carriers – the SMM approached the "LPR" irregulars, and obtained a promise that the injured would be evacuated by the "LPR" and provided with medical treatment. Whilst at the ambush site, the SMM observed two injured Ukrainian soldiers and four burnt-out armoured personnel carriers. The SMM also observed fresh mortar impacts at the surrounded Ukrainian military checkpoint, located 1 km south of Smile.

341. On 14 October 2014 at 2.23 p.m., the SMM – in Mariupol (113 km south of Donetsk city) – heard what it assessed to be heavy Grad shelling to the north-east of the city. A Ukrainian military officer attached to the Joint Control and Coordination Centre in Mariupol and the Liaison Officer at the "Anti-Terrorist Operation" based in Mariupol later informed the SMM that the shelling had been directed towards a Ukrainian military checkpoint 1 km east of the village of Sartana (19 km north-east of Mariupol). The SMM arrived in Sartana at 5 p.m., and observed the remnants of a Grad rocket lodged in the ground. Its positioning suggested it had been fired from the east.

342. On 15 October 2014 the SMM heard outgoing mortar shelling from Muratovo towards the area of Smile. In Shchastya, the SMM heard incoming MLRS (Grad) shelling originating in the area of Smile towards the area of Shchastya. The SMM further heard sustained light-machine-gun fire coming from Shchastya, but it could not ascertain the direction.

343. On 16 October 2014 at 1.40 p.m., the SMM heard loud explosions consistent with artillery or mortar rounds from an unspecified close distance to the west of the SMM location. At 4.23 p.m. the SMM heard a series of loud explosions (more than ten), consistent with incoming artillery or mortar rounds on the northern outskirts of the city. At 5 p.m. the SMM heard a series of loud explosions consistent with outgoing artillery or mortar rounds at an unspecified close distance to the west of the SMM location.

344. On 17 October 2014 the SMM heard incoming and outgoing artillery fire in Debaltseve.

345. On 18 October 2014, upon arrival in Shchastya (24 km north of Luhansk), the SMM heard continuous small-arms and machine-gun fire coming from the area of the power plant. The SMM also heard both incoming and outgoing mortar fire from the area of the power plant and 120 mm outgoing mortar fire from the area of the Ukrainian checkpoint in the vicinity of Shchastya.

346. On 20 October 2014 at 12.08 p.m. the SMM heard a loud explosion originating from the Kuibyshev district (7 km west of Donetsk airport). The SMM was later informed by several interlocutors that this had been the explosion of a warehouse of the Donetsk State chemical plant which had allegedly been hit by artillery. At 4.30 p.m., while attempting to visit the site, the monitors witnessed incoming mortar fire within 150 metres of its position and immediately returned to base.

347. The same day, the SMM met members of the JCCC in Debaltseve (100 km south-east of Kramatorsk), including representatives of Ukraine and Russia, as well as representatives of the "DPR" and "LPR". The JCCC members reported seventy-five allegations of ceasefire violations in the whole sector, fifteen of which they had been able to confirm. According to all representatives present, "DPR" and "LPR" had been responsible for two of these and Ukrainian armed forces for thirteen. They said that there had been increased numbers of unmanned aerial vehicles sighted in the area around Mariupol. The SMM and JCCC members heard outgoing artillery during their meeting.

348. On 21 October 2014 the SMM visited the JCCC field office in Svitlodarsk (80 km south-east of Kramatorsk). The Ukrainian representatives reported sixty ceasefire violations while the Russian representatives reported sixty-two violations in the past twenty-four hours.

349. The same day, the SMM met the Ukrainian commander of a local checkpoint in Maiorsk (60 km south-south-east of Kramatorsk). The commander reported that the situation in his area of responsibility remained volatile. He said that enemy snipers were still operating in the area. The commander added that a Ukrainian patrol from his checkpoint had been ambushed near the village of Zaitseve (70 km south-east of Kramatorsk). During the patrol, the SMM heard 122 mm mortar shelling about 2 km east from the Ukrainian checkpoint in Maiorsk. The SMM could not specify whether it was outgoing or incoming shelling. The SMM also heard small-arms and light weapons fire coming from the village of Zaitseve and directed towards the aforementioned Ukrainian checkpoint in Maiorsk.

350. On 22 October 2014 the SMM spoke to inhabitants of the Kyivskyi district in Donetsk (3.5 km south-east of Donetsk airport). According to them, there had been frequent shelling between 15 to 20 October, which had been particularly heavy between 18 to 19 October. The interlocutors told the SMM that many houses had been seriously damaged or completely destroyed, and that the area was without electricity, water and gas, as the utility infrastructure had been damaged. The SMM observed at least ten partly destroyed houses (damaged windows and roofs), and four completely destroyed houses.

351. On 23 October 2014, in Talakivka (120 km south of Donetsk), a Ukrainian Military commander reported to the SMM by phone an incoming BM-21 Grad MRLS (multiple rocket launcher) shelling his checkpoint. The SMM were on patrol at that time and not present at the aforementioned

position during the shelling. However, the SMM could hear the shelling while they were patrolling in Talakivka 10 km from the Ukrainian checkpoint. The Ukrainian commander told the SMM that he had informed the JCCC about the aforementioned shelling.

352. On 28 October 2014 a Ukrainian military checkpoint commander in Krymske (43 km west of Luhansk) told the SMM that there had been heavy shelling close to the village earlier in the morning. The SMM observed several fresh mortar impact points.

353. On 29 October 2014, in an area located around 10 km north of Shchastya (25 km north of Luhansk) the SMM heard artillery shelling from the south-east and the sound of impacts approximately 3-5 km north-west from its position. The SMM also heard sporadic anti-aircraft fire outgoing from the area of Shchastya.

354. On 2 November 2014 numerous anti-aircraft rounds were fired at an SMM unarmed aerial vehicle. At 1.11 p.m. a person in camouflage uniform – standing close to a civilian truck parked approximately 150 m from the APC and Urals – was seen to point a man-portable air defence system (Man-Pad) at the SMM unarmed aerial vehicle. He did not fire. He instead loaded the Man-Pad onto the civilian truck. A canvas covering on the back of the truck was removed, revealing a truck-mounted, anti-aircraft gun (probably a ZU-23), which immediately fired at the SMM unarmed aerial vehicle.

355. On 4 November 2014 the SMM reported artillery shelling and explosions in Hranitne (57 km south of Donetsk, controlled by Ukrainian forces) and Debaltseve (73 km north-east of Donetsk).

356. On 8 November 2014, on the eastern outskirts of Makiivka (25 km north-east of Donetsk), within territory under control of the “DPR”, the SMM observed a convoy of more than forty trucks and tankers moving west on highway H-21; of these nineteen were large trucks – KAMAZ-type, covered, and without markings or number plates – each towing a 122 mm howitzer and containing personnel in dark green uniforms without insignia. Fifteen were Kraz troop carriers. The SMM was on the move and could therefore not ascertain the contents of these. The remaining six were small fuel tankers, fitted with cranes. The SMM observed an unmarked BTR armoured personnel carrier leading the convoy, with a tarpaulin over the gun. At 3.20 p.m., at the intersection of Leninskyi Street and Kuprin Street (7 km south-west of Donetsk city centre) the SMM observed a convoy of nine tanks – four T72 and five T64 – moving west, also unmarked.

357. On 9 November at 11.20 a.m., in the area of Sverdlove (15 km east of Donetsk city), the SMM observed a convoy of seventeen unmarked green ZiL (Moscow Likhachov Plant) trucks, moving west. Five of them were towing Grad multiple-launch rocket systems. Two were loaded with ammunition crates. The SMM did not see any individuals or persons in uniform travelling on these trucks. At 11.35 a.m., on the H-21 road near Zuhres (41 km east of Donetsk city), the SMM observed another convoy, this

one consisting of seventeen unmarked green KAMAZ trucks, also moving west. Twelve of these were towing 122 mm Howitzers. The SMM did not see any individuals or persons in uniform travelling on these trucks.

358. On 11 November 2014, 3 kilometres east of Donetsk city centre, the SMM observed a convoy of forty-three unmarked green military trucks, with tarpaulin covers, moving in the direction of the city centre. Five of the trucks were each towing 120 mm howitzer artillery pieces. Another five were each towing partly covered multi-launch rocket systems.

359. On 12 November 2014, at Verkhnya Vilkhova (30 kilometres north-east of Luhansk), the SMM heard shelling coming from the area of Stanytsia Luhanska (25 km north-east of Luhansk). In Kolijadivka (46 km north of Luhansk), the SMM heard outgoing and incoming artillery fire, including several rounds of Grad, from the south. Local people told the SMM that the shelling was taking place in Shchastya and Stanytsia Luhanska. The previous day, a member of an irregular armed group affiliated with the "LPR" in Krasnodon (50 km south-east of Luhansk) told the SMM that there was ongoing antagonism between the "LPR" in Krasnodon and the "LPR" in Luhansk, resulting in a firefight between the two sides and the brief "detention" of Luhansk-based "LPR" personnel.

360. On 13 November 2014 the SMM met the Ukrainian and Russian heads of the JCCC, who said that the two of them had agreed a draft schedule for gradual disengagement. The draft document, which they signed at the end of the meeting, proposed three phases: a ceasefire (two days); withdrawal of heavy weapons (five days); and disengagement of forces to the line of contact referred to in the Minsk Memorandum (twenty-one days). On 21 November 2014 the SMM was told by the ranking officers of the general staffs that they were working on a revised version of the plan on which they agreed. The ranking officer of the general staff of Ukraine said that he could not sign the revised version owing to a lack of mutual understanding regarding the eventual line of contact, which needed to be resolved at the political level.

361. On 15 and 16 November 2014 the SMM visited the headquarters of the JCCC in Debaltseve (55 km north-east of Donetsk), where Ukrainian and Russian Federation officers worked together with members of the "DPR" and "LPR". The shelling of Horlivka (43 km north-east of Donetsk) on 15 November, which allegedly resulted in several civilian casualties including children, was acknowledged by all participants.

362. In its report for 23 November 2014, the SMM stated that it had helped facilitate a ceasefire in government-controlled Trokhizbenka (40 km north-west of Luhansk) which took place on 23 November from 8 a.m. to 8 p.m. The purpose of the ceasefire was to facilitate the delivery of humanitarian aid by Governor Moskal and to restore electricity and gas lines for the 1,500 residents.

363. On 26 November 2014, on its way to the JCCC office in Shkatarsk (56 km east of Donetsk city), the SMM observed a convoy of ten unmarked

camouflaged trucks, a mixture of Ural and KAMAZ makes, in the vicinity of Khartzysk, on H21 (28 km west of Donetsk city), moving westwards in the direction of Donetsk city. It is not clear from the report whether this territory was controlled by the government or not.

364. On 27 November 2014, whilst in government-controlled Teple (33 km north-east of Luhansk), the SMM heard numerous artillery explosions, which it assessed to have impacted in government-controlled Shchastya (23 km north of Luhansk). The rounds appeared to have originated from Stanytsia Luhanska (25 km north-north-east of Luhansk), which is controlled by the "LPR".

365. The SMM reported, on 30 November 2014, that it heard in Shchastya (government-controlled, 23 km north of Luhansk), outgoing and incoming mortar/artillery and small arms fire to the east and south-east of Shchastya.

366. On 30 November 2014, whilst travelling to the "DPR"-controlled city of Snizhne, the SMM saw a large number of military-painted trucks on the move in and from the direction of Donetsk. The SMM observed the movement of eight different convoys from 10.48 a.m. until 2.55 p.m., including several military trucks. One of the mentioned eight convoys with sixteen covered military trucks was escorted by two unmarked vehicles with a red and blue roof. Each vehicle displayed a "Novorossiya" bumper sticker. One covered military truck was towing a damaged BTR-type armoured vehicle, and one was pulling an MT-LB type multi-purpose armoured vehicle with a multi-launch rocket system attached.

367. On 1 December 2014 the SMM patrolled government-controlled Chermalyk (79 km south of Donetsk) and Orlovske (72 km south of Donetsk), in the vicinity of Mariupol. At 10.05 a.m., while in Chermalyk, the SMM heard an exchange of artillery fire, estimated to be occurring north-east to north-west of the village at an unspecified distance.

368. The same day, the SMM visited the JCCC in government-controlled Krasnohorivka (15 km south-west of Donetsk) and met two senior officers, one Ukrainian and one Russian. At 10.13 a.m. and while still at the JCCC, the SMM heard outgoing rounds of 82 mm mortar originating from approximately 200 metres to the east and impacting approximately 5 km in the area of Staromykhailivka where the SMM also had a team monitoring the repair of the damaged power station (see above). The SMM immediately reminded the JCCC Ukrainian army officer that the SMM patrol in Staromykhailivka had been prearranged with the JCCC headquarters and requested that the fire cease immediately. The mortar fire stopped at 10.53 a.m. after fourteen rounds had been fired; the SMM team in the JCCC was in constant contact with the SMM team in Staromykhailivka, who confirmed that the shells landing 1 km to the east of their location were consistent with the frequency of the outgoing rounds from Krasnohorivka.

369. On 2 December 2014, near "DPR"-controlled Makiivka, the SMM observed twenty-seven unmarked green military-style trucks moving west.

Approximately 3 km north of "DPR"-controlled Ilovaisk, the SMM observed four unmarked armoured personnel carriers (APCs) moving south-east, each with a 7.62 mm machine gun mounted on top.

370. On 4 December 2014 the SMM reported that shelling in the northern outskirts of Donetsk had intensified over the past forty-eight hours. Ukrainian and Russian Federation representatives of the Joint Centre for Control Co-ordination in Debaltseve reported that the number of ceasefire violations had significantly increased over the past twenty-four hours, reaching 110 incidents, registered in both the Ukrainian and the Russian Federation incident logs. Both sides confirmed that a ceasefire for Donetsk airport had not held and hostilities had been renewed at 8 a.m. on 3 December. At around 12 noon the SMM heard shelling at about 10 km to the west of Debaltseve and consisting of approximately ten incoming explosions. The SMM was approached by Ukrainian soldiers from a nearby checkpoint who said that they had been shelled during the night of 3-4 December with BM-21 Grad MRLS missiles. As a result, one officer was killed, and one tank and two armoured personnel carriers were destroyed. The SMM cross-referenced this to both the Ukrainian and the Russian incident logs, which indicated that Ukrainian positions in this area had indeed been shelled, from Fashchivka (15 km south-east of Debaltseve) and Yunokomunarivsk (28 km south-west of Debaltseve), both controlled by the "LPR", first by BM-21 Grad MRLS missiles, and later by mortar fire.

371. At a Ukrainian Army checkpoint in Maiorsk (45 km north of Donetsk), the checkpoint commander reported that at approximately 6 p.m. on 6 December 2014, heavy mortar shelling targeting the checkpoint had hit the city of Maiorsk instead. According to the checkpoint commander, the shelling lasted for about fifteen minutes and originated from a nearby coal mine (2 km south of Maiorsk). The SMM was unable to independently verify the origin of the rounds. The SMM saw seven craters consistent with mortar shelling. The SMM found one 120 mm mortar tail fin near one crater. Evidence of the mortar strikes, as seen by the SMM, was spread across an area of approximately of 260 sq. m. The SMM spoke to local residents who expressed fear of further shelling and frustration with the ongoing hostilities. While on foot patrol at a 3 km distance from Maiorsk, the SMM heard an intense shelling duel between government forces somewhere in or around the town and "DPR" forces at an indeterminate location somewhere outside the town.

372. On 5 December 2014, whilst travelling to "DPR"-controlled Shaktharsk, the SMM observed four convoys (a total of nineteen vehicles) of unmarked military trucks moving at separate intervals westbound on the H21 road towards Donetsk city. On the bumper of one of the unmarked military trucks the SMM observed a sticker which read "Novorossiya". Whilst on its way back from Shaktharsk to Donetsk, the SMM observed a convoy of forty-one unmarked military trucks moving westwards towards Donetsk, a

parked convoy of thirty unmarked military trucks facing west, and four smaller packets of unmarked military vehicles (a total of nine trucks and two MT-LBs multi-purpose light-armoured towing vehicle) also travelling westwards.

373. On 8 December 2014 at 10.02 a.m., 10 km east of Donetsk and 4 km to the west of Makiivka, in "DPR"-controlled territory, the SMM observed a military convoy of approximately twenty-five vehicles heading in a north-westerly direction, towards the city of Donetsk. The contents of these vehicles were covered in canvas tarpaulins. All the vehicles were green in colour, with no visible markings; two of the vehicles were fuel bowsers and one vehicle was flying a flag of the Russian Federation.

374. On 8 December 2014 the SMM continued to monitor the activity of the JCCC. At their headquarters in Debaltseve, officers of the Ukrainian and Russian General Staffs were working with members of the "DPR" and "LPR". Upon arrival in Debaltseve, the SMM heard small-arms fire at an indeterminate distance south of the town once again. Those present at the headquarters told the SMM that they had prepared orders for the implementation of a ceasefire, to start at 9 a.m. on 9 December, in accordance with an amended version of the plan of 13 November, signed by: the head of the Ukrainian side of the JCCC, Lt Gen V. Askarov; the head of the Russian Representation in south-east Ukraine, Lt Gen A. Lentsov; D. Pushilin, on behalf of the "Donetsk city administration"; and "LPR" member A. Shubin. The next day, Ukrainian and Russian officers received eight reports of ceasefire violations between 9 a.m. and 11 a.m.

375. On 9 December 2014, while on its way to Uspenka, the SMM observed twenty-six unmarked green military trucks 30 km south-east of Donetsk moving towards the north-west, in the direction of the city of Donetsk. The convoy comprised twenty-three Ural trucks, one KAMAZ-style truck, one Zil-style vehicle, one green Toyota Land Cruiser and one fuel tanker.

376. As of 9 December 2014, there was a relative calm for several weeks. However, in February 2015 the HRRMU reported that in January 2015, usage of tanks, heavy artillery and multiple-launch rocket systems (MLRS) had resumed and spread to populated areas along or near the line of contact. In January 2015 the prime minister of the "DPR", Aleksandr Zakharchenko, stated that they would continue to push back Ukrainian forces to the limits of the eastern Donetsk region. He stated that "attempts to talk about a ceasefire will no longer be undertaken by our side".

377. On 10 December 2014, approximately 6 km east of Donetsk, en route to Snizhne, the SMM observed a convoy of six green unmarked military vehicles, five multi-purpose light-armoured towing vehicles and one KAMAZ truck, heading west towards Donetsk.

378. On 11 December 2014, 8 km east of Donetsk, the SMM observed eleven unmarked KAMAZ trucks covered with canvas, towing three 120 mm

mortars, moving west. On the way to "LPR"-controlled Krasnodon, the SMM observed eight military trucks, some without number plates, travelling towards Luhansk.

379. On 15 December 2014, in government-controlled Debaltseve, the SMM visited the JCCC headquarters. The Ukrainian chief of staff in the JCCC said that, at 9.02 a.m. on 15 December 2014, ten BM-21 Grad rockets had landed in the north-eastern part of Debaltseve, about 5 km from the headquarters. He also stated that the rockets had been fired from the direction of "LPR"-controlled Zorinsk. The Russian representative and members of the "DPR" and "LPR" agreed that the rockets had been fired from an "LPR"-controlled area. The Russian chief of staff, however, suggested that it was unlikely that regular "LPR" forces were responsible for the attack as they had previously withdrawn their artillery systems from the area. He therefore assumed that an unknown group, not under "LPR" control, might be responsible. He said that the "LPR" army chief of staff had begun an investigation to determine who had fired the Grad. Earlier in the day a resident from Debaltseve had also reported the attack to the SMM.

380. On 16 December 2014 at 8.30 a.m., while passing through "DPR"-controlled Khartsyzk, the SMM observed two unmarked armoured personnel carriers (APCs) and fifteen unmarked green trucks separately heading towards Donetsk.

381. On 19 December 2014, at three locations under "DPR" control, the SMM observed the following trucks and weapons moving in the direction of Donetsk city: 21 km east of Donetsk, sixteen green unmarked trucks, all except one covered; 28 km east of Donetsk, four armoured tracked vehicles with no visible markings; and, 10 km east of Donetsk, twelve green unmarked fuel trucks. 34 km east of Donetsk, in "DPR"-controlled territory, the SMM also observed a stationary, self-propelled howitzer, facing Donetsk.

382. On 27 December 2014 the SMM observed forty-six KAMAZ 4310-type military trucks on Krasnodonska Street in Luhansk. The trucks were empty and had black number plates of five white digits. Three drivers were outside the vehicles, dressed in military trousers and civilian jackets. At the back of the convoy there was one military vehicle.

383. On 28 December 2014 the SMM observed five KAMAZ 4310-type military trucks on Oboronna Street in Luhansk which were moving towards Luhansk city centre. In Komisarivka, on 28 December 2014 at 10.55 a.m., the SMM observed a convoy of twenty-four military fuel tankers, each able to carry 10 tons of fuel, and fifteen KAMAZ 4310-type military trucks, heading towards Krasnodon. At the junction of Krasnodon, the fifteen KAMAZ trucks turned left into the yard of the Krosko brick factory. The fuel tankers continued in the direction of Izvaryne. The convoy was escorted by a military UAZ-type vehicle. All vehicles in the convoy had black number plates of five white digits.

384. On 2 January 2015 the SMM reported a deterioration of the relative calm since 9 December 2014, with an increase in ceasefire violations and casualties reported by the JCCC in the Donetsk region.

385. On 4 January 2015, at the headquarters of JCCC in government-controlled Debaltseve, the Ukrainian Major-General and the Russian Major-General indicated that after a rise in tension levels at the start of the New Year, the situation had calmed considerably in the preceding twenty-four hours. For the period from 8 a.m. on 3 January to 8 a.m. on 4 January the overall situation was described by both interlocutors as better than the previous twenty-four hours. They reported a total of twenty-four incidents: twelve caused by Ukrainian forces and twelve caused by "DPR" armed groups. The incidents occurred at Donetsk airport (where one civilian was reported killed and three military personnel injured); Donetsk Volvo Centre, located at the southern entrance to Pisky ("DPR"-controlled), and Pisky (7 km north-west of Donetsk, government-controlled). The remaining incidents were reported at Nikishna (partly government-controlled, partly "DPR"-controlled, and located 12 km south-east of Debaltseve) and "LPR"-controlled Chernukina (5 km east of Debaltseve). In the case of Chornukhyne one civilian was reported killed and two civilians injured. The SMM could not independently verify the information. The next day, the JCCC noted that the situation in the "DPR"-controlled areas had deteriorated considerably in the past twenty-four hours, with sixty-nine ceasefire violations reported. In the coming days, continued ceasefire violations were recorded in Donetsk, many in the area of the airport.

386. On 18 January 2015 a convoy of seven civilian cars carrying twenty persons armed with AK-47s, moving from the direction of Amvrosiivka (40 km south-east of Donetsk, "DPR"-controlled) towards Kumachove (60 km south-east of Donetsk, "DPR"-controlled) was observed at a checkpoint manned by armed "DPR" members affiliated with a local Cossack group, north of the Ulyanivske border crossing point (60 km south-east Donetsk, "DPR"-controlled).

387. On 18 January 2015 the Ukrainian Major-General and the Russian Federation Major-General serving as representatives to the JCCC headquarters in Debaltseve noted a deterioration in the situation relative to the previous twenty-four hours. During the period from 8 a.m. on 16 January to 8 a.m. on 17 January, the JCCC registered ninety-eight violations: forty-two reportedly committed by Ukrainian armed forces and fifty-six by "DPR" or "LPR" forces. Most violations had occurred at Donetsk airport and in surrounding areas.

388. From mid-January, armed hostilities escalated to a degree unseen since the signing of the Minsk Agreement. Intensive fighting occurred in particular at Donetsk airport, the nearby village of Pisky and the town of Avdiivka; areas around the town of Debaltseve and the cities of Horlivka and Mariupol (Donetsk region); and the town of Shchastya and the village of

Stanychno Luhanske (Luhansk region). In its report covering the period between 1 December 2014 and 15 February 2015, the HRRMU reported that on 24 January 2015, armed groups had claimed control over the settlement of Krasnyi Partyzan, which had been previously controlled by the Ukrainian armed forces. They also gained control over Donetsk airport. According to the report, heavy civilian tolls of dead and wounded resulted from indiscriminate shelling of residential areas in both government-controlled areas, such as Avdiivka, Debaltseve, Popasna, Shchastya and Stanychno Luhanske, as well as cities controlled by the armed groups, including Donetsk and Horlivka.

389. The SMM heard incoming and outgoing shelling in Donetsk throughout the afternoon and evening of 27 January 2015. Both distant and closer shelling was audible, but the SMM could not determine the exact point of origin of the firing or the type of artillery used. The SMM heard occasional outgoing Grad rocket fire from within Donetsk, and within 5 km of the SMM's location, but could not ascertain the direction from which the missile was fired. While in Artema Street, the SMM heard several explosions, most likely of mortar grenades, approximately 500 metres north-east of the SMM's location. At Horovodnaya Street, the SMM heard what it assessed to be both incoming and outgoing shelling at a distance of approximately 1 km to the north-east.

390. On 30 January 2015, in "DPR"-controlled Yasynuvata (21km north of Donetsk) the SMM observed and assessed damage sustained by shelling which, according to local residents, had taken place during the night of 28 to 29 January. The SMM saw damaged buildings including a school, a nursery school, a manufacturing plant and a heating station, where one employee was killed, according to the chief of the station. The SMM could not verify that information. The SMM analysed five craters and assessed that one mortar and four artillery rounds had been fired from a north-western direction. The SMM observed military equipment and vehicles at different locations in the Donetsk region. On the outskirts of "DPR"-controlled Makiivka (15 km east of Donetsk), the SMM saw a column of seven unmarked armoured personnel carriers heading west towards Donetsk city, with one unmarked and covered military-style Ural truck. The SMM saw, east of "DPR"-controlled Zhugres (30 km east of Donetsk) a stationary, self-propelled Howitzer (122 mm). Two hours later, the SMM observed what it assumed was the same Howitzer 5 km further to the east, now loaded on a flatbed trailer moving west towards Donetsk city. The SMM observed three stationary civilian buses full of men in military uniforms – some with assault rifles – in "DPR"-controlled Zhugres (30 km east of Donetsk). The SMM could not see insignia on the uniforms. The buses were facing east. The SMM observed eleven tanks and one large artillery piece near "DPR"-controlled Ternove (163 km north-east of Donetsk).

391. On 30 January 2015 the SMM visited government-controlled Novotroitske (32 km south of Donetsk), where damage to houses had been caused, reportedly by shelling, on 26 January. At a Ukrainian armed forces checkpoint the commander told the SMM that from the evening of 28 January there had been incoming artillery fire on the west and south-east sides of Novotroitske. The mayor of Novotroitske confirmed to the SMM that the village had suffered shelling in the evening hours on 28 January. The SMM analysed three craters and determined that they had been caused by impacting Grad rockets fired from a direction north-east of Novotroitske. While in Novotroitske the SMM heard outgoing Grad rocket fire from a south-westerly direction and return artillery fire from a north-easterly direction 6 to 8 km from where the SMM was located.

392. On 2 February 2015, between 10.20 a.m. and 11.40 a.m., while in Novhorodske (34 km north of Donetsk, government-controlled) the SMM heard continuous heavy shelling from multiple directions, both incoming and outgoing, and occasional heavy-machine-gun fire. Later, while in Sukha Balka (33 km north of Donetsk, government-controlled), the SMM believed that this same exchange of fire was still continuing, both incoming and outgoing, approximately 3-5 km away, but was unable to pinpoint the point of origin or location of impact of the firing.

393. On 3 February 2015, at government-controlled Novokalynove (27 km north-west of Donetsk) the SMM observed a number of craters on both sides of the main road going through the village. Seven distinct craters could be seen in the field to the north of the road. The SMM examined two of the craters and found evidence consistent with Grad rocket impacts, fired from a south-easterly direction – the result of an attack on the evening of 2 February, according to residents. They told the SMM that one person had been wounded in the attack and had undergone surgery at a hospital in government-controlled Dymytrov (50 km north-west of Donetsk). A crater observed by the SMM observed on the south side of the road, 50 metres from a farmhouse, appeared to have been caused by a mortar round, as evidenced by the splash pattern and shrapnel. The villagers stated that this impact had occurred on 18 January.

394. On 10 February 2015 the SMM reported a powerful explosion in Kramatorsk that had killed and wounded several civilians and Ukrainian armed forces personnel. The next day, the monitors conducted crater and impact analysis and assessed the angle of the fall of rocket remnants at two different sites. They confirmed that the rocket remnants were from 300 mm ammunition. The strike was fired by one single launcher system – probably a BM-30 Smerch or Tornado Multiple Launch Rocket System (MLRS). The observation was consistent with the duration of the strike. On the basis of the aforementioned analysis, the SMM assessed that the shelling was coming from a south-south-easterly direction. They also observed that all rockets were equipped with sub-munition dispenser canisters. The clusters were

found to be consistent with anti-tank and anti-personnel type of ammunition. The OSCE Chief Monitor in Ukraine condemned the attack as another instance in which "innocent civilians are bearing the brunt of a violent conflict characterized by [an] increasing ... death-toll and indiscriminate shelling".

395. On 10 February 2015 at 10.57 a.m., on the southern outskirts of government-controlled Tsarivka (45 km north-west of Luhansk), the SMM heard sporadic shelling and distant detonations south-west of Tsarivka. On the western outskirts of government-controlled Raihorodka (23 km north of Luhansk), it heard sporadic outgoing heavy artillery, explosions and firearms bursts coming from a south-westerly direction. The monitors were unable to estimate the distance, origin and direction of the aforementioned shelling and shooting.

396. On 10 February 2015 the Ukrainian forces launched an offensive east of Mariupol, seizing control of several settlements. By 15 February 2015 a number of Ukrainian units in the Debaltseve "pocket" (including the town and surrounding areas) were cut off from the main government-controlled territories.

397. As a result of the entry into force of the Minsk II Agreement, there was a considerable decrease in the intensity and geographic scope of hostilities in eastern Ukraine, except for the vicinity of the town of Debaltseve (Donetsk region), where several thousand Ukrainian armed forces remained under sustained attack by the armed groups. In June 2015 the HRRMU reported that on 18 February 2015, Ukrainian units had been ordered to withdraw from the Debaltseve area.

398. In the aftermath of the Minsk II Agreement, there were no large-scale offensives. That being said, in most of its daily reports, the SMM observed a number of ceasefire violations, including shelling and artillery on both sides of the conflict. In June and August 2015, the HRRMU reported only a number of local escalations of armed hostilities. Nevertheless, according to the August 2015 report, the withdrawal of heavy weapons from the contact line stipulated by the Minsk Agreements remained partial with the armed groups and the Ukrainian military continuing to use mortars, canons, howitzers, tanks and multiple launch rocket systems. While fire from artillery and light weapons almost ceased in September and October 2015, following the revamped agreement on the ceasefire agreed upon in Minsk which started to be implemented on 1 September 2015, , increasing skirmishes occurred along the contact line in the first half of November, including with the use of artillery systems. Alarming reports of the gradual re-escalation of hostilities at certain particular points, especially around the city of Donetsk, raised fears that there could be a resumption of indiscriminate shelling of populated areas, which had previously plagued the conflict zone.

399. On 4 June 2015 the SMM stated that fighting had erupted around the government-controlled town of Marinka (23 km west-south-west of Donetsk

city centre) on the morning of 3 June. The monitors observed the movement of a large quantity of heavy weapons in "Donetsk People's Republic" ("DPR")-controlled areas – generally in a westerly direction towards the contact line – close to Marinka, preceding and during the fighting. The Representative of the Russian Federation armed forces to the JCCC told the SMM at 3 p.m. that a ceasefire around Marinka would take effect at 5 p.m. He told the SMM at 9 p.m. that the situation around Marinka was currently calm. At around 7 p.m. a representative of the Anti-Terrorist Operation command in Kramatorsk and the "DPR" "ministry of defence" confirmed to the SMM that Marinka was under government control.

400. The SMM observed ongoing ceasefire violations at and around Donetsk airport ("DPR"-controlled, 12 km north-west of Donetsk city centre). Over a period of two days, the SMM at the JCCC observation point at Donetsk central railway station ("DPR"-controlled, 8 km north-west of Donetsk city centre) heard a total of at least 111 explosions caused by incoming and outgoing artillery and mortar fire, as well as small-arms and light-weapons (SALW) fire, including heavy-machine-gun fire. The SMM concluded that the explosions had occurred at locations to the west, north-west and north and at distances ranging between 2 km and 8 km from its position.

401. On 9 June 2015 the SMM observed an increased number of ceasefire violations from its position at the JCCC observation post at the Donetsk central railway station. From this location, the SMM heard 129 and saw an additional 202 explosions caused by artillery (122 mm), mortar (120 mm), and anti-aircraft gun (SU, 32-23mm) fire, at a distance of between 3-7 km, originating from areas to the north, north-east, north-west, north-north-west and north-north-east. While at the JCCC observation post at Donetsk central railway station, the SMM was informed by both the Russian Federation armed forces and the Ukrainian armed forces representatives to the JCCC that, the previous evening, they had heard three mortar projectiles (120 mm) impacting in areas at a distance between 150 and 230 metres north-north-east of the observation post.

402. On 14 June 2015 the SMM noted that during the weekend, fighting had intensified in Donetsk, with substantially more shelling observed. The level of violence in areas around the Donetsk airport remained high. Over a period of two days, the SMM at the JCCC observation point at Donetsk central railway station observed a total of at least 594 explosions caused by incoming and outgoing artillery and mortar fire, as well as small-arms and light-weapons (SALW) fire, including heavy-machine-gun fire. The SMM concluded that the explosions had occurred at locations to the north, north-west, north-east, west, and south-west and at distances ranging between 2 km and 10 km from its position.

403. On 19 June 2015, starting at 1 p.m. and during a four-and-a-half-hour period, the SMM observed 144 incoming and outgoing explosions, consistent with mortar and artillery fire, whilst at the Donetsk railway station.

404. On 25 June 2015, between 12.25 p.m. and 5 p.m., at the JCCC observation point at Donetsk central railway station, the SMM observed a total of fifty-nine explosions consistent with mortar fire, as well as bursts consistent with automatic grenade launcher, heavy-machine-gun and small-arms and light-weapons fire. The SMM assessed that the explosions had occurred at locations to the north, north-west, north-east and west, at distances between 3 km and 8 km from its position. The situation around Shyrokyne (20 km east of Mariupol) was also tense. The SMM, from its observation points located 1.5 km and 3.5 km west of Shyrokyne, heard 147 explosions consistent with outgoing and incoming tank and mortar fire, heavy-machine-gun and small-arms fire and saw several airbursts in and around Shyrokyne. The SMM also heard unidentified detonations in the distance north and north-east of its position.

405. On 29 June 2015 the fighting at and around Donetsk airport continued with increased intensity compared with the previous few days. Between 08.42 a.m. and 12.21 p.m., at the JCCC observation point at Donetsk central railway station, the SMM heard and saw sixty-nine explosions (mortar and artillery fire, mainly incoming), thirty-four bursts, and two shots from small arms and light weapons at distances between 5 km and 10 km west, north-west, north-east, south and south-west of the SMM's location. Between 12.45 p.m. and 4.53 p.m., the SMM heard ninety-six incoming and outgoing explosions from mortar and anti-grenade launchers, bursts of heavy-machine-gun and small-arms fire, and saw twenty-one airbursts of 82 mm mortars at a distance between 2.5 km and -7 km of the SMM's position in the directions west, north-west, north-north-west, north-east, and north. The representatives of both the Ukrainian armed forces and the Russian Federation armed forces at the JCCC observation post reported that there had been heavy shelling in Horlivka with fire thought to be from 120 mm mortar, both outgoing and incoming, in the early hours of 29 June. At the JCCC headquarters in Soledar (government-controlled, 75 km north of Donetsk), the Ukrainian armed forces and the Russian Federation armed forces representatives presented the SMM with two separate logbooks for both 27 and 28 June. For both days, both logs indicated a majority of ceasefire violations committed by the "DPR" and the "LPR".

406. On 2 July 2015 the SMM reported that the situation at and around Donetsk airport was tense. Between 8 a.m. and 6 p.m., at the JCCC observation point at Donetsk central railway station, the SMM observed a total of 114 explosions, consistent with incoming and outgoing mortar fire, as well as bursts consistent with automatic grenade launcher, heavy-machine-gun and small-arms and light-weapons (SALW) fire. The SMM assessed that the explosions occurred at locations to the north,

north-east, west and north-west at distances between 3 km and 8 km from its position.

407. The SMM observed a lower number of ceasefire violations at and around Donetsk airport on 5 July 2015, as compared to previous days. At the JCCC observation point at Donetsk central railway station, on 4 July, the SMM heard, and in some cases saw, a total of 124 explosions, as compared to twenty-seven explosions on 5 July. On 4 July, in the SMM's presence, the JCCC representatives at the observation point at Donetsk railway station negotiated a ceasefire, which lasted for forty minutes. In the area of Berdianske (government-controlled, 1.5 km west of Shyrokyne, 18.5 km east of Mariupol) and Sopyne (government-controlled, 16 km east of Mariupol) the SMM observed movement of military trucks and vehicles; however, three male and two female residents told the SMM that there had been no shelling.

408. On 12 July 2015 the SMM reported that the level of violence at and around the destroyed "DPR"-controlled airport had decreased compared with previous days. Positioned at the "DPR"-controlled central railway station (8 km north-west of Donetsk), on 11 July, between 1.23 p.m. and 6.15 p.m., the SMM heard the sounds of fifty-seven incoming, thirty-nine outgoing and sixty-two indeterminate rounds. The sounds – either artillery or mortar rounds – were heard occurring at locations 1.5-6 km to the north-east, north, north-west and west of the SMM's position. At the same position on 12 July, between 8 a.m. and 1 p.m., the SMM heard and saw 102 explosions, of which nineteen were outgoing, sixty-six incoming and seventeen indeterminate rounds. The sounds occurred at locations 3-8 km to the north-east, north, north-west and west of the SMM's position.

409. On 15 July 2015 the SMM observed that violence was continuing at and around Donetsk airport. At the JCCC observation point at Donetsk central railway station the SMM heard 178 instances of firing. Of these, 144 were heard in the morning and comprised tank and cannon rounds and sporadic automatic weapons fire. Between 1 p.m. and 6 p.m. the SMM heard a further thirty-four instances of firing, including multiple exchanges of fire between Pisky (government-controlled, 5.6 km north-west of the JCCC observation point) and the Volvo Centre ("DPR"-controlled, 3.9 km west of the JCCC observation point).

410. On 23 July 2015 the SMM noted that the level of ceasefire violations at and around the remains of Donetsk airport had decreased, compared with previous days. Positioned at the "DPR"-controlled central railway station (8 km north-west of Donetsk), between 9 a.m. and 11.20 a.m., the SMM heard eight explosions at locations ranging from 3 km to 5 km from the south-west to the north-west of the SMM's position. The SMM also heard multiple bursts of small arms and light weapons.

411. According to the SMM's daily report for 26 July 2015, ceasefire violations in and around Donetsk city and Donetsk airport decreased on 26 July compared with the previous day. Positioned at the Donetsk central

railway station, on 25 July, between 8.10 a.m. and 1.45 p.m., the SMM had observed sixty-seven explosions, as well as an exchange of small-arms and heavy-machine-gun fire north, south, south-west and north-west, and at a distance ranging from 3 km to 7 km from its position. On 26 July, between 8.15 a.m. and 2.15 p.m., the SMM observed nine explosions mainly north, south and south-south-west at a distance of 3 km to 7 km. Sporadic exchanges of small-arms and heavy-machine-gun fire were also heard.

412. On 30 July 2015 the SMM observed multiple instances of shelling impacting on civilians and civilian objects. In "DPR"-controlled Horlivka (37 km north-east of Donetsk), in the area of Pereslavskaya Street, the SMM was told by residents that shelling had taken place around 10 p.m. on 29 July. The SMM observed a direct impact to the roof of a house. A resident told the SMM that as a result of the shelling, one woman had been killed and her son and husband had been injured and hospitalised. Analysis of four craters resulting from four of the impacts identified was inconclusive. At another area, on Marshal Grichko Street, the SMM observed a direct impact to a house that was still on fire. The SMM observed that the western-facing walls of residential buildings had been hit and that damage (windows blown out, shrapnel marks on walls, holes in roofs) had been caused to these and other buildings in the area.

413. On 2 August 2015 the SMM observed multiple instances of shelling in "DPR"-controlled Horlivka (38 km north-east of Donetsk), and related destruction of civilian houses on 1 August. The SMM saw evidence of shelling (destroyed roofs of houses, shrapnel damage to residential buildings, blown out windows). On Ambramova Street, the SMM saw a significant crater (over 2 metres in diameter) close to a house. The monitors conducted a crater analysis and assessed that the fire had originated from the north-north-west. One resident said the shelling had happened at around 2.30 a.m. and that there had been no injuries. The impacts of two craters were analysed in Rudakova Boulevard, and the SMM concluded the origin of fire to have been from the north-north-west. An interlocutor at this location told the SMM that one man had been injured and subsequently hospitalised. The monitors analysed four other craters in close proximity (20 metres) to one another on Rudakova Boulevard and on Nikolay Churi, and assessed the origin of fire to have been from the north-north-west. The SMM found weapon fuses in two craters and determined that they were from 122 mm or 152 mm artillery shells.

414. On 5 August 2015 the SMM observed a relatively low number of ceasefire violations at and around Donetsk airport. Between 8.49 a.m. and 11.12 a.m. the SMM heard fourteen explosions 1.5-5 km to the north, north-east, west, and north-west of its position, and sporadic exchanges of small-arms and heavy-machine-gun fire 2 km north of its position.

415. On 11 August 2015, at and around Donetsk airport, the SMM heard a total of forty-six explosions and thirteen rounds of automatic grenade

launcher (AGL), as well as multiple bursts of small-arms and heavy-machine gun fire, at distances ranging between 3 km and 15 km to the south, south-west, west, north and north-east of its position.

416. On 16 August 2015 the SMM stressed that the overall security situation at and around Donetsk airport remained tense. Between 8.15 a.m. and 5.50 p.m. on 15 August, from the JCCC observation point at Donetsk railway station, the SMM recorded a total of 184 explosions mostly consistent with mortar at distances ranging between 1.5 km and 20 km south-west, west, north-west, and south-east of its position. At the same position on 16 August, the SMM heard a total of twenty-one explosions consistent with mortar or artillery and ten bursts of heavy-machine-gun fire 2.5-16 km north, north-east and west of its position.

417. On 16 August 2015, in the residential Kirovskyi district on the south-western outskirts of Donetsk city, the SMM visited nine sites to follow up on information about shelling on 15 August. The SMM conducted six crater analyses at one site and assessed them to have been caused by 120 mm calibre originating from the west and west-south-west. The SMM observed impacts in houses and apartment buildings including their yards, fences and walls.

418. On 16 August 2015 the SMM visited government-controlled Verkhnotoretske (22 km north-north-east of Donetsk), and collected information regarding heavy shelling at the Ukrainian armed forces base 1 km south-west of the village on 8 August. The SMM saw at least four 2-metre-deep craters in the asphalt assessed to have been caused by special ammunition capable of penetrating bunkers.

419. On 16 August 2015, in "DPR"-controlled Horlivka (38 km north-north-east of Donetsk), some male residents told the SMM that shelling had taken place during the previous night. The SMM observed three destroyed houses with fresh marks of recent shelling. Proper crater analysis was not possible as the scene had already been altered when the SMM arrived. At the scene, three middle-aged women attacked the monitors verbally and physically, criticising the SMM's activities and expressing frustration about the shelling. When a "DPR" member present strongly recommended that the SMM should leave owing to the volatile situation, the SMM decided to depart.

420. On 20 August 2015, while in government-controlled Staryi Aidar (20 km north-west of Luhansk), the SMM observed at 12.35 p.m. three large brown smoke plumes approximately 3 km to 5 km west of its position.

421. The SMM's daily reports between September and December 2015 record a relative calm, although it continued to record ceasefire violations in a number of locations.

422. On 10 October 2015 at 2.55 p.m., while at the JCCC observation post at Donetsk railway station (8 km north-west of Donetsk city centre), the SMM heard an explosion to the north, at least 3 km away. At 4.10 p.m. a Russian

Federation representative and a "DPR" member told the SMM that there had been a shelling incident involving casualties in "DPR"-controlled Vesele (9 km north-west of Donetsk city centre). At 4.30 p.m. the SMM – on the way to Vesele – observed all floors in a nine-storey building on fire on Vzletnaia Street (8.2 km north-north-west of Donetsk city centre). The SMM noted an impact from an undetermined projectile on the north-north-west-facing wall of the first floor of the building. The SMM noted no casualties. Continuing on towards Vesele, the SMM at 5.40 p.m. – 300 metres south of the destroyed "DPR"-controlled new terminal airport building (10 km north-west of Donetsk city centre) – observed a projectile impacting on the new terminal building. At 5.50 p.m., the SMM observed what it assessed as a fresh mortar impact 3 metres west of Stratonavtov Street in Vesele. The SMM observed blood and human remains around the impact area and a small bone fragment embedded in a nearby tree. Armed "DPR" members present told the SMM that one person had been killed and two injured – all members of the "DPR" – in the incident, which they said had occurred between 2.10 p.m. and 2.20 p.m. Following crater analysis, the SMM assessed that an infantry-type mortar round, possibly of a calibre of 60mm, had caused the crater, which was 10 cm deep and 35 cm in diameter. Owing to the high incoming angle of the projectile, the SMM could not ascertain the direction of fire.

423. On 11 December 2015, upon the request of Ukrainian armed forces representatives at the JCCC, the SMM observed the recovery of the body of a Ukrainian soldier from a location 700 metres from a Ukrainian armed forces position in Luhanske (government-controlled, 59 km north-east of Donetsk) in close proximity of the contact line. According to the Russian Federation armed forces representatives at the JCCC, the soldier was killed on 10 December after stepping on an improvised explosive device. From an observation point in the village, the SMM observed two Ukrainian soldiers carrying the body on a stretcher. In a mirror patrol, in "DPR"-controlled Loginove (85 km north-east of Donetsk) on the other side of the contact line, the SMM saw officers of the Russian Federation armed forces at the JCCC and "DPR" members observing the ceasefire in order to enable the recovery.

424. According to the HRMMU report covering the period between 16 November 2015 and 15 February 2016, the ceasefire in certain districts of the Donetsk and Luhansk regions in eastern Ukraine was further strengthened by the "regime of complete silence" introduced on 23 December 2015. Nevertheless, the armed conflict continued. The armed groups exercised control over certain districts of the Donetsk and Luhansk regions and carried out sustained and concerted military operations against Ukrainian armed forces. Most clashes occurred in hotspots along the "contact line" in or close to populated civilian areas. In January and February 2016, clashes and exchanges of fire escalated, predominantly near the cities of Donetsk and Horlivka, both controlled by the separatists. Clashes along the contact line were particularly frequent around disputed villages such as Kominternove in

the south of the Donetsk region, around Donetsk airport, and Zaitseve in the north. Civilian movement out had been severely constrained, raising concerns that remaining civilians had been trapped and exposed to the effects of hostilities.

425. In its daily updates published throughout 2016, while the situation remained more or less stable, the SMM reported several ceasefire violations in eastern Ukraine almost on a daily basis. It also continued to monitor the withdrawal of heavy weapons as envisaged in the Minsk Package of Measures. On numerous occasions, the monitors observed the presence of several weapons in violation of the respective withdrawal lines on both sides of the contact line.

426. The report on the human rights situation in Ukraine, covering the period of 16 February to 15 May 2016, indicated that the skirmishes in Avdiivka and Yasynuvata (both in the Donetsk region) that had erupted in the beginning of March 2016 were ongoing, affecting both towns on either side of the contact line, with populations of 35,000 each. Since mid-April, an increase in heavy weaponry use had been observed near the contact line. The presence of tanks and anti-aircraft missiles in residential areas endangered civilians. It was reported that the risk of a re-escalation in hostilities remained high. The armed conflict between the government of Ukraine and the separatist armed groups continued to be fought without due regard for civilian protection.

427. In its report covering the period of 16 May to 15 August 2016, the HRRMU stated that the practice of Ukrainian armed forces and the self-proclaimed “DPR” and “LPR” of positioning their fighters and weapons in populated residential areas had heightened risks and harm to civilians. It documented such a trend in the government-controlled towns of Avdiivka, Mariinka, Krasnohorivka, and Chermalyk, and in the territory controlled by the “DPR” in the Petrovskii, Kuibyshevskii and Kyivskyi districts of Donetsk, Makiivka, Dokuchaievsk, Horlivka, Kominternove, Zaitseve, Spartak, Sakhanka and Yasunuvata.

428. On 22 June 2016 the SMM travelled to government-controlled Vodiane (94 km south of Donetsk) in a visit that had been coordinated with representatives of the JCCC. At 11.18 a.m. the SMM was conducting a foot patrol and speaking with a couple at their house when the village was hit by seven mortar rounds assessed as 82 mm calibre. The SMM and Ukrainian armed forces, including a Ukrainian representative from the JCCC, took cover in a house. The SMM immediately contacted members of an SMM mirror patrol in “DPR”-controlled Kominternove (23 km north-east of Mariupol), which was escorted by a Russian Federation armed forces representative to the JCCC, to try to facilitate a ceasefire. After fifteen minutes, when the situation was assessed as safe, the patrol members left the house and proceeded to the two SMM armoured vehicles, parked approximately 70 metres west of the house. At that time, the patrol heard two

more explosions assessed as mortar rounds impacting in the village, which caused the patrol members to lie on the ground before reaching the vehicles safely. During the entire time the SMM patrol drivers remained in the vehicles. From there, they observed one impact at an approximate distance of 100-150 metres north and another at a similar distance to the south-east. One round caused a house in the south-west part of the village to catch fire; the house was burning when the patrol left the village.

429. During the late evening of 30 June 2016, in areas between government-controlled Svitlodarsk and "DPR"-controlled Debaltseve (57 km and 58 km north-east of Donetsk respectively), the SMM noted intense fighting. Positioned in government-controlled Svitlodarsk, the SMM heard 102 outgoing artillery (122 mm) explosions between 6.54 p.m. and 1.37 a.m. 1-3km to the east or north-east and twenty outgoing mortars (120 mm) 0.5 km to the south-east. The SMM recorded eighty undetermined explosions, five outgoing explosions and multiple bursts of heavy-machine-gun fire (approximately 740 shots) 3-6 km to the south-east between 6.57 p.m. and 3.37 a.m. Whilst in Debaltseve, the SMM recorded 250 undetermined explosions, including 159 explosions within a half-hour period 3-10 km north-west of its position.

430. On 6 August 2016 the SMM heard an explosion 3.9 km east of its location in Luhansk city. At the site from where it had heard the explosion, the SMM saw a black sport utility vehicle (SUV) severely damaged with windows shattered. "LPR" police members present told the SMM that there were two casualties. Mr Vladislav Deynego, a member of the "LPR", told the SMM that Mr Igor Plotnitsky, president of the "LPR", was "in a bad condition and not able to receive visitors". At a checkpoint near "LPR"-controlled Smile (31 km north-west of Luhansk) later that day, two armed "LPR" members stated that they were on high alert because of the attempted assassination of Mr Plotnitsky in Luhansk city.

431. On 16 August 2016, in government-controlled Chermalyk (77 km south of Donetsk), the SMM observed nineteen fresh craters that, according to the Ukrainian armed forces officers from the JCCC who accompanied the patrol, resulted from shelling that had begun just after midnight. The craters were near houses and at a nearby farm, where a barn was still burning, and approximately 250 metres away from a Ukrainian armed forces compound and ammunition stockpile. The SMM assessed that all the craters had been caused by 122 mm artillery shells fired from between the east and east-north-east.

432. In the reporting period of 15 August 2016 to 15 November 2016, renewed commitments to the ceasefire and concerted efforts to withdraw forces and weapons from the contact line led to an initial de-escalation of hostilities. However, a lack of full compliance by the warring parties continued to endanger civilians and led to intensified hostilities in October 2016. Civilians living in areas close to the contact line continued to face daily

risks owing to the presence of armed forces and groups in their homes and on the streets, and suffered long-lasting effects of military damage to vital public infrastructure. Regular daytime shelling was noted as presenting particular risks for civilians, including one case on 21 September 2016 that had interrupted the delivery of humanitarian aid.

433. In its reports published through the year 2017, the SMM recorded ceasefire violations on a daily basis in eastern Ukraine, involving, *inter alia*, mortar, artillery and tank fire and explosions. It also observed weapons in violation of respective withdrawal lines and continued to monitor weapons withdrawal. However, after a fatal incident near Pryshyb involving a member of the SMM on 23 April 2017, the operations of the mission in the Donetsk and Luhansk regions remained restricted.

434. In February 2017 the HRRMU reported that despite diplomatic efforts to ensure compliance with the Minsk Agreements, reports of daily ceasefire violations by Ukrainian armed forces and the armed groups of the self-proclaimed republics in numerous hotspots along the contact line in both the Donetsk and Luhansk regions persisted, with spikes in mid-November and late December 2016, and a sharp escalation of hostilities between 29 January and 3 February 2017. Despite renewed calls for ceasefire, intense shelling was still a daily occurrence in many locations. The situation in the Donetsk and Luhansk regions remained tense and dangerous for civilians as the parties to the conflict continued to maintain positions in close proximity to villages and towns near the contact line in violation of international humanitarian law. In particular, military and armed group personnel continued to embed their hardware in civilian neighbourhoods including homes, to carry out indiscriminate shelling and to use explosive weapons with wide-area effects in populated areas.

435. On 1 February 2017 the SMM noted a significant increase in ceasefire violations recorded in the Donetsk region, including over 10,330 explosions. The number of explosions was the highest yet recorded by the SMM. Over 9,250 of them were recorded in the area of Avdiivka and Yasynuvata.

436. On 4 February 2017 the SMM heard a loud explosion south of Luhansk city centre. At 11.30 a.m. the SMM went to Chervonopraporna Street, where it observed that the incident site had been cordoned off and about twenty “LPR” members, both armed and unarmed, and a fire brigade, were on the spot. A burnt-out vehicle – a white SUV, whose roof and left front door had been blown off – was about to be removed by a civilian tow truck. The SMM did not see any bodies or signs of blood in or around the vehicle. A Russian officer of the JCCC had told the SMM that Oleg Anashenko, a senior “LPR” member, had died in a car explosion that morning. The SMM assessed the explosive to be consistent with 4-5 kg of TNT equivalent, and assessed it as having exploded while on the move.

437. On 29 June 2017 the SMM camera in government-controlled Avdiivka (17 km north-west of Donetsk) recorded, in sequence, seven undetermined explosions, thirty-five explosions assessed as impacts, one airburst, sixteen explosions assessed as impacts, one airburst, forty-eight explosions assessed as impacts, all 3-5 km to the north-east, east and east-south-east. On the same day, positioned in Avdiivka, in the space of fifty minutes, the SMM heard sixty-three undetermined explosions 3-5 km to the east-south-east.

438. On 13 December 2017, while at its forward patrol base on the northern edge of government-controlled Popasna, the SMM heard ten explosions assessed as outgoing artillery fire 200-500 metres to the west to west-north-west and smelt propellant. SMM staff at the forward patrol base immediately entered the base's basement shelter. At 12.36 a.m., one of the monitoring officers left the shelter to assess the security situation, heard three explosions assessed as outgoing artillery fire and saw three muzzle flashes 200-500 metres to the west to west-north-west. A representative of the military and civilian administration in Popasna then told the SMM by telephone about heavy shelling occurring near Popasna and recommended that it remain in the shelter. The SMM noted that shelling had ceased at 1.20 a.m. and then resumed from 1.45 a.m. until 2.20 a.m. Between 12.05 a.m. and 2.20 a.m., the SMM, while in the shelter, heard approximately sixty undetermined explosions at an undetermined distance and direction. At 3.40 a.m. the SMM heard eight explosions assessed as outgoing artillery fire 200-500 metres to the west to west-north-west. At about 4.35 a.m. the SMM heard five explosions assessed as outgoing artillery fire 200-500 metres to the west to west-north-west, and at 6 a.m. it heard three explosions assessed as outgoing artillery fire at an undetermined distance and direction. At around 10.30 a.m. on 13 December the SMM left the forward patrol base and subsequently reached Sievierodonetsk safely.

439. On 18 December 2017, while at its forward patrol base on the northern edge of government-controlled Popasna (69 km west of Luhansk), the SMM heard five undetermined explosions 500-600 metres to the north-east, followed by three explosions assessed as outgoing rounds of undetermined weapons within 1.5 km to the south-west.

440. In its reports published through the year 2018, the SMM recorded ceasefire violations on a daily basis in eastern Ukraine, involving, *inter alia*, mortar, artillery and tank fire and explosions.

441. On 2 February 2018 an SMM patrol consisting of six SMM members and two armoured vehicles was positioned at an abandoned petrol station on the M04 road about 2.5 km south-west of "DPR"-controlled Yasynuvata (16 km north-east of Donetsk), about 2 km east of the contact line. Between 1 p.m. and 1.50 p.m. the SMM recorded five undetermined explosions, eleven shots of infantry fighting vehicle (BMP-2) cannon (30 mm) fire and thirty-four bursts and shots of heavy-machine-gun and small-arms fire, all

1-2 km to the west. Between 1.50 p.m. and 2.08 p.m. the SMM heard unquantifiable overlapping bursts and shots of heavy-machine-gun and small-arms fire 1-2 km to the west. The SMM patrol immediately left the area and returned safely to its base in Donetsk city at 2.55 p.m.

442. On the evening of 23 February 2018, while at its forward patrol base on the northern edge of Popasna (government-controlled, 69 km west of Luhansk), the SMM heard continuous ceasefire violations, the majority of which were 3-4 km to the south-east. At around 9.14 p.m. the SMM heard ten explosions assessed as outgoing 120 mm mortar rounds about 500 metres to the north. The SMM staff present, consisting of six monitoring officers, a paramedic and a language assistant, immediately moved to the base's basement shelter and stayed there for about fifteen minutes. At 7 a.m. on 24 February the SMM left the forward patrol base and subsequently arrived safely at its patrol hub in Sievierodonetsk (government-controlled, 74 km north-west of Luhansk).

443. On 7-8 August 2018 at night the SMM drone spotted convoys of trucks entering and exiting Ukraine via a dirt track near Chystiakove (non-government-controlled); later the same day, SMM for the first time reported the presence of six armoured reconnaissance vehicles and fifteen military-type trucks in the "LPR".

444. At midnight on 4 to 5 September 2018 a convoy of ten KAMAZ canvas-covered cargo trucks and four escort vehicles (one escort vehicle at the front of the convoy and three parked at the back), all parked in single file, facing north, on an unpaved dirt track north-east of Manych (non-government-controlled, 76 km east of Donetsk). Thirty minutes later the trucks moved towards the international border between Russia and Ukraine via the dirt track that led across the border, while the four escort vehicles remained in Ukraine and drove north.

445. Overnight on 9-10 October 2018, the SMM spotted four Ural and KAMAZ covered cargo trucks, as well as four cars, stationed on a dirt track near the border where there were no border crossing facilities. At 12.30 a.m. one Ural and a car travelled towards Manych (non-government-controlled), while the rest of the convoy headed towards the border with the Russian Federation.

446. On 10 October 2018 at around 11 p.m., two trucks (a Ural and a KAMAZ), together with four SUVs, were recorded driving to a location near the border where the SMM had reported a convoy of covered cargo trucks entering Ukraine during the night of 7 to 8 August.

447. During the same time the SMM drone spotted two Ural trucks (one mounted with an anti-aircraft-gun (ZU-23, 23 mm)), a minivan and a car in a field along the same dirt path, approximately 2 km from the border, but it could not establish the direction in which they were travelling because of multiple instances of GPS signal loss assessed as jamming. Eventually, SMM had to recall its drone.

448. In the night of 11 to 12 October 2018 two trucks were spotted parked along an unpaved road in Manych. At the same time, three separate groups of vehicles were observed driving eastwards and parking near the border with Russia, at a location used by the convoy of covered cargo trucks observed during the night of 7 to 8 August 2018. The convoy observed during the night of 11 to 12 October 2018 included, among others, two tractor trailers; seven KAMAZ trucks; four Ural trucks; and a heavy-equipment KAMAZ transport trailer carrying an MT-LB armed personnel carrier. Later that night the drone spotted a KAMAZ truck with a twin axle trailer, two Ural trucks and a KAMAZ truck, as well as an SUV traveling westwards on the same road from the border with the Russian Federation in the direction of Manych.

449. Throughout the year 2019, the SMM recorded numerous ceasefire violations in both the Donetsk and Luhansk regions. It also continued to observe weapons in violation of withdrawal lines. The mission facilitated and monitored adherence to the ceasefire, notably to enable repairs to and the operation of critical civilian infrastructure. Restrictions of the SMM's access continued in a number of disengagement areas and elsewhere.

450. During the night of 30 May to 1 June 2019, the SMM drone spotted three stationary military-type trucks facing west on an unpaved road near Cheremshyne, about 2 km west of the border, as well as a military-type truck and a car proceeding from the north-east on a dirt track parallel to that unpaved road. The convoys merged and proceeded to a compound of the armed formations on the south-eastern outskirts of Luhansk city where at least thirty-five military-type trucks and an APC (BTR-80) were present.

451. During the night of 2-3 June 2019 the SMM drone spotted, on the same dirt track very near the border, a car and a stationary military truck. Later that night a military truck was spotted driving on the dirt track away from the border.

452. On 26 June 2019 the SMM observed the beginning of the disengagement process, with Ukrainian armed forces personnel and members of the separatist armed formations leaving their most forward positions, together with their weapons, and exiting the disengagement area. On 29 June the SMM received a *note verbale* from the Ministry of Foreign Affairs of Ukraine notifying it that the Ukrainian army had completed disengagement in the agreed disengagement area near Stanytsia Luhanska. On 30 June the SMM received a letter from the armed formations in non-government-controlled areas of the Luhansk region notifying it that they had also completed disengagement in the agreed disengagement area near Stanytsia Luhanska.

453. On 17 July 2019, following a meeting of the Trilateral Contact Group and its working groups in Minsk, the Special Representative of the OSCE Chairperson-in-Office in Ukraine and in the Trilateral Contact Group made the following statement to the press:

> "...

In light of the agreement reached by the political advisers of the Normandy format, the Trilateral Contact Group, with the participation of representatives of certain areas of Donetsk and Luhansk regions, came to a common understanding on the following:

"1) Within ten days, the sides shall inform the Working Group on Humanitarian Issues about their parts of the project to repair the bridge across the Siverskyi Donets river in the disengagement area at Stanytsia Luhanska (hereinafter 'the bridge');

2) The sides simultaneously launch the repair works of the bridge:

- the Ukrainian side shall restore the collapsed span of the bridge; the CALR shall restore the road surface and the fences;

- immediately before the start of the repair works, the sides shall dismantle the fortifications, synchronously and simultaneously, starting with the construction on the bridge.

3) The sides undertake not to use the bridge:

- for military purposes;

- for sabotage activities;

- for political activities.

The bridge shall be used by the sides exclusively for civilian purposes.

4) If one of the sides carries out any works on the bridge, it undertakes to inform the other side or the Trilateral Contact Group, and, if necessary, coordinate its actions with the Trilateral Contact Group.

..."

454. In relation to the ceasefire that began on 21 July 2019, from 12.01 a.m. to 4 p.m. that day, the SMM recorded in total seventy-five ceasefire violations (three explosions, twenty-one projectiles in flight and fifty-one shots of heavy-machine-gun and small-arms fire). Almost all of these ceasefire violations (seventy-four of them, including two explosions) were recorded between 12.01 a.m. and 8 a.m. in the Luhansk region, in areas east of Popasna (government-controlled, 69 km west of Luhansk) and near Zolote (government-controlled, 60 km west of Luhansk). Between 8.01 a.m. and 12 noon, the SMM recorded one explosion in the Donetsk region, near Avdiivka (government-controlled, 17 km north of Donetsk).

455. In 2020 and 2021 the SMM continued to record numerous ceasefire violations in both the Donetsk and Luhansk regions.

(d) Observations concerning territory and the border

456. On 14 April 2014 the "DPR" flag was observed over the Town Administration building in Yenakiieve. The SMM noted on 15 April 2014 that "Donetsk Republic" flags had been seen flying over town council buildings in Snizhne, Druzhkivka and Kramatorsk. It also noted an increased presence of roadblocks and checkpoints, some of which were under construction. The roadblocks encountered by the team, for example in the

vicinity of Horlivka and Druzhkivka, were manned by dozens of unarmed individuals, including some women.

457. On 17 April 2014 the mayor of Mariupol told the SMM that the City Administration building was occupied by around forty fighters assisted by Russian intelligence officers.

458. The SMM noted on 20 April 2014 that the entire town of Slovyansk was under the control of the armed groups.

459. On 15 May 2014 the head of the Luhansk Regional Police informed the SMM that the police could only enforce law and order in the northern parts of the region; the remaining territory was under the control of several armed groups comprising around 1,000 individuals with a variety of weapons from Kalashnikov assault rifles to anti-aircraft missile launchers. According to him, seventy illegal checkpoints had been set up throughout the region.

460. On 16 May 2014 the SMM noted that Luhansk city remained under the *de facto* control of the armed supporters of the "LPR".

461. In its daily report for 20 June 2014, the SMM reported a military convoy of "unknown origin" consisting of tanks and BTRs (armoured personnel carriers) driving through the centre of Luhansk. The SMM was told that it had come from the direction of the Russian border. The same convoy was later reported 44 km south of Luhansk and heading in the direction of Donetsk.

462. On 6 July 2014 the SMM reported that government sources, corroborated by local "DPR" contacts, had confirmed that Ukrainian forces had regained control of Slovyansk and Kramatorsk.

463. In its report of 15 July 2014, the HRRMU reported that the Ukrainian forces had regained several areas formerly controlled by armed groups since 5 July 2014.

464. On 22 July 2014 the head of the Luhansk police informed the SMM that the Ukrainian army had retaken Sievierodonetsk in the north of the Luhansk region at 5 a.m. The SMM team went to the city on 29 July and saw that it had not been severely damaged by shelling and fighting.

465. On 22 July 2014 the SMM also visited nearby Rubezhnoe, which, according to a municipal employee, had been retaken by Ukrainian armed forces on 20 July.

466. On 25 July 2014 a senior Ukrainian military officer told the SMM that Lysychansk (91 km north-west of Luhansk city) had been retaken by Ukrainian military forces on 25 July. He added, however, that security in the town had yet to be established.

467. On 1-2 August 2014, Ukrainian army officers made contact with the BM to request OSCE assistance to open a passageway to the Gukovo border crossing point of the Russian Federation for several hundred Ukrainian servicemen. On 2 August an initial group of twelve Ukrainian troops crossed into the Russian Federation. On 4 August the BM witnessed the passage of 437 Ukrainian servicemen. They were sent to a nearby transit facility and,

according to the local Russian authorities, all of them were set to return to Ukraine in the hours to come.

468. On 3 August 2014 the BM at the Russian checkpoints Gukovo and Donetsk reported that it had heard the sound of various kinds of weapons (including machine gun and mortar) in the vicinity of the Gukovo border checkpoint, on the Ukrainian side of the border. At 1.35 p.m. a shell fell inside the Russian border checkpoint compound on a piece of land between two buildings, provoking the standard evacuation procedure. No damage or injury was reported. At 3 p.m. a second shell round fell inside the same compound. It appears that it exploded before reaching the ground and shattered a window and slightly damaged the surrounding walls.

469. On 6 August 2014 the SMM visited a Ukrainian Border Guard encampment located less than 1 km from the Russian border, in the vicinity of the village of Krasnyi Derkul (54 km north-east of Luhansk), which had reportedly come under artillery fire during the night of 5 to 6 August, and early on the morning of 6 August. The SMM saw smouldering forest and shrapnel fragments around the area, where the Border Guard unit had built underground shelters, and four shell craters in an open field on the edge of the camp. The SMM monitors with a military background assessed – on the basis of the trajectories – that 122 mm and 152 mm cannons had been used.

470. In its weekly updates for 6-12 August and 13-19 August 2014, the BM reported increased Russian military activity at the border. Russian military helicopters were flying over the border crossing points without violating the Russian-Ukrainian border. The BM further recorded that on 12 August 2014, the observer teams had heard continuous heavy artillery fire from 05:15 to 05:30, at an approximate distance of 10 kilometres in the west north-west direction. From 07:00 to 07:15, the observer teams had heard other similar heavy artillery fire at an approximate distance of 10 kilometres north of the border crossing point. In both instances the noise resembled multiple-launch rocket systems.

471. A Ukrainian border guard stationed at Melovoye border crossing point (136 km north-east of Luhansk city) told the SMM on 9 August 2014 that the border crossing point had come under attack the previous night by assailants using rocket propelled grenades. The border crossing point at Krasna Talivka (70 km north-east of Luhansk city) was reportedly attacked on 6 August.

472. In its 15 August 2014 report on the human rights situation in Ukraine, the HRMMU stated that effective control of the State border between Ukraine and the Russian Federation was a priority. Armed groups, bolstered by foreign fighters, were making incursions into areas that the Ukrainian forces had recently regained, particularly in the Donetsk region.

473. From its deployment at the end of July 2014, the BM observed groups of people in military-style dress with backpacks going to and coming from Ukraine. In its report for the period of 6-12 August 2014, the BM noted

that activity at the Donetsk border crossing point was higher than in the previous weeks. On average, 5,500 entries/exits were recorded, of which roughly 80% were crossing to the Russian Federation. This was a result of the deterioration of the overall situation in eastern Ukraine. Border Guard authorities reported working at full capacity, but still long lines of cars and people were reported. Throughout the week the BM observed multiple groups of generally young people wearing military-style dress crossing the border in both directions. The BM also observed several ambulance evacuations of wounded supporters of the self-proclaimed republics.

474. In its report of 15 August 2014, the HRRMU noted that the Government stated it had regained control of sixty-five towns and villages in eastern Ukraine that had been held by the armed groups. Some 20,000 residents who had fled the fighting had since returned home to Slovyansk. Government ministries and volunteer groups had begun working on restoring essential services, clearing away the rubble and unexploded ordnance and rebuilding areas that had been ravaged by months of fighting. By the end of July, the acting mayor of Slovyansk reported to the HRMMU that the city no longer required humanitarian aid and that electricity, gas and water supply had resumed to 95% of the normal level.

475. In the week of 20-27 August 2014, the BM noted for the first time more exits from Russia than entries at both border crossings, accompanied by a net increase in crossings. This trend continued during the following weeks. Civilians told the BM after the September ceasefire that they had decided to go back to the Luhansk area to check whether their houses had been damaged or destroyed (Weekly update from the OSCE BM, 28 August until 8 a.m., 3 September 2014 and 10 September 2014). The BM observed 149 people in military-style dress crossing the border at the Donetsk border crossing point in the week to 10 September, predominantly from Russia to Ukraine.

476. On 28 August 2014 the deputy chief of the local police in Mariupol informed the SMM that the situation in the town was calm. He stated that the area around Novoazovsk (45 km to the east of Mariupol) was currently under the control of the “DPR”.

477. In its weekly update for 28 August to 3 September 2014, the BM observed an increased military activity, principally of unmanned aerial vehicles in the vicinity of the border crossing points. The BM also reported helicopters near to the border crossing points. It stated that the aircraft had not violated Ukrainian airspace. The BM also heard considerable artillery detonations from the Donetsk border crossing point. In the reporting period, it also noted that some of those entering Russia were wounded, and some were transported by ambulance. No weapons were observed. Supporters of the “DPR” and “LPR” explained to the BM that they were not allowed to cross the border with weapons. However, in Ukraine there were organised places where they received weapons, ammunition and other equipment before being dispatched. They handed back their weapons before crossing back into

Russia. Some of the wounded were accompanied by "people dressed in military style ... [who] were particularly well-equipped including holsters but without weapons". The BM further noted that throughout the week, shootings, blasts and artillery detonations had been heard at various times of the day and night, and from different distances and directions around the Donetsk Border Crossing Point. Artillery detonations had been especially intense during the weekend in the direction north of Krasnodon. Throughout the night of 30 to 31 August, dozens of very loud artillery detonations had been heard and felt. The detonations were close by in a westerly/north-westerly direction. The report observed that in the past weeks, artillery detonations and shootings had been heard only from western and northern directions; but that throughout the week for the first time observer teams had reported light and heavy calibre shootings from the east and south-east areas which were also bordering Ukraine.

478. On 1 September 2014 the SMM was informed by Ukrainian officials that the airport in Luhansk was no longer under the control of the Ukrainian forces.

479. On 4 September 2014 the SMM visited the checkpoint in the eastern part of Mariupol city on the E58 road towards Novoazovsk. The SMM noticed approximately sixteen units of military hardware there (eight trucks and eight armoured personnel carriers) leaving the checkpoint and moving in the direction of the city. The SMM observed 100-150 Ukrainian forces, possibly from the National Guard.

480. On 10 September 2014, in its weekly update, the BM stated that throughout the week, the observer teams had noticed a steady increase of young people (both men and women) wearing military-style dress crossing the border in both directions but had not observed any weapons among those groups. Most of them were entering the Russian Federation from Ukraine at the Donetsk border crossing point. They also observed that some of the people were visibly wounded, crossing back into the Russian Federation with white bandages and/or on crutches. More seriously wounded persons were transferred by ambulance. Some people dressed in military-style clothing were accompanying the wounded. During the reporting period, the BM had observed 149 persons in military clothing crossing the border – individually or in groups – predominantly from Ukraine to the Russian Federation.

481. The SMM visited Stakhanov on 15 September 2014, which was under the control of a Don Cossack commander. According to several daily reports issued between 23 September 2014 and 4 January 2015, the Don Cossacks, under the overall control of commander Nikolay Kozitsyn, *de facto* controlled the south-western areas of the Luhansk region including Pervomaisk/Perevalsk.

482. According to the BM's weekly update published on 17 September 2014, the number of persons in military clothing crossing the border had significantly increased. It had observed a total of 422 persons in military

clothing, compared to 149 during the previous week. They crossed the border individually or in groups, predominantly from Ukraine to Russia. Some were visibly wounded, and those who were seriously wounded were crossing by ambulance. Some people dressed in military-style clothing were accompanying the wounded. On 13 September the observers had noted the transfer of an aluminium coffin covered with a Russian flag from Ukraine to the Russian Federation.

483. In its weekly update for 24 September 2014, the BM observed a steady flow of men and women in military-style dress crossing the border equally in both directions but overwhelmingly at the Donetsk border crossing point. The observers counted a total number of 312 persons and did not see any of them carrying weapons.

484. On 25 September 2014 the governor of the Luhansk region told the SMM that the government controlled territory in which 25% of the population lived and the "LPR" controlled territory in which 64.4% of the population lived. The remaining territory comprised disputed areas.

485. By the start of October 2014, the BM was observing an increasing number of those crossing in military-style dress wearing "kubanka" hats generally attributed to Cossacks. Some carried identification cards and badges on their sleeves with the words "Cossack National Guard" on them, with blue at the top, yellow in the middle and red at the bottom. The BM also saw an increase in movement of very new utility minivans travelling back and forth across the border and often driven by people in camouflage. By 8 October 2014 the BM was reporting an increase to 555 crossings of people in military-style dress, predominantly into Ukraine at the Donetsk border crossing point, and including a significant number of Cossacks. The higher number of crossings by people in military-style dress continued to increase throughout the following months, reaching over 800 weekly crossings in late December 2014. There were slightly more people leaving Ukraine than entering, but the numbers were quite balanced. On 12 November 2014 the BM reported seeing a van marked "Gruz 200", meaning "Cargo 200", which it noted was a well-known military code for "military personnel killed in action".

486. On 9 October 2014 the SMM reported that Horlivka was still under separatist control.

487. On 23 October 2014, in Krymske (50 km west of Luhansk), the SMM could observe that the Ukrainian forces had retaken the village, which was now under full Ukrainian control, as reported by a local Ukrainian commander on 21 October.

488. On 13 November 2014 the SMM observed five unarmed men in camouflage, with Russian Federation flag patches and other badges on their uniforms in Luhansk city. The SMM was unable to ascertain the affiliation of the men. The SMM also observed one stationary BTR-80 and two military trucks without number plates.

489. In its daily report of 20 November 2014, the SMM stated that it had met, in Luhansk, with a former "LPR" member who had said that there were six military groups operating within the "LPR". According to him, there were armed "LPR" personnel, volunteer "LPR" armed groups and four armed independent Cossack groups. According to him, each of these groups had its own area of responsibility.

490. In its report of 15 December 2014, the HRMMU reported that the total breakdown in law and order and the violence and fighting in the eastern regions had been fuelled by the cross-border inflow of heavy and sophisticated weaponry, as well as foreign fighters, including from the Russian Federation.

491. On 21 January 2015 the BM observed 493 men and women in military-style dress crossing the border in both directions. The people had been crossing individually or in groups. 95% of border crossings occurred at the Donetsk border crossing point. According to the BM, 234 persons had entered the Russian Federation while 235 had left for Ukraine at the Donetsk border crossing point.

492. On 21 January 2015 the Ukrainian armed forces Major-General told the SMM that the government forces had withdrawn from Donetsk airport, the last part of the city of Donetsk that had been under Ukrainian control.

493. On 27 January 2015 the SMM went to the Marynivka (75 km east of Donetsk, "DPR"-controlled) and Uspenka (70 km south-east of Donetsk, "DPR"-controlled) border crossing points between Ukraine and the Russian Federation. At the Marynivka border crossing point the SMM talked with a dozen travellers leaving towards the Russian Federation with their vehicles. All passengers gave similar reason for leaving: the ongoing shelling of their homes and neighbourhoods in Donetsk, Torez (69 km west of Donetsk, "DPR"-controlled) and Snizhne (80 km east of Donetsk, "DPR"-controlled); the inability to receive Ukrainian pensions and the economic crisis and lack of employment.

494. In its weekly update for 4 February 2015, the BM noted that it had observed six ambulances crossing the Donetsk border crossing point during that week. One had crossed into the Russian Federation, and later the same day it had crossed back into Ukraine. One came to the border crossing point from the Russian Federation side, stayed in the customs area and returned to the Russian Federation twenty minutes later. Another one crossed to Ukraine and returned to the Russian Federation thirty minutes later. The fourth one crossed the border into the Russian Federation. The fifth ambulance arrived from the Russian Federation, and two minutes later the sixth ambulance arrived from Ukraine. After border and customs procedures, an injured person in military clothes was transferred from the Ukrainian ambulance into the Russian ambulance. His left arm and shoulder were wrapped in white bandages. Soon afterwards, the Russian ambulance returned to the Russian Federation and the other ambulance returned to Ukraine.

495. According to the BM's weekly update for 11 February 2015, on two occasions the observer teams had observed white minivans with a "Cargo 200" sign, this being the code word referring to casualties. On 6 February 2015 a white minivan with the "Cargo 200" sign arrived from the Russian Federation side. After about twenty minutes, the van was permitted to cross into Ukraine. Another minivan with the "Cargo 200" sign arrived from Ukraine; the vehicle was inspected with an X-ray machine and allowed to cross about twenty-five minutes later.

496. On 10 February 2015, at the "DPR"-controlled Uspenka international border crossing point (74 km south-east of Donetsk), the SMM saw approximately 100 private vehicles and three passenger busses lining up at the "DPR" checkpoint in order to cross the Ukrainian international border towards Russian Federation territory. The SMM headed to the "DPR-controlled Ulyanivske border crossing point (62 km south-south-east of Donetsk), driving north to south on the T0519 road. "DPR" armed personnel stopped the SMM at a checkpoint on the T0519 road, preventing the SMM from continuing towards Ulyanivske.

497. In its weekly update for 18 February 2015, the BM noted that it had observed eleven ambulances at the border crossing point in Donetsk. It had observed the transfer of wounded or sick people. In most instances, it was not possible for the teams to observe clearly the transfers as they had occurred on the other side of the customs areas which was not accessible to the monitors. One ambulance transfer attracted the attention of the BM. On 11 February 2015 a UAZ 452 military ambulance from the Ural military district arrived at the border crossing point from the Russian Federation side and four Russian military uniformed personnel came out of the vehicle. At the same time a blue Volkswagen minivan arrived from the Ukrainian side and manoeuvred to be parked back to back with the aforementioned military ambulance. Three men dressed in military-style clothing and one civilian stepped out, opened the back of the minivan and, with the help of the Russian military uniformed personnel, carried a black plastic bag, estimated by the BM to be the size and weight of a human body, into the military ambulance. The men from the Volkswagen minivan were nervous and the BM's presence visibly irritated them. One of the men, who seemed to be in charge of the transfer, made a hand sign signalling to the BM to move away. The monitors did not move from their position and continued to observe the scene. The two groups (Russian military and men from the minivan) conversed for fifteen minutes and then parted. The Russian military ambulance drove back to Russian territory and the men from the Volkswagen minivan went inside the main border crossing point building. About an hour later a police minivan arrived and the police officers went inside the building. About two hours later they all left the border crossing point building. The police returned to the Russian Federation and the men got into their Volkswagen minivan and, after passing all the border and customs controls, returned to Ukraine.

498. In its weekly update for 18 March 2015, the BM noted that the number of men and women in military-style dress crossing the border in both directions had decreased from 681 to 617 at the border crossing points. The people had been crossing individually or in groups and on foot or in vehicles. On one occasion at the Donetsk border crossing point, the BM had observed a group of twenty-nine persons dressed in Gorka Hill military clothing crossing the border from the Russian Federation to Ukraine by bus. One of those persons was an older male, the rest young males. Approximately 91% of the border crossings occurred at the Donetsk border crossing point.

499. In its weekly update for 5 May 2015, the BM reported that the number of men and women in military-style dress crossing the border in both directions had decreased from 373 to 319 at both border crossing points. In its next weekly update, published on 12 May 2015, the BM observed that the number of men and women in military-style dress crossing the border in both directions had increased from 319 to 381. It noted that recently persons in military-style dress had been travelling by bus across the border, which made it more difficult for the teams to observe their movement across the border. The BM also observed an increasing number of physically fit young men in civilian clothing with short haircuts who often had camouflage-coloured bags.

500. On 6 June 2015 at 8.30 p.m. the BM at the Donetsk border crossing point observed a white van with Ukrainian registration plates arriving from the direction of Ukraine. There was one man dressed in military-style clothes and two men in civilian clothes inside the car. In the right corner of its windscreen the car had a white A4 sheet of paper with the number “200” written on it.

501. On 7 June 2015 at 10.15 a.m. the BM observed a minivan, similar to an ambulance car, entering the Donetsk border crossing point from the direction of Ukraine. On its side was written “Search and Rescue Service of the MES RF” and inside there were two men and a woman in dark blue Ministry of Emergency Situations uniform. The car was there for about five minutes and then left the border crossing point in the direction of the Russian Federation.

502. On 18 June 2015 the BM observed several vehicles and workers from the Russian Federation Ministry of Emergency Situations arriving outside the Donetsk border crossing point entrance gate on the Russian Federation side. All vehicles bore the inscription “Search and Rescue Service” written on their side in Russian. It was observed that the team had set up a camp consisting of two large bright orange-coloured tents and related equipment. On several occasions during the week, the BM observed buses with children coming from Ukraine towards the settled tents. On one occasion, on 23 June, the BM observed approximately 20 buses with children crossing the border crossing point from Ukraine and stopping at the camp. All the children got out of the buses and went inside the tents. After some time, the children got into other

buses and continued their journey towards the Russian Federation. On 23 June in the afternoon, Ministry of Emergency Situations staff removed the tents and left towards the Russian Federation.

503. In its weekly update for 30 June 2015, the BM continued to observe a high number of trucks at the Gukovo border crossing point. Cargo and dumper trucks transporting coal from the Luhansk region to the Russian Federation crossed the border in both directions. While the majority of the trucks were registered in the Luhansk region, the BM also observed that trucks registered in the Russian Federation and the Republic of Belarus crossed the border. The BM also noted that during the reporting week the number of trucks registered in Republic of Belarus crossing the border had decreased from sixty-nine to forty-eight. In addition, the BM also observed thirty-seven tanker trucks; these trucks for the most part had the word "Propane" and "Flammable" written across the tankers in Russian. During the reporting week, the BM observed 258 persons in military-style clothing crossing the border at the Donetsk border crossing point individually or in groups; 141 persons in military-style clothing had entered the Russian Federation while 117 of them had left for Ukraine. The BM also observed an increase in aircraft activity in the vicinity of the border crossing point. On 25 and 26 June helicopters were observed flying on the Russian Federation side.

504. In its weekly report for 7 July 2015, the BM stated that the number of men and women in military-style dress, crossing the border in both directions, had decreased from 292 to 246 at both border crossing points. These people continued to cross the border individually or in groups and on foot or using different types of transport (in addition to vehicles, some used buses but also bikes and motorbikes). Approximately 85% of crossings occurred at the Donetsk border crossing point. The BM continued to observe that from time to time, persons in military-style dress had been travelling by bus across the border, which made it more difficult to observe their movement across the border. While the BM had reported a steady decrease in the past weeks of the numbers of persons in military-style clothing crossing the border, the teams were observing an increasing number of physically fit young and middle-aged men in civilian clothing with short haircuts, who frequently travelled in groups, and who often had camouflage-coloured backpacks. This mainly occurred at the Donetsk border crossing point but groups of that kind had also been observed at the Gukovo border crossing point. A total of six such groups had been observed in the reporting period (five at the Donetsk and one at the Gukovo border crossing points).

505. On 22 July 2015 at 12.15 p.m. the BM noted the arrival at the Donetsk border crossing point of a Ukrainian-registered bus. The bus was carrying approximately thirty children and they were accompanied by a number of adults. All of the children were carrying some documents in their hand and after having been checked by the Russian Federation Border Guard

and Customs Service, the group had proceeded into the Russian Federation on foot. The bus on which they had arrived returned to Ukraine.

506. The weekly update from the BM based on information as of 28 July 2015 indicated that during the reporting period, the number of men and women in military-style dress, crossing the border in both directions, had decreased from 232 to 192 at both the Donetsk and the Gukovo border crossing points. This was the lowest number recorded since the inception of the mission.

507. In its weekly update for 18 August 2015, the BM continued to observe a high number of trucks, crossing the border in both directions, including intense cargo truck traffic at the Donetsk and Gukovo border crossing points and dumper trucks transporting coal from the Luhansk region to the Russian Federation through Gukovo. While the majority of the trucks were registered in the Luhansk region, the BM had also observed trucks registered in the Russian Federation and the Republic of Belarus crossing the border. During the reporting week, the teams had observed that the number of trucks registered in the Republic of Belarus had decreased from seventy-six to forty-two; the trucks were observed crossing the border in both directions at both border crossing points. Thirty-seven of the trucks crossed at the Donetsk border crossing point, with five such crossings recorded at Gukovo. Separately, the teams also observed tanker trucks crossing the border in both directions at both border crossing points. The number of tanker trucks had decreased from forty-three the previous week to forty-one that week. The majority of these trucks (forty) had crossed at the Donetsk border crossing point, while the remaining one had crossed at Gukovo. Most of the trucks had the words “Propane” and “Flammable” written across the tanks in Russian.

508. On 1 September 2015 at 12.08 p.m. the BM observed two men dressed in camouflage-style clothing arrive at the Donetsk border crossing point from the Russian Federation side in a vehicle registered in the Russian Federation. There was an inscription of the side of the vehicle that said “Comrades of Novorossiya” and “Battle for Donbass” in Russian.

509. On 5 September 2015 at 8.05 p.m. the BM saw a van, registered in Ukraine, which arrived at the Donetsk border crossing point from Ukraine and crossed to the Russian Federation. There was an inscription “GRUZ 200” (“Cargo 200”) in Russian on the windscreen in black and white. On both sides of the vehicle it said “Ritual service Anubis”, also in Russian. There were three civilian persons inside the vehicle. The team could not ascertain whether or not there was a coffin on board.

510. On 8 September 2015 at 11 a.m. the BM saw a van which arrived at the Donetsk border crossing point from the Russian Federation and crossed to Ukraine. There was an inscription “Funeral Services” on the windscreen in Russian.

511. The weekly update from the BM based on information as of 15 September 2015 indicated that during the reporting period, the BM had observed a total of nine persons in military-style clothing crossing the border at the Gukovo border crossing point, four of whom had left for Ukraine while five had entered the Russian Federation. This was the lowest number of persons in military-style clothing who had crossed the border at the Gukovo border crossing point since the inception of the BM. The teams observed 133 persons in military-style clothing crossing the border at the Donetsk border crossing point individually and in groups; seventy persons had entered the Russian Federation while sixty-three had left for Ukraine.

512. On 31 October 2015 at 6.30 p.m. the BM at the Gukovo border crossing point observed a hearse crossing the border from Ukraine to the Russian Federation and crossing back into Ukraine thirty minutes later. The vehicle was registered in Ukraine and had two persons on board. However, the observers could not ascertain whether there was a coffin on board during either of the two crossings.

513. On 26 November 2015 between 12.16 p.m. and 12.19 p.m., the BM at the Donetsk border crossing point observed a helicopter flying at a low altitude from a south-easterly direction along the borderline to the north. The BM noted that the helicopter was equipped with rocket launcher pods on its sides, but was unarmed.

514. In its weekly update for 15 December 2015, the BM reported that the number of men and women in military-style clothes, crossing the border in both directions, had increased from 144 to 182 at both border crossing points in Donetsk and Gukovo. Approximately 82% of crossings in that category had occurred at Donetsk. These people continued to cross the border individually or in groups and by foot or, in addition to private vehicles, from time to time travelling on buses, making it more difficult to observe their movement across the border. Furthermore, the teams continued to observe physically fit young and middle-aged men in civilian clothing, with short haircuts, many of whom carried camouflage-coloured backpacks.

515. On 21 January 2016 at 9.10 a.m. at the Gukovo border crossing point, the BM observed an ambulance arriving from the Russian Federation and parking behind the border crossing point building. At 9.38 a.m. the ambulance drove back to the Russian Federation. The ambulance was registered in the Russian Federation and had two persons on board. On the same day at 10.55 p.m., the BM observed another ambulance arriving from the Russian Federation at the same border crossing point. It also parked behind the border crossing point building. At 11.40 p.m. the ambulance drove back to the Russian Federation. When leaving the border crossing point there were one civilian and two medical personnel on board.

516. In its weekly report for 9 February 2016, the BM reported four ambulances at the Donetsk border crossing point. On one occasion, a team had observed three ambulances with Ukrainian registration plates entering the

border crossing point from the Ukrainian side, all in one convoy. The BM could observe two medical personnel in each ambulance and one civilian in one of them. After having undergone the border formalities, all three ambulances left the border crossing point to the Russian Federation and later were observed crossing back to the Ukraine.

517. On 24 February, 25 February and 1 March 2016 the BM observed a van registered in Ukraine crossing the Donetsk border crossing point. The vans bore the inscription "Funeral services", written in Russian on its side. The OT could not ascertain whether they were carrying a coffin.

518. In its weekly update for 22 March 2016, the BM reported that the number of men and women in military-style outfits crossing the border in both directions had decreased from 173 the previous week to 164 that week at both the Donetsk and the Gukovo border crossing points. Eighty-nine of them had crossed to the Russian Federation while seventy-five of them had crossed to Ukraine. Approximately 62% of crossings in this category occurred at the Donetsk border crossing point.

519. The BM's weekly update based on information as of 5 April 2016 stated that during the reporting period, the number of men and women in military-style outfits crossing the border in both directions had increased from 165 the previous week to 180 that week at both border crossing points. Eighty-seven of them had crossed to the Russian Federation while ninety-three of them had crossed to Ukraine.

520. On 16 May 2016 the BM at the Donetsk border crossing point noticed a funeral van with Russian registration plates and a sign "200" on the windscreen crossing into Ukraine.

521. On 23 June 2016 at 10.57 a.m. the BM at the Donetsk border crossing point observed an MI-8 helicopter flying at low altitude parallel to the border line within the territory of the Russian Federation in a south to north direction.

522. On 25 June 2016 the BM at the Gukovo border crossing point heard shots on two occasions. At 10.55 p.m. twenty-one single shots were heard, as well as two bursts of three shots and later, at 11.21 p.m., fifteen single shots were heard. All of the shots originated from a south-east direction. The BM could not determine the distance of the firing source.

523. On 23 July 2016 at 7.35 p.m. the BM at the Donetsk border crossing point observed Russian Ministry of Emergency Situations personnel setting up tents at the entrance gate of the border crossing point on the Russian Federation side. The next day, the BM observed eight buses with children coming from Ukraine and parking near the camp. The children boarded other buses and travelled to the Russian Federation. Later during the day, the tents were disassembled.

524. On 28 July 2016 at 2.20 p.m. the BM noticed that the Donetsk border crossing point was closed (the fence doors were locked), the lines were cleared from pedestrians and all the visible barriers were lowered. The team observed border guards walking up and down talking on the radios. At the

same time one SUV (Ford), with Russian Federation registration plates and with two persons in military-style outfits inside, underwent an X-ray check. The SUV was entering the Russian Federation from Ukraine. After the X-ray check the Russian Federation customs officers performed a detailed check of the luggage inside the vehicle. At 2.50 p.m. the border crossing point was opened again. At around 4 p.m. the SUV left the border crossing point.

525. On 30 July 2016 at 4 p.m., the BM observed the crossing, from the Russian Federation to Ukraine, of a minivan for funeral services at the Donetsk border crossing point. The BM could not confirm whether it had cargo or passengers.

526. On 7 August 2016 at 11.30 a.m. the BM at the Donetsk border crossing point observed two ambulances with Ukrainian registration plates (the Ukrainian flag on each of the registration plates was covered with an "LPR" sticker) entering the border crossing point from Ukraine. The two ambulances were escorted by a black Toyota Land Cruiser SUV with Russian Federation registration plates. One of the two ambulances had the inscription "Reanimation" written on it. They all stopped at the entry lane and one person from the escort car went inside the building. The BM observed that none of the vehicles were checked by the Russian authorities at the border crossing point. At 11.50 a.m. the convoy left towards the Russian Federation.

527. That same day at 6.13 p.m., the same two ambulances without the escort vehicle entered the border crossing point from the Russian Federation side and stopped for a check at the exit lane. Seven medical staff exited the ambulances and the Russian Federation border officers opened the doors to check the vehicles. The BM could observe that there were no persons requiring medical treatment on board. Both the ambulances left the border crossing point towards Ukraine at 6.25 p.m.

528. In its weekly update for 20 September 2016, the BM noted that it had seen a van with the inscription "Funeral Services" on two occasions (one at the Gukovo border crossing point and one at the Donetsk border crossing point).

529. On 13 October 2016 at 9.20 a.m. the BM at the Donetsk border crossing point observed an ambulance with "LPR" registration plates arriving from the direction of Ukraine. The BM observed a driver and medical personnel going through border formalities. In addition, the BM did not observe any person in need of medical treatment on board. At 9.43 a.m. the ambulance left the border crossing point towards the Russian Federation.

530. On 15 October 2016 at 1.15 p.m. the BM at the Donetsk border crossing point observed a van with Ukrainian registration plates crossing the border from Ukraine to the Russian Federation. The van had a sign "Funeral" on the inside of its windscreen and had the same inscription on its bonnet written in large letters in Russian. The team was unable to ascertain whether or not it was carrying a coffin in addition to the driver and a civilian.

531. On 15 November 2016 at 1.05 p.m. the BM at the Donetsk border crossing point observed a private car with Ukrainian registration plates carrying a metal coffin on the roof crossing from Ukraine into the Russian Federation. The car was X-rayed.

532. On 19 November 2016 at 11.45 a.m. the BM at the Gukovo border crossing point noticed a van with the inscription "Funeral Services" with Ukrainian registration plates crossing from the Russian Federation into Ukraine. At 2.40 p.m. the same vehicle crossed back into Russia.

533. On 22 November 2016 at 4.38 a.m. the BM at the Donetsk border crossing point observed a dark green-coloured brand-new truck (probably Ural Next) with a trailer crossing from Ukraine to the Russian Federation; no registration plates were displayed either on the truck or on the trailer.

534. On 6 December 2016, at the Donetsk border crossing point, the BM noted a group of four persons dressed in camouflage clothing crossing the border on foot from the Russian Federation into Ukraine carrying a wooden coffin.

535. On 21 December 2016 at 10.42 a.m. the BM observed an ambulance with "LPR" registration plates arriving at the Donetsk border crossing point from Ukraine and parking in the customs control zone. The ambulance had the inscriptions "Medical Emergency Assistance", "Emergency Medicine" and "Reanimation" written in Russian on its sides. At 11 a.m. an ambulance with Russian registration plates arrived at the border crossing point from the Russian Federation and parked near the first ambulance. One person was transferred by stretcher from the ambulance registered in the Russian Federation to the other ambulance. At 11.06 a.m. both ambulances left the border crossing point in the directions from which they arrived.

536. On 21 December 2016 at 4.09 p.m. the BM at the Donetsk border crossing point observed a van with Ukrainian registration plates crossing the border from the Russian Federation to Ukraine. The driver wore a camouflage coat. The van had a sign "Gruz 200" on its windscreen from inside and had an inscription "ANUBIS" written in Russian on its side. The BM was not able to ascertain whether or not there was a coffin inside the van.

537. On 22 December 2016 at 12.20 p.m. the BM at the Donetsk border crossing point observed an ambulance with "LPR" registration plates arriving from Ukraine. At 12.27 p.m, the ambulance passed into the Russian Federation. The ambulance had inscriptions "Medical Emergency Assistance", "Emergency Medicine" and "Reanimation" written in Russian on its sides. At 1.48 p.m. the same ambulance entered the border crossing point from the Russian Federation, before leaving the border crossing point at 2.08 p.m. to Ukraine.

538. On 22 December 2016 at 7.20 a.m. the BM at the Donetsk border crossing point observed a white van with Ukrainian registration plates with the inscription "Funeral", crossing the border from Ukraine to the Russian Federation.

539. On 26 December at 8.15 a.m. the BM at the Donetsk border crossing point noticed a man wearing camouflage clothing carrying a soft black rifle case and a camouflage rucksack. The man entered the border crossing point from the Russian Federation and moved to the control area. The BM could not ascertain whether the person crossed to Ukraine or not. Nor could it ascertain whether there was a rifle in the case.

540. On 26 December 2016 at 4.10 p.m. the BM at the Donetsk border crossing point noticed an ambulance with Russian registration plates entering the border crossing point from the Russian Federation. The ambulance picked up a woman from the control area and returned to the Russian Federation at 4.25 p.m. without crossing the border to Ukraine.

541. On 25 January 2017, at the Donetsk border crossing point, the BM observed an ambulance with Russian registration plates crossing into Ukraine. The ambulance had the inscription “Reanimation” and had its emergency lights switched on. The BM saw a medical officer inside while crossing the border. The same ambulance was observed crossing back into the Russian Federation after approximately one hour.

542. On 26 January 2017, at the Donetsk border crossing point, the BM observed a car with Ukrainian registration plates crossing into the Russian Federation, carrying a white coffin on its roof.

543. On 28 January 2017, at the Donetsk border crossing point, the BM observed a minivan with Ukrainian registration plates crossing the border into the Russian Federation. The van had the inscription “Ritual service” and the sign “Gruz 200” inside its windscreen. Two civilian cars accompanied the van during its crossing.

544. On 7 February 2017 at 6.57 p.m. the BM at the Gukovo border crossing point observed an ambulance with Russian registration plates arriving from the Russian Federation. The team saw the ambulance returning to Russia at 7.11 p.m. with its emergency lights on.

545. On 8 February 2017 at 4.07 p.m. the BM at the Gukovo border crossing point observed a GAZelle-type van with Russian registration plates entering the border crossing point from the Russian Federation and at 4.21 p.m. crossing the border to Ukraine. The van had the inscription “Ritual Service” written in Russian on its sides. While the vehicle was undergoing border formalities, the BM observed three men and one woman inside. The same van was observed returning to the Russian Federation at 6.02 p.m.

546. On 7 March 2017 at the Gukovo border crossing point, two people crossing the border to the Russian Federation approached the BM. They showed the team their newly issued “LPR passports”, observing that following President Putin’s decree of 18 February 2017, people in the Luhansk region had become more interested in obtaining these “LPR-issued passports”. They added that, after the above-mentioned presidential decree, the new document allowed them not only to cross the border to the Russian

Federation, but also to work in Russia with the same conditions enjoyed by Russian citizens.

547. On 12 March 2017 at 7.09 a.m., at the Gukovo border crossing point, the BM observed a GAZelle-type van with Russian registration plates with the inscription "Ritual Service" on its sides (written in Russian). The van entered the border crossing point from the Russian Federation. While it went through the border formalities, the BM saw three men, four women and a child inside. In addition, the BM saw a red coffin in the rear compartment when the rear door was opened for the check. At 7.33 a.m. the van crossed the border to Ukraine. At 10.15 a.m. the same van entered the border crossing point from Ukraine and crossed the border to Russia. From its position, the team was not able to see any coffin or passengers inside the vehicle.

548. On 13 March 2017, at the Donetsk border crossing point, from 1 p.m. to 1.31 p.m. the BM observed a van coming from Ukraine and bearing the inscription "Medical Taxi" on its side in both Latin and Russian script (the vehicle had Russian registration plates). While the vehicle underwent border formalities, the BM saw a driver, two men and one woman dealing with documents in the presence of Russian officials.

549. On 18 April 2017 the BM registered a helicopter presence in the airspace near the Gukovo border crossing point. At 2.25 p.m. a Mi-8/Mi-17-style helicopter arrived from a north-easterly direction, and made two circles above the border crossing point area, inside the territory of the Russian Federation. The BM noted a broad green band on its white fuselage. The helicopter then flew back in the same direction at 2.30 p.m.

550. On 5 May 2017 at 1.52 p.m. at the Gukovo border crossing point, the BM observed an ambulance (with "LPR" plates), entering from the Russian Federation. The ambulance bore the inscription: "urgent medical help – 169" (written in Russian). During the border formalities, the BM was able to observe the presence of six people on board: three men and one woman in red uniform, one civilian, and one patient on a stretcher. At 2.14 p.m. the ambulance crossed into Ukraine.

551. On 6 May 2017 at 4.33 p.m. at the Gukovo border crossing point, the BM observed a white cargo van with Ukrainian registration plates, bearing the inscription "Ritual" (written in Russian) placed at the front of the vehicle. The van crossed the border into the Russian Federation. The team was not able to see inside the vehicle.

552. During the week between 4 and 10 May 2017, the BM observed separate groups of between four and fourteen persons in military-style outfits, on three occasions.

553. On the afternoon of 27 June 2017, at the Gukovo border crossing point, the BM observed a dark green van with Ukrainian plates travelling to Ukraine, bearing an inscription in German "KaMiSo"/ "*Kampfmittelbeseitigung*", which can be translated as "Bomb disposal".

554. In its weekly update based on information as of 4 July 2017, the BM noted that it had observed ambulances at the Donetsk border crossing point on two separate occasions. The first one was on 29 June at 2.16 p.m., when an ambulance with Russian plates had entered from the Russian Federation side. The same ambulance returned to the Russian Federation at 2.40 p.m. because of the restricted area of movement the BM could not observe whether the ambulance crossed into Ukraine. The second was on 30 June at 5.40 p.m., when an ambulance with the inscription (in Russian) "Urgent medical help" had been observed entering the border crossing point area from the Russian Federation side. It returned to the Russian Federation at 6 p.m. During its stay inside the border crossing point area, two paramedics were observed entering the border crossing point facilities. The BM was not able to observe if any patients were being transported on the way back to the Russian Federation.

555. On 12 July 2017 at 8.15 a.m. two ambulances arrived at the Donetsk border crossing point from Ukraine and crossed quickly into the Russian Federation. The same day at 4.30 p.m. an ambulance (with Russian Federation registration plates) entered the border crossing point from the Russian Federation side to assist two women on the spot; shortly afterwards, it went back without crossing the border. At 6.29 p.m. the BM again observed two ambulances (with "LPR" plates), coming from the Russian Federation and crossing into Ukraine. The BM was able to observe only the presence of a driver and two paramedics on board. Both ambulances had the inscription "Emergency Medical Help" written in Russian on their sides. The BM could not observe the border checks from its position, because of the high number of trucks parked in the border crossing point area.

556. On 13 July 2017 at 10 a.m. an ambulance (with "LPR" plates) arrived from Ukraine, went through border formalities and then crossed into the Russian Federation at 10.40 a.m. The driver and one more person were observed in the front compartment, and no injured person could be seen on board. The same ambulance crossed back into Ukraine at 11.40 a.m.

557. On 15 July 2017 at 8.30 a.m. a funeral services vehicle came from Ukraine and crossed into the Russian Federation. The BM was able to observe a driver and co-driver on board. On 16 July at 1.15 a.m. another funeral service vehicle came from the Russian Federation and crossed into Ukraine, with a driver and co-driver on board. In both cases the BM was not able to ascertain the presence of a coffin inside the vehicle.

558. On 19 July 2017 at 11.55 a.m. the BM observed a funeral van crossing through the Donetsk border crossing point into Ukraine. Only the driver of the vehicle was observed.

559. On 19 July at 12.03 p.m. the BM at the Gukovo border crossing point observed a helicopter (Mi-8/Mi-17) flying at low altitude along the border, within Russian Federation territory. The BM had visual contact with the helicopter for about one minute.

560. On 25 July 2017 the BM reported that a funeral van had crossed into Ukraine at 6.30 a.m. and passed back into the Russian Federation at 6.50 a.m. on the same day. The van bore the inscription “Ritual Service Charon” (in Russian). The BM could not ascertain whether there was a coffin on board or not.

561. On 16 August 2017 the BM observed two helicopters in the airspace above the two border crossing points. At 11.11 a.m. at the Donetsk border crossing point, a military-style helicopter was observed flying over the border crossing point area, coming from a north-westerly direction and continuing to fly to the east. Afterwards, at the Gukovo border crossing point, the BM noted a Mi-8/Mi-17 type helicopter flying from the north which then left in an easterly direction at an altitude of 20-30 metres at 11.35 a.m. On both occasions, the BM assessed that both aircraft remained inside Russian Federation airspace.

562. On 17 August 2017 at 2.56 a.m. the BM at the Donetsk border crossing point observed a van with Ukrainian registration plates issued in the Luhansk region and the inscription “Ritual” crossing the border from Ukraine into the Russian Federation. The same vehicle crossed back into Ukraine on the same night at 3.13 a.m.

563. On 17 August 2017 at 5.49 a.m. the BM observed an ambulance (with Russian registration plates) entering the border crossing point from the Russian Federation. The vehicle parked inside the customs control zone. Two female paramedics were observed exiting the vehicle; however, the BM was unable to assess their activity within the border crossing point area. The vehicle crossed back into the Russian Federation after around ten minutes. Another ambulance, also bearing Russian registration plates, was observed on 19 August at 12.10 p.m. crossing from Ukraine into the Russian Federation. On both occasions the teams were unable to confirm whether any patients were being transported inside.

564. On 4 September 2017 at 11.50 p.m. a convoy of seven vehicles (one medium truck, one minivan, one SUV and four cars) arrived at the Gukovo border crossing point from the Russian Federation side. All the vehicles had signs in Russian reading “National Liberation Movement”, and displayed St George Ribbon flags and the slogans “Our Country – Our Rules” and “Great Russia”. At least five passengers wore “Gorka-type” military type uniforms with some markings, but the BM was unable to notice details because of the distance from the checkpoint. Upon their arrival more border guards and customs officers than usual appeared from the main building, and it looked as though the appearance of these vehicles had caused a stir among the Russian officials. At 12.05 a.m. all the vehicles returned to the Russian Federation.

565. On 15 September 2017, at the Donetsk border crossing point, the BM observed a white minivan crossing the border from Ukraine to the Russian Federation. The van bore Russian number plates and the inscription “Ritual

Service" (in Russian). The BM was not able to ascertain whether there was a coffin on board or not.

566. On 18 September 2017 at 10.30 a.m. a convoy of four buses was observed at the Donetsk border crossing point transporting children to Ukraine from the Russian Federation. On the same day, also at the Donetsk border crossing point, the BM noted a horse trailer with a Russian registration number issued in the Moscow region. On the trailer it observed five or six horses and two young men in Cossack-style clothes (military-style trousers, white and blue-striped sleeveless T-shirt and "Kubanka"-style hat). The trailer crossed into Ukraine at 4.10 p.m.

567. On 3 October 2017 at around 12.45 p.m. the BM observed a convoy of three cars entering the Donetsk border crossing point from the Ukrainian side and parking in a line in the central area. The first car, a brand-new Mercedes SUV, had "LPR" plates while the second one had a Ukrainian registration plate (the BM was not able to observe the plates on the third vehicle). All the vehicles had dark/tinted windows. The drivers and some passengers exited the vehicles until a white minivan arrived from the Ukrainian side bringing a group of people (mainly women). Some passengers from the minivan then got inside the cars. All passengers were dressed in formal attire and some brought flowers. At around 1 p.m. the three cars and the minivan crossed into the Russian Federation. Directly outside the border crossing point at the gate, a police patrol was waiting for the convoy and escorted all the vehicles with sirens and lights on. The following morning, on several occasions, police cars with flashing lights arrived at the border crossing point gate on the Russian side. At 4 p.m. a police car entered the border crossing point area from the Russian side and after one minute returned in the same direction.

568. On 5 October 2017 at 2.14 p.m. a black minivan with Russian Federation registration plates issued in the Rostov Region with the inscription "Ritual Service" (in Russian) crossed into Ukraine. Inside the vehicle, the BM noted a driver and a person in military uniform. The same van returned to the Russian Federation at 3.53 p.m. bearing the sign "Gruz 200".

569. On 8 October 2017 the BM at the Gukovo border crossing point observed two different funeral vehicles crossing into Ukraine at 2.35 p.m. and 7.20 p.m.

570. On 1 December 2017 the BM observed ambulances at the Donetsk border crossing point on several occasions. At 8 a.m. two ambulances with "LPR" plates arrived together from Ukraine, followed by a third a few minutes later. During border formalities, the BM observed three paramedics and the drivers of both vehicles. A woman went out of one ambulance and entered the main building at the crossing point, accompanied by a paramedic. After ten minutes they returned to the ambulance. The BM also observed the paramedics talking with customs officers and making phone calls. One of the ambulances crossed the border to the Russian Federation at 9.09 a.m. and the

second one at 9.45 a.m., and the third one returned to Ukraine. At 12.06 p.m. an ambulance with a Russian registration plate entered the border crossing point from the Russian Federation side and parked in the entry lane. It returned to the Russian Federation after twenty minutes. At 6.31 p.m. an ambulance with "LPR" plates came from the Russian Federation and crossed into Ukraine. In all instances, the BM teams did not observe any injured persons or patients inside the ambulances.

571. On 14 December 2017 at 8 a.m. the BM at the Donetsk border crossing point observed a group of three medium-sized refrigerated trucks (less than 7.5 tons) without any markings being escorted by a police car in front and a Russian Ministry of Emergency Situations SUV vehicle to the rear. Upon arrival at the border crossing point, they were immediately sent to the furthest right-hand exit lane by a border guard. The police car immediately left while the Ministry vehicle parked in front of the border crossing point building. Five people in black special forces-style uniforms carrying AK-47 rifles exited the three trucks and got into the Ministry vehicle. All of them stayed there for almost an hour and at 8.50 a.m. the Ministry vehicle departed the border crossing point towards the Russian Federation with all the uniformed men, while the trucks crossed the border to Ukraine. The BM could not observe whether the trucks were inspected since the view was blocked by other trucks awaiting inspection at the border crossing point.

572. On 16 December 2017 at 1.10 p.m. the BM at the Gukovo border crossing point observed an ambulance arriving from the Russian Federation side and crossing the border to Ukraine. The BM could not observe any patients on board.

573. On 11 March 2018 at 8.38 a.m. an ambulance (UAZ-type) entered the Donetsk border crossing point area from the Russian Federation with its blue lights on. The vehicle (which bore Russian registration plates from the Nizhny Novgorod region) stayed inside the customs control zone in an area not visible to the BM. Inside the ambulance the BM saw three paramedics (male) and a woman in civilian clothes. The vehicle crossed back into the Russian Federation at 8.52 a.m.

574. In its weekly update for 13 March 2018, the BM noted that it had observed two funeral vans crossing the border through the Donetsk border crossing point on two separate occasions. The first funeral van, registered in the Russian Federation, had crossed from Ukraine into the Russian Federation on 7 March at 8.47 a.m. The second funeral van had crossed from the Russian Federation into Ukraine on 9 March at 2.32 p.m. This van bore the inscription "Ritual Service - Kharon" (in Russian).

575. On 4 April 2018 at 11.25 a.m., at the Donetsk border crossing point, the BM observed an ambulance with Russian Federation registration plates that parked near the entry line. Two medical staff were observed discussing with a woman in plain clothes. At 11.42 a.m. the ambulance drove back to the Russian Federation without taking any patients on board. On the same

day, at 10.48 p.m. another ambulance with Russian Federation registration plates was observed crossing into Ukraine. The same ambulance returned to the Russian Federation at 11.16 p.m. The BM was unable to observe whether there were any patients inside.

576. On 6 April 2018 at 5.52 p.m., at the Donetsk border crossing point, the BM observed an ambulance with Russian Federation registration plates entering Ukraine. The same ambulance returned to the Russian Federation at 6.12 p.m. The team could not observe whether the ambulance was carrying any patients.

577. On 18 April 2018 at 11.38 a.m. the BM at the Donetsk border crossing point observed a military helicopter flying over Russian Federation territory above the area outside the border crossing point. The helicopter came from the north-west and headed in a north-easterly direction.

578. On 19 April 2018 at 3.06 p.m. the BM at the Donetsk border crossing point observed a small van crossing the border from the Russian Federation into Ukraine. The van was registered in Ukraine and had the sign “Gruz-200” on its windshield written in Russian. Two men were observed inside the van.

579. On 31 July 2018 at 9.15 a.m., at the Gukovo border crossing point, the BM observed a fire engine entering the border crossing point from the Russian Federation and going towards Ukraine. During the same day, at 2.08 p.m., the BM heard a sound similar to a detonation or explosion coming from a westerly direction. It did not see a fire or visual sign of the supposed explosion. Following this, the border crossing point traffic flow was closed in both directions. At 2.25 p.m. traffic was restored and the border crossing point resumed its ordinary procedures. At 2.26 p.m. the same fire engine crossed back into the Russian Federation. A few minutes later, at 2.28 p.m., an ambulance followed the fire engine.

580. On 7 August 2018 at 7.29 a.m., the BM at the Donetsk border crossing point observed an ambulance with Russian Federation registration plates. The vehicle entered from the Russian Federation with a driver and two more medical staff on board and parked near the border crossing point facilities. Afterwards, the medical officers entered the building and came back with a patient. All of them (including the patient) boarded the vehicle and drove back into the Russian Federation at 7.37 a.m.

581. On 29 August 2018 at 2.12 p.m. at the Donetsk border crossing point, the BM observed a Russian Mi-8 type helicopter with stub wings (assault version of the Mi-8 transport helicopter) which flew over the Donetsk border crossing point. The aircraft came from 350 degrees north, made a U-turn and left in the direction of 70 degrees east-north-east. That same day at 2.31 p.m., at the Gukovo border crossing point, the BM observed a helicopter with the same description as above, which came from 60 degrees east-north-east and turned in the direction of 120 degrees east-south-east. During both sightings the aircraft remained inside Russian Federation airspace.

582. On 31 August 2018 at 3.50 p.m., at the Donetsk border crossing point, the BM observed an ambulance with “LPR” plates with a sign “urgent medical help” written in Russian on its side, which had arrived from Ukraine. The BM was able to observe two persons in red uniforms inside the ambulance. The ambulance remained within the compound of the border crossing point until 4.18 p.m., after which it crossed into the Russian Federation.

583. On 20 September 2018 at 10.06 a.m., at the Donetsk border crossing point, a vehicle, coming from the Russian Federation side, with an inscription and flag of the “National Liberation Movement” (*Национально́-освободи́тельное движе́ние* - *НОД*) crossed into Ukraine. The car had a Russian registration plate and the inscription “To Donbass!” (in Russian).

584. On 9 October 2018 at 7.43 a.m., the BM observed an ambulance with the inscription “Children’s resuscitation” on board (written in Russian) with “LPR” plates entering the Donetsk border crossing point from Ukraine. The vehicle then proceeded into the Russian Federation without any further observations. On the same day at 1.41 p.m., the BM observed another ambulance with Russian Federation registration plates entering from the Russian Federation side. The vehicle stopped inside the checkpoint for approximately thirty minutes and then continued into Ukraine.

585. On 10 October 2018 at 6.14 a.m. the BM noticed a minivan with “LPR” plates passing through the Donetsk border crossing point from the direction of Ukraine into the Russian Federation. The vehicle had a red cross emblem.

586. On 13 October 2018 at 5.52 p.m., at the Donetsk border crossing point, the BM observed a vehicle with Russian Federation registration plates and stickers from the “National Liberation Movement” travelling from the Russian Federation to Ukraine. The BM were able to observe two persons inside the vehicle categorised as “persons in military style outfits”.

587. On 14 October 2018 at 6.10 p.m., the BM at the Donetsk border crossing point observed a vehicle (black Toyota Land Cruiser) with Russian Federation registration plates arriving at the border crossing point from the Russian Federation. The vehicle was escorted by police to the entrance of the border crossing point. The vehicle then passed, without the escort, into Ukraine without stopping inside the border crossing point.

588. On 8 November 2018 at 8.37 a.m. the BM observed a vehicle (Mercedes Vito van) with “LPR” plates passing through the Gukovo border crossing point. The vehicle bore the sign “GRUZ 200” and crossed the border from Ukraine to the Russian Federation.

589. On 19 March 2019 at 9.49 a.m. the BM reported the arrival of three ambulances at the Donetsk border crossing point from Ukraine. They underwent border control procedures for around ten minutes and left towards the Russian Federation at 10 a.m. One of the ambulances bore the inscription

in Russian "Children intensive care" on the side of the vehicle. The flashing lights on the ambulances were turned off. On the same day at 7.17 p.m. an ambulance with the same inscription as above arrived at the border crossing point from the Russian Federation. The vehicle underwent border control procedures and left towards Ukraine. Because of the high traffic during the shift, the BM was unable to notice any other details. The flashing lights were turned off.

590. On 6 April 2019 at 3.16 a.m. a funeral services van with Russian Federation registration plates arrived at the Donetsk border crossing point from the Ukrainian side, underwent the border control procedures and crossed into the Russian Federation. The van bore the inscription "Ritual Services" (in Russian).

591. On 26 April 2019 at 6.45 a.m. the BM at the Donetsk border crossing point observed three vehicles with the inscription "Russian Emergency Situations Ministry" crossing the border from the Russian Federation to Ukraine. The three vehicles, one GAZelle and two KAMAZ, arrived from the Russian Federation and bore the inscription "Russian Emergency Situations Ministry". Both of the KAMAZ trucks bore the additional inscription "Mountain Rescue" written in Russian. After administrative procedures were carried out – without the tarpaulins of the trucks being opened – all three vehicles crossed the border crossing point in the queue intended for travellers from Ukraine to the Russian Federation and left for Ukraine. The vehicles had blue emergency lights on. The BM noticed six people (two people in each vehicle) inside the vehicles and the vehicles' registration plates indicated their registration in the Rostov District of the Russian Federation.

592. On 6 May 2019, at both border crossing points the BM observed a helicopter flying along the border within Russian Federation airspace on two separate occasions. A Mi-8 helicopter was first noted at 2.58 p.m. at the Donetsk border crossing point, flying from the north in an easterly direction. Later on, at 3.17 p.m., the BM at the Gukovo border crossing point observed a helicopter flying from the north, which made a circle above the border crossing point area and left in an easterly direction. Both helicopters were white with blue and grey stripes painted on the bottom.

593. On 14 May 2019 at 3.51 p.m. the BM at the Donetsk border crossing point observed a Mi-8helicopter (green in colour), with white and blue stripes on its body flying from the north in an easterly direction. The aircraft flew only inside the airspace of the Russian Federation.

594. On 16 May 2019 at 1.52 p.m. an ambulance entered the Donetsk border crossing point from the Russian Federation and parked in front of the main building. Three paramedics were observed moving from the vehicle to the main building. At 2.20 p.m. the medical crew accompanied a civilian to the ambulance and together they returned towards the Russian Federation.

595. On the same day at 10.08 a.m. the BM at the Gukovo border crossing point noted two ambulances entering the border crossing point area from the

Russian Federation and driving behind the main building. At 10.29 a.m. the ambulances returned towards the Russian Federation.

596. On 18 May at 6.28 a.m. the BM observed a white minivan with the inscription in Russian "ritual procession" crossing from Ukraine into the Russian Federation.

597. On 21 June 2019 at 9.45 a.m. a black car with a red stripe on its side and the inscription "Investigative Committee of the Russian Federation" written in Russian entered the Donetsk border crossing point from the Russian Federation side. The car was escorted by a Russian Federation police vehicle with flashing lights and a person from the black car then headed to the main building. Both vehicles left the border crossing point in the direction of the Russian Federation at 9.47 a.m.

598. On 22 June 2019 at 5.52 p.m. an ambulance arrived at the Donetsk border crossing point from the Russian Federation side and parked on the left-hand side of the main building (entry line to the Russian Federation). Two paramedics were observed heading to the main building. At 6.05 p.m. the ambulance moved to the right-hand side of the main building and was partially visible to the BM. At 6.15 p.m. the ambulance with the paramedics returned towards the Russian Federation.

599. In its weekly update for 9 July 2019, the BM at the Donetsk border crossing point recorded the presence of a helicopter flying along the border within Russian Federation airspace on four separate occasions. On 6 July 2019 at 11.49 p.m. the BM heard a helicopter flying from the south in a northerly direction, estimated to be flying at a low altitude. The sound of the helicopter was heard for around ten seconds. On 7 July at 1.07 a.m. the same BM noticed a helicopter flying in a southerly direction for around six seconds, above the border crossing point. On 8 July at midnight, a helicopter was noticed flying from the north in an easterly direction above the Donetsk border crossing point. Also on 8 July, at 12.56 a.m., a helicopter was heard flying above the Donetsk border crossing point area in a northerly direction. On all occasions, the helicopters were flying in the dark, without any lights switched on.

600. On 31 July 2019 at 3.12 p.m. the BM at the Donetsk border crossing point observed a police car with blue flashing lights which entered from the Russian Federation side. There were two uniformed police officers inside the car. It stayed approximately nine minutes at the border crossing point and at 3.21 p.m. left towards the Russian Federation side with the flashing lights turned off. While it left the border crossing point, there was a male civilian inside the police car in addition to the two police officers.

601. On 1 August 2019 at 5.55 p.m. an ambulance arrived at the Donetsk border crossing point from the Russian Federation and parked in front of the main building. At 6.06 p.m. the ambulance returned towards the Russian Federation with two civilian patients on board.

602. On 4 August 2019 at 5.10 a.m. an ambulance with the inscription "Transportation of patients lying down" (in Russian) crossed through the Donetsk border crossing point from the Russian Federation into Ukraine.

603. On 14 August 2019 at 6 a.m., the BM observed a funeral minivan (with three passengers inside) with Ukrainian registration plates, bearing the inscription "Funeral Services" (in Russian), entering the Donetsk border crossing point from the Russian Federation. The vehicle underwent customs procedures and crossed the border towards Ukraine.

604. On 26 September 2019 at 3.44 p.m. the BM at the Donetsk border crossing point observed a minivan with registration plates from the Russian Federation and the inscription "Ritual Service – Eternity" (in Russian) crossing from the Russian Federation into Ukraine. At 11.46 p.m. the same minivan crossed back towards the Russian Federation.

605. On 28 September 2019 at 3.20 p.m. the BM at the Donetsk border crossing point observed a minivan crossing the border from the Russian Federation into Ukraine. The van bore the inscriptions "Gruz 200" and "Anubis – funeral service". The vehicle was registered in the Russian Federation and had four people on board.

606. On 25 October 2019 at 10.45 a.m. the BM observed the arrival of a convoy of vehicles from the Russian Federation at the gate of the Donetsk border crossing point. The group consisted of twenty-seven vehicles: one escort minibus and twenty-six new vehicles of different types without registration plates. Details of the vehicles were as follows: one escort minibus, Mercedes Sprinter-type with "LPR" plates; six ambulances, GAZelle Next-type, with a sign "Reanimation" at the front and "Urgent medical help" on the sides, in Russian language; five GAZelle-type ambulances, with signs "Urgent medical help" on the sides in Russian; six Belarus 821-type tractors with excavators fixed; three Orel-type graders; two KAMAZ Frigo-type trucks; three KAMAZ-type dump trucks; and one small excavator for roadworks, loaded in one of the KAMAZ dump trucks. No passengers were observed in the escorting minibus. All vehicles, except for the escort minibus, were new, and without registration plates. The vehicles queued in the customs area and underwent border control procedures. By 12.12 p.m. all the vehicles had left the border crossing point towards Ukraine.

607. On 30 November 2019 at 4.33 a.m. the BM recorded the arrival of an ambulance at the Donetsk border crossing point from the Russian Federation side. The ambulance bore the inscription "urgent medical help" (in Russian). Two paramedics were observed inside. The ambulance quickly underwent the border control procedures and crossed into Ukraine.

608. Later the same day at 10.15 a.m., the BM indicated that a group of thirty brand-new KAMAZ-type public utility vehicles, without registration plates and visible inscriptions, had arrived at the Donetsk border crossing point from the Russian Federation side. The group consisted of fifteen refuse collection trucks and fifteen wastewater trucks, painted in a combination of

white and orange. All the vehicles underwent customs control procedures and left towards Ukraine. The last vehicle crossed into Ukraine at 3.45 p.m.

609. On 2 December 2019 at 11.10 a.m. the BM noted that an ambulance with "LPR" plates had arrived at the Donetsk border crossing point from Ukraine and undergone the border control procedures before crossing into the Russian Federation. The ambulance bore the inscription "urgent medical help" (in Russian). Three paramedics were observed inside the vehicle. At 5.19 p.m. the same day, the ambulance returned to Ukraine.

610. On 12 December 2019 at 11.30 a.m. a group of twenty-three new public utility vehicles were observed by the BM while they were entering the Donetsk border crossing point from the Russian Federation side. The group consisted of fifteen city refuse collection trucks and 5 GAZ water-tanker trucks, one Lovol digger and two Rascat pavement roller machines. The group was accompanied by a white Mercedes Sprinter minibus with "LPR" plates. The vehicles had no registration plates and no visible inscriptions. All the vehicles underwent customs procedures and crossed into Ukraine by 2.30 p.m.

611. On 16 December 2019 at 9.25 a.m. the BM at the Gukovo border crossing point observed a civilian bus arriving from the Russian Federation side (the registration plates were not visible). Among the civilian passengers, the BM observed fifteen people in Cossack style outfit with backpacks on board. After undergoing customs procedures and formalities, all of them reboarded the bus and crossed the border to Ukraine.

612. On 25 December 2019 at 2.35 p.m. the BM noted that a group of nine brand new public utility vehicles had arrived from the Russian Federation and entered the Donetsk border crossing point area. The group consisted of seven KAMAZ city refuse collection trucks and two MAZ salt trucks. The vehicles were painted in a combination of white and orange and had no registration plates or visible inscriptions. At 4.30 p.m. the last vehicle crossed the border into Ukraine. All the vehicles underwent regular customs procedures.

613. On 26 December 2019 at 9.46 a.m. the BM at the Donetsk border crossing point recorded an ambulance with Russian Federation registration plates entering from the Ukrainian side. The driver and one paramedic were observed inside the vehicle. The ambulance underwent border control procedures and crossed into the Russian Federation.

614. On 27 December at 3.40 p.m. the BM observed ten brand-new public utility vehicles entering the Donetsk border crossing point area from the Russian Federation. The group consisted of ten GAZ trucks with hydraulic lift platforms. The trucks had no registration plates or visible inscriptions. The group was accompanied by a white minibus with "LPR" plates. All the vehicles underwent customs procedures and crossed into Ukraine at 5.20 p.m.

615. On 28 December 2019 at 9 a.m. the BM reported the arrival of an ambulance at the Donetsk border crossing point from the Ukrainian side. The

ambulance underwent border control procedures and crossed into the Russian Federation at 9.05 a.m.

616. On 29 December 2019 at 9.09 p.m. an ambulance with Russian Federation registration plates entered the Donetsk border crossing point from the Russian Federation side. The driver and two paramedics were observed on board. The ambulance parked in front of the main building and two paramedics entered the building and returned after a short while. At 9.37 p.m. the ambulance returned to the Russian Federation.

617. On 30 December 2019 at 2.57 p.m. an ambulance with Russian Federation registration plates entered the Donetsk border crossing point from the Russian Federation side and parked behind the main building. At 3.10 p.m. the ambulance returned to the Russian Federation.

618. On 10 January 2020 at 6.10 a.m. an ambulance with the inscription "Child Reanimation" (in Russian) entered the Donetsk border crossing point from Ukraine. The vehicle underwent border control procedures and left towards the Russian Federation.

619. On the same day at 2.03 p.m. two ambulances with "LPR" plates arrived at the Donetsk border crossing point from the Russian Federation. Both vehicles underwent border control procedures for around fifteen minutes and left towards Ukraine at 2.20 p.m. The first ambulance bore the inscription "Child Reanimation" (in Russian).

620. On 12 January 2020 at 2.56 p.m. the BM at the Donetsk border crossing point observed an ambulance with Russian Federation registration plates. The ambulance arrived from Ukraine, underwent border control procedures and left towards the Russian Federation at 3.01 p.m. The flashing lights on the ambulance were turned on.

621. On 8 February 2020 at 9.44 a.m. the BM recorded the entry of a white minivan with Russian Federation registration plates at the Donetsk border crossing point from the Russian Federation side. The van had the sign "200" on its windshield. Except for the driver, no other passengers were observed on board. The van underwent border procedures and crossed into Ukraine at 10:16.

622. On 17 March 2020 at 4 p.m. the BM at the Donetsk border crossing point observed a white minivan with the inscription "ritual services" (written in Russian) crossing from the Russian Federation into Ukraine.

623. On 8 April 2020 at 12.05 p.m. the BM at the Donetsk border crossing point observed two ambulances with "LPR" plates arriving at the border crossing point from Ukraine. While undergoing border control procedures, the BM observed the presence of a driver and one paramedic on board each vehicle. At 12.30 p.m. both vehicles left the border crossing point towards the Russian Federation. The same day at 6.16 p.m. both ambulances were observed crossing back to Ukraine. From its position, the BM was unable to observe any other details.

624. On 9 April 2020 at 11.01 a.m. the BM at the Donetsk border crossing point observed a Mi-17-type helicopter painted in white and blue, flying at an altitude of approximately 500 metres. It arrived from a north-easterly direction, and at a distance of approximately 100 metres from the border crossing point it made a turn in a north-north-westerly direction. The helicopter remained inside the airspace of the Russian Federation the entire time it was visible to the BM.

625. On 1 May 2020 at 7.41 a.m. the BM at the Donetsk border crossing point observed an ambulance with Russian Federation registration plates entering from the Russian Federation side. The ambulance bore the inscription "MosMedTrans" (in Russian). After undergoing border control procedures, the ambulance crossed into Ukraine. At 4.10 p.m. the same day, the ambulance was observed crossing the border from Ukraine into the Russian Federation.

626. On 3 May 2020 at 12.51 p.m. the BM observed an ambulance arriving at the Donetsk border crossing point from Ukraine. The vehicle was painted yellow with red stripes on the side and bore the inscription "Intensive care" (in Russian). After it underwent border control procedures, at 1.12 p.m. the ambulance drove into the Russian Federation. The same day at 6.14 p.m., the ambulance returned from the Russian Federation to Ukraine.

627. On 25 June 2020 at 10.15 a.m. the BM at the Donetsk border crossing point observed a green Mi-8-type helicopter flying from the north-north-west, turning in a north-easterly direction at an altitude of approximately 150 metres. The helicopter remained inside the airspace of the Russian Federation the entire time it was visible to the BM.

628. The same day at 10.32 a.m. the BM at the Gukovo border crossing point observed a Mi-8/Mi-17-type helicopter flying from the north in a north-easterly direction at a distance of approximately 150-200 metres. The helicopter remained inside the airspace of the Russian Federation the entire time it was visible to the BM.

629. On 27 June 2020 at 7.34 a.m. the BM at the Donetsk border crossing point observed a white minivan with Russian Federation registration plates with two passengers on board entering from the Russian Federation. The vehicle had a sign with "City Ritual Service" (in Russian) on its side. After undergoing border control procedures, the minivan left for Ukraine.

630. On 4 July 2020 at 1.27 a.m. the BM at the Donetsk border crossing point observed a white minivan with Russian Federation registration plates and two passengers on board entering from Ukraine. The vehicle had a sign with "Funeral transport" (in Russian). The BM was unable to notice any other details from its position. After undergoing customs control procedures, the minivan crossed the border into the Russian Federation. At 2.05 a.m. the same minivan entered the border crossing point from the Russian Federation with three passengers on board and parked at the customs control area. After undergoing border control procedures, the minivan left for Ukraine.

631. On 12 August 2020 at 10.10 a.m. the BM at the Gukovo border crossing point observed a Mi-8-type helicopter flying from the south-east in a north-easterly direction. The helicopter remained inside the airspace of the Russian Federation the entire time it was visible to the BM. The same day at 10.27 a.m., the BM at the Donetsk border crossing point observed a Mi-8/Mi-17-type helicopter flying from the north-east in a north-westerly direction at an altitude of approximately 200 metres. The helicopter remained inside the airspace of the Russian Federation the entire time it was visible to the OT.

632. On 12 August 2020 at 10.20 p.m. the BM at the Donetsk border crossing point observed an ambulance with Russian Federation registration plates with two individuals on board entering from the Russian Federation and parking behind the main building. The vehicle had the inscription "Urgent Medical Help" (in Russian) on the side. At 10.43 p.m. the ambulance drove back to the Russian Federation.

633. On 14 August 2020 at 1.05 p.m. the BM at the Donetsk border crossing point observed a group of sixteen brand-new vehicles with no registration plates, accompanied by a car with "LPR" plates entering from the Russian Federation and parking at the customs control area. Out of the sixteen vehicles, there were eight passenger minivans painted in yellow with the sign "Children" (in Russian) displayed on the sides, six white cargo minivans (all the minivans were Ford-type) and one KAMAZ-type public utility vehicle. After undergoing customs control procedures, all the vehicles left for Ukraine at 5.45 p.m.

634. On 15 September 2020 at 1.13 p.m. the BM observed a group of sixteen brand-new UAZ-type ambulances with no licence plates entering the Donetsk border crossing point from the Russian Federation and parking at the customs control area. The vehicles bore the inscription "Urgent Medical Help" (in Russian) on signboards and a "Red Cross" sign at the front and the rear sides. All the vehicles underwent customs and border control procedures and left for Ukraine at 4.15 p.m.

635. On 16 September 2020 at 1 p.m. the BM observed a group of thirteen brand-new Ford Transit-type vehicles (seven ambulances and six white minivans) with no registration plates entering the Donetsk border crossing point from the Russian Federation and parking at the customs control area. The ambulances bore the inscription "Urgent Medical Help" (in Russian) on signboards. All the vehicles underwent customs and border control procedures and left for Ukraine at 4.45 p.m. The BM noticed only a driver inside each vehicle.

636. On 23 November 2020 at 2.40 p.m. the BM at the Donetsk border crossing point observed a white minivan with "LPR" plates entering from the Russian Federation and parking at the customs control area. The van had the inscription "Ritual Services" (in Russian) on the side. Besides the driver, the BM observed two passengers in the front compartment. After undergoing

border control procedures, the vehicle left for Ukraine at 3.15 p.m. The BM was unable to notice any other details from its position.

637. On 18 March 2021 at 10.39 a.m. the BM at the Gukovo border crossing point observed an ambulance with Russian Federation registration plates entering from the Russian Federation side and parking in the customs control area. Two women in military uniform left the vehicle and entered the main building. At 12.18 p.m. the two women returned into the ambulance and the vehicle left the border crossing point towards the Russian Federation.

638. On the same day at 2.55 p.m. the BM at the Donetsk border crossing point observed a group of four brand-new ambulances with no registration plates, accompanied by another ambulance with "LPR" plates, entering from the Russian Federation side and parking in the customs control area. All the vehicles underwent customs control procedures and left for Ukraine at 5.45 p.m.

639. On 21 March 2021 at 7.30 p.m. the BM at the Donetsk border crossing point observed an ambulance with Russian Federation licence plates and three persons on board entering from the Russian Federation side and parking in front of the border crossing point's main building. At 7.49 p.m. another ambulance with "LPR" plates and five persons on board arrived from Ukraine and parked next to the first ambulance. The BM was unable to notice any other details from its position. At 8.43 p.m. the vehicles left the border crossing point in the directions from which they had arrived.

640. On 25 April 2021 at 8.30 a.m. the BM at the Gukovo border crossing point observed a truck with "LPR" plates waiting for customs control procedures in the hangar building, next to the BM's office at the border crossing point. From its position, the BM could not assess from which direction the truck had arrived. The truck driver opened the tarpaulins of the truck and was waiting for the checking procedure. From its authorised position, the team had the opportunity to carry out a visual observation from the outside. In the cargo area of the truck, the BM observed two jet engines (the main part of the engine), similar to the Klimov VK-1 (used in the MiG-15 Soviet-era jet) and the Rolls-Royce Nene first generation centrifugal jet engines. On the same day at 8.19 p.m. the truck left the hangar and parked at the customs control area. On 28 April 2021, during a repeated customs control procedure, the cargo compartment of the truck was fully opened, and the BM was able to notice four jet engines loaded on the cargo area of the truck, instead of two. On 12 June 2021 at 3.18 p.m. the truck carrying four jet engines left the border crossing point in the direction of the Russian Federation.

(e) Observations concerning the involvement of Russian nationals

641. In its report of 15 April 2014, the HRMMU referred to reports that people were being brought in buses and paid to take part in protests and to engage in violent behaviour, and that some of the protesters were from

Russia. From 17 April 2014 on, the SMM also reported allegations that the armed separatists occupying State buildings in eastern Ukraine included Russian State agents.

642. On 29 April 2014 the SMM noted that the Luhansk Regional Administration building had been stormed and occupied by about 2,000 to 3,000 people. Russian flags were hoisted on the roof of the building and at many windows the occupiers chanted "Russia, Russia".

643. On 18 May 2014 the SMM observed a rally of approximately 400-500 supporters of the "DPR" in the centre of Donetsk city. A number of different flags were displayed by the participants, including those of the "Donbass People's Militia", the Russian Federation, the "DPR" and "Russian Bloc". The separatist leaders, when addressing the crowd, openly complained about the insufficient numbers of volunteers for their armed units and claimed that the Russian Federation had recognised the "referendum" as legitimate. They called for a boycott of the presidential election and the opening of the border with the Russian Federation for humanitarian aid to be delivered to the region. The crowd applauded or chanted slogans such as "Donbass" or "Russia" when incited by the speakers.

644. On 20 May 2014 the SMM reported a group of heavily armed uniformed men with St George ribbon insignia entering the rear of the Hotel Druzhba in Luhansk together with four men in civilian suits. The uniforms appeared similar to "Berkut" and "Speznas" (Special Military) border guards; the men were carrying Russian-style PKM machine guns and AK-74M assault rifles.

645. On 31 May 2014 the SMM observed five or six trucks with armed and uniformed men driving towards the Donetsk Region Administration building. On the basis of information received from the media, it noted that the so-called "Vostok Battalion" had taken control of the Regional Administration building, previously controlled by the "DPR", in the centre of Donetsk.

646. By June 2014 the HRMMU was reporting that representatives of the "DPR" had recognised the presence within their armed groups of citizens of the Russian Federation, including people from Chechnya and other republics of the North Caucasus. Following the first battle of Donetsk airport at the end of May 2014, the HRMMU referred to reports from various sources that the armed groups had suffered over fifty casualties, of whom at least thirty-one were reportedly from the Russian Federation, including Chechnya and other republics in the North Caucasus.

647. On 13 July 2014 the SMM reported that a senior military Ukrainian officer had claimed that a column of tanks and other military hardware had entered Ukraine from Russia and the Zelenopolie border crossing. He claimed that artillery pieces (MT12 Rapira) and trucks (KAMAZ, Ural) that had been captured in a video image were not issued to the Ukrainian army. The column

had later been seen in Luhansk and was moving towards Donetsk. The SMM was not in a position to verify this information.

648. In its report of 17 August 2014, the HRMUU referred to allegations that the bodies of some members of the armed groups killed in action had been taken to the territory of the Russian Federation.

649. On 21 August 2014 the SMM received information from the head of Luhansk regional police that a column of approximately fifty separatist T-64 tanks had been observed being deployed in Luhansk over the previous few days.

650. The OHCHR's "Report on human rights violations and abuses and international humanitarian law violations committed in the context of the Ilovaisk events in August 2014" referred to interviews with Ukrainian soldiers captured during the Ilovaisk events who maintained that they were attacked and captured by Russian soldiers. They highlighted: 1) the distinct accent of their captors, which was not typical for Russian speaking residents of Ukraine; 2) the type of uniform their captors wore which, according to them, was typical for the Armed Forces of the Russian Federation and was not broadly available in Ukraine; 3) conversations with their captors who introduced themselves as belonging to certain units of the Armed Forces of the Russian Federation ("Pskov Airborne Division", "Pskov Brigade", "25th Airborne Brigade", "Russian contracted soldiers", "Tula paratrooper"; "from Kostroma", "VDV [airborne] hospital of the Russian Federation in Rostov region", "I am a paratrooper from Pskov"), or otherwise affiliated with the Russian army; 4) overheard conversations between captors (who compared regular army salary with triple pay for undertaking armed action in Ukraine); 5) as detainees, they were taken across the border to the Russian Federation before being transported back to Ukraine to detention facilities near or in Donetsk city; 6) weapons and equipment used by captors were produced in the Russian Federation and not used by the Ukrainian Armed Forces before the conflict. Ukrainian soldiers interviewed by OHCHR maintained that they could clearly distinguish between regular troops of the Russian Federation, whom they fought on 29 and 30 August, and members of armed groups who controlled the broader perimeter around Ilovaisk, and whom they fought before 29 August and to whom they were handed over on 31 August 2014 and during the following days.

651. The HRMMU reported that between 24 August and 5 September 2014, fighting had escalated in eastern Ukraine as armed groups of the "DPR" and "LPR" had been bolstered by an increasing number of foreign fighters, including citizens of the Russian Federation. It referred to a statement by the "DPR" prime minister Aleksandr Zakharchenko on Russian State television that between 3,000 and 4,000 Russians were fighting alongside the armed groups, including former or serving Russian soldiers on leave from their posts.

652. The governor of the Donetsk Region told the SMM that Russian regular forces were the driving force in the south-east of the region and that on 9 September 2014 Russian military hardware had been transferred across the border to Bezimenne, east of Mariupol.

653. On 25 October 2014 the SMM at the JCCR in Debaltseve observed a Russian lieutenant-general telling members of the "DPR" and "LPR" not to engage in military action on election day and, in particular, not to target polling stations.

654. On 24 November 2014 the SMM reported that doctors at a hospital in Mariupol told them that three "DPR" personnel had been admitted on 20 November 2014, suffering from gunshot wounds sustained in fighting in government-controlled Volnovakha on 16 November 2014. The doctors said that the men – one Russian and two Ukrainians – had been captured following the fighting and were currently under armed guard.

655. On 10 December 2014 the SMM referred to a meeting with a local Cossack commander, in Stakhanov (50 km west of Luhansk), who said that most of his units were from the local area but twelve members were from the Russian Federation.

656. It appears from the HRMMU report covering the period between 1 December 2014 and 15 February 2015 that heavy weaponry and foreign fighters, including from the Russian Federation, were continuing to flow into areas of the Donetsk and Luhansk regions controlled by the separatists.

657. On 3 May 2015 the SMM revisited five "DPR" and four Ukrainian armed forces heavy weapons holding areas whose locations complied with the respective withdrawal lines. An armed man guarding the facility at one of the sites claimed that he and those present at the site were part of the 16th airborne brigade from Orenburg, Russian Federation. They did not wear identifying insignia.

658. On 18 May 2015 the SMM attended a government press conference in Kyiv concerning the reported recent capture of two allegedly Russian soldiers around the town of Shchastya (government-controlled, 20 km north of Luhansk). High-ranking military participants in the press conference included the commander-in-chief of the armed forces of Ukraine. They said that the soldiers were being treated at Kyiv Central Clinical Hospital for injuries suffered during the fighting and that they would be charged with terrorism. On 19 May 2015 the SMM reported that, along with representatives of the European Union Advisory Mission and Amnesty International, it had visited two allegedly Russian soldiers at the Central Military Hospital in Kyiv, where the two men were detained and under strong guard. The short ten-minute visit was conducted as part of the SMM's monitoring function, under the supervision of the State Security Service of Ukraine. The doctors in charge told the SMM and the other international visitors that the two men were being treated after being injured in fighting around the government-controlled town of Shchastya. On 20 May 2015 the

SMM visited the two individuals at the military hospital in Kyiv and spoke to them without the Ukrainian authorities being present. The SMM assessed their general condition and gathered their accounts about their capture. One of them said that he had received his military education in the Russian Federation. Both individuals claimed that they were members of a unit of the armed forces of the Russian Federation. They claimed that they were on a reconnaissance mission. They were armed but had no orders to attack. Both of them said that they had come under fire, been injured and been captured on 16 May 2015 at the contact line near Shchastya. One of them said that he had received orders from his military unit to go to Ukraine; he was to "rotate" after three months. Both of them said they had been to Ukraine "on missions" before. One of them stressed repeatedly that there were no Russian troops involved in fighting in Ukraine. Both said that they had been provided with a Ukrainian lawyer, who had visited them that day.

659. On 28 May 2015, in Petrivske ("DPR"-controlled, 38 km south-east of Donetsk), the SMM spoke to a young man who said that the former local holiday camp was currently occupied by an unknown armed group. He could not specify for how long the armed group had been stationed in the village. In the village the SMM spoke to two women, both wearing military uniforms, with caps with Russian Federation armed forces insignia. They said that they were from Kramatorsk. During the conversation with the two women a vehicle with Russian Federation number plates stopped next to the OSCE vehicles and two armed men, similarly dressed, exited the car and ordered the women to stop the conversation with the SMM. Behind a tall fence inside the holiday camp, the SMM observed one infantry fighting vehicle.

660. On 2 August 2015 the SMM visited five "DPR" and four Ukrainian armed forces heavy-weapons holding areas whose locations complied with the respective withdrawal lines. The SMM found that all the weapons previously recorded at three "DPR" sites were still *in situ*. An armed man guarding the facility at one of the sites claimed that he and those present at the site were part of the 16th airborne brigade from Orenburg, Russian Federation. They did not wear identifying insignia.

661. On 6 May 2017 at 8.30 a.m. at the Donetsk border crossing point, the BM observed a bus arriving from Ukraine with about fourteen people in military style outfits (including two women) on board; all of them were uniformed, mostly in Cossack-style outfits with medals. After undergoing border checks and formalities, all of them reboarded the bus and crossed into the Russian Federation.

662. In an interview with *Foreign Policy*, published on 25 October 2018, Mr Alexander Hug, said the following:

> "FP: What's the OSCE's official stance on Russia's involvement in Eastern Ukraine?
>
> AH: If the question is what we have seen on the ground ... we have seen convoys leaving and entering Ukraine on dirt roads in the middle of the night, in areas where there is no official crossing. In one border area, we've also made this public, including

some footage we have put out. We have seen specific types of weapons that we have described in detail, including electronic warfare equipment. We have spoken to prisoners taken by the Ukrainian forces who claim to be members of the Russian armed forces fighting on rotation in Ukraine. We have seen men with the insignia of the Russian Federation, but you can buy this jacket anywhere. We have also seen the insignia of Germany, Spain, and others – but also of the Russians."

(f) Information concerning the economy

663. After the announcement of "martial law" on 22 May 2014 by the president of the "LPR", the SMM noted that an estimated 70% of shops, cafes and banks had closed in Luhansk city centre. Some products of first necessity had sold out. Shops that were still open had removed their most valuable items. There was no fuel available.

664. On 13 June 2014 a representative of the business organisation from Izyum informed the SMM that the situation in Donbas had negatively affected the local economy, which was reliant on effective cooperation with the Luhansk and Donetsk regions and the Russian Federation.

665. The HRMMU reported in July 2014 that with banks, the treasury and pensions funds closed because of the violence and robberies, salaries and social security benefits had not been paid regularly for more than two months. The situation had been especially critical in Slovyansk, Kramatorsk, Snizhne and Krasnyi Luch. Women have been particularly affected by this situation. They made up about 80% of those employed by the government (teachers, doctors, public servants) and were therefore hard hit by the lack of government payments of salaries and social security benefits such as child support. Economically, women already faced a wage gender gap and discrimination in the workplace. With a scarcity of money and food coupled with their responsibility for their households and families, women in the east were further burdened by the constant fear for their lives and security. Owing to threats and intimidation, many factories and businesses had had to shut down. For example, in the Luhansk region, four coal mines owned by the DTEK Mining Company had been shut down on 10 July 2014 because of the risk to miners' lives. The company had also closed its two coal enrichment factories. These closures affected 4,500 employees. Armed groups had seized warehouses and factories, using the premises for such things as training camps or military repair shops. Companies that produced materials that could be used to make weapons had also been seized by the armed groups. In addition, large industrial enterprises and mines were functioning under great risk of sudden power cuts, which could occur at any time as a result of damage caused by shelling. Especially in mines, such an emergency would result in miners being trapped underground, threatening their lives and their right to safe and healthy work conditions.

666. The HRMMU stated in August 2014 that, according to the Ministry of Social Policy of Ukraine, as of 15 August 2014, the security situation made it impossible to deliver pensions to eleven towns and districts in the Donetsk

region: Snizhne, Horlivka, Yenakiieve, Zhdanivka, Kirovske, Makiivka, Torez, Khartsyzk and Shakhtarsk town and district. In the Luhansk region, pensions could not be paid in five districts. Other social welfare benefits could not be paid in fourteen towns and districts of the Donetsk region: Avdiivka, Horlivka, Yenakiieve, Zhdanivka, Kirovske, Makiivka, Snizhne, Torez, Khartsyzk, Marivka, Shakhtarsk town and district, Yasynuvate town and district and Donetsk city. Owing to technical difficulties, public funds for social welfare benefits could not be delivered to the Luhansk region.

667. The SMM reported on 1 September 2014 that the "LPR" president, Igor Plotnitsky, had given a speech. He had said that there were plans to replace the Ukrainian hryvnia (UAH) currency with the Russian rouble. According to him, civil servants had not been paid, but there were plans to resume the payment of their salaries as of 1 October 2014, possibly from Russian sources.

668. On 3 September 2014 the SMM monitored the situation of cash availability and food supply in Mariupol city. It observed crowds at the OTP, VTB and Pumb banks, where cash withdrawal from ATMs was reportedly limited. Over the past few days, food supplies decreased, in particular in the ATB national grocery chain where entire aisles were found empty; one ATB store visited by the SMM had closed for an indefinite period of time because of supply chain difficulties. The food supply in other stores visited by the SMM was observed as satisfactory.

669. On 8 September 2014 the SMM met in Svatovo (150 km to the north-west of Luhansk) with the deputy head of the Luhansk Regional State Administration in charge of finance and economy, who stated that more funds were urgently needed from the central government, because the current regional budget was only about UAH 7 billion (around 400 million euros (EUR)), as opposed to a normal level of about UAH 20 billion (around EUR 1.2 billion). The interlocutor stated that the Ukrainian Government controlled thirteen territories where financial institutions were working normally. However, he stated that in areas currently controlled by the "LPR", people had not received wages and pensions for more than three months.

670. On 24 September 2014 the newly appointed governor of the Luhansk region told the SMM in Sievierodonetsk (98 km north-west of Luhansk city) that his main task was to facilitate the economic recovery of government-controlled parts of the region. He said that government forces currently controlled territory in which just over a quarter of the region's population lived. The "LPR" was controlling territory inhabited by 64.4% of the population, while the remainder of the population were living in disputed areas. He added that his administration had assessed that damage compensation and repair costs for both private and public property in government-controlled parts of the region amounted to approximately UAH 3.15 billion (EUR 180 million). He worried that his administration's inability to pay out such money would alienate people.

671. On 17 October 2014, in "DPR"-controlled Telmanovo, a local "DPR" commander and the deputy head of the District Council told the SMM that pensions and municipal salaries had not been paid since September 2014.

672. According to the daily report for 24 October 2014, the SMM proceeded to the "DPR"-controlled village of Kumachove and spoke to local inhabitants who said that they had not received their salaries and pensions in the last three months and that, to date, the issue still remained unresolved. Other basic utilities such as food, electricity and water were supplied regularly.

673. On 25 October 2014 the president of the "LPR" told the SMM that pensions and other welfare payments were being paid. The funding, he told them, came from "private donations from local donors and investors", adding that "tax" collection needed to be reformed and implemented.

674. On 27 October 2014 the president of the "LPR" told the SMM in Luhansk city that ultimately the "LPR" and the "DPR" would form a single state – so-called "Novorossiya". He said key economic resources and industries would be nationalised.

675. On 28 October 2014, the "DPR" deputy military commander in Starobeshevo told the SMM that pensions and teachers' salaries were being paid by the "DPR".

676. On 28 October 2014 the SMM monitored a roundtable organised by the European Business Association in Kyiv, at which some participants noted that some commercial sectors in the Donetsk region – notably those selling what were described as essentials such as food, pharmaceuticals and communications services – had been largely unaffected by the conflict. It was stated that businesses in other sectors, however, had suffered considerable losses. As well as having to relocate staff and take security measures to protect remaining staff, companies operating in Donetsk region also had to contend with carjackings and robberies, which they said were quite common there, as well as the need to pay bribes in order to pass through "DPR" checkpoints. They also said that businesses had to pay taxes both to the Government and to the "DPR". The "DPR", they added, had apparently developed its own "tax code".

677. On 1 November 2014 the SMM met with an "LPR" district police officer in Luhansk city. The interlocutor said that salaries were not yet being paid. Instead, "LPR" police staff were paid in kind with food.

678. Because of the suspension of the work of the State Treasury and the breakdown of the banking system in the areas controlled by armed groups, the delivery of social benefits remained limited in the settlements controlled by armed groups. In its report of 15 November 2014, the HRMMU stated that, at the end of October 2014, most residents had not received benefits for more than three months. Reportedly, the "DPR" had commenced disbursing social benefits in the territory it controlled. However, people had to submit application forms to claim their benefits and had to present a passport and a

photograph. Such social benefits had been disbursed reportedly varying between UAH 900 and UAH 1,800 (approximately 69 United States dollars (USD) and USD 138 respectively). But they had not been systematic and had not reached all those who were entitled to social benefits.

679. On 9 November 2014 the SMM met, in Ilovaisk, with a "DPR" armed member who announced that the "DPR" was paying salaries and pensions to local residents.

680. On 20 November 2014, in Metalist, controlled by the "LPR", the SMM spoke to two female pensioners who complained that their Ukrainian pensions had not been paid for five months. They told the SMM that they were short of money and had no other choice than to buy only cheap products of low quality.

681. On 5 December 2014 the SMM visited the border crossing point at Uspenka, where a "DPR" customs officer and a duty officer said that they worked on a voluntarily basis without receiving a salary, but believed that the customs department would soon start paying salaries and provide them with equipment and weapons.

682. On 19 December 2014, in "LPR"-controlled Krasnodon, the head of the city's Education Department told the SMM that teachers had not received salaries for six months.

683. On 26 December 2014 the SMM reported that on 24 December 2014 it had met the mayor of Luhansk recently appointed by the "LPR". He had stated that all employees remained in place despite the lack of salary payments for the past six months. He said that the city's pre-conflict population of 400,000 had been reduced by some 50-60,000 people. He also said that the municipality had no budget and that the "LPR" People's Council was preparing a draft law on taxation.

684. In its report covering the period between 16 May and 15 August 2015, the HRMMU reported that young men (sometimes under 18) in the "LPR" were joining the armed groups or "militia" because this was one of the very few means of receiving income. Many people in areas controlled by the armed groups continued to report that their relatives were joining the armed groups for financial reasons, as a last resort, since they were unable to find other gainful employment.

685. On 3 July 2015, in "DPR"-controlled Snizhne, the SMM met the director of a factory producing equipment for the oil and gas industry. He said that the factory, despite being shelled last August, when one worker had been killed, was still operational. The factory, however, now employed only 400 people, compared to 1,000 before the conflict. Salaries, he added, had not been paid for three months.

686. At a press conference in Luhansk attended by the SMM, the "LPR" "minister of finance" announced that as of 1 September 2015 the Russian rouble would become the "official currency" of the "LPR". All payments would also be possible in Ukrainian hryvnias, US dollars and euros, he added.

687. On 6 March 2016, in "LPR"-controlled Bile, the SMM spoke with 24 women (40-70 years old) and five men (40-60 years old) who explained that most of them had stopped receiving their pensions in July 2015 and that there was a lack of employment opportunities due to the closing of mines. In government-controlled Staryi Aidar, a local shopkeeper (woman) stated that the economic situation in the village was difficult, especially as many people who previously had worked in Luhansk city are unemployed and the reduced operation of the Shchastia power plant (government-controlled, 20km north of Luhansk) has further reduced employment opportunities.

688. On 22 March 2016, in areas close to the contact line, the SMM were told about the situation affecting pensioners. A group of five women and a man (aged between 50 and 60 years old) in "LPR"-controlled Petrivske told the SMM that they no longer receive their state pensions. One man said he receives 2,500 roubles per month from the "LPR". In "DPR"-controlled Ilinka and Kamianka three men and two women aged in their fifties or sixties told the SMM that they receive some income from the "DPR". A former coalminer in his sixties told the SMM that he no longer received a state pension.

689. On 14 May 2016, residents (women in their seventies) in "DPR"-controlled Rozsypne and in "LPR"-controlled Frunze told the SMM that they lived only on humanitarian aid provided by the "LPR" as, due to their age and health conditions, they could not go and collect the pensions in government-controlled areas and they had no relatives to help them. In "LPR"-controlled Kalynove and "LPR"-controlled Klunykove residents told the SMM that Ukrainian authorities had stopped paying them pensions since March 2016.

690. On 8 June 2016, in "LPR"-controlled Shterivka, a man told the SMM that he, as a former coalminer, had received a state pension of UAH 7,500 (EUR 265) until March, but now relied on a "social welfare payment" worth RUB 3,200 (EUR 44), provided by the "LPR".

(g) Observations concerning the separatists' conduct

691. In a number of reports the HRMMU stated that the armed groups and the so-called governance structures of the self-proclaimed republics were accountable for human rights violations committed on territories under their control. Steps taken by the "DPR" and "LPR" to establish their own legislative frameworks and systems of administration of justice (namely, police, prosecutors and courts) were contrary to the Constitution of Ukraine and international law, and could jeopardise the Minsk Agreements. In the late spring of 2014, the HRMMU reported that armed groups were increasingly committing grave human rights abuses, including abductions, unlawful detentions and harassment, in particular of journalists, as well as killings, torture and ill-treatment. In its report of 15 May 2014, it also indicated that "the acquiescence of law enforcement bodies in the illegal seizure and

occupation of public and administrative buildings in the Donetsk and Luhansk regions has been observed, raising questions regarding its implications for the administration of justice and the rule of law, including the prompt and effective investigation into reported criminal acts". This raised "serious concerns regarding residents' access to legal remedies, due process and overall guarantees for human rights protection".

692. In June 2014 the HRMMU stated that, "[v]iolence and lawlessness have spread in the regions of Donetsk and Luhansk". Having gained access to deposits of weapons, including from the SBU building, the armed groups were increasingly starting to spread violence. The armed groups fighting in the east had violated international law and grave human rights abuses had been committed by those armed groups. The rights to life, liberty and physical security were usually the first to be abused during hostilities, such as that happening in eastern Ukraine. With the demise of security, the rule of law and governance, the protection gap was widening. Although armed groups had declared "virtual 'independence'", they were not undertaking any governing responsibilities. The report referred to an "atmosphere of fear and intimidation" and underlined that there was a particular concern for the "continued erosion of the rule of law". It also stated that "although criminality [was] increasing, there [was] nobody to apply to in case of an alleged crime, and no effective means to intervene for police".

693. In its July 2014 report the HRMMU stated that "the rule of law no longer exist[ed] and [had been] replaced by the rule of violence". The police were *de facto* under the control of armed groups and although some courts continued operating, there were examples of hearings being interrupted by armed groups entering the court room. It also indicated that the separatist armed groups were using heavy weaponry, including missiles and tanks.

694. The human rights violations continued to escalate in the following months. In its report of 19 September 2014, the HRMMU indicated that following the September 2014 ceasefire, armed groups continued to terrorise the population in areas under their control, pursuing killings, abductions, torture, ill-treatment and other serious human rights abuses including destruction of housing and seizure of property.

695. In November 2014 the HRMMU reported that a "resolution on field courts" apparently adopted on 17 August 2014 by the supreme council of the "DPR" provided for the establishment of field and martial courts. It also indicated that the "DPR" was in the process of establishing its own "judiciary system", with two key officials already appointed.

696. In December 2015, the SMM published its thematic report "Access to Justice and the Conflict in Ukraine", in which it examined the implications of the relocation of all judicial, prosecution and administrative services from non-government- to government-controlled areas due to the conflict in eastern Ukraine. The report considered constraints on access to effective and fair judicial services caused by a combination of actions taken by the "DPR"

and "LPR", the loss of government control over certain areas and the relocation of government services. According to the monitors, multiple factors restricted individuals' access to effective legal remedies and infringed on the right to a fair trial. These factors included "the absence of legitimate and effective judicial services in non-government-controlled areas", the diminished capacity of relocated courts and prosecution offices and movement restrictions between government and non-government-controlled areas. In fact, access to justice for people living in "DPR"- and "LPR"-controlled areas remained "severely limited". Courts, prosecution offices and notary services were completely removed by the Government from areas not under its control in response to the conflict and to the seizure of documents and premises by separatists. Following the withdrawal of government services, the "DPR" and "LPR" established "parallel" "Justice systems" which operated outside of the Ukrainian legal system. These "systems" served as the only "justice" provider in non-government-controlled areas, but faced "significant challenges including: reliance on an uncertain, ad hoc and non-transparent legal framework which is subject to constant change; shortages of professional staff; and, in certain instances, 'courts' which have no operational capacity". The result of the removal of government services combined with the deficiencies in the parallel "systems" directly impacted people throughout "DPR"- and "LPR"-controlled areas. These "systems" raised "considerable access to justice concerns particularly with respect to due process and fair trial rights". The SMM had also received inconsistent statements concerning the applicable law, in particular in the "LPR".

697. In its report covering the period between 16 February to 15 May 2016, the HRMMU collected credible accounts demonstrating a lack of effective remedies for victims of human rights abuses through independent, impartial and regularly constituted courts. The report relating to 16 August to 15 November 2016 stressed that the governance structures in the "DPR" and "LPR" did "not comply with the right 'to a fair and public hearing by a competent, independent and impartial tribunal established by law'" as enshrined in Article 14 of the International Covenant on Civil and Political Rights.

(i) Military attacks against civilians and summary execution, torture or beating to death of civilians and Ukrainian soldiers who were prisoners of war or otherwise hors de combat

698. On 29 April 2014 the SMM went to the Donetsk Regional Hospital to gather information about the people who had sustained injuries during an attack on a pro-unity rally in the city centre on 28 April 2014. The hospital representative could not specify how many persons were being treated in conjunction with the incident, as the wounded had been transported to various hospitals in the city.

699. On 15 May 2014 the HRMMU reported that, in April 2014, bodies had been found near Slovyansk allegedly showing signs of torture.

700. On 12 May 2014 artillery shelling of the northern outskirts of Kramatorsk (105 km north of Donetsk) from beside the Slovyansk television tower was confirmed to the SMM by both the Ukrainian military and the Kramatorsk People's Militia (the latter being a group opposed to the central authorities). Damage caused by the shelling was presented to the SMM. It was, however, impossible to unambiguously identify which side had carried out the shelling.

701. The SMM reported, in its daily report for 5 June 2014, that the special representative of the "DPR" Prime Minister and member of the "DPR" security council had confirmed that a video showing Igor Bezler presiding over the apparent executions of two men in Horlivka was genuine.

702. In its report of 15 June 2014, the HRMMU noted that it was concerned about reports of "summary executions" by representatives of the "DPR". As of June 2014, the HRMMU became aware of allegations of summary executions of people in the captivity of the armed groups. Some of those allegations had been supported by testimonies of witnesses and by forensic examinations and photographic material. For example, on 18 May 2014, in a village near Slovyansk an elderly farmer accused of bringing food to the Ukrainian forces was taken out of his house into the yard, where according to witnesses a "sentence" was read in the name of the "DPR" and he was shot dead, in front of his family and neighbours. Reportedly, on 26 May 2014, by order of Igor Strelkov, Dmytro Slavov ("commander of a company of the people's militia") and Mykola Lukyanov ("commander of a platoon of the 'DPR' militia") were "executed" in Slovyansk, after they were "sentenced" for "looting, armed robbery, kidnapping and abandoning the battlefield". The order, which was circulated widely and posted in the streets in Slovyansk, referred to a decree of the Presidium of the Supreme Council of the USSR of 22 June 1941 as the basis for the execution. The HRMMU also reported the recovery of the burned body of a pro-Maidan activist the day after his abduction by armed groups, and noted several reports of killings at checkpoints held by armed groups, including the killing of an Orthodox priest.

703. Following the end of the ceasefire on 30 June 2014 in Ukraine, the HRMMU reported numerous cases of deaths of people in Donetsk and Luhansk who were caught in the middle of the ongoing security operations. On 4 July 2014 the UN High Commissioner for Human Rights Navi Pillay gave a public briefing on the situation in eastern Ukraine, in which she noted a "disturbing" message on the website of one leader of the "DPR", which stated that "underage children and women [we]re legitimate targets" and that the goal was to "immerse them in horror". She also stated that "[t]here have also been reports of the use of landmines, which have allegedly led to three deaths and left several people injured".

704. On 15 July 2014 the HRMMU noted that the armed groups were locating their military assets in and conducting attacks from densely populated areas, thereby putting the whole civilian population at risk.

705. In its report of 15 July 2014, the HRRMU referred to written records of execution orders authorised and signed personally by the "Commander-in-Chief" of the armed groups, Igor Girkin, as well as records of hearings of a "military tribunal" convicting people to death, that had been found in Slovyansk by a journalist on 7 July 2014. The convictions were apparently of people associated with separatist armed groups, and a common criminal.

706. On 22 July 2014 the SMM reported that bodies had been discovered in the SBU building in Sievierodonetsk, after the retaking of the town from the separatists.

707. In its daily report of 25 July 2014, the SMM reported material damage to an apartment block in a civilian neighbourhood 2 km east of Donetsk city centre. It had received information the previous day that an unexploded missile had hit the building that day. The SMM heard, during the night of 24 to 25 July, what appeared to be shelling on the outskirts of Donetsk city.

708. On 7 August 2014 two civilians who had been standing outside the hospital building had been hit by shrapnel, one of whom had died. The SMM later went to the morgue, where they saw a body, with upper chest injuries consistent with information supplied by the doctor. According to a staff member at the morgue, the deceased man had been 38 years old.

709. On 11 August 2014 a group of internally displaced persons from Pervomaisk (76 km west of Luhansk city) spoke to the SMM at Svatovo transit camp (150 km north-west of Luhansk city). They said that only 10,000 of Pervomaisk's 80,000 inhabitants remained in the town. The town, they said, was being shelled by both Ukrainian military forces and irregular armed forces. The result, they said, was that almost all apartment blocks in the town had sustained damage, and only 30% of detached houses were still intact. They said that 200 people had been killed in the town, and more than 400 wounded, since the shelling allegedly started on 22 July, with the dead being buried in courtyards. The town's mayor, contacted later by the SMM over the phone, corroborated the figures.

710. On 12 August 2014 the duty officer at a medium-level security prison, located on the outskirts of Donetsk city, told the SMM that the prison had been shelled on 9 August, resulting in the death of one inmate and injuries to three others and three prison staff.

711. On the same day, people in the residential Kirovskyi district on the south-western outskirts of Donetsk city told the SMM that one woman had been killed, and an unspecified number of other residents injured, when the area had allegedly been shelled on 9 August.

712. In August 2014 the HRMMU reported that the presence of an increasing number of foreign fighters, including citizens of the Russian Federation, who were allegedly "former servicemen" or active duty personnel on "leave", sophisticated and heavy weaponry – including tanks, artillery and missiles in areas of the Donetsk and Luhansk regions seized by the armed groups – and the security operations undertaken by the government in the east of Ukraine had continued to cause considerable loss of life among civilians, as well as members of the Ukrainian armed forces and armed groups. There had been numerous reports alleging the indiscriminate use of weapons, such as artillery, mortars and multiple rocket launcher systems, in and around the densely populated areas. Beginning on 29 July 2014, the Ukrainian armed forces had established special "corridors" to allow civilians to leave Donetsk, Horlivka (Donetsk region) and Luhansk city, where there was heavy fighting. However, those corridors traversed areas where there was fighting and casualties had been reported.

713. According to the HRRMU, the casualties in the areas controlled by the armed groups had been underreported for two major reasons. First, although many of the hospitals continued to work, insecurity had prevented people from seeking medical aid. Second, many of those killed had been buried without being taken to morgues or bureaus of forensic expertise. In addition, communications had frequently been disrupted. There were also allegations that bodies of some members of the armed groups killed in action had been taken to the territory of the Russian Federation.

714. On 19 August 2014 the SMM reported that one person had died – apparently killed by shelling – in his own apartment in Donetsk region.

715. On 24 August 2014 the SMM published its spot report on the shelling of residential areas in Donetsk. According to the report, on 23 August at 5.15 p.m., the SMM had seen a residential area in Donetsk (Kalininskyi district, around 5 km north of the city centre) which was severely damaged by artillery. Residents at the scene told the SMM that the area had been shelled at around 4.30 p.m. At the scene, the SMM saw a five-floor apartment block with the ground in front of it littered with debris. Some sixty civilians, mainly elderly and in shock, were standing in the vicinity. Close to a footpath leading to one of the entrances, the SMM observed three bodies covered with blankets, judged by SMM to be two adults and a child, in close proximity to each other. Local residents told the SMM that the three were a mother, father and their child. They said that another child, five years old and the fourth family member, had died on the way to the hospital, as a result of head injuries. The SMM noted that the entire building had been seriously damaged. A third-floor apartment appeared to have been wholly destroyed with a large hole in the outer wall. The upper fourth and lower second floors had also sustained serious damage, with windowpanes shattered and the facade hit. The SMM moved 200 metres south of the building, where it observed a

garage and a vehicle that had been destroyed by what appeared to have been shelling.

716. On 27 August 2014 the SMM saw a vehicle in a residential area of Donetsk city that had been burnt out as a result of shelling. Inside the car, there were the remains of three persons.

717. OHCHR's "Report on human rights violations and abuses and international humanitarian law violations committed in the context of the Ilovaisk events in August 2014" indicates that it considered the Ilovaisk events emblematic of human rights violations and abuses and international humanitarian law violations that had been repeatedly committed during the conflict in eastern Ukraine: shelling of residential areas resulting in civilian casualties, killings of civilians and other protected persons, unlawful detentions, enforced disappearances and torture. The report indicates that, having regained control over a number of towns and villages in the conflict zone, and having advanced towards the State border with the Russian Federation in the Donetsk region in June and July 2014, Ukrainian forces had launched an operation to regain control over the town of Ilovaisk in early August. By mid-August, they had taken control of the villages surrounding Ilovaisk. From 18 to 28 August 2014 Ukrainian volunteer battalions had fought the armed groups positioned in the town and took partial control of it. During this time, the town was divided into areas controlled by Ukrainian forces and those controlled by armed groups. By 27 August 2014, Ukrainian forces were surrounded by the armed groups which, according to the government of Ukraine, were reinforced by troops and weaponry from the Russian Federation. The Office of the Prosecutor of the International Criminal Court reported that the intensity of fighting in Ilovaisk had been attributed to "alleged corresponding influxes of troops, vehicles and weaponry from the Russian Federation to reinforce the positions of the armed groups".

718. During the morning of 29 August 2014, having rejected proposals of armed groups and reportedly Russian Federation military to withdraw without their weapons, Ukrainian forces began to leave Ilovaisk in a southerly direction. Ukrainian soldiers maintained that as they retreated, they had been attacked by regular troops of the Russian Federation. By 31 August 2014, at least 366 Ukrainian soldiers had been killed and at least 429 wounded; hundreds of others had been captured. On 31 August and 1 September 2014 the majority of captured Ukrainian soldiers, including those wounded, were released to Ukrainian forces. Approximately 300 captured Ukrainian soldiers were transferred to the control of armed groups of the "DPR". Until late 2014, most of them were released as part of so-called "exchanges". Some ten remained in captivity until mid-2015, when they were released. One soldier captured around Ilovaisk remained in detention until he was released on 27 December 2017.

719. Hostilities in Ilovaisk and the surrounding villages had a devastating impact on the civilian population. The shelling of Ilovaisk and two nearby villages resulted in the death of at least thirty-six civilians (eighteen men and eighteen women). Monitoring conducted by OHCHR indicated that parties to the conflict had employed explosive weapons in populated areas without complying with the principles of distinction, proportionality and precaution.

720. OHCHR had received consistent reports that during the Ilovaisk events, parties to the conflict were involved in the killing of civilians and persons *hors de combat*. Witness accounts and/or available forensic data suggested that the killings had not been committed on a massive or systematic scale. OHCHR documented the killing of four civilians in Ilovaisk, two of which had been perpetrated by Ukrainian battalions. One civilian was killed by shelling while in the custody of Ukrainian battalions. OHCHR received allegations of the killing of three Ukrainian soldiers after they had surrendered on 29 August 2014. Allegations also suggested that some Ukrainian soldiers wounded in combat had subsequently been killed despite being *hors de combat*. OHCHR also documented the enforced disappearance of a male military doctor, which could have led to his death.

721. OHCHR had documented allegations that Ukrainian forces in Ilovaisk and surrounding villages had subjected men aged 30 to 66 years old to torture or ill-treatment. The victims were suspected of either being members of, or otherwise affiliated with, armed groups. In Ilovaisk, from 18 to 28 August 2014, the majority of victims had been held in school no. 14 by the "Donbas" volunteer battalion fighting within the Ukrainian forces. The conditions in which the men were held could have amounted to ill-treatment. The victims were subjected to beatings. OHCHR had documented cases of thirteen individuals tortured or ill-treated in Ilovaisk and surrounding villages.

722. Cases documented by OHCHR suggested that during the hostilities in Ilovaisk, all parties to the conflict had committed serious human rights violations and abuses, as well as international humanitarian law violations, with some possibly amounting to war crimes. The report also indicates that four years after the Ilovaisk events, limited steps had been taken by the parties to the conflict to investigate the allegations of human rights violations and abuses and international humanitarian law violations, particularly those committed against civilians.

723. According to the spot report dated 6 September 2014, the SMM heard two high-calibre artillery shells, without the possibility of ascertaining the location or the origin of the shelling. Another SMM monitoring team at Stanytsia Luhanska on 6 September 2014 heard artillery fire from Luhansk city, which was under the control of the "LPR", towards the area of Stanytsia Luhanska, which was under the control of the Ukrainian forces. This was followed by artillery fire from Stanytsia Luhanska towards Luhansk city. Shortly afterwards, the SMM observed smoke around 2 km to the east of

Stanytsia Luhanska. The same day, the SMM received reports from local inhabitants in Mariupol suggesting that an exchange of fire had taken place on 6 September before 6 p.m. However, the SMM was told by local inhabitants in Shyrokyne (22 km east of Mariupol) that on 5 September 2014 at approximately 10 p.m. they had heard loud noise, similar to the sound of shelling, from the west, whilst on 6 September 2014 in the morning they reported having heard loud noise, which could have been shelling, from the east. Local interlocutors were not sure whether the noise corresponded to a possible exchange of fire. The SMM could not independently verify the information.

724. On 6 September 2014 at 9.50 a.m. the SMM heard a single shot at the Shchastya checkpoint. At that moment, a civilian car with three passengers – a father, mother and daughter – was trying to move across the bridge from the direction of Luhansk. The shot heard by the SMM killed one of the passengers. The mother and the daughter moved towards the Ukrainian army personnel controlling the checkpoint. The SMM assessed that the shot had been fired from the direction of Luhansk, which was controlled by supporters of the self-proclaimed republics. The SMM interviewed the mother and the daughter, who believed that the shot had been fired from the side of the supporters of the people's republics. Ukrainian personnel took the mother and the daughter to hospital. The body of the father remained on the bridge, because of the presence of mines.

725. On 17 September 2014 the HRMMU indicated that the majority of civilian deaths had been due to indiscriminate shelling in residential areas and the use of heavy weaponry. The HRMMU reported the allegation that a column of vehicles with civilians evacuating Luhansk had been targeted and shelled by armed groups between Novosvitlivka and Khryashchuvate. Seventeen people were killed and six wounded.

726. In its weekly report of 1 October 2014, the BM indicated that on 26 September the observer teams had heard, during a period of three hours, more than 160 reports of mortar fire and of automatic cannons. The direction, rhythm and intervals between the detonations indicated that the sounds had originated from firing practice on Russian Federation territory.

727. In its daily report of 2 October 2014, the SMM stated that in Donetsk heavy shelling had occurred intermittently during the day and until dusk in the northern part of the city. From 5.15 p.m. to 6 p.m., at intervals of every fifteen minutes, the SMM heard very loud explosions somewhere in the north of Donetsk city. At around 6 p.m., the SMM heard a quick succession of five incoming rounds, which it assessed to have been Uragan rockets, again in the north of the city. Fifteen minutes later the head of the local branch of the ICRC in Donetsk, calling on the phone from Kyiv, told the SMM that the ICRC office in Donetsk city had just been shelled and one staff member had been killed.

728. On 4 October 2014 the deputy mayor of Popasna (80 km west of Luhansk) reported that the town had been shelled on 3 October (weapon system and direction of fire not specified). The local official added that the shelling had damaged several buildings in Popasna and resulted in one civilian casualty and injuries to two other civilians.

729. On 8 October 2014 the SMM went to the Donetsk city morgue and spoke to the director of the department for forensic analysis of corpses. He said that 1,498 people, including twenty-one children, had been killed in the entire region of Donetsk from 13 March 2014 to 8 October 2014.

730. On 14 October 2014 the SMM reported heavy Grad shelling to the north-east of Mariupol, fired from the east. A source told the SMM that seven people had been killed and ten to fifteen injured in the shelling. The SMM arrived in Sartana at 5 p.m., and observed the remnants of a Grad rocket lodged in the ground. A man – who appeared to be a plain-clothes police officer – told the SMM that seven people had been killed and fifteen wounded in the village as a result of incoming shelling at approximately 2.20 p.m. The SMM left the village after fifteen minutes because of constant shelling exchanges, assessed by the SMM to have been taking place between Ukrainian soldiers at a checkpoint just to the east of the village and unknown, presumably irregular armed forces affiliated to the "DPR", positioned somewhere further to the east. The SMM went to a hospital in Mariupol at 5.30 p.m., where a doctor on duty said fourteen people – seven males and seven females aged between 33 and 65 – had been admitted. The fourteen, two of whom were seriously injured according to the doctor, had sustained injuries caused by shrapnel. At the hospital, an Orthodox priest, who claimed to have been at the scene immediately after the attack, told the SMM that he had seen several corpses. He added that Ukrainian military personnel had performed first aid on the injured.

731. In November 2014 OHCHR reported that residential areas had continued to be indiscriminately shelled by various artillery and MLRS throughout the whole reporting period between 17 September to 31 October 2014. On 14 October 2014 the village of Sartana (north-east of Mariupol in the Donetsk region) had reportedly been shelled with mortars and a Grad MLRS.

732. On 5 November 2014 at 6.02 p.m. a Ukrainian military representative from the JCCC in Debaltseve informed the SMM about shelling and fatalities on Stepanenko Street, 3 km north-west of the city centre of Donetsk. On 6 and 7 November the SMM visited the site of the reported incident, where it identified ten craters. Nearby shelling forced the SMM to leave the area. The Ukrainian chief of staff said that the Ukrainian military had not been involved in the shelling. A "DPR" member said that his contacts in Donetsk said that an artillery shell had struck a school, that an ambulance had been dispatched, and that this information had been provided to the JCCC.

733. On 26 and 27 November 2014 the SMM visited a number of locations – all in a one square kilometre area in the north-west of Donetsk city – where it noted numerous crater impacts and varying degrees of damage. At one location it visited on 27 November, the SMM was told by interlocutors at the scene that a teenage girl and a woman had been killed earlier that day. Although the SMM noted blood stains at the scene, it could not confirm the information. At another location, one interlocutor told the SMM on 26 November that armed forces of the "DPR" – positioned in a nearby building – had been firing shells at government troops at the airport to the north. The SMM noted a crater outside the building. At another location, the SMM was forced to withdraw because of incoming shells impacting 400 metres from its position. At another location the SMM heard multiple outgoing Grad rocket rounds.

734. In its daily reports dated 29 December 2014, 30 December 2014, 2 January 2015 and 9 January 2015 and in its spot report of 14 January 2015, the SMM reported attacks on Ukrainian positions and military checkpoints which had resulted in fatalities, including civilians. In particular, on 13 January 2015 at approximately 2.35 p.m., the regional traffic police confirmed to the SMM that a Grad rocket had struck close to a civilian bus when it stopped at a Ukrainian armed forces checkpoint approximately 2 km north of Volnovakha (35 km south-west of Donetsk). The monitors arrived at the location of the incident at 5.45 p.m. and witnessed the removal of two of the dead passengers from the bus. The bus had shrapnel damage consistent with a nearby rocket impact, estimated by the SMM to be 12-15 metres from the side of the bus. The SMM visited Volnovakha hospital, where the staff confirmed that ten persons on the bus had been killed instantly, while two died later in the hospital. Another seventeen passengers were injured. The JCCC and "DPR" leadership agreed to carry out a special joint inquiry into the incident.

735. On 15 January 2015 the SMM went to Hranitne (57 km south of Donetsk, government-controlled), a village that, according to residents, had been subject to near daily shelling for months. When in the village, the SMM observed the funeral of a three-year-old child who residents said had been killed when a mortar had struck a house on 11 January. The SMM was invited to see the house and saw severe damage to the roof.

736. On 24 January 2015 at approximately 9.15 a.m. the SMM in government-controlled Mariupol heard at its location incoming massed MLRS attacks from a north-easterly direction, consisting of an extremely heavy barrage lasting thirty-five seconds. Twenty minutes later the SMM received information from the JCCC in Mariupol and other sources that shelling had occurred in the area of Olimpiiska Street, in Ordzhonikidzevskyi district, 8.5 km north-east of Mariupol city centre, approximately 400 metres from a Ukrainian armed forces checkpoint. At 10.20 a.m. the SMM went to Olimpiiska Street and saw seven adult civilians dead. The SMM observed in

an area of 1.6 km by 1.1 km, including an open market, multiple impacts on buildings, retail shops, homes and a school. The SMM observed cars on fire and shattered windows facing the north-eastern side of a nine-storey building. The monitors were able to count nineteen rocket strikes and were certain there had been more. Four hospitals and the emergency services in the city informed the SMM that at least twenty people had died and seventy-five people were injured and hospitalised. Ten of the wounded were in a critical condition, according to a hospital representative. The SMM conducted a crater analysis and its initial assessment showed that the impacts had been caused by Grad and Uragan rockets. According to the impact analysis, the Grad rockets originated from a north-easterly direction, in the area of Oktyabr (19 km north-east of Olimpiiska Street), and the Uragan rockets from an easterly direction, in the area of Zaichenko (15 km east of Olimpiiska Street), both controlled by the "DPR". At 1.02 p.m. and 1.21 p.m., the SMM again heard incoming MLRS salvos lasting for eight seconds, from an easterly direction. At a distance of 300 metres the SMM saw smoke above the Ukrainian armed forces' checkpoint no. 14 (8.9 km north-east of Mariupol city centre), just several hundred metres away from where the shelling had hit Olimpiiska Street.

737. The Ukrainian Major General said that in the last twenty-four hours preceding 8 a.m. on 26 January 2015 there had been nine Ukrainian soldiers killed in action and twenty-nine wounded. The Russian Federation Major General reported that between 23 and 27 January, there had been twenty-nine civilians killed and fifty-seven injured in "DPR"- and "LPR"-controlled territory. The SMM could not independently verify that information.

738. On 27 January 2015 at approximately 6.15 p.m. and 10.45 p.m., the SMM, based in Luhansk city centre ("LPR"-controlled), heard intensive incoming shelling and impact explosions about 5 km west of its location. On 28 January 2015 the SMM departed to the south-western suburbs of the city at 10.30 a.m. Upon their arrival at 10.40 a.m., the SMM observed that a large residential area in the Artemivskyi district of Luhansk city, 6.6 km south-west of the SMM's location, a rectangular area measuring approximately 1.5 km by 1.3 km, had been impacted by rockets. The centre of the affected area around Izvestkova Street (7.5 km south-west of Luhansk city centre) was most impacted. The SMM observed the affected area along Izvestkovaya Street, Korolenko Street and Dekabristiv Street, as well as at Michurina Street and Sumska Street – a residential area consisting of small, detached houses. The SMM spoke to the owners of the properties and other local residents, who said that they had been shelled twice on 27 January, first at about 6.10 p.m. and then at about 10.45 p.m. The SMM saw considerable damage caused by the impacts of rocket shelling, such as broken windows, fences, gates and walls. The SMM assessed that some of the damage to the buildings, for example a series of parallel rows of strike marks on a gate and wall, were consistent with damage typically caused by shrapnel elements from cluster

munitions. According to the SMM's assessment, a hole in the roof of a house had been caused by the impact of what appeared to be a bomblet, with small calibre. The SMM discovered parts of rockets, including engines, fins and cargo compartments, in the front and backyards of several houses; the cargo compartment in particular was typical of a rocket carrying cluster munitions. Some parts sighted by the SMM at the impact site (1.5 cm white metal fragments, 6 cm by 3 cm black metal fragments of bomblet cases) were typical of cluster munitions. The SMM identified them as parts consistent with 9M55K model Smerch rockets (300 mm calibre). The SMM observed a crater (diameter approximately 4 metres, depth approximately 3 metres) in the backyard of a house located at Dekabristiv Street 106, which had been caused by the explosion of a Smerch rocket, according to the SMM's assessment. The SMM measured by compass the angle between north and the axis of cargo remains. The SMM measured the incoming azimuth for the three cargo remains of the Smerch rockets, indicating a general incoming north-north-west direction. Local residents of the impacted area of Artemivskyi district told the SMM during its visit on 28 January to the site that one man had been killed in his residence at 33 Korolenko Street. The JCCC and the emergency services department of the "LPR" both confirmed the same casualty figures. On 30 January the SMM visited the central morgue in Luhansk city and met representatives of the regional pathologist office, who stated that their post-mortem examination had confirmed that two individuals had died as a result of the shelling. The first individual had died as a result of being struck in the chest and abdomen by metal fragments. The second individual had died from stress-related heart-failure as a result of shelling. The SMM met, on 30 January, the deputy head of the central regional hospital, who confirmed that two persons wounded on 27 January were still staying in hospital for surgery and medical treatment. On 3 February the hospital confirmed to the SMM the information previously received.

739. On 1 February 2015 the Ukrainian Major General, head of the Ukrainian side within the JCCC, told the SMM that the headquarters in Debaltseve had been hit multiple times by Grad rockets on 1 February. During the attack two civilians had been wounded. A third civilian had been wounded outside the building.

740. On 5 February 2015 the SMM followed up on the shelling which had reportedly struck the Kirovskyi district in Donetsk city on 4 February from 11.40 a.m. to 11.45 a.m. The same shelling salvo reportedly hit the direct surrounding of Kindergarten no. 381, a neighbouring street near the kindergarten and Donetsk Hospital no. 27. The SMM inspected the three aforementioned different sites located in the Kirovskyi district on 5 February between 10 a.m. and 3 p.m. At 10 a.m., the SMM arrived at Kindergarten no. 381, located at Pintera Street 10. The SMM spotted an impact crater in the kindergarten's playground located 25 metres north-west of the kindergarten. It noticed that the wall facing north-north-west of the

aforementioned kindergarten and a nine-storey apartment building facade facing south – located 40 metres north of the kindergarten – had been damaged by shrapnel impacts consistent with an MLRS strike. On the basis of an analysis of the crater impact, the fuse diameter and the observed damage, the SMM concluded that the shelling had come from a south-south-westerly direction and had been fired by a BM-27 Uragan MLRS. The SMM did not find any remnants on the spot. A kindergarten employee told the SMM that members of the "DPR" "Vostok battalion" had removed the remnants shortly after the shelling had occurred. The monitors inspected a second impact crater located 500 metres south-east of the first crater at the kindergarten. The second impact crater was located 20 metres west of the pavement in front of Pintera Street 2. On the basis of the crater analysis, the SMM assessed that the impact was also consistent with a BM-27 Uragan MLRS strike. The SMM did not find remnants around the crater and could not specify the bearing of the shelling as the crater on the pavement had been filled in with dirt and stones. It observed a large amount of congealed blood on the pavement 20 metres from the impact site. A male individual – who claimed that he had eye-witnessed the shelling on 4 February – said that the shelling at Pintera Street 2 had killed one man and injured two women. The SMM could not verify that information. The interlocutor added that members of the "DPR" "Vostok battalion" had removed the remnants shortly after the shelling had occurred. At 11.15 a.m., the SMM arrived at Donetsk Hospital no. 27 and noticed two impact craters, one located to the north-east and the second to the north-west of the hospital building facility. On the north-eastern site, the monitors found a large crater located 11 metres from the hospital's main entrance. The entire facade and the front windows (facing north-east) of the hospital were heavily damaged by shrapnel. The SMM found traces of blood near the front wall and 300 metres south-east of the hospital entrance. Following an analysis of both craters, the SMM assessed that the shelling that had hit the hospital's immediate surrounding had come from a south-south-westerly direction. The SMM found three small metal parts around the north-eastern crater which the monitors assessed as belonging to the propellant cylinder of a shell fired from a BM-27 MLRS Uragan rocket. A nurse and a director employed at Hospital no. 27, who said that they had been on duty on 4 February at 11.40 a.m. during the shelling, told the SMM that two rockets had hit the area surrounding the hospital. They added that the shelling had immediately killed five men and left twenty-six other individuals injured. The interlocutors explained that the aforementioned twenty-six wounded individuals had been transferred to Hospitals nos. 16 and 24 and Gusok Hospital. The SMM met a nurse and a director employed at Hospital no. 24, who said that they had treated fourteen wounded individuals belonging to the group of twenty-six people injured on 4 February. The interlocutors added that one injured individual from the group of fourteen wounded had later died at Hospital no. 24. On the basis of the statement from

the personnel employed at Hospitals nos. 27 and 24, the SMM assessed that the shelling at Hospital no. 27 had left six individuals killed and twenty-five injured. At Hospital no. 24, the SMM spoke to a wounded woman, who explained that she had been hit by shrapnel while working as a nurse at Hospital no. 27 during the shelling.

741. On 10 February 2015 the SMM was informed by an official from the Donetsk Region Administration that shelling in Kramatorsk had killed seven civilians and injured twenty-six, including five wounded children. The interlocutor added that thirty-two Ukrainian armed forces personnel had been injured at Kramatorsk airport.

742. In its report of 15 February 2015, the HRMMU noted that indiscriminate shelling of populated areas, both government-controlled and those controlled by the armed groups, continued to be widespread. Although, in some cases, imprecise targeting of military positions had occurred in the immediate vicinity of built-up areas (especially in the Debaltseve area), there had also been numerous cases of shelling of residential areas not located near military positions. On 13 January 2015 thirteen civilians had been killed and eighteen wounded when a bus was hit at a checkpoint near the government-controlled town of Volnovakha. The bus was hit by a MLRS Grad rocket launched from territory controlled by the “DPR”. The SMM arrived at the location of the incident at 5.45 p.m. and witnessed the removal of two of the dead passengers from the bus. The bus had shrapnel damage consistent with a nearby rocket impact, estimated by the SMM to have been 12-15 metres from the side of the bus. The SMM visited the Volnovakha hospital, where the staff confirmed that ten persons on the bus had been killed instantly, while two had died later in the hospital. On 24 January 2015 at least thirty-one people had been killed and 112 wounded following MLRS attacks on the city of Mariupol. The rockets were allegedly fired from territory controlled by the “DPR”. On 4 February 2015 a hospital in the city of Donetsk, held by the armed groups, had been hit, with six people killed and twenty-five wounded. The MLRS rockets reportedly came from areas controlled by the separatist armed groups. On 22 January 2015 at least thirteen civilians had been killed and twelve wounded in Donetsk, most of them after a trolleybus and public transport stop were hit by mortars. On 29 January 2015 eight civilians had been killed and nineteen wounded amidst heavy shelling in the city of Horlivka, held by the armed groups. The armed groups attributed responsibility for these and other cases of shelling of residential areas to the Ukrainian armed forces. In January and February 2015, several cases of usage of cluster munitions had been reported. The HRRMU could not verify the origin of these attacks.

743. The HRRMU noted that between 1 December 2014 and 15 February 2015, at least 1,012 people had been killed and at least 3,793 wounded in the conflict area of eastern Ukraine. As a result of the dramatic escalation of hostilities between 13 January and 15 February 2015, at least 842 deaths had

been reported during that period, including at least 359 civilians. Of at least 3,410 reported wounded during that period, at least 916 were civilians. From mid-April 2014 to 15 February 2015, at least 5,665 people (including at least 375 women and 63 children) had been killed and at least 13,961 (including at least 630 women and 159 children) had been wounded. These totals included Ukrainian armed forces (at least 1,756 killed and 5,505 wounded); 298 from flight MH-17; and casualties reported by medical establishments: at least 2,420 killed and 4,919 wounded in the Donetsk region, and at least 1,185 killed and 3,573 wounded in the Luhansk region. Casualties reported by medical establishments included civilians and some members of the armed groups.

744. In the same report, the HRRMU also referred to a number of media reports and social media postings of videos regarding possible incidents of summary, extrajudicial or arbitrary executions. On 24 January 2015 armed groups had claimed control over the settlement of Krasnyi Partyzan, which had previously been controlled by the Ukrainian armed forces. The video footage made by the armed groups soon after the fight for the settlement and disseminated through social media gave grounds to suspect that up to three Ukrainian servicemen taken captive in Krasnyi Partyzan had been executed. Following fighting for Donetsk airport in January and the subsequent taking of the airport by armed groups of the "DPR", media reports suggested that the bodies of Ukrainian military personnel had been found in the airport with their hands tied with white electrical cable.

745. The UN Human Rights Office estimated that the total number of people killed in eastern Ukraine by 2 March 2015 had almost certainly exceeded 6,000.

746. On 2 August 2015 the SMM observed a shell impact on a garden path on Nevska Street in Donetsk. A woman reported that, as a result of shelling that had begun at 7 p.m. on 31 July, her 11-year-old daughter and the girl's 67-year-old aunt had been injured.

747. On 18 May 2016 a tractor hit an anti-tank mine near government-controlled Pavlopil (26 km north-east of Mariupol) (see SMM Daily Report, 19 May) and resulted in the death of a young man (aged 26) and serious injury of another. On 19 May 2016 the SMM visited the morgue and the hospital in Mariupol. The forensic medical examiner at the morgue confirmed that the young man had died as a result of a mine explosion. The chief doctor at the hospital said that the young man was being treated in the intensive care unit as he had suffered life-changing injuries from the mine.

748. On 25 May 2016 the HRMMU published its thematic report *Accountability for killings in Ukraine from January 2014 to May 2016*. The report was based on information that the HRMMU had collected through interviews with witnesses, relatives of victims and their lawyers; analysis of corroborating material confidentially shared with the HRMMU; official records; open-source documents and video, photo and audio material

(including some produced by alleged perpetrators); forensic reports; criminal investigation materials; court documents; and other relevant and reliable materials. OHCHR had exercised due diligence to corroborate the validity of the information received, and had detected a number of fabricated allegations disseminated through the Internet and other media. The HRMMU underlined that, owing to the scale and intensity of violence in the territories affected by the armed conflict, it did not have the capacity to examine all allegations of arbitrary deprivation of life brought to its attention.

749. The HRMMU recorded executions of members of Ukrainian forces and elements of armed groups who had surrendered or were otherwise *hors de combat*. These had taken place mainly in 2014 and during the first half of 2015. It also recorded a considerable number of alleged summary executions and killings of civilians who were not taking part in hostilities, for the most part in 2014 and in early 2015. In some cases, because of the prevailing insecurity, it was difficult to ascertain the cause of the killing.

750. The report presents a sample of cases that illustrate broader patterns and trends. The key findings of the report are as follows:

- There was a lack of investigation and accountability for human rights abuses committed in eastern Ukraine, both by the government and by armed groups. As of 31 May 2016 OHCHR had recorded 9,404 people killed and 21,671 injured in the conflict zone. This included civilians and members of the Ukrainian armed forces and armed groups. It underlined that those numbers constituted a conservative estimate. Most of the deaths (85-90%) had been caused by indiscriminate shelling.
- The following killings of civilians/persons *hors de combat* not in the immediate vicinity of the armed conflict were documented (examples of cases were listed in an annex to the report): - use of force by means of firearms (dozens of deaths); - execution of those who had surrendered or were *hors de combat*, including for ideological reasons (dozens of incidents, particularly between June 2014 and February 2015); - arbitrary or summary executions of civilians, mostly for pro-Ukraine views (a considerable number, mostly in 2014 and early 2015); - death during deprivation of liberty, which had reached an unprecedented scale (thousands of detained people) in the territories controlled by armed groups (dozens of cases); - disappearances which could have led to deaths (hundreds of people remained missing).

751. The “head” of the local administration in “LPR”-controlled Dovhe (23 km north-west of Luhansk) informed the SMM about the shelling that had occurred at 7.30 a.m. on 10 August 2015. The SMM observed an impact near civilian areas, caused by two anti-tank rounds fired from approximately 1.5 km north of the impact. The SMM also observed that three walls of one

building had been penetrated and that shell fragments remained on the ground.

752. On 25 August 2015 the SMM reported that a 56-year-old female guard had died in Horlivka from shrapnel wounds.

753. On 2 September 2015 the SMM visited a hospital in Shchastya (20 km north of Luhansk) and saw four injured men who, according to a police officer, had been ambushed travelling within 2 km of the contact line between the government-controlled towns of Lopaskyne and Lobacheve (24 km and 18 km north-west of Luhansk) early on 2 September. The police officer told the SMM that five civilian volunteers supporting the Anti-Terrorism Operation and one tax inspector had been ambushed with rocket-propelled grenades and small arms fired by unknown persons. A nearby Ukrainian armed forces unit had heard the firing and rushed to the scene, where a fire fight had ensued. According to hospital staff in Shchastya, two individuals had died (the tax inspector and a civilian volunteer) with the remaining four being hospitalised with injuries. A doctor at Novoaidar hospital told the SMM that two soldiers – who had rushed to the scene - had been admitted, and are in a critical condition.

754. On 17 September 2015 the Donetsk city morgue director told the SMM that a 50-year-old man had died on 16 September as a result of injuries sustained when, while out for a walk in the Kuibishevskyi district, an object had exploded when he picked it up. At the morgue, the SMM saw the body of a middle-aged man with multiple shrapnel injuries to head, body and limbs.

755. On 26 January 2016, at Hospital no. 2 in Horlivka, the SMM visited a 58-year-old man who had been wounded when he tripped on a booby trap in Zaitseve (50 km north-east of Donetsk) on that day. The SMM saw that the man had a shrapnel wound to his left upper leg. His neighbour, a 58-year-old woman, had also been wounded in the same incident, according to her doctor, and also sustained non-life-threatening shrapnel wounds, to her legs and shoulder.

756. On 19 July 2016, in government-controlled Popasna (69 km west of Luhansk), the SMM observed seven fresh impact sites but was unable to analyse them, as evidence from the sites had been removed. The SMM observed a broken window and traces of blood at one house. Neighbours said that a man in his early sixties and his wife had been hospitalised because of injuries sustained during shelling the previous night. On 20 July 2016 the SMM spoke with two government officials, as well as two doctors from a hospital in Popasna, who confirmed the injuries to the man. A doctor who had treated the man stated that he had undergone surgery for two wounds to his stomach and that his life was not at risk.

757. On 20 July 2016 the SMM observed a fresh crater in front of a house in Popasna, and assessed that the crater had been caused by a recoilless gun (SPG-9) round fired from a north-easterly direction. The SMM followed up on another incident in Popasna, when according to a government official, two

civilians had been injured in an explosion the previous day while trying to cross the contact line at an unofficial crossing route near government-controlled parts of Zolote (60 km north-west of Luhansk). The SMM spoke with a doctor at a hospital in government-controlled Lysychansk (75 km north-west of Luhansk), who confirmed that the civilians were being treated there after having hit a tripwire connected to an explosive device late in the evening of 19 July. The doctor stated that the woman was in a stable condition but the condition of the man was worse.

758. On 20 July 2016, the SMM recorded the death of a 19-year-old man who had allegedly been shot in the head while in the yard of his house, less than 1 km from the contact line. The chief doctor in a hospital in Avdiivka and the chief of police confirmed the man's death.

759. On 7 November 2016, at a hospital in government-controlled Kurakhove (40 km west of Donetsk), the SMM spoke with a woman (44 years old) and a man (in his twenties) who had both sustained shrapnel wounds during shelling they said had taken place during the evening hours of 5 November in government-controlled Krasnohorivka (21 km west of Donetsk). The woman told the SMM that she had been at home after 11.30 p.m. on 5 November when she had heard a loud bang outside her window, after which she described how "the window exploded" and pieces of glass, wood and tiles had flown inside the room, which had also filled with dust and smoke. She told the SMM that shrapnel fragments had hit her arm and face and the SMM saw bandages on her wounds.

760. On the same day, in Krasnohorivka, the SMM observed three fresh impacts in a residential area caused by shelling that had reportedly taken place on 5 November. A Ukrainian armed forces officer at the JCCC accompanied the SMM and at the first site, the SMM observed that a projectile assessed as a 120 mm mortar round had hit the north-eastern side of the roof of a house and penetrated the room. The inhabitants said there were no casualties from the incident. At the second site, the SMM observed an impact between two houses, which it assessed as having been caused by an 82 mm mortar round. The SMM observed shrapnel damage to nearby windows, a fence and a garage door. At the third site, the SMM observed an impact on the ground in front of the south side of a house, which the SMM assessed as having been caused by a 120 mm mortar round and which resulted in shrapnel injuries to the female resident (described above). There was shrapnel damage to the house, as well as the fence and car parked nearby. The SMM could not determine the direction of fire in either case. While in Krasnohorivka, the SMM heard seven undetermined explosions from approximately 3 km to the south-west.

761. In its report covering the period between 16 August and 15 November 2016, the HRRMU stated that on 14 September 2015, the Office of the Chief Military Prosecutor had reported that according to witnesses, a Ukrainian soldier had been executed on 21 January 2015 by a

citizen of the Russian Federation, the commander of the "Sparta" battalion of the "DPR". During the reporting period, OHCHR had recorded eighty-seven conflict-related civilian casualties in forty-four locations of Ukraine: fifteen deaths (fourteen men and one boy) and seventy-two injuries (forty-two men, nineteen women, ten boys and one girl). It reported that during the entire conflict period, from 14 April 2014 to 15 November 2017, at least 2,523 civilians had been killed: 1,399 men, 837 women, 91 boys, 47 girls and 149 adults whose sex was unknown. The number of conflict-related civilian injuries was estimated at between 7,000 and 9,000.

762. On 3 February 2017, medical staff at a hospital in government-controlled Avdiivka (17 km north of Donetsk) informed the SMM about two civilian fatalities and two other persons who had suffered shrapnel injuries. According to them, a 25-year-old man had died as a result of an explosion from shelling at a school in Avdiivka and a 47-year-old female employee of the Avdiivka coke factory had died in the operating room of injuries received after an explosion from shelling. They said that a 48-year-old commander of the State Emergency Services and a British journalist had been injured, adding that the commander was in critical condition, while the journalist had been transferred to a hospital in Dnipro for further care. A member of the regional administration in Dnipro told the SMM that a foreign journalist wounded in Avdiivka on 2 February had been brought to hospital in Dnipro and had undergone surgery.

763. Following up on reports of a civilian casualty allegedly wounded in shelling in the industrial zone in Avdiivka on 13 March 2017, the SMM visited a hospital. Medical staff said that a 37-year-old woman had been admitted to the hospital with a shrapnel injury to her abdomen, on the same day.

764. On 14 March 2017, at a hospital in government-controlled Bakhmut (formerly Artemivsk, 67 km north of Donetsk), medical staff told the SMM that a 62-year-old woman had been admitted to the hospital with a bullet wound to her leg. The staff added that, according to the victim, she had been struck by a bullet while working in her garden in government-controlled Luhanske (59 km north-east of Donetsk).

765. On 15 March 2017, following up on reports of two men injured by shelling while repairing the roof of a house at 187 Polietaieva Street in Zaitseve (50 km north-east of Donetsk), the SMM visited two hospitals in "DPR"-controlled Horlivka (39 km north-east of Donetsk). At one hospital, the SMM saw a man (about 50 years old) being carried out of an ambulance. He was in civilian clothes, covered in blood, and with visible injuries to his head and right leg. The ambulance attendant said that the patient was from "DPR"-controlled parts of Zaitseve. At a second hospital in Horlivka, medical staff refused to provide information to the SMM and said it had to obtain permission from senior "DPR" members.

766. On 20 March 2017, at the hospital in Avdiivka, medical staff told the SMM that on 19 March they had treated an elderly woman from Avdiivka for shrapnel injuries to her left shoulder and right hand, sustained while she was at her house on 139 Kolosava Street. Medical staff said the woman had been discharged the same day. The local police in Avdiivka confirmed this information.

767. On 22 April 2017, about 1.5 km west of government-controlled Katerynivka (64 km west of Luhansk), the SMM saw a crater (assessed as being a few days old) in the grass about 8-10 metres south of the road. The SMM assessed that the impact had been caused by an 82 mm mortar round. For security reasons, the SMM could not approach the impact site, which was 175 metres north from the nearest civilian houses.

768. On 28 April 2017 an SMM patrol consisting of six members and two armoured vehicles was positioned at an "LPR"-checkpoint approximately 1.5 km south-west of "LPR"-controlled Molodizhne (63 km north-west of Luhansk) and spoke with an armed "LPR" member. At 12.17 p.m. the patrol members were proceeding to their vehicles to depart the area when the same "LPR" member began waving his hand at the SMM, indicating that the patrol should depart quickly. At 12.20 p.m., from inside their vehicles, the SMM heard an explosion thought to be an airburst about 50-100 metres to the north-west. At the same time, the SMM saw a cloud of black smoke rising above the mentioned location; no impact was observed from the distance. The SMM could not assess the cause of the explosion. The SMM immediately left the area and returned safely to its base in "LPR"-controlled Kadiivka (formerly Stakhanov, 50 km west of Luhansk).

769. The same day, a separate SMM patrol consisting of five members and two armoured vehicles was positioned at an observation post about 50 metres west of an "LPR" position located 1 km north-west of "LPR"-controlled Kruta Hora (16 km north-west of Luhansk). At about 10.35 a.m., while all SMM patrol members were outside their vehicles, the patrol heard a shot of small-arms fire approximately 40-50 metres to the south. The SMM could not determine the type of weapon or the direction in which it was being fired. The SMM left the area immediately and returned safely to its base in Luhansk city.

770. On 8 May 2017 the SMM spoke to a middle-aged woman in a hospital in Holubivka (formerly Kirovsk, 51 km west of Luhansk), who said that she had been injured during shelling in "LPR"-controlled Sentianivka (formerly Frunze, 40 km north-west of Luhansk), at about 2 p.m. on 7 May. She said that shells had exploded and fragmentation debris had struck her right hand. The SMM saw bandages on her right arm. According to a doctor, she had suffered deep lacerations. The injured woman said that her mother was uninjured and also that she did not know if her home had been damaged.

771. On 5 June 2017, at a hospital in government-controlled Kurakhove (40 km west of Donetsk), the SMM spoke with a 64-year-old woman who

said that she had been admitted on 3 June with fragmentation wounds to her neck. The SMM observed a bandage on her neck and also that she had her arm in a sling. She told the SMM that at around 4.30 p.m. on 3 June as she was walking near her apartment in government-controlled Krasnohorivka (21 km west of Donetsk), she had heard an explosion. As she ran for cover, she said, she heard another explosion and noticed she was bleeding from a wound on her neck.

772. On 11 June 2017, at a hospital in government-controlled Kurakhove (40 km west of Donetsk), medical staff told the SMM that a man (53 years old) and a woman (55 years old) had been brought to the hospital on 10 June from government-controlled Marinka (23 km south-west of Donetsk). The man, who was lying on a hospital bed, told the SMM that he had been inside his home with his wife on 9 June when an explosion had occurred around midnight and injured them immediately. The man told the SMM that the ambulances had refused to go to the area because of the fighting and that they had been transported to the hospital by Ukrainian armed forces soldiers. Medical staff told the SMM that the man had sustained open fractures to his lower left leg and fragmentation wounds to his right thigh. Medical staff told the SMM that it could not speak with the injured woman as she was in the intensive care department following surgery. They said that they had removed pieces of shrapnel and that she had sustained fragmentation wounds to her right hip and thigh and a closed thighbone fracture to her left leg. The local police and a Ukrainian armed forces officer separately told the SMM that shelling had occurred in Marinka on the night of 9-10 June.

773. On 17 June 2017 the SMM visited Sakhanka following up on information provided by the JCCC that a woman in her seventies had died from a gunshot wound on 14 June. Six residents in Sakhanka (two men in their forties and four women in their sixties) separately told the SMM that the woman had been struck by a bullet while in the garden of her house at 42 Havrylenko Street.

774. Between 16 May and 15 August 2017 the HRMMU recorded 161 conflict-related civilian casualties: twenty-six deaths (eleven women and fifteen men) and 135 injuries (seventy-four men, forty-six women, twelve boys and three girls).

775. During the same reporting period, OHCHR observed no progress in establishing the whereabouts of hundreds of individuals who had gone missing in the context of the armed conflict. The exact number of missing persons was unknown. In the absence of properly functioning coordination between government bodies, and the exchange of relevant information between the government and armed groups, publicly available figures on the number of people missing in the conflict zone differed considerably. As of 15 August 2017 the public database of the National Police of Ukraine listed 1,476 individuals who had gone missing in the conflict zone since mid-April 2014. According to the Main Department of the National Police in Donetsk

region, 1,646 individuals had gone missing in the region since the beginning of the conflict. According to the ombudsperson of the "DPR", 50,931 individuals were registered as missing. OHCHR believed that those figures reflected only the numbers of applications for the search of missing persons received by the various actors. Some people might be included in multiple lists, while the whereabouts of others listed might have already been established.

776. In June 2017 OHCHR documented a case which demonstrated the recurrent character of killings and enforced disappearances in the conflict zone. A young man who made his living carrying luggage for people travelling across the contact line in Stanytsia Luhanska had left for work on 27 April 2017 and never returned. On 2 May his family saw a media report stating that his body had been found by an ambulance in Zhovtnevyi district, in Luhansk city (controlled by armed groups), on 27 April. According to the death certificate, the man died of haemorrhagic shock linked to complex trauma to his head, limbs, and body bones, and multiple injuries of internal organs. The police in Luhansk did not provide his relatives with any information on the circumstances of his death. The Troitske police department of the National Police in Luhansk region launched a criminal investigation into the case. Earlier in 2015, the young man had been arbitrarily detained by the Tornado company in government-controlled territory, in Stanytsia Luhanska, and had spent several days in unofficial places of detention.

777. In its report for 16 August to 15 November 2017, the HRMMU referred to several cases involving sexual violence. On 31 May, near Luhansk, two civilian men had been abducted and detained by five members of an armed group masked with balaclavas and armed with assault rifles. They were taken to a tent camp and separated. One victim, who was known for his pro-Ukrainian views, was brought inside a tent, where other members of armed groups beat him and subjected him to a mock execution before interrogating him. At one point, the interrogator kicked the victim in his testicles, which was extremely painful and resulted in residual injury. The victim was also beaten with a metal rod wrapped in a rag by different individuals, including a woman. The perpetrators forced the victim to open his social network accounts, which was followed by more beatings on different parts of his body, including his kidneys and the back of his head. The perpetrators threatened the second victim that his younger sister "may not come back home tonight"; they knew where she studied and what time she returned home. The victims also heard a man armed with a pistol ask the guards whether his friends could rape the detainees.

778. In the same report, OHCHR referred to the transfer on 14 September 2017 of nineteen pre-conflict prisoners from four penal colonies controlled by the "DPR" to facilities in government-controlled territory. The transferred prisoners did not report having been subjected to torture or ill-treatment;

however, in certain penal colonies the conditions were poor, including substandard quality of food, insufficient healthcare due to lack of medical staff and supplies, and lack of adequate heating.

779. On 4 December 2017 the SMM confirmed reports of a civilian casualty in government-controlled Verkhnotoretske (23 km north-east of Donetsk). Medical staff at a hospital in government-controlled Toretsk (formerly Dzerzhynsk, 43 km north of Donetsk) told the SMM that a woman had been admitted on 2 December with a gunshot wound in her right lower leg. The mother of the patient told the SMM that her 31-year-old daughter had been walking with her husband along Vyshnova Street in Verkhnotoretske during the day on 2 December when they had heard gunfire. She added that her daughter had been hit by a bullet while trying to seek shelter in a shop nearby.

780. In its report for 16 November 2017 to 15 February 2018, the HRMMU reported 121 cases involving credible allegations of torture, ill-treatment and/or sexual violence, committed in the context of unlawful or arbitrary detention. Fifteen of those cases had occurred during the reporting period, on either side of the contact line. OHCHR interviewed 113 persons held in thirteen detention facilities in government-controlled territory. While OHCHR continued to enjoy unimpeded access to official places of detention and conflict-related detainees in government-controlled territory, it continued to be denied such access in territory controlled by the armed groups. This persistent denial of access raised serious concerns regarding detention conditions and possible further human rights abuses, including ill-treatment and torture. First-hand information received from a number of former detainees, including some individuals released as part of a simultaneous release on 27 December 2017, supported those concerns.

781. The HRMMU, in its report for 16 November 2017 to 15 February 2018, documented a total of seventy-three conflict-related civilian casualties, namely twelve deaths and sixty-one injuries. While this represented an overall decrease of 16% compared with the previous reporting period, the number of civilian casualties resulting from shelling and light weapons fire had increased by 66.7%, indicating that the armed hostilities continued to endanger the population on a daily basis. OHCHR was not able to attribute all civilian casualties to a specific party to the conflict. However, of the forty-seven civilian casualties resulting from shelling and SALW fire, thirty-five (two killed and thirty-three injured) were recorded in territory controlled by armed groups, and were probably attributable to the government of Ukraine, and twelve (one killed and eleven injured) were recorded in territory controlled by the government, and were probably attributable to armed groups. Twenty-six civilian casualties could not be attributed to any party.

782. On 10 March 2018, at a hospital in Donetsk, the SMM spoke with four women and two men who all had visible injuries (including bruises and

cuts) to their faces; five of the six were wearing eyepatches. Several of them told the SMM that on 9 March they had been passengers in a small bus travelling through Kirovskyi district towards road H-15 when they observed a man running toward the bus shouting "Stop the bus!" while being followed by armed men in military-style attire in a car. They said that the bus had slowed down to let the man on but, as the man approached the bus, the car had rammed him and pinned him against the bus. The interlocutors said that they had then noticed that he was carrying a hand grenade, which had detonated as he was pinned against the bus. According to them, the explosion shattered the bus's windows; shrapnel and flying glass caused their injuries. Medical staff at Kalina hospital in Donetsk city told the SMM that they were treating a man who had been a passenger on the bus for shrapnel injuries to the abdomen. At Kalina morgue in Donetsk city, staff told the SMM that on 9 March the bodies of a man and a woman who had died in the explosion had been admitted. On Bakhmetieva Street, near its intersection with Pochenkova Street in Kirovskyi district, the SMM saw a number of used latex gloves, alcohol swabs and bloody paper towels scattered about. Three local residents told the SMM that they had heard an explosion at 11 a.m. on 9 March near the intersection of Bakhmetieva and Pochenkova Streets and, when they reached the scene of the explosion, they had found it blocked off by hazard tape and "DPR" members. They also said they had seen people covered in blood near a damaged Mercedes-Benz Vito minibus; some fifteen minutes after the explosion, they had seen ambulances arrive.

783. On 12 April 2018, at Hospital no. 4 in Mariupol (government-controlled, 102 km south of Donetsk), the SMM spoke with a man (aged 55) who had had his right hand amputated, a bandaged left hand and scratches on his face. He told the SMM that on the previous day, at a scrap metal collection site near Myrne (government-controlled, 40 km north-east of Mariupol), he had found and picked up a small iron tube slightly bigger than a pen which had then exploded in his hand. He had been taken by ambulance from Myrne to Mariupol where, he said, his hand had been amputated.

784. On 11 May 2018, at the hospital in Dokuchaievsk, the SMM saw bandages on the left arm and wrist of a woman (52 years old), who told the SMM that she had suffered wounds caused by shrapnel from the abovementioned shelling. The woman told the SMM that at around 11.30 a.m. on 11 May, she and her sister had been walking on Lenina Street near the bus station in Dokuchaievsk, when they had heard explosions coming from behind the station and had taken cover at the employment centre.

785. In its report covering the period between 16 February and 15 May 2018, the HRMMU indicated that nineteen civilians had been killed and sixty-two injured during that period, most as a result of the escalation in fighting in April 2018. From the beginning of the conflict to 15 May 2018, at least 3,023 civilians had been killed and between 7,000 and 9,000 injured.

786. On 29 May 2018 several residents of Chermalyk (government-controlled, 31 km north-east of Mariupol) said that they had heard shelling in the early morning hours of 29 May when they had been at home.

787. On 30 May 2018, at a hospital in Toretsk (formerly Dzerzhynsk, government-controlled, 43 km north of Donetsk), medical staff told the SMM that the body of a 15-year-old girl from Zalizne (formerly Artemove, government-controlled, 42 km north-east of Donetsk) had been brought to the hospital on 28 May. Medical staff added that an examination of the body had led to the conclusion that the girl had died instantly on 28 May from shrapnel wounds. In Toretsk a representative of the military-civil administration and the deputy head of police told the SMM separately that the 15-year-old girl had been killed on 28 May as a result of the explosion of a mortar round that had detonated in front of her house.

788. On the same day, the SMM reported an explosion less than 300 metres from the SMM patrol near Petrivske (41 km south of Donetsk).

789. On 7 June 2018, on account of constant shelling during both daylight and night-time hours, SMM suspended its enhanced presence at Donetsk Filtration Station.

790. On 20 June 2018, representatives of an international organisation told the SMM that a resident of Trokhizbenka (a man in his forties) had been injured in an explosion of an unidentified device on the morning of 20 June while he had been driving a car with three passengers on an unpaved road from the town towards the Sieverskyi Donets river. Medical staff at a clinic in Trokhizbenka told the SMM that at around 6.30 a.m. on 20 June, a man (in his forties) had been brought with multiple injuries to his legs and then transferred to a hospital in Novoaidar (government-controlled, 49 km north-west of Luhansk). Medical staff at the hospital in Novoaidar told the Mission that at around 9.15 a.m. on 20 June, a man (in his forties) had been admitted with serious injuries to his legs and had immediately undergone surgery. The staff said that the man's injuries had been caused by an explosive device that had gone off in the area of Trokhizbenka in the early morning of the same day. The SMM was unable to access the explosion site because of security considerations.

791. On 12 July 2018, at a hospital in Kurakhove (government-controlled, 40 km west of Donetsk), a 60-year-old man told the SMM that on 10 July he had gone to visit his house, which had been damaged at the beginning of the conflict and was located in Krasnohorivka (government-controlled, 21 km west of Donetsk) and that at around 9.30 a.m. he had been hit in the groin by a bullet while in front of the house. He added that after receiving first aid at the hospital in Krasnohorivka, he had been taken to the hospital in Kurakhove, where he had undergone an operation. Medical staff at the hospital in Kurakhove told the SMM that the man had been admitted at around 12.30 p.m. on 10 July and that the wound had been caused by a bullet.

792. On 3 August 2018, in Zalizne (government-controlled, 42 km north-east of Donetsk), a woman (80 years old) told the SMM that on 8 June at around noon, she had felt a sharp pain in her right shoulder and went to her neighbour, who had called an ambulance for her. The woman showed the SMM a scar on her shoulder, as well as a hole in a south-east-facing window in the living room of her ground-floor apartment on Papanina Street in Zalizne. On 10 June, medical staff at a hospital in Toretsk (formerly Dzerzhynsk, government-controlled, 43 km north of Donetsk) told the SMM that the woman had been admitted on 8 June with a non-penetrating bullet wound to her right shoulder.

793. According to the HRRMU's report for 16 May to 15 August 2018, OHCHR had recorded 105 conflict-related civilian casualties: twelve killed and ninety-three injured. Hostilities were marked by the continued use of indirect and/or explosive weapons which impacted civilian residential areas and essential civilian infrastructure. The "harvest ceasefire", which had commenced on 1 July, appeared to have contributed to a marked decrease in civilian casualties following the significant spike in May and June. The greatest number of civilian casualties during the reporting period had been caused by shelling or light weapons fire: fifty-three (seven killed and forty-six injured), forty-two of which (four killed and thirty-eight injured) were recorded in territory controlled by armed groups and were attributable to the government, while eleven (three killed and eight injured) were recorded in government-controlled territory and were attributable to armed groups. All of the incidents had occurred in residential neighbourhoods, including the victims' houses, or other areas regularly frequented by civilians.

794. On 31 August 2018, in Verkhnotoretske (government-controlled, 23 km north-east of Donetsk), a woman (in her twenties) told the SMM that on the afternoon of 27 August, when she had been standing outside the kindergarten at 75 Zaliznichna Street with her daughter, she had heard a sound, felt a sharp pain and seen blood on her right forearm and a bullet on her foot. On the woman's forearm the SMM saw a haematoma with a small, scabbed wound in the centre. On the same day, staff at the military medical point in Verkhnotoretske told the SMM that on 27 August they had treated a woman (in her twenties) for a small-arms wound to her right forearm.

795. On 28 September 2018 the SMM followed up reports of civilian casualties and fresh damage caused by shelling in Pikuzy (formerly Kominternove, non-government-controlled, 23 km north-east of Mariupol). On 26 September, near Kulykove (non-government-controlled, 30 km north-east of Mariupol), a couple (in their fifties) told the SMM that they had sustained shrapnel injuries from shelling in Pikuzy earlier that day. The SMM saw a bandage on the man's abdomen and did not see a visible wound to his wife. The man said that they had attempted to travel to a hospital in Mariupol (government-controlled, 102 km south of Donetsk) but their passage had been denied at a checkpoint in Verkhnoshyrokivske (formerly Oktyabr,

non-government-controlled, 29 km north-east of Mariupol). Later, the SMM's paramedic provided first aid to the man, and an ambulance arrived and picked up the couple. The following day, medical staff at a hospital in Novoazovsk (non-government-controlled, 40 km east of Mariupol) told the SMM that the couple had been admitted on 26 September and that the man had undergone surgery. At the hospital, the injured woman told the SMM that two pieces of shrapnel remained in her leg and neck.

796. On 25 October 2018 the SMM followed up on reports of civilian casualties near Zalizne (government-controlled, 42 km north-east of Donetsk). On 24 October, at a hospital in Toretsk (government-controlled, 43 km north of Donetsk), the SMM saw a man (aged 31) with a small bandage on his left wrist and another man (aged 39) with no visible injuries. They told the SMM that on the afternoon of 23 October near Zalizne, while one of them had been driving a truck and the other an excavator (a few metres behind the truck) in a field, as part of repair works to water pipelines in the area, they had heard a loud explosion and immediately later felt a blast. Medical staff at the same hospital told the SMM that the two men had been admitted with "shell shock" on the afternoon of 23 October. An employee of the Voda Donbassa water company told the SMM by telephone that on the afternoon of 23 October, he had heard an explosion about 1 km away from the location of the drivers near Zalizne, gone to the scene and seen them slightly injured and in shock as a result of a mine blast. He added that he had seen damage to the lower part of the cargo area of the truck.

797. In its report covering the period between 16 August and 15 November 2018, the HRMMU reported that both in government-controlled territory and in armed group-controlled territory, there was a disregard for the principles of distinction and precaution, resulting in civilian casualties and damage to civilian infrastructure. Mines and explosive remnants of war continued to pose an imminent threat to civilian residents of the conflict zone.

798. According to the HRMMU's report for 16 November 2018 to 15 February 2019, there was a trend of decreasing conflict-related civilian casualties, which in 2018 were 53% lower than in 2017 and were at their lowest for the entire conflict period. During the reporting period, there had been sixteen documented conflict-related civilian casualties: two people were killed and fourteen injured, which represented a 68% decrease compared with the previous reporting period from 16 August to 15 November 2018. Shelling and SALW fire had injured ten civilians – one of the lowest figures for the entire conflict period. Of these, nine were recorded in territory controlled by armed groups and were attributable to the government of Ukraine, and one was recorded in government-controlled territory and was attributable to armed groups of the "DPR". During the reporting period, OHCHR did not record any mine-related civilian casualties.

799. On 23 February 2019 at around 12.40 p.m., while moving south past the forward position of the armed formations along the contact line on road H-20 near Olenivka (non-government-controlled, 23 km south-west of Donetsk), about 200 metres south of the above-mentioned position of the armed formations, the SMM saw the burning wreckage of an overturned minivan on the soft ground of a median strip between the road lanes. Within a radius of 15 metres of the wreckage, the monitors saw debris from the vehicle scattered around, including three tyres and two doors, all scorched. The SMM saw a fresh crater in the median strip about 3 metres from the wreckage, as well as three mine hazard signs: one lying on the ground less than 10 metres from the crater and the other two attached to a post and a barrier nearby. The monitors assessed that the vehicle had detonated an explosive device (probably an anti-tank mine) in the median strip. On 24 February, the SMM followed up on reports of three civilians involved in the explosion. The head of the morgue in Dokuchaievsk (non-government-controlled, 30 km south-west of Donetsk) told the SMM that the bodies of a man (34 years old) and a woman (85 years old) had been brought to the morgue on the afternoon of 23 February. He said that the two civilians had died from severe injuries caused by a mine explosion. In Shakhtarsk (non-government controlled, 50 km east of Donetsk), a man (59 years old) told the SMM that he had been one of the three people in the aforementioned minivan. He said that on 23 February, he had been returning to non-government-controlled areas with his mother and a driver after having received pensions in government-controlled areas. He added that an explosion had occurred after the vehicle had entered the median strip on the H-20 road, just south of the armed formations' forward position. The man had scratches and bruises on his cheeks, as well as a bandage covering his head.

800. As described in the HRMMU's report for 16 February to 15 May 2019, while the armed conflict in eastern Ukraine continued to affect the population throughout the country, the ongoing hostilities in a number of hotspots along the contact line had a significant impact on the lives of people who live there. During the reporting period, OHCHR had documented forty-five conflict-related civilian casualties: ten killed and thirty-five injured. Shelling and SALW fire had killed two civilians and injured eighteen. Of these, sixteen were recorded in territory controlled by the "DPR" and "LPR" and were attributable to the government of Ukraine, and four were recorded in government-controlled territory and are attributable to separatist armed groups. Mines and explosive remnants of war had killed seven civilians and injured seventeen. The total civilian death toll of the conflict had reached at least 3,331 as of 15 May 2019.

801. On 20 July 2019, in Krasnohorivka (government-controlled, 21 km west of Donetsk), the SMM followed up on reports about a man (in his sixties) who had died as a result of gunfire. At his address, the monitors saw what

they assessed as fresh traces of blood near a crater in a garden about 100 metres south-west of a five-storey apartment building. The SMM assessed the crater to have been caused by fire from an infantry fighting vehicle (IFV) (BMP-1) or a self-propelled gun (type undetermined), but could not assess the direction of fire. The apartment building was located about 1 km west of positions of the Ukrainian armed forces and about 2 km west of positions of the separatist armed formations. At the same address, two residents (a man and a woman in their sixties) separately told the SMM that on the morning of 19 July, they had heard small-arms fire nearby, followed by a loud explosion in their neighbour's garden. They said that they had then seen the man, who had been working in the garden, lying on the ground with severe injuries to his left upper body, as well as severe burns to the rest of his body. They told the SMM that after forty minutes an ambulance from Marinka (government-controlled, 23 km south-west of Donetsk) had arrived and had taken the man to a hospital in Kurakhove (government-controlled, 40 km west of Donetsk). At the hospital in Kurakhove, medical staff told the SMM that the man had been admitted to the hospital on 19 July, and that he had died immediately after being admitted from fatal injuries.

802. On 12 August 2019 the SMM followed up on reports of two women (in their sixties) who had sustained injuries as a result of shelling on 28 February in the eastern part of Troitske (government-controlled, 69 km west of Luhansk). On 4 March 2019 the head of the Troitske administration (a man in his thirties) told the SMM that on 1 March on Soniachna Street he had seen two women, both residents of the street – one with injuries to her leg, the other with injuries to her arm, in both cases due to shelling. The SMM was unable to access the street because of security considerations. In late July at a one-storey house at 20 Soniachna Street in Troitske, a woman (in her sixties) told the SMM that she lived there and that on the evening of 28 February she had been at home when she heard an explosion and saw one windowpane breaking and pieces of broken glass hitting her leg. She also said that the roof of her house had been damaged. When the SMM was speaking with the woman it saw that three east-facing windows and the roof of the house had been repaired. Also in late July, at 21 Soniachna Street, at a one-storey house across the street from the above-mentioned house, another woman (in her sixties) told the SMM that she lived there and that on the evening of 28 February she had been in the yard in front of her house when she saw and heard three impacts near the house at 20 Soniachna Street. She said that she had sustained injures to her arm and face from the ensuing pieces of shrapnel. She added that three west-facing windows of her house had been damaged. When the SMM was speaking with the woman it saw that three west-facing windows had been repaired. Medical staff at the clinic in Troitske told the SMM that a woman (in her sixties) from 20 Soniachna Street with a cut to her leg caused by glass debris and another woman (in her sixties) from

21 Soniachna Street with injuries caused by shrapnel had been treated at the clinic on the morning of 1 March.

803. On 5 November 2019 the SMM confirmed reports of a man and a woman who had died after a grenade had exploded inside their apartment in government-controlled Kurakhove.

804. On 8 November 2019 the SMM reported that a boy had been injured by a stun grenade in non-government-controlled Ilovaisk.

805. According to the HRMMU's report for 16 August to 15 November 2019, on 22 May 2019 eight soldiers from Ukrainian armed forces had been apprehended by armed groups near the Olenivka checkpoint. One soldier had reportedly been sentenced by a court of the "DPR" and held in Makiivka penal colony no. 97. On 14 October 2019 he had been found dead in his cell. Circumstances surrounding the case raised suspicions that his death could have been violent.

806. In its report for 16 November 2019 to 15 February 2020, the HRMMU noted nineteen conflict-related civilian casualties: two killed (both men) and seventeen injured (thirteen men, three women and one boy). Shelling and SALW fire had caused nine civilian casualties: one killed (a man) and eight injured (six men and two women). Of those affected during the reporting period, three cases of injuries were recorded in territory controlled by the "DPR", and four in territory controlled by "LPR", all attributable to the government of Ukraine. One civilian was killed and one was injured in government-controlled territory in the Donetsk region, both attributable to armed groups of the "DPR". Mine-related incidents and the handling of explosive remnants of war had resulted in ten civilian casualties: one killed (a man) and nine injured (seven men, one woman and one boy). Of those affected during the reporting period, five cases of injuries were recorded in territory controlled by the "LPR"; and one death and four cases of injuries in Government-controlled territory in the Donetsk region.

807. From 1 January to 31 December 2019 OHCHR recorded 167 conflict-related civilian casualties: twenty-seven killed (sixteen men, ten women and a boy) and 140 injured (eighty men, forty women, eleven boys and nine girls). This was a 40.6% decrease compared with 2018 (281 casualties: 55 killed and 226 injured) and the lowest annual civilian casualty figures for the entire conflict period. In 2019, 105 of the civilian casualties recorded were caused by shelling and SALW fire (eight killed and ninety-seven injured), a 33.1% decrease compared with 2018 (157 casualties: 21 killed and 136 injured). Of these, eighty-five (five killed and eighty injured; 81%) had been recorded in territory controlled by the self-proclaimed republics, eighteen (three killed and fifteen injured; 17.1%) in government-controlled territory, and two (both injuries) in "no man's land".

808. In its report covering the period between 16 February to 31 July 2020, the HRMMU recorded 107 civilian casualties: eighteen killed (ten men, seven women and one boy) and eighty-nine injured (forty-nine men, thirty

women, six girls and four boys). While the report highlighted spikes in hostilities resulting in civilian casualties in March and May, it welcomed the package of additional measures to strengthen the ceasefire that had taken effect on 27 July 2020. Those measures had contributed to easing the effects of the conflict on the civilian population, with zero civilian casualties or damage to civilian infrastructure resulting from active hostilities recorded since 1 August 2020.

809. The HRMMU's report for 1 August 2020 to 31 January 2021 recorded forty-one civilian casualties: eight killed (seven men and one woman) and thirty-three injured (twenty-four men, five boys, three women and one girl). Active hostilities had caused three civilian injuries (all in armed group-controlled Oleksandrivka in the Donetsk region): on 12 November 2020 two men had been injured after their house was directly hit by light weapons fire; and on 30 January 2021 a man had been injured when a bullet struck his leg as he was walking to visit his parents. Thirty-six civilian casualties had resulted from mine-related incidents and handling of explosive remnants of war: eight killed (seven men and one woman) and twenty-eight injured (twenty men, five boys and three women). Two other civilian casualties (one injured man and one injured girl) had been caused by a road incident with a military vehicle.

810. In its report covering the period of 1 February to 31 July 2021, the HRMMU stated that, after a considerable improvement of the security situation in eastern Ukraine following the strengthened ceasefire in July 2020, the number of civilian casualties and incidents of damage to civilian objects had risen and was now at levels seen prior to the strengthened ceasefire.

811. In its report covering the period between 16 August to 15 November 2019, the HRMMU noted that the total civilian death toll of the conflict had reached at least 3,344 (1,807 men, 1,055 women, 98 boys, 49 girls and 37 adults whose sex was unknown, as well as the 298 individuals who had died on board of Malaysian Airlines flight MH17) as of 15 November 2019. The number of injured civilians was estimated to exceed 7,000.

812. On 27 February 2022 the OHCHR published its situation report on conflict-related civilian casualties in Ukraine. From 1 January to 31 December 2021 OHCHR had recorded forty-four civilian casualties caused by active hostilities (shelling, SALW fire and explosive devices dropped from UAVs): seven killed (six men and one woman) and thirty-seven injured (twenty-five men, nine women, two boys and one girl). There had been fifty-eight civilian casualties resulting from mine-related incidents and ERW handling: twelve people had been killed (seven men, one woman, three boys and one girl) and forty-six injured (thirty-one men, ten women, four boys and one girl).

813. In the same report, OHCHR indicated that during the entire conflict period, from 14 April 2014 to 31 December 2021, it had recorded a total of 3,106 conflict-related civilian deaths (1,852 men, 1,072 women, 102 boys,

50 girls, and 30 adults whose sex was unknown). Taking into account the 298 deaths on board flight MH17 on 17 July 2014, the total death toll of the conflict on civilians had reached at least 3,404. The number of injured civilians was estimated to exceed 7,000. OHCHR also estimated the total number of conflict-related casualties in Ukraine from 14 April 2014 to 31 December 2021 to be 51,000-54,000: 14,200-14,400 killed (at least 3,404 civilians, an estimated 4,400 Ukrainian forces, and an estimated 6,500 members of armed groups), and 37,000-39,000 injured (7,000-9,000 civilians, 13,800-14,200 Ukrainian forces and 15,800-16,200 members of armed groups).

(ii) Detention and abductions and torture of civilians and Ukrainian soldiers who were prisoners of war or otherwise hors de combat *and poor conditions of detention*

814. On 21 April 2014 the SMM talked to witnesses who were able to confirm reports that armed individuals who called themselves supporters of the "DPR" had entered the premises of Kramatorsk police department and abducted its head, Colonel Vitaliy Kolupai, who was being kept against his will.

815. On 23 April 2014 the SMM met in Luhansk with representatives of an NGO who declared that they had been held captive for six hours in the State security service building on 21 April and that approximately one hundred men in unmarked uniforms armed with machine guns were occupying the building.

816. On 28 April 2014 the SMM's Luhansk team received information that a local supporter of the government, the activist Temur Yuldashev, had been captured in the town of Shchastya (approximately 20 km north of Luhansk) by opponents of the government and had been taken to the state security building in Luhansk.

817. On 14 May 2014 the SMM was informed about the abduction of a school teacher by unknown uniformed armed men. Reportedly, the teacher had been abducted in the office in the presence of pupils and teachers and taken into a car and held at the State security service building which was occupied by the "South-Eastern Army". The teacher had been released after two hours. On the same day, the self-declared mayor, Mr Ponomaryov, informed the SMM that there were forty detainees in Slovyansk.

818. The HRMMU regularly reported that it was continuously receiving and verifying allegations of summary executions, disappearances, unlawful and arbitrary detention and torture and ill-treatment of Ukrainian soldiers, civilians and individuals associated with armed groups. In its report of 15 May 2014, the HRMMU indicated that the illegal "Sloviansk self-defence unit" appeared to be responsible for controlling those illegal activities. Information on unlawfully detained persons was from time to time confirmed by the self-proclaimed mayor of Slovyansk, Vyacheslav Ponomaryov.

819. The SMM obtained information that a local Maidan activist, Ilia Yefremov, had been beaten by armed separatists after being abducted on 23 May 2014 from his home. He was believed to be held incommunicado in Luhansk.

820. On 26 May 2014 the SMM reported that its team in Luhansk had received information that two Ukrainian journalists and their driver had been abducted by separatists earlier on 25 May at a checkpoint in Shchastya (24 km north of Luhansk). According to other SMM interlocutors, the journalists were taken to the occupied State security service building in Luhansk, where they were being held on the grounds of not having identity papers. The driver was released later that day. The press secretary of the separatists confirmed to the SMM that the two men were being held on suspicion of "espionage". On 27 May 2014 the SMM reported that one of the journalists had been released.

821. In its report of 15 June 2014, the HRMMU reported an escalation of violence and violations of international law, including abductions and acts of arbitrary detention targeting persons not involved in the fighting, intimidation, harassment and torture, by armed groups in the regions of Donetsk and Luhansk. Several interviews conducted with persons who had been abducted provided vivid accounts of human rights abuses committed by representatives of the self-proclaimed republics, including beatings, psychological torture and mock executions. There were instances of relatives of detained persons, including women and children, having been threatened and terrorised. Witnesses also mentioned having seen supporters of the "DPR" and "LPR" being detained and subjected to harsh punishment for looting or insubordination.

822. In its report of 15 July 2014, the HRMMU stated that, by June 2014, it was aware of 222 cases of abduction and detention by armed groups since April 2014. Of the persons concerned, four had been killed, 137 released and eighty-one remained in detention. By July 2014 it confirmed that it had been following the cases of 400 people abducted since mid-April, of whom four had been found dead with visible signs of torture, 211 had been released and 185 were still detained. It referred to hundreds of abductions, with many victims having been tortured. In its report of 17 August 2014, it estimated that at least 468 people remained in captivity. The HRMMU had itself followed the cases of 510 people who had been abducted or detained by armed groups since mid-April, of whom over 300 were still in detention.

823. On 22 July 2014, after the retaking of Sievierodonetsk from the separatists, two interlocutors said to the SMM that they had been held in the building by irregular armed personnel until the arrival of the Ukrainian military in the city. They said that they had been beaten and left without food for ten days by their captors.

824. On 8 August 2014 the Assistant Secretary-General for Human Rights of the UN, Ivan Simonović, stated during a briefing to the UN Security

Council that the fourth monthly report of the HRMMU, which covered the period from 8 June to 15 July 2014 "details what amounts to a reign of fear and terror in areas under control of the armed groups, twinned with the breakdown of law and order. There have been reports of egregious human rights abuses including abductions, detentions, torture and executions in these areas, all of which have increased the terror of civilians who are trapped there or held as hostages".

825. On 31 August 2014 the SMM met with the prime minister of the "DPR" and his deputy. The deputy prime minister said that the prime minister had met with fifteen young Ukrainian soldiers who were held near Ilovaysk (47 km south-east of Donetsk city). He announced that the "DPR" intended to release all of them as they were conscripts. According to the prime minister, on 30 August the "DPR" had released eighteen Ukrainian soldiers near Marinka (40 km south-west of Donetsk city) when they were handed over to the Ukrainian army.

826. On 3 September 2014 the SMM visited the Starobilsk Detention Centre in the Luhansk region, where the director said that the number of detainees, most of whom were accused of terrorism, was continuously increasing.

827. In the early hours of 12 September 2014, the SMM observed the release of hostages/prisoners close to Avdiivka (18 km north of Donetsk city). The Ukrainian side handed over thirty-one members of the "DPR", whilst the "DPR" side handed over thirty-seven Ukrainian servicemen. The handover was carried out in a professional and cordial manner, and was completed by 3.40 a.m. The simultaneous release followed a verbal agreement between the sides made the previous evening – as part of the implementation of the Protocol signed in Minsk on 5 September.

828. On 21 September 2014 the SMM observed a simultaneous release of hostages and detainees between the "DPR" (thirty-eight persons) and the Ukrainian armed forces (thirty-five persons) between Avdiivka and Yasynuvata, in the northern vicinity of Donetsk city.

829. On 28 September 2014 the SMM monitored a simultaneous release of prisoners between the Ukrainian armed forces and "DPR" representatives. The exchange took place on the main road (M04) separating the villages of Avdiivka and Yasynuvata (20 km north of Donetsk). The "DPR" representatives released thirty prisoners while the Ukrainian side released sixty.

830. On 26 December 2014 the SMM was present and monitored the simultaneous release of 367 hostages/prisoners in "DPR"-controlled Yasynuvata (18 km north-east of Donetsk). The Ukrainian armed forces handed over 222 "DPR" members, including twenty-one women, whilst the "DPR" side handed over 145 Ukrainian servicemen. One of the prisoners held by the "DPR" side decided not to be released. Three of the "DPR" prisoners from the Ukrainian army side were transported in an ambulance to the site.

831. In June 2015 the HRMMU reported that the pattern of abductions consisted of groups of armed men taking people away and detaining them in one of the buildings they occupied on the grounds that they were members of the "Right Sector" and "spies". Some were released after a few hours, some after a few days, and there were numerous accounts of allegations of ill-treatment and torture. Among cases brought to the attention of the HRMMU, on 14 May 2014 four armed men in camouflage reportedly abducted the principal of a school in Luhansk from the school premises. Allegedly, she had opposed holding the "referendum" on the school premises. She was released a few hours later, but refused to speak about the incident. The same day in Kramatorsk, armed men came to the apartment of an employee and reportedly abducted him. Allegedly, they were looking for his 16-year-old son, because of his active "pro-Ukrainian" position. Since the son was not to be found, they took the father to the occupied building of the Kramatorsk City Council, where he was beaten. Allegedly, they eventually found the son and took him to the city council. Both were released a few hours later, and the whole family left the region the same day.

832. In its daily report for 11 July 2014, the SMM reported that on 10 July it had informed the acting chief of police that forty to fifty people had been detained in Slovyansk by "DPR" forces, while thirty-one people were unaccounted for. He also suggested that some detainees had been forced to join the "DPR" armed forces.

833. As an "alternative" to torture and ill-treatment, it was suggested that detainees join the ranks of those fighting for the armed groups. Some, allegedly, were forced to participate in the abduction of other people. The HRMMU suggested, in its report of 15 July 2014, that it had interviewed the son of a man abducted in Donetsk on 7 July 2014. He reported that his father had been transferred by armed groups to Snizhne, where about 100 detainees, males aged from 14 to 60 years old, were being held. He said that during the day the detainees were forced to dig trenches near the Ukrainian-Russian Federation border, which had been on the front line of heavy fighting between the armed groups and the Ukraine forces.

834. Detention by the armed groups was often accompanied by "correctional labour" and physical punishment. Armed groups had also established *ad hoc* martial tribunals, as had been the case in Slovyansk in May and June 2014, passing death sentences against their own members and civilians suspected of activities directed against the "DPR". The HRMMU noted that most persons detained were activists, journalists and town councillors. Shortly it started noting a growing pattern of systematic persecution against civil society. In its report of 17 August 2014, the HRMMU stated that the victims of abductions came from all walks of life: police, servicemen, border guards and security personnel; journalists; judges, advocates and prosecutors; local executives, city and regional council officials; politicians and civil activists; volunteers involved in humanitarian

action; and many persons not affiliated to any of the warring parties who were not engaged in any public activity.

835. On 14 August 2014 the SMM monitored a simultaneous release of hostages/detainees in Novobakhmutovka (15 km north of Donetsk city). Ukrainian military forces – accompanied by the SMM and travelling from Kramatorsk (97 km north of Donetsk city) – and separatist forces – travelling from Donetsk city, and also accompanied by the SMM – met and each handed over twenty-six people to one another.

836. On 21 August 2014 a resident of Makiivka (16 km north-east of Donetsk city) – speaking to the SMM – alleged that her son had been taken hostage by the "DPR" on 8 August.

837. In its report of 19 September 2014, the HRMMU referred to the adviser to the Minister of Defence on the release of captives and hostages, who himself had spent eighty-eight days in the captivity of the armed groups. According to the adviser, Ukrainian military personnel (who comprised on average 10-15% of all people in the captivity of the armed groups) were kept separately from civilians, usually in decent conditions and treated according to the "rules of war" and "officers' dignity". He claimed that other detainees were usually kept in basements and in very poor conditions.

838. The HRMMU noted, in its report covering the period between 1 December 2014 and 15 February 2015, that a Donetsk-based journalist had been abducted on 8 January 2015 while observing a "humanitarian convoy" from the Russian Federation and released on 7 February. On 31 January 2014 a freelance journalist had been abducted in Donetsk. His whereabouts were unknown on the date of the report. The HRMMU also referred to alleged illegal transfers of persons to the Russian Federation, where they remained in detention. Notably, the Ukrainian female pilot, Nadiya Savchenko, Member of Parliament of Ukraine (since November 2014) and member of the Ukrainian delegation to the Parliamentary Assembly of the Council of Europe (since December 2014), had been in detention in the Russian Federation since July 2014 after being reportedly captured by armed groups in June 2014.

839. In the same report, the HRMMU referred to the prosecutor general's office of the "LPR", which on 30 December 2014 had initiated a criminal case against armed group commander Aleksandr Biednov (call sign "Batman") and his subordinates for illegal detention and torture resulting in the death of a detainee. On 2 January 2015, videos had been released showing members of Biednov's group confessing to running a facility in the basement of a university library in Luhansk and taking part in the ill-treatment of captives. The head of the facility (call sign "Maniac") allegedly used a hammer to torture prisoners and surgery kit to scare and extract confessions from prisoners.

840. On 11-12 February 2015 it was agreed in Minsk to "ensure the release and exchange of all hostages and illegally detained persons based on 'all for all' principle". While the Minsk Protocol provided that "all hostages

and illegally detained people shall be released without delay", that clause has not been implemented.

841. The HRMMU indicated, in its report covering the period between 16 May to 15 August 2015, that it had also interviewed a woman who had been held twice by the armed groups of the "LPR", from July to October 2014 and from February to July 2015. In July 2014 she had been detained with three men at a checkpoint manned by the "Cossacks Union" of the "All-Great Don Army". During her first two weeks of detention, she and others were interrogated and tortured. The woman was severely beaten with rifle butts and bullet proof vests until she lost consciousness. As a result, four ribs were fractured, and her nose and most of her teeth were broken. During interrogation, perpetrators were reportedly extinguishing cigarette butts against her wrist, and threatening the life of her child and mother. She also reportedly survived an attempted gang rape. She witnessed the summary execution of two Ukrainian soldiers – one was shot, a second was beaten to death on the head. During the first two weeks of captivity, she and other detainees received no food and almost no water. She received medical care and food after being transferred to the military commandant's office in Luhansk city. There, she was not ill-treated but witnessed the beatings of male detainees.

842. The HRMMU reported, in its report covering the period between 16 February and 15 May 2016, that the ministry of state security of the "DPR" had emerged as the main entity responsible for carrying out repressive house searches, arrests and detentions. In August 2016 it noted that members of the ministry of state security of the "DPR" continued to deprive individuals of their liberty and keep them incommunicado. While in some cases, relatives were allowed to deliver packages of food, medicine and clothing, none were able to visit the victims. Armed groups near Novoazovsk District Hospital apprehended a doctor from Pavlopil on 16 June 2015. The local police told his wife that he was being held by the ministry of state security, which the latter confirmed in writing. She had not heard from him since, but had been informed that his case would be examined by the Novoazovsk court of the "DPR".

843. In its report for 15 May to 15 August 2016, the HRMMU reiterated that deprivations of liberty were often accompanied by torture and other cruel, inhuman or degrading treatment or punishment, and could in themselves constitute such treatment.

844. According to the same report covering the period of 16 August and 15 November 2016, another category of persons deprived of their liberty comprised individuals who had either been under investigation, or had already been sentenced by the so-called "DPR" and "LPR" courts. Their exact number was not known. According to the chair of the "DPR supreme court", as of 18 October 2016, a "martial court" was considering sixty-one cases in relation to seventy-two individuals, of whom forty-two were in custody;

thirty-two cases in relation to thirty-nine individuals had already been heard with seventeen accused in custody. Courts of general jurisdiction were considering 14,404 criminal cases in regard to 15,555 individuals, of whom 5,013 were in custody. There were civilians and members of the armed groups who had been charged with criminal offences and disloyalty. A distinct group of persons deprived of their liberty comprised Ukrainian soldiers and civilians suspected of supporting the government of Ukraine. Their exact number was not known. For instance, the ministry of state security of the "LPR" reported that "during nine months of 2016, they detected, proved and stopped the intelligence activity of 70 agents and trusted persons of special services of Ukraine"; their fate was not known.

845. The exact number of individuals deprived of their liberty by the self-proclaimed republics' armed groups was unknown. The majority of them were pre-conflict convicts kept in correctional colonies and centres (there were fourteen in territories controlled by the "DPR" and twelve in territories controlled by "LPR" armed groups) and individuals who had been in pre-trial detention when the conflict erupted and whose cases had not yet been heard by the courts. As of November 2016, OHCHR estimated their total number at 9,500 (approximately 5,000 in the "LPR" territory). In 2015-2016, at least 131 such persons deprived of their liberty were transferred from armed group-controlled territories to government control.

846. During the reporting period, despite repeated requests, OHCHR had continued to be denied unfettered access to places of deprivation of liberty in the territories controlled by the "DPR" and "LPR". Accordingly, it was not able to comprehensively assess the conditions of detention in the territories controlled by the armed groups, and continued to have concerns that persons deprived of their liberty might be subjected to torture and other cruel, inhuman or degrading treatment or punishment, including sexual and gender-based violence. According to former inmates, relatives of current inmates and other sources, the conditions varied from facility to facility. In some nutrition was described as sufficiently adequate, while in one facility inmates received mainly "barley porridge and soup without or [with] very little meat" and bread; in some colonies, heating was inadequate and inmates suffered from low temperatures; in some colonies access to medical care and treatment remained inadequate. A standard disciplinary measure used across places of deprivation of liberty was up to fifteen days' solitary confinement.

847. In its report on Conflict-Related Sexual Violence in Ukraine, covering the period between 14 March 2014 and 31 January 2017, the OHCHR documented a sample of thirty-one emblematic cases of conflict-related sexual violence, which amounted to torture or cruel, inhuman or degrading treatment. The majority of the documented cases had occurred when people, both men and women, were deprived of their liberty by government forces and armed groups. Beatings and electrocutions on the genitals, rape, threats of rape, and forced nudity were used as methods of

torture and ill-treatment to punish, humiliate, or extract confessions. The OHCHR stated that the number of cases in the report might not reflect the real scale of violations or abuses, but was rather indicative of OHCHR access to survivors and witnesses on each side of the contact line. The report concludes that from the cases documented from 14 March 2014 to 31 January 2017, there were no grounds to believe that sexual violence had been used for strategic or tactical ends by government forces or the armed groups in the eastern regions of Ukraine.

848. In its report covering the period between 16 November 2016 and 15 February 2017, the HRMMU reported that separatist armed groups continued to detain individuals whom they suspected of affiliation with the Ukrainian armed forces or law-enforcement institutions, or for having "pro-Ukrainian" views. Current and former civil servants, including justice officials and representatives of local administrations from territory controlled by the government, were often targeted. With the establishment of a database of "pro-Ukrainian" individuals, the number of individuals detained at checkpoints staffed by armed groups known to OHCHR had increased during the reporting period. Several victims were subjected to intimidation and physical abuse, especially immediately after their apprehension.

849. The HRRMU noted several cases of torture and ill-treatment by the armed groups and indicated that these had mainly occurred in 2014 and 2015. However, because of delayed reporting by victims and witnesses owing to the fear of reprisals, it referred to concrete examples in its report covering the period between 16 November 2016 and 15 February 2017. Among the many cases, the HRMMU listed the following as an example; first in the summer of 2014, then in autumn 2014, in Luhansk, a man had been detained by the "Batman" and "Leshii" armed groups. The first time, he was kept in the basement of the Engineering Institute at Zhukova Block, where he was locked in a small cell without windows, a toilet or an air ventilation system with some other thirty-five captives who were sleeping in shifts. The man had witnessed an armed group member beating two detainees with a rubber sledgehammer, and another member shooting detainees with rubber bullets. The man had also seen the same members of the "Batman" armed group severely beating a young man and calling him "Ukrop". According to the witness, another young man had been detained because he was wearing trainers with the colours of the Ukrainian flag and was severely beaten. The witness had also once seen four young men and two young women who were bleeding, handcuffed, and hooded with plastic bags. He had reportedly seen an ambulance car and heard paramedics stating that the victims were dead. In the autumn of 2014, in the basement of the former SBU building in Luhansk, which was controlled by the "Leshii" armed group, the man witnessed detainees being tortured and their tattoos being cut off with knives.

850. In its report covering the period between 16 May and 15 August 2017, the HRMMU documented new cases during the reporting period in

which individuals had been subjected to enforced disappearance, particularly in territory controlled by armed groups. In many cases, individuals had been held incommunicado for at least a month. One interlocutor told HRMMU that this was an established practice used by the ministry of state security in the "LPR" in order to hold a suspect until there was enough evidence to bring a charge.

851. In the same report, the HRMMU also documented cases of persons who were held in territory controlled by armed groups and subjected to treatment which could amount to torture or ill-treatment. These included cases which occurred both before and during the reporting period. After nine months of detention by armed groups, a judge of the court of appeal of the Luhansk region was released on 14 July 2017. Having been detained at the Stanytsia Luhanska checkpoint in October 2016, he was held incommunicado by the ministry of state security of the "LPR". He spent forty-eight days in solitary confinement. The conditions of detention were poor, including insufficient food, cold temperatures, limited space and poor sanitary conditions. The HRMMU considered that these conditions could amount to ill-treatment. During his detention, the victim had heard other detainees being taken for interrogation who had apparently been subjected to beatings and electric shocks. He had been forced to record a propaganda video against Ukraine. During his detention, OHCHR repeatedly requested access to him. Until the day of his release, when he was presented to the HRMMU, the "LPR" refused to provide any information about his whereabouts or fate.

852. On 13 July 2017 a woman with a hearing disability, who had publicly criticised the "LPR" on social media, was detained at a checkpoint controlled by armed groups at the Stanytsia Luhanska crossing route. She was held incommunicado for sixteen days by the ministry of state security of the "LPR", during which time it consistently denied to her family that she was being detained. The woman was interrogated four times without legal representation. During one interrogation session, one of her fingers was dislocated with a pair of pliers. She was threatened with being moved to the basement with male detainees and told that she would "have a fun night". On 29 July 2017 she was brought back to the same checkpoint and told to cross to the government-controlled side.

853. In the same reporting period, the HRMMU documented the case of a woman who had been gang-raped in June 2014, when her village was under the control of an armed group. According to witness accounts, she was attacked by three men who sprayed something in her eyes to obscure her vision and then anally raped her. She was severely injured, underwent surgery and was hospitalised for three weeks, with medical costs partially covered by the commander of the armed group that was stationed in her village. Whilst in hospital, she was questioned by police and a criminal investigation was opened; however, she never received a forensic examination, and the case was reportedly closed shortly afterwards.

854. The report covering the period between 16 August to 15 November 2017 states that on 29 April 2017, two men travelling to Dokuchaievsk were detained by border guards at an armed-group-controlled checkpoint and taken to the department of combating organised crime in Donetsk. Both men worked as State Fiscal Service inspectors in government-controlled territory. They were detained for a few days and then brought to a temporary detention facility administered by the police and held incommunicado under administrative arrest. Their families were not notified of their arrests and learned of their whereabouts from other sources. The lawyer hired by their relatives was denied access to the detainees. Since April, the men had been released every thirty days, given a moment to talk to relatives, and then immediately rearrested on different charges and placed under administrative arrest for another thirty days.

855. In the same report, the HRMMU reported that on 27 February 2017, a couple had been detained at a checkpoint controlled by armed groups. They had been questioned for approximately six hours, then separated and brought to the ministry of state security building in Donetsk city. The woman was questioned again and told that explosives had been discovered in one of their bags and that her husband would be charged with espionage. When she was released, she saw her husband in another office; his pupils were unusually enlarged. Ten days later, she received a call from a ministry of state security officer, who stated her husband was under administrative arrest. As of 15 November 2017, the victim was allegedly in Donetsk pre-trial detention facility; however, his wife had never been able to see him during his detention.

856. OHCHR continued to document cases of individuals subjected to enforced disappearance. On 31 August 2017 a young man who made his living carrying luggage for people walking along the Stanytsia Luhanska crossing route had gone missing. He had crossed the government-controlled entry-exit checkpoint while carrying luggage but was stopped by personnel at the checkpoint controlled by the armed groups of the “LPR” and his passport was taken away. Despite relatives’ inquiries, the whereabouts and fate of the victim remained unknown.

857. On 25 August 2017 a man was taken from his home to a police station in Makiivka by ministry of state security officers, where he was held for at least two days. The family’s last contact with him had occurred by phone on 27 August. They were informed by police that the man was under administrative arrest and were denied permission to speak or meet with him. It was believed that his arrest was retaliation for his political opinion, as he had openly expressed “pro-unity” views and criticism of the “DPR” and the Russian Federation.

858. OHCHR also expressed its concerns that there had been no progress on cases that had occurred in earlier stages of the conflict. For example, on 1 July 2015 an unconscious man with visible injuries on his head and torso

had been seen being dragged from his apartment by three armed men in camouflage with "Vostok" insignia. The victim had been put in a car. As of 15 November 2017 his whereabouts remained unknown.

859. During the reporting period for 16 August to 15 November 2017, OHCHR received and followed up on accounts of seven individuals (three women and four men) who had been detained incommunicado in an armed group-controlled place of detention called "Izoliatsiia". Since at least 2016, the facility had been used to detain men and women suspected of "treason", "subversive activities" or cooperation with the SBU. Some members of the armed groups of the "DPR" were also reportedly held in this facility. Detention periods varied from a few hours to over a year. The facility had cells used for punishment (for example, one only for sitting, another only for standing) and a "monitoring room" from which the cells could be watched twenty-four hours a day via video cameras. Guards wore camouflage without insignia and were armed with AK-47 assault rifles.

860. During the reporting period between 16 February and 15 May 2018, the HRMMU documented ninety-three cases, involving 149 credible allegations of arbitrary detention, torture, ill-treatment, sexual violence and/or threats to physical integrity, committed on both sides of the contact line. The government of Ukraine was responsible for twenty-two of these human rights violations, and armed groups for fifteen. The report reiterated that the lack of effective investigation into previously documented cases of arbitrary detention and torture remained a critical human rights issue. According to the report, in territory controlled by the armed groups, the parallel structures that had assumed judicial and government-like functions did not provide safeguards for human rights protection in line with international standards. Within those structures, individuals were arbitrarily detained and denied contact with their families or lawyers of their choice.

861. As described in the HRMMU's report for 16 May to 15 August 2018, in territory controlled by the "LPR", armed groups continued the practice of thirty-day "preventive arrest", during which victims were held incommunicado and not allowed to see lawyers, and relatives had no information on their whereabouts. Such a practice, which could amount to enforced disappearance, raised serious concern about the treatment of detainees and the conditions of their detention. During the reporting period, OHCHR had received information about two people detained for thirty and sixty-four days under preventive arrest by the ministry of the interior and ministry of state security. In one case, a man had been detained by the ministry of state security on 28 March 2018 while crossing the Stanytsia Luhanska entry/exit crossing point (EECP). His mother had sought information from the general prosecutor and MGB, but was not informed until 19 April that her son was detained under preventive arrest. During the first two days of detention, the man was reportedly severely beaten, forced to stand on his toes while his wrists were handcuffed to the ceiling, and

subjected to electroshocks whilst tied to a table. The beatings stopped when, being unable to take the torture any more, he agreed with the accusations. He was released after sixty-four days of detention. Similarly, in territory controlled by the "DPR", individuals continued to be detained under thirty-day administrative arrest, during which time they were not allowed to communicate with their relatives or lawyers. Sometimes, even confirmation of the detention itself was withheld from the families of detainees, increasing their suffering. For example, in October 2017, around ten armed individuals wearing balaclavas had abducted a man at his parents' house. For thirty days, the man's parents had no information on his whereabouts or fate, despite numerous requests and visits to the office of the ministry of state security. They would often stand for hours on the street outside the ministry and "wait like dogs" in the hope that someone might tell them what had happened to their son. OHCHR continued to receive and corroborate information on individuals detained in "Izoliatsiia". It documented several cases of individuals arbitrarily arrested by the ministry of state security of the "DPR" and held incommunicado in "Izoliatsiia" under administrative arrest in the first half of 2018. During that time, they were tortured, including by electrocution. On the basis of interviews with credible sources, OHCHR was able to confirm that at least forty individuals, including civilians, were being held in "Izoliatsiia" in the first half of 2018. OHCHR continued to document cases of individuals who had disappeared since 2014 and whose whereabouts remained unknown. For example, OHCHR documented the case of a man from Vuhledar and his son who, on 12 June 2015, had been abducted by unknown armed people while driving in Donetsk region. They were reportedly held in an unknown location where they were tortured and ill-treated. After a few days, the son was released but the whereabouts and fate of the father remained unknown.

862. In its report covering the period between 16 August and 15 November 2018, the HRRMU reported four cases of "preventive arrest" that had occurred in territory controlled by the "LPR" and at least one case of alleged arbitrary arrest that had occurred in territory controlled by the "DPR".

863. As described in the HRMMU's report for 16 February to 15 May 2019, individuals in territory controlled by the "DPR" and "LPR" continued to be subjected to administrative arrest and preventive arrest respectively, which constituted arbitrary and incommunicado detention, and could amount to enforced disappearance. The HRMMU also documented reports of poor detention conditions in a number of penal colonies in territory controlled by the "LPR".

864. The HRMMU noted, in its report for 16 August to 15 November 2019, that during the reporting period, it had documented cases of arbitrary detention, torture and ill-treatment occurring in government-controlled territory, in territory controlled by the separatists and in the Russian Federation after their transfer from self-proclaimed republics. OHCHR

expressed its concerns about the practice of detention, often incommunicado, and torture of individuals by the ministry of state security in the "DPR" or "LPR", before they were expelled to the Russian Federation or transferred to Russia Federation authorities.

865. For example, on 17 December 2018 a man had been detained by the ministry of state security of the "DPR" at the Uspenka border crossing point with the Russian Federation in territory controlled by the "DPR". He was detained incommunicado under the thirty-day administrative arrest procedure, which was prolonged for another thirty days. During his detention, he was tortured, including with electricity, until he confessed to having cooperated with the SBU. On 18 February 2019, ministry of state security agents took the man to the border crossing point, where he was forced to cross and was immediately apprehended by the Federal Security Service (FSB) of the Russian Federation. He was driven to Krasnodar in the Russian Federation and charged with administrative offences. After he had served the detention period under the administrative procedure, the court ordered his deportation. However, on 30 April 2019 he was charged with arms smuggling and remained detained in Krasnodar. On 26 August 2016 a man had been detained near the town of Rovenky in territory controlled by the "LPR", by two armed men in military uniform. They brought him to the facilities of a mine, where he was detained overnight, sleeping in an old wooden chair, guarded by an armed man. He was not provided with water or food and was not allowed to use the toilet. A few days later, he was taken to the ministry of state security building in Luhansk, where he was detained for several weeks alone in a cell with the lights on all day and night. He was pushed down the stairs, thrown against a wall, and forced to wear a plastic bag over his head whenever he was moved from his cell. Members of the ministry of state security threatened further violence to him and to his family if he did not confess to preparing a terrorist attack. During his interrogations, the men slapped and kicked him, and knocked a chair from under him, throwing him to the floor. On 22 September 2016, ministry of state security personnel put a plastic bag over his head and took him across the border into the Russian Federation, where they handed him over to the FSB. Between 23 and 27 September he was interrogated in Morozovsk by FSB officers, who tortured and ill-treated him with beatings and electroshocks, causing him to lose consciousness several times. On 27 September he agreed to confess to preparing a terrorist attack, after which he was held in pre-trial detention centres (SIZOs) in Rostov-on-Don and in Samara. In November 2017 he was convicted of preparing a terrorist attack and illegally crossing the border and transferred to a penal colony in Irkutsk to serve his sentence, until his release to Ukraine on 7 September 2019.

866. In its report covering the period between 16 November 2019 and 15 February 2020, the HRRMU noted that it continued to be denied access to detainees and places of detention in territory controlled by the

self-proclaimed republics in spite of the understanding reached during the Normandy Four summit of 9 December 2019 that "international organisations ... be granted full and unconditional access to all detained persons." The report also indicated that first-hand information received by OHCHR about grave human rights violations in places of detention made it an urgent priority for international monitors to have access to places of detention and detainees in territory controlled by the self-proclaimed republics. Cases of arbitrary detention, torture and ill-treatment continued to be documented by OHCHR, both in government-controlled territory and in territory controlled by the self-proclaimed republics.

867. The HRMMU reported that, in territory controlled by the "DPR", OHCHR had continued to document cases of arbitrary detention during the reporting period, allegedly by the department for combating organised crime and ministry of state security. During their administrative detention, victims were denied access to their lawyers and relatives, sometimes for months, which amounted to incommunicado detention. In territory controlled by the "LPR", the ministry of interior and ministry of state security detained individuals under preventive arrest and held them incommunicado, contrary to international human rights standards. For example, on 16 January 2020 an officer of the ministry of state security had detained a woman at Stanytsia Luhanska EECP. She had been taken with a bag on her head to the premises of the ministry of state security in Luhansk, where she spent a night handcuffed to a chair. Her captors threatened to harm her family, interrogated her about cooperation with the SBU and submitted her to a polygraph test. On 21 January, after signing papers acknowledging the risks of spying on the "LPR", she was released.

868. On 29 December 2019, under the framework of the Minsk agreements and following the Normandy Four summit of 9 December 2019, a simultaneous release of detainees took place at Mayorske EECP (Donetsk region). This was the first major simultaneous release since 27 December 2017. The government of Ukraine released 141 detainees. The self-proclaimed republics released eighty-one detainees. Seventy-six detainees (sixty-one men, including twelve military, and fifteen women) were handed over to the government, while five decided to stay in territory controlled by the self-proclaimed republics.

869. In the reporting period, OHCHR interviewed fifty-six detainees released by the separatists. The most common charges against them were espionage, incitement of hatred, storage of explosives, terrorist acts, assistance to terrorist activity, public calls for extremist activities in the "DPR", creation of a criminal organisation, illegal acquisition and storage of weapons and ammunition, state treason, and illegal acquisition of information comprising state secrets in the "LPR". Though individual testimonies varied, OHCHR identified and further confirmed a consistent pattern of arbitrary detention, often amounting to enforced disappearance, torture and

ill-treatment of conflict-related detainees in both self-proclaimed republics. OHCHR found that torture and ill-treatment of detainees was systematic during the initial stage of detention (which could last up to a year), with the risk of detainees being subjected to torture and ill-treatment considerably decreasing after the confession and especially after completion of pre-trial investigations. Individuals interviewed by OHCHR had usually been apprehended by armed men wearing no insignia and in balaclavas who did not identify themselves. In most cases, they were not told why they were being detained. Upon apprehension or while being transported to their first place of detention, many detainees were blindfolded and/or handcuffed. Some were beaten or threatened with violence. The first place of detention was usually either the premises of the ministry of state security (in Donetsk or Luhansk) or the "Izoliatsiia" detention facility (in Donetsk). The majority of individuals interviewed were initially detained under administrative arrest (in the "DPR") or preventive arrest (in the "LPR"), and held incommunicado without access to a lawyer. Some detainees were not informed about the reasons of their detention or charges against them for a prolonged period. Relatives of those detained who enquired about their whereabouts were not provided with any information beyond confirmation, in a few instances, that the person was indeed detained. In most cases, investigative actions had commenced immediately after the apprehension, with a few exceptions when detainees had spent days or weeks in custody before any action was taken. Investigative actions comprised mostly interrogations either at the ministry of state security or in the "Izoliatsiia" detention facility (in Donetsk) or at the ministry of state security (in Luhansk) by individuals who introduced themselves as officers of the ministry of state security or did not identify themselves at all. Several detainees believed that Russian "FSB officers" took part in interrogations, and some perceived them to be in a position of authority. In most documented cases, the interrogators began by threatening detainees with violence or rape and made threats against their families if they refused to confess or otherwise cooperate with the investigation. Such threats were often accompanied by blows to the body or slaps to the face. Fifty-two out of the fifty-six individuals interviewed by OHCHR reported having been subjected to torture or ill-treatment, sometimes including sexual violence, mostly during the interrogations, in order to extract confessions or information, in most cases, about working for the SBU. The frequency, intensity and length of the torture and ill-treatment varied considerably; however, they usually continued until a detainee agreed to confess (orally, in writing or on video) or to provide information. Methods of torture and ill-treatment included beatings, electric shocks, asphyxiation (wet and dry), sexual violence, positional torture, removal of body parts (nails and teeth), deprivation of water, food, sleep or access to a toilet, mock executions, threats of violence or death and threats of harm to family. Testimony of the released detainees indicated that torture and ill-treatment was also carried out for

punitive purposes and to humiliate and intimidate, including by personnel of some detention facilities. OHCHR identified a continuum of torture and ill-treatment that was often exacerbated by inhumane detention conditions, in particular in the "Izoliatsiia" detention facility.

870. According to the HRMMU's report covering the period between 16 February to 31 July 2020, arbitrary detention, torture and ill-treatment remained a systemic problem both in territory controlled by the government and in territory controlled by self-proclaimed republics.

871. On 16 April 2020 a simultaneous release of detainees under the Minsk agreements occurred. The government released seventeen individuals (all men), of whom ten were handed over to representatives of the "DPR", and four to "LPR". The self-proclaimed republics released twenty detainees. OHCHR interviewed eight of the detainees (all men) who had been released by self-proclaimed republics. Their testimonies confirmed patterns of arbitrary and incommunicado detention, and torture and ill-treatment of conflict-related detainees that had been previously identified by OHCHR. The individuals interviewed by OHCHR had been apprehended by a police unit for combating organised crime or by the ministry of state security in territory controlled by the "LPR", or by a police unit for combating organised crime in territory controlled by the "DPR". Seven detainees informed OHCHR that they had been tortured or ill-treated, with reported incidents taking place from 2015 to 2018. Methods of torture and ill-treatment included beatings on different parts of the body, dry asphyxiation, electric shocks, sexual violence, including blows and electric shocks to the genitals, positional torture, prolonged solitary confinement, deprivation of water, food, sleep or access to toilets and threats of physical violence to detainees and their families.

872. In its report for 1 August 2020 to 31 January 2021, the HRMMU stated that it had continued to be denied access to detainees and places of deprivation of liberty in the "DPR" and "LPR" despite repeated requests. In territory controlled by the "DPR", OHCHR documented twelve cases of conflict-related arbitrary detention, in most cases carried out by the ministry of state security. The detained individuals were charged with espionage, high treason, organisation of an illegal armed group or participation in it or hooliganism. During one house search, armed men, who did not identify themselves, had held the wife and daughter of a detainee in a car for several hours in order to pressure the man to incriminate himself. In another case, a man had been held in a temporary detention facility not intended for long-term detention for more than two years, despite numerous requests from his defence lawyers to transfer him to the Donetsk pre-trial detention facility.

873. In the reporting period, OHCHR expressed its concerns about the fate and well-being of the deputy head of the Novoazovskyi district department ministry of state security who was detained and charged with high treason on 26 February 2020. He was held at the ministry of state security

premises in Donetsk for two months before being moved to the "Izoliatsiia" detention facility, where he was reportedly tortured and ill-treated in order to force him to confess that he was a traitor. During the first two months following his apprehension, his family enquired about his whereabouts, and received replies from the head of the "DPR", the ombudsperson's office and the minister of justice stating that he was not detained, although officers of the ministry of state security had taken his documents, including passport, birth certificate and diplomas. His family still could not send him parcels or visit him.

874. OHCHR was also concerned about the fate and well-being of a man and his daughter who, on 23 October 2018, had gone to the ministry of state security to report that the SBU had pressured the daughter to cooperate and provide information about armed groups of the "DPR". Officers of the ministry of state security took notes and asked them to return later. When they returned on 25 October 2018, they were arrested and charged with espionage and cooperation with foreign secret services. The family had not had any contact with either person since their arrest, although parcels for the man had been accepted at the premises of the ministry of state security. The family believed that he was being held in Makiivka penal colony no. 97 and that his daughter was being held in the "Izoliatsiia" detention facility. The family had hired and paid two defence lawyers, but the ministry of state security had pressured the lawyers, who had then refused to defend them. Two other defence lawyers had later been appointed by investigators of the ministry of state security.

875. In territory controlled by the "LPR", OHCHR had documented eight cases of arbitrary incommunicado detention by the ministry of state security and police. For example, on 5 January 2021, two men had been apprehended at their apartment in Sverdlovsk by unidentified individuals. Their female relative had filed a complaint with the police and the ministry of state security in Luhansk, neither of which had provided her with information. A police investigator had informally told her that her relatives had been detained by the ministry of state security. On 15 January 2021, a representative of the ministry of state security told her that she had to wait thirty days for an official answer to her complaint. As of 31 January 2021, the whereabouts of her relatives remained unknown.

876. In its report covering the period between 1 February and 31 July 2021, the HRMMU stated that it had no access, in the "DPR" and "LPR", to detainees and places of deprivation of liberty despite repeated requests. This was particularly concerning given the widespread and credible allegations of torture and ill-treatment in a number of facilities, and of detention conditions that did not meet international human rights standards.

877. During this reporting period, OHCHR had documented thirteen cases of conflict-related arbitrary detention in territory controlled by the self-proclaimed republics. One case had occurred in 2014, one in 2017, six in

2020 and five from February to July 2021. Six men and four women had been detained in territory controlled by the "DPR" and three men had been detained in territory controlled by "LPR". The detentions were usually carried out by ministry of state security officers.

878. On 2 July 2021 OHCHR published its thematic report on "Arbitrary detention, torture and ill-treatment in the context of armed conflict in eastern Ukraine, 2014-2021". The report was based on analysis of over 1,300 individual cases of conflict-related arbitrary detention, including secret and incommunicado detention, and torture and ill-treatment, as well as conflict-related sexual violence, perpetrated by government actors and by armed groups and other actors in territory controlled by the "DPR" and "LPR", documented by HRMMU from 2014 to 2021. The report set out the scale of conflict-related detention, as well as the prevalence and patterns of conflict-related arbitrary detention, and torture and ill-treatment on both sides of the contact line. It also covered the issue of accountability for violations, including remedies for victims, and presented two emblematic cases of places of detention where such violations had occurred, in the Kharkiv regional department of the Security Service of Ukraine until 2016 and in the "Izoliatsiia" detention facility in armed group-controlled Donetsk to date. The report estimated that around 4,000 conflict-related detainees had suffered torture and ill-treatment from 2014 to 2021 (approximately 3,400 men and 600 women), including an estimated 340 victims of sexual violence. Approximately 1,500 cases had been perpetrated by government actors and approximately 2,500 by armed groups and other actors in territory controlled by the self-proclaimed republics, according to the report. From the beginning of the armed conflict, conflict-related detainees had faced torture and ill-treatment by government actors as well as armed groups and other actors in territory controlled by the self-proclaimed republics. However, the report found that torture and ill-treatment had become less common on both sides of the contact line after 2016. Despite this, arbitrary detention, torture and ill-treatment continued to occur on both sides of the contact line and was systematically carried out in some places of detention in territory controlled by the "DPR" and "LPR". In territory controlled by the separatists, the main perpetrators of arbitrary detention, torture and ill-treatment at the initial stages of the conflict were various armed groups, and later, members of the ministries of state security. The report highlighted the prevailing impunity for perpetrators due to a lack of effective investigations into allegations of arbitrary detention, torture and ill-treatment, including conflict-related sexual violence.

879. In its update covering the period between 1 August and 31 October 2021, the HRMMU documented ten cases of arbitrary and incommunicado detention in territory controlled by the self-proclaimed republics, most often in the form of "administrative arrest" in the "DPR" and "preventive detention" in the "LPR". Families faced weeks and months of uncertainty of

the whereabouts and fate of detained loved ones, which negatively affected their physical and psychological state. HRMMU also documented one case of torture of a man by officers of the ministry of state security (it is not clear from the update whether this happened in the "DPR" or in the "LPR").

(iii) Forced labour

880. In its July 2014 report, the HRMMU indicated that it had received numerous reports that armed groups were using detainees to dig trenches or sending them to fight on the front lines. In particular, an activist of the Batkivshchyna political party, who had been abducted on 22 May 2014 and detained by supporters of the "DPR" in Donetsk, reported having been subjected to torture and forced labour while in detention. Two university students had been abducted in Donetsk, allegedly for breaking the curfew, and told that they would be drafted into the "DPR" army. They were later found in an occupied public building and had been engaged in forced labour.

881. Since 5 June 2014 there had been instances when drug users (even those in remission) and people living with HIV/AIDS, because of their status, had been detained by armed groups. The relatives of the detained were frequently required to pay a "fine" (ransom) ranging from USD 200 to USD 1,000. Many detainees were also forced to "work off their guilt" as forced labour or to fight on the front lines for fifteen days.

882. The HRMMU interviewed the father of an adult man from the Sloviansk district who said that on around 30 June 2014, his son had been detained by armed groups for being drunk, and had then been sent to dig trenches near a checkpoint about 2.5 km from his house. He had dug trenches for four days, after which he had been allowed to return home.

883. On 9 November 2014, the SMM met, in Ilovaysk, with a "DPR" armed member who claimed that the "DPR" holds sixty-six members from the Ukrainian Donbas battalion hostage and had mainly tasked them with the reconstruction of buildings.

884. In its report of 15 November 2014, the HRMMU stated that in "territories under the control of both 'republics', cases of serious human rights abuses by the armed groups continued to be reported, including ... forced labour … These violations are of a systematic nature …".

885. In its report covering the period between 16 February and 15 May 2015, the HRMMU reported that it received new allegations of forced labour on the territories controlled by the armed groups.

886. In the reporting period of 16 May to 15 August 2015, the HRMMU continued to document cases of forced labour committed by the separatist armed groups. A former Ukrainian soldier reported to the HRMMU about his detention in the conflict zone, in August 2014, allegedly by fighters from the Russian Federation who then handed him over to the separatist armed groups. He reportedly spent six months held by the separatists on the territory of the "DPR" where he was subjected to forced labour.

887. In its report of September 2017, OHCHR referred to meetings in July and August 2017 with pre-conflict prisoners detained in the "DPR" and noted that "[s]ome prisoners stated they were subjected to forced labour". The report provided no further details.

888. In its report covering the period between 16 August and 15 November 2017, OHCHR reported that in the "Izoliatsiia" detention facility, "[t]o keep detainees in a state of exhaustion, the guards forced them to constantly perform physical work". The report referenced HRMMU interviews but no further details of the content of the interviews were provided.

889. In its report for 16 February to 15 May 2019, the HRMMU documented reports of forced labour in a number of penal colonies in territory controlled by the "LPR".

(iv) Abduction of orphaned children

890. The HRMMU reported in July 2014 that children faced particular hazards in the conflict zones. Orphans, many very young or with disabilities, in the Donetsk and Luhansk regions faced particular difficulties, sometimes being used as pawns in the larger geo-political dispute. For example, in Donetsk, the chief medical officer had reported difficulty in evacuating children from an orphanage in Kramatorsk city, because armed groups did not want to send Donbas children "to an enemy country, Ukraine" and wanted them to go to the Russian Federation. All thirty-two children were eventually evacuated safely to the Kharkiv region on 28-29 June thanks to the intervention of a Moscow-based NGO. In so doing, one of their representatives faced some personal danger, including being briefly detained by local armed groups on 25 June.

891. A group of sixteen children and two chaperones, who were allegedly abducted and transferred to the Russian Federation territory on 12 June 2014 by armed groups, were returned back to Ukraine on the next day. The Ombudspersons of Ukraine and the Russian Federation actively cooperated to facilitate the return of the children.

892. On 7 July 2014 the UN in Ukraine received an official communication from the government of Ukraine informing of possible attempts by armed groups to forcefully transport 206 orphans from the Donetsk region to the Russian Federation, saying that it had informed the Embassy of the Russian Federation in Ukraine about the above-mentioned situation and called for the implementation of international obligations to guarantee the rights of children.

893. On 13 July 2014, fifty-four children from a Marinka orphanage were taken to Donetsk by armed groups after attempts to transfer the children to the Russian Federation were unsuccessful. This was in spite of intense pressure being placed on the directors of the orphanage. The children remained in Donetsk.

894. At a press conference attended by the SMM on 29 July 2014, the Ukrainian Parliamentary Commissioner for Human Rights, said that more than sixty orphans from Luhansk had been taken to the border with the Russian Federation by a group of separatists in the night between 26 and 27 July. However, Russian authorities would not allow the children into Russian territory unless accompanied by a Ukrainian consul. The children were then taken safely back to Kharkiv on 28 July. The Ukrainian Human Rights Commissioner also denied reports that some of the eighty-one orphans who were evacuated from Donetsk to Mariupol on 28 July had been killed or injured.

(v) Freedom of religion or belief

895. On 17 April 2014 the SMM's Donetsk team spoke to the local rabbi, who confirmed media reports about anti-Jewish fliers signed by the self-declared "People's Governor of Donbas". The text called upon local Jewish people to present themselves for registration, threatening deportation and confiscation of property if they failed to do so. According to the rabbi, on 15 April, three or four masked men had arrived on foot at the synagogue and handed several of the fliers to people on the premises. They had returned later that night by car and handed out more of the fliers. The self-declared governor denied that he and his office were responsible for the flier.

896. In its reports for June and August 2014, the HRMMU noted that freedom of religion or belief had come under increasing pressure. It referred to "numerous attacks" against the inter-religious Prayer Marathon, attended by all major denominations except the Moscow Patriarchy, which had taken place "almost on a daily basis in May". This included "heavy beatings" of participants, the destruction of property and threats to organisers and volunteers. The HRMMU identified "DPR" representatives as having been involved in at least two attacks. It also referred to reports of other denominations, including Protestants, being attacked. A May 2014 statement by the Holy Synod of the Ukrainian Orthodox Church of the Kyiv Patriarchate condemned the violence and threats to the life and health of the clergy and the faithful of eastern Ukraine by armed groups.

897. The HRMMU, in its report of 15 July 2014, noted that religious leaders had been harassed, threatened and abducted. It also reported a "disturbing number of incidents" in eastern Ukraine, noting that the armed groups had declared that the main religion in Donetsk was Orthodox Christianity (of the Moscow Patriarchate) and that all sects were prohibited.

898. In November 2014 the HRMMU reported there had been increasing reports of violations of freedom of religion or belief in the areas controlled by the armed groups. All faith traditions, except for the Orthodox Church of the Moscow Patriarchate, appeared to be targeted by the armed groups through the persecution and detention of clergy members and believers, as well as the seizure of church property. On 18 September 2014, the

Metropolitan of Luhansk and Alchevsk, Mytrofan, issued an official statement claiming that the local Orthodox clergy had nothing to do with the forcible seizure of religious buildings, which was exclusively the initiative of the armed groups. He stated that diocese bishops disapproved of such actions and would not accept any buildings belonging to Baptists or any other confessions that had been seized by the armed groups and offered to his denomination for use. On 23 September 2014 the Evangelical Christian Baptist Church announced on its website that from the beginning of April until September 2014, seven Baptist church buildings had been seized by the armed supporters of the "DPR" and "LPR". On 27 September 2014, armed men had abducted a Protestant pastor of the Seventh-day Adventist church in Horlivka, Donetsk region, reportedly stating that "this is Orthodox land and there is no place for various sects". The pastor was released on 16 October 2014. On 4 October 2014, armed Don Cossacks seized the Holy Trinity Cathedral (Orthodox Church of the Kyiv Patriarchate) in Luhansk and gave the clergy one hour to "get out", declaring that the Church would be used as their dormitory.

899. In its daily report for 10 December 2014, the SMM noted that, in Luhansk city, a representative of the Ukrainian Orthodox Church Kyiv Patriarchate explained that while freedom of worship was not restricted, services were not conducted publicly owing to security concerns.

900. It appears from the report of the HRMMU covering the period between 16 May to 15 August 2015 that, in a statement issued on 20 May 2014, the head of the "DPR" threatened to "brutally fight sects" and stated that it did not recognise any religions apart from Orthodoxy, Roman Catholicism, Islam and Judaism.

901. The Jehovah's Witnesses community appears to have been particularly targeted. The HRMMU reported in August 2015 that, since the beginning of the conflict, the armed groups had abducted and ill-treated twenty-six elders and members of community. On 17 May 2015, armed men had detained four Jehovah's Witnesses members in Novoazovsk, blindfolded them and delivered them to their "local headquarters". For two hours, they beat them and conducted a mock execution, persuading the detainees to "acknowledge Orthodoxy as the only true religion" and to join the armed groups. All four were released the following day. On 21 May 2015 the police had detained two Jehovah's Witnesses while they were engaged in their religious ministry (having Bible-based conversations with local residents) in the town of Stakhanov, controlled by the "LPR". They were accused of disturbing peace by forcing their religious convictions on others and were illegally detained for fifteen days.

902. In the same report, the HRMMU indicated that on 21 June 2015, in the town of Torez, controlled by the "DPR", two armed men had entered the Kingdom hall during a prayer, attacked the preacher and verbally abused the audience, including women and children. The community elders reported the

incident to the local police but no follow-up action was taken. The situation of minority Christian communities in armed group-controlled territories remained precarious.

903. On 11 September 2015 the SMM met the head of the Muslim community in Donetsk, the imam of the Ahat Jami Mosque in "DPR"-controlled Kuibyshevskyi district (8 km north-west of Donetsk) and six worshippers (male, aged 40-70) who said that the main dome of the mosque had been damaged by shelling on 26 June and that the fence and women's section of the mosque had been damaged by shelling on 5 and 6 August. The SMM observed a direct hit to the dome, many damaged and missing windows, and impacts of shrapnel on the interior and exterior walls of the mosque. The interlocutors said they had received construction materials to repair the mosque from a foundation, but had postponed repair works until the end of the conflict as the mosque had been shelled five times between May 2014 and 6 August 2015.

904. In its report for 16 November 2016 to 15 February 2017, the HRMMU stated that restrictions to civil society and peaceful assembly also severely impacted the exercise of freedom of religion or belief, limiting the activities of minority Christian communities.

905. As described in the HRMMU's report for 16 May to 15 August 2017, in the "DPR", Jehovah's Witnesses had been accused of extremism and subjected to harassment, arbitrary searches of religious buildings, and confiscation of religious literature. Members of the Jehovah's Witness community had been summoned to police or prosecution offices and informed they had to cease operations until their religious organisation was registered; however, no procedure for obtaining such registration was established. On 7 July 2017 the supreme court of the "DPR" declared two religious publications of the Jehovah's Witnesses to be "extremist" and prohibited their dissemination. Reportedly, since the beginning of the conflict, nine religious buildings of Jehovah's Witnesses had been seized by armed groups.

906. In its report covering the period between 16 August to 15 November 2017, the HRMMU referred to a decree adopted on 17 August 2017, by the ministry of culture, sport and youth of "LPR", requiring religious organisations to obtain a positive "theological opinion" in order to register, act as a legal entity and operate. The expert council created to conduct such theological expertise could issue a negative opinion on the basis of a broad and vague list of reasons.

907. It appears from the report for 16 November 2017 to 15 February 2018 that freedom of religion or belief continued to be infringed in territory controlled by armed groups, with particular targeting of Jehovah's Witnesses. On 2 February 2018 the "LPR" authorities had issued a law which banned all "religious groups" not directly linked to traditional religions, thus limiting freedom of religion. Moreover, another law had been passed on the same date,

providing for a six-month period during which all religious organisations wishing to operate in the territory had to register, and failure to register would be considered to amount to their having ceased operations. In November 2018 the HRMMU reported that the registration process had been extended to 15 October 2018. It required the submission of personal data of the founders of the organisations, and a minimum of twenty founders for an organisation to be registered (resulting in members becoming founders). Similarly, in territory controlled by the "DPR", a law had been passed on 13 April 2018 "on freedom of religion and religious unions", requiring all religious organisations to complete a registration procedure by 1 March 2019. Those failing to do so would not be allowed to operate in territory controlled by the "DPR".

908. In its report covering the period between 16 May and 15 August 2018, the HRMMU stated that in territory controlled by the separatists, procedures for mandatory registration of all religious organisations limited freedom of religion or belief and created concerns for the protection of parishioners. In the "LPR", a law had been passed on 2 February 2018 providing for a six-month period during which all religious organisations wishing to operate in the territory had to register, and failure to register would be considered to amount to their having ceased operations. The registration process had been extended to 15 October. It required the submission of personal data of the founders of the organisations, and a minimum of twenty founders for an organisation to be registered (resulting in members becoming founders). This requirement raised twofold concerns for many religious organisations. Some parishioners did not want the authorities to know of their participation in a particular religious organisation. Some feared facing issues in government-controlled territory if it became known that they were registered with the "republic". Similarly, in the "DPR" a law had been passed on 13 April 2018 "on freedom of religion and religious unions", requiring all religious organisations to complete a registration procedure by 1 March 2019. Those failing to do so would not be allowed to operate. On 21 June 2018 the ministry of state security had closed the only functioning mosque in Donetsk. The premises were searched, religious literature was confiscated and two Muslim practitioners were questioned and forced to sign a commitment not to leave territory controlled by the "DPR".

909. As described in the HRMMU's report for 16 February to 15 May 2019, in the territory controlled by the "DPR", premises belonging to the Orthodox Church of Ukraine had been seized, reportedly by the ministry of state security. During the reporting period, the ministry of interior of the "LPR" reportedly conducted searches in church premises and in priests' residences and seized items including personal correspondence. Activities of several Christian denominations continued to be targeted by the separatist law-enforcement agencies, which prevented the congregation of worshippers owing to lack of registration.

910. In its report for 1 August 2020 to 31 January 2021, the HRMMU noted that several religious communities in territory controlled by armed groups continued to face limitations on their enjoyment of freedom of religion or belief. The enforcement of legislation in territory controlled by the self-proclaimed republics discriminated against a number of religious organisations. Representatives of religious communities who had earlier communicated with OHCHR refused to continue their interactions with the Office, fearing possible persecution.

911. In its report covering the period between 1 February and 31 July 2021, the HRMMU indicated that the self-proclaimed republics had continued activities against several evangelical Christian denominations. For example, on 25 June 2021, the prosecution had requested the arbitration court of the "DPR" to ban activities of the "Probuzhdenie" Church of Evangelical Christian Baptists in territory it controlled. Furthermore, on 20 July 2021 the Sverdlovsk (Dovzhansk) District Court had reportedly declared four books published by the International Union of Evangelical Christian Baptists to be extremist literature.

912. As non-registered religious organisations were considered illegal even before registration deadlines, their worship meetings were disrupted by "authorities", which referred to "regulations" limiting public assemblies. According to the report covering the period between 16 August and 15 November 2018, such restrictions – reported both in the "DPR" and in the "LPR" – resulted in the inability of some religious organisations to use their places of worship because of fears of the possible seizure or sealing off of their premises.

913. On 9 December 2021 OHCHR published its report on "Civic Space and Fundamental Freedoms in Ukraine, 1 November 2019-31 October 2021". According to the report, restrictions on religious groups by both the "DPR" and "LPR", such as unreasonably heavy bureaucratic requirements and criminal sanctions for religious activities that were equated with extremist activity, continued to have a profound impact. As of 31 October 2021 several religious organisations were still unable to operate because requirements of obligatory registration of religious organisations remained in force, which authorities used as a tool to obstruct religious activities or shut them down completely. This had particularly affected several evangelical Christian denominations and Jehovah's Witnesses. The authorities persecuted Jehovah's Witnesses, interfering with their religious practices and accusing the organisation and its members of extremist activities. Prior to the reporting period, the "LPR" prohibited Jehovah's Witnesses' operations in 2017, and the "DPR" had done so in 2018.

(vi) Freedom of expression and journalists

914. The HRMMU reported several concrete examples of cases where journalists had been killed, abducted, detained, harassed and obstructed. Only a few of these examples will be summarised below.

915. As of May 2014 the HRMMU reported regularly that that it was concerned about the curtailment of freedom of expression. The working environment for journalists had become continuously dangerous and deteriorating. Journalist had reportedly been harassed, threatened, abducted, unlawfully detained, obstructed and killed in the course of their journalistic activities in the eastern regions of Ukraine.

916. In May and June 2014 the HRMMU referred to armed attacks on editorial offices and television towers. For example, on 23 April 2014, unknown assailants had reportedly thrown Molotov cocktails at the premises of the local newspaper *Province* in the town of Kostyantynivka, Donetsk region. The newsroom was burned down. Prior to the incident, staff of the newspaper had faced certain threats and intimidation.

917. In its daily reports for 29 April, 4 May and 15 May 2014, the SMM referred to Donetsk Broadcasting Tower being guarded by members of the "Oplot" group. On a number of occasions, they also reported that the People's Militia of Donbass was occupying the Donetsk regional television centre. On 15 May 2014 they reported that the Donetsk Television Broadcasting Centre was displaying an "Oplot" flag. The HRMMU referred to separatist protestors joining a group from "Oplot" and storming the building of the State television-radio company Donbas on 27 April 2014.

918. In its daily report for 14 May 2014, the SMM reported having met with the journalist Irma Krat, who had been in detention in Slovyansk since April 2014. On 26 May 2014 the press secretary of separatists in Luhansk confirmed that two journalists were being detained on suspicion of "espionage". Interviews with journalists who had fled Donbas reported to SMM separatists' threats to and intimidation of local media, including beating staff. Daily reports for 13 June 2014 and 14 November 2014 noted that some editors-in-chief had been replaced by individuals loyal to the separatists while other newspapers had chosen to close.

919. On 17 June 2014 the SMM referred to media reports that one Russian journalist had been killed in the fighting around Luhansk city. A hospital source in Luhansk confirmed to the SMM that a journalist had indeed been killed. A second Russian journalist was missing, feared also to have been killed or injured.

920. In July 2014 the HRMMU reported that in the east, attempts at manipulation of the media had been especially egregious. Many journalists previously working in the region had already fled after being abducted, harassed, intimidated or otherwise threatened. Those that remained in Luhansk had been instructed by the armed groups on how they should report the news. Words such as "separatist" and "terrorist" could not be used, they

were told, and each Monday there would be a meeting with the editors of local media to instruct them on what to cover and how. Media outlets were threatened that if they did not cover the activities of the armed groups positively, their equipment would be destroyed and employees put in danger.

921. On 21 July 2014 the defence minister of the "DPR", Igor Girkin, announced that journalists, cameramen and photographers were not allowed to take photos, videos and audio recordings, or to be present in a combat zone or in the immediate proximity of military objects. Several journalists were subsequently harassed, regardless of whether or not they had accreditation from the "DPR". It was reported on 15 August 2014 that in Krasnodon, Luhansk region, representatives of the so-called "Army of the south-east" had prohibited photographing and filming in public places in the city, under the threat of prosecution by their so-called military tribunal.

922. The HRMMU reported in July 2014 that in Donetsk, all media outlets were required to register with the authorities of the "DPR". This extended to online resources, including individual bloggers, as well as distributors of print media. Any outlet that did not register would be banned from all media activities. The Ukrainian television channel ICTV and the local municipal television channel 12 in Donetsk had been replaced by Russian TV channel broadcasts. On the other hand, four Russian television channels had already been banned from broadcasting in Ukraine.

923. The HRMMU's report of 17 August 2014 referred to an overview of a study, published on 31 July 2014, by the NGO Institute of Mass Information (IMI), which monitors violations of journalists' rights in Ukraine, covering the cases of fifty-one journalists who had been abducted and held hostage by armed groups in the Donetsk and Luhansk regions from April to the end of July 2014. It provided examples of abducted journalists who against their will had been forced to give false statements to Russian media, in particular LifeNews. It appeared that cooperation with Russian or pro-Russian media was sometimes a prerequisite for ending or lessening their inhumane treatment and, in some cases, ensuring their release.

924. The HRMMU reported that on 19 July 2014, ten foreign journalists, who had been attempting to report on the MH17 crash, had been detained by armed groups in Donetsk. All were released several hours later after interrogation. On 22 July 2014 a CNN freelance journalist and field producer had been abducted from the Donbas Palace hotel in Donetsk and accused of being a Ukrainian spy. He was released on 26 July 2014 after being severely beaten. On 31 July 2014 two Ukrainian freelance journalists had been detained by armed groups in the Luhansk region and on 2 August 2014 the operator of the NTN channel had been abducted in Donetsk.

925. Safety of media professionals remained a serious issue in the conflict area because of the fighting. On 28 February 2015 a photographer from the Ukrainian newspaper *Segodnia* was killed during the mortar shelling attack by armed groups near the village of Pisky (Donetsk region). According to the

report of the HRMMU covering the period between 16 February and 15 May 2016, he was the eighth journalist killed in the east of Ukraine since the beginning of the conflict.

926. According to the HRMMU's report covering the period between 16 February and 15 May 2015, on 10 March 2015, the council of ministers of the "LPR" had issued an order demanding telecommunications operators to remove twenty-three Ukrainian television channels and the Russian television channel Dozhd from the broadcasting network on the grounds that they "pose a threat to state security". The ministry of infrastructure, transport and communication was assigned to monitor the implementation of the decision.

927. On 12 April 2015 two local media professionals were wounded near Donetsk airport when their car was hit by a shell.

928. On 14 April 2015 a local Donetsk journalist working for the Russian TV channel Zvezda was seriously wounded when he tripped on a mine trap in the contested village of Shyrokyne, in the Donetsk region.

929. On 11 March 2015 a journalist from the city of Makiivka (Donetsk region), controlled by the separatists, was reportedly abducted by armed groups. After his 80-year-old mother filed a complaint with the local police, the armed groups conducted a search of her house and intimidated her. The journalist was released on 10 May 2015.

930. On 16 April 2015 Oles Buzyna, a Ukrainian journalist, writer and former editor of the newspaper *Segodnia*, was killed close to his home in Kyiv by two unknown masked men. He was known for his criticism of the government, in particular in relation to the Maidan events and the conflict in the east. The President of Ukraine called the murder of Mr Buzyna "a provocation", aimed at destabilisation of the situation in Ukraine. He also called for a prompt investigation into two killings and regular reporting on its progress.

931. It appears from its report for 16 February to 15 May 2015 that OHCHR had received information that armed groups were directly influencing and shaping content in local media as regards depicting the leaders of the armed groups, as well as conflict-related developments. According to local journalists, only a very few Internet websites or online channels provided a platform where people and media professionals could freely express their views without censorship. In its report covering the period between 16 May to 15 August 2015, the HRMMU reported that, on 9 June 2015, the company Donetsk Cable Television had confirmed that it had blocked access to thirty-nine Internet-based media outlets, upon an order from the ministry of information of the "DPR" issued on 3 June 2015.

932. In its report covering the period between 16 May and 15 August 2015, the HRMMU reported that on 14 June 2015, a local reporter working for Agence France-Presse, covering the conflict in Eastern Ukraine, had been injured in the leg by shrapnel during shelling in Donetsk. On 16 June 2015 a journalist from the Russian newspaper *Novaya Gazeta* had been captured in

Donetsk by the ministry of state security of the "DPR". He was interrogated, beaten and then released at the border with the Russian Federation.

933. In its report covering the period between 16 August and 15 November 2015, the HRMMU underlined that to ensure their safety, journalists working in the areas controlled by armed groups had reportedly increasingly resorted to self-censorship. A Donetsk-based media professional stated to HRMMU that there was no freedom of speech in the "DPR", as "no one from local media would even think to express a critical opinion".

934. The registration and accreditation of foreign journalists by armed groups was considered to be largely arbitrary. In its report covering the period between 16 August and 15 November 2015, the HRMMU referred to information received by interlocutors, who reported that loyal journalists were granted certain privileges such as extended accreditation. One media professional relayed how the armed groups exerted pressure by sending the police to the hotel where his crew was staying while preparing a report on a sensitive topic. The same media professional mentioned having been apprehended not far from Donetsk airport with a colleague, taken to a military base and questioned for 1.5 hours by members of armed groups in March 2015 and forced to erase all their recorded material.

935. In its reports covering the period between 16 November 2015 to 15 February 2016 and 16 May to 15 August 2016, the HRMMU reported that in order to receive permission to enter and work in the "DPR" and "LPR", foreign journalists had to apply for "accreditation", a process that involved close scrutiny of their prior reporting and publications. According to them, the procedure had become more complicated over the summer of 2015 with the creation of the "special analytical department", responsible for monitoring all the reporting of journalists working in the "DPR". For example, two foreign journalists had been refused accreditation and invited for an "interview" at the analytical department. One of the reporters was accused of being a "propagandist" and ordered to leave Donetsk city. Nine other media outlets informed HRMMU of having difficulties with accreditation. Certain foreign journalists who had been working in the self-proclaimed republics following the outbreak of hostilities had then refused been accreditation or been required to apply for re-registration.

936. The HRMMU's report for 16 May to 15 August 2016 referred to a decree, dated 1 June 2016, signed by the president of the "DPR" "on measures to protect state secrets and official information". The decree banned all "DPR" civil servants from using open communication channels, including Ukrainian mobile networks, email accounts and social media, when contacting anyone outside the "DPR" (excluding the Russian Federation). The humanitarian community had noted the negative impact of such measures which, for instance, prohibited the sharing of necessary information on health care and social protection.

937. In its report covering the period between 16 November 2016 and 15 February 2017, the HRMMU indicated that media representatives working in territory controlled by separatists remained exposed to high levels of risk from indiscriminate fire during hostilities and some faced deliberate and targeted acts of violence perpetrated by the armed groups. They also continued to experience obstruction to their work, including denial of access to territory controlled by armed groups, censorship, unlawful detention and harassment.

938. Social media was the only space where residents living in territory controlled by armed groups were able to freely exchange views on various topics. However, as stated in the February 2017 report, two bloggers had been detained by "LPR" armed groups. Both were active on social media networks and regularly expressed criticism of the armed groups and of the political and socio-economic situation in Luhansk. The ministry of state security of the "LPR" stated that one of the bloggers was "accused" of "inciting hatred ..." and "espionage". The OHCHR was denied access to the individuals.

939. In its report covering the period between 16 May and 15 August 2017, the HRMMU continued to observe systematic attacks on civil society space severely hindering the work of media representatives in the territory controlled by the armed groups. It documented cases of media professionals who had been detained by armed groups, while some had been subjected to intimidation and interference with their work. Journalists entering territory controlled by armed groups of "DPR" had to inform the press centre of the ministry of defence about their activities on a daily basis, were arbitrarily required to show their video footage at checkpoints and were accompanied by members of armed groups when travelling close to the contact line.

940. It appears from the HRMMU's report for 16 August to 15 November 2017 that freedom of expression remained severely restricted with no critical publications or elements of dissent allowed in media outlets circulating in the territory under the control of the armed groups. On 27 September 2017, armed men had forcibly entered the home of a well-known blogger and activist in Donetsk, beaten him and interrogated both him and his wife. The blogger was arbitrarily detained for thirty-six days, until 2 November, accused of terrorism. The charge allegedly stemmed from his published articles criticising the leadership of the "DPR".

941. The HRMMU also reported that privacy and personal data protection of Internet users in the "DPR" had been compromised. On 21 September 2017 the ministry of communication had sent a letter to Internet providers requesting them to collect and store the personal data of Internet users and information about their online activities. The justification provided was the "significant number" of requests from law-enforcement agents to identify persons suspected of committing offences.

942. In its report covering the period between 16 February and 15 May 2018, the HRMMU stated that in territory controlled by armed groups, the

space for freedom of expression and freedom of the media remained highly restricted. With few critical voices publicly expressed, the report said that they could have been silenced, including by means of intimidation, expropriation of property and deprivation of liberty.

943. As described in the HRMMU's report for 16 May to 15 August 2018, in territory controlled by armed groups, the space for freedom of opinion and expression remained highly restricted. The HRMMU documented the case of two men detained and charged with espionage, *inter alia*, for their pro-Ukrainian positions expressed via social media. More limitations had been introduced by the "DPR" impinging on the ability of foreign media to report and work in armed group-controlled territory. The local media were operating, according to the OHCHR, mainly as a tool for promoting those in control.

944. The HRMMU condemned, in its report covering the period between 16 August and 15 November 2019, the sentencing of Stanislav Aseyev, a journalist who had contributed to Ukrainian and international outlets, to fifteen years' imprisonment by a court of the "DPR", which had held proceedings in camera. Reportedly, the espionage and extremism charges were partially based on his publications criticising the self-proclaimed republic. As of 15 November 2019 the blogger Oleh Halaziuk remained detained in territory controlled by the "DPR" for over two years.

945. In its report covering the period between 16 November 2019 and 15 February 2020, the HRMMU noted that individuals were being detained for their publications, including information shared on social media.

946. According to the report for the period of 16 February to 31 July 2020, OHCHR continued to observe the further shrinking of civic space in territory controlled by the armed groups, including through the enforcement of new regulations limiting freedom of expression online. While social media was the only platform available for some expression of critical voices, following administrative restrictions imposed in December 2019, OHCHR had observed fewer critical views published on social media.

947. The HRMMU reported, in its report for 1 August 2020 to 31 January 2021, that one incident had occurred in territory controlled by "DPR", where the investigative authorities had apprehended an LGBTI activist and questioned him regarding his activities without granting him access to a defence lawyer. OHCHR expressed its concerns about arbitrary detention by armed groups of individuals for their social media posts. In one case, a blogger had reportedly been detained for his articles on arbitrary detention and torture by members of armed groups in territory controlled by the "DPR", the content of which the authorities referred to as extremist. In another case, a person was charged with crimes for his social media posts, and released only after spending nine months in detention following a court hearing at which the judge found him guilty and issued a fine.

948. In its report covering the period between 1 February and 31 July 2021, the HRMMU observed further restrictions on civic space in territory controlled by the "DPR" and "LPR". While the ability to express critical opinions was already limited, actors of self-proclaimed republics continued activities that discouraged criticism and participation in public affairs. OHCHR documented three cases of arbitrary detention of individuals who had expressed opinions on online social networks in territory controlled by the "DPR". In at least one case, an individual who had expressed opinions through social media platforms also faced prosecution of "extremism", "activities against territorial integrity" and "incitement to hatred".

949. In its report on "Civic Space and Fundamental Freedoms in Ukraine, 1 November 2019-31 October 2021", OHCHR documented ten cases where individuals had been persecuted for expressing their opinions, in particular pro-Ukrainian views, for participating in public affairs or for seeking a remedy for violations of their rights. Furthermore, social media users had seen their online exchanges of information and views which opposed positions of the "DPR" and "LPR" censored and shut down. As reflected in the courts' verdicts in such cases, the free exercise of critical opinions was seen by both "republics" as a threat to their "authority" and the "constitutional order".

950. In November 2019 the ministry of state security of the "LPR" detained an entrepreneur from Luhansk for publicly expressing his pro-Ukrainian views. He was held incommunicado for three days, and later sentenced to thirteen and a half years in prison for "high treason".

951. In December 2020 the ministry of state security of the "DPR" detained Roman Manekin, a Donetsk-based blogger, accusing him of "cooperation" with Stanislav Aseyev, a Kyiv-based journalist formerly detained by the "DPR". Mr Manekin was charged with "incitement to hatred or enmity, as well as humiliation of human dignity", "public calls to carry out extremist activities" and "public calls to carry out terrorist activities or public justification of terrorism". In May 2021, he was sentenced to two years and six months in prison.

952. On 21 January 2020 a local blogger and member of the public chamber (a body advising the head of the "DPR" on social and humanitarian issues) was arrested in Donetsk. He was reportedly detained after he had criticised armed groups on social media for detaining people who did not own "passports" and vehicle registration plates of the "DPR". He also posted information about alleged corruption of local administrations in Makiivka. He was charged with "inciting hatred or enmity, as well as degrading human dignity" and sentenced to nine months in prison. After being held for a total of nine and a half months, he was released on 5 November 2020.

953. On 10 April 2020 the ministry of state security of the "DPR" arrested a man who had reportedly authored and sang songs in Ukrainian, expressed support for Ukraine and criticised the armed groups on social media. He was

charged with "spreading information that led to hatred" as well as supporting "terrorist acts" of the government of Ukraine, and reportedly remained detained.

954. On 25 August 2020 the police of the "DPR" arrested two men in Donetsk for their pro-Ukrainian views and posts on social networks and searched their apartments and seized IT equipment and computers. As of 31 October 2021 both men were still being deprived of their liberty.

955. In June 2021, a married couple were sentenced to suspended prison sentences of two years for giving "false testimony". After their car repair workshop was destroyed in the hostilities in 2016, the couple appealed to the law-enforcement bodies to carry out an investigation and provide compensation for lost property. When the investigation launched did not produce any results, in early 2018 they complained about the lack of action by the law-enforcement bodies to the administration of the head of the "LPR". In July 2020, a court sanctioned a month-long psychiatric confinement for the man, allegedly to evaluate the state of his mental health. The victims alleged that the ministry of state security had persecuted them for their complaints regarding the ineffective investigation.

956. During the reporting period, OHCHR noted attempts by actors of both self-proclaimed republics to limit online activity by amending legislation. In June 2020 a new article had been included in the criminal code of the DPR on "financing extremist activities", which *inter alia* stated that "supporting the activities of an extremist community or an extremist organisation" would be punished by up to eight years in prison. Furthermore, in April 2021 a provision had been added to the criminal code prescribing criminal punishment for slander committed publicly and on social networks. The amendments also introduced penalties such as correctional labour and imprisonment for up to two years. Similarly, the people's council of the "LPR" had amended its code on administrative liability in December 2019, expanding the list of administrative offences to include dissemination, including online, of information offending human dignity or public morals, or explicitly disrespecting the authorities. In March 2021 the article of its criminal code on defamation was amended, adding a criminal penalty for defamation committed online. The amendments also introduced punishments such as correctional labour and imprisonment for up to two years.

957. OHCHR also documented the closure of several Telegram accounts with opinions critical of actors of the "LPR". For example, in June 2021 two channels which posted information critical of armed groups and the socio-economic situation in the territory had stopped operating. Their owner was reportedly arrested by the "LPR".

(vii) Freedom of association and assembly

958. On 4 May 2014 the SMM noted that the self-proclaimed mayor of Luhansk had introduced a "state of emergency" within the city and had

outlawed all political movements, civil society activists and law-enforcement employees failing to follow his instructions.

959. The HRMMU reported on 15 May 2014 that on 21 April 2014, Viacheslav Ponomaryov, the self-proclaimed mayor of Slovyansk, banned the election campaigning activities of the (pro-Maidan) political parties, such as Udar, Svoboda and Batkivshchyna in Slovyansk.

960. In its report for 17 August 2014, the HRMMU indicated that freedom of peaceful assembly continued to be significantly infringed in the territories controlled by the armed groups. Rallies to challenge the policies of the "DPR" and "LPR" were extremely rare because people had reportedly been afraid to assemble for fear of reprisals. In the Donetsk and Luhansk regions, rallies could not be held either because of security reasons and active fighting, or because of restrictions imposed by armed groups. The HRMMU reported that the only peaceful assembly in the east was the Prayer Marathon held in Donetsk. However, because it was "unsanctioned" by the "DPR", its activists were regularly harassed, intimidated and abducted by the armed groups.

961. It appears from the HRMMU's report of 15 November 2014 that on 5 October 2014, in Sverdlovsk (Luhansk region), during a protest to demand payments of salaries and other welfare payments by the "LPR", armed supporters of the self-proclaimed republic had tried to prevent the gathering by shooting at people, injuring three citizens. Similarly, on 22 October 2014 in Brianka (Luhansk region), armed supporters of the regime had prevented pensioners who had not received pensions for four months from rallying by shooting in the air.

962. During the period between 16 November 2015 and 15 February 2016, humanitarian organisations, including United Nations entities, and international and locally based NGOs, were still not permitted to carry out protection-related activities in the "DPR" and "LPR". In addition to international organisations, several local NGOs had been requested by the authorities of "DPR" to obtain accreditation in order to be able to continue their humanitarian activities.

963. In its report covering the period between 16 November 2015 and 15 February 2016, OHCHR indicated that it continued to observe and receive information about the absence of assemblies in territories controlled by armed groups, which further demonstrated the lack of space for the population to showcase diverse views, articulate critical perspectives or exchange on socio-economic issues. In its next report, it was noted that the only assemblies that had been observed in the self-proclaimed republics had been in support of the local authorities. In April, a few dozen young people had organised two protests in front of the OSCE office in Luhansk, calling the OSCE staff "agents of Kyiv" and accusing them of encouraging the conflict. There were reasons to believe that the armed groups had organised these rallies, as all demonstrators had arrived at the same time at the OSCE office and did not

appear to be informed about the substance of their demands or OSCE's mandate.

964. During the period between 16 February to 15 May 2016, the HRMMU noted that there was allegedly a continuing process whereby state employees, officials, coal miners, doctors, and teachers were compelled to join the so-called public movement "Free Donbas" ("Svobodnyi Donbass") in the "DPR". The NGO's website was frequently updated, and members' names were put online, raising concerns about their security should they wish to cross the contact line. The HRMMU had received information from residents of the "DPR" that members of armed groups had demanded that employees of companies operating in armed group-controlled territory either join the above-mentioned NGO or resign. Allegedly, members of armed groups, accompanied by representatives of "Free Donbas", conducted visits to offices and businesses to strongly advise employees to join the "public movement". Most reported joining so as to not lose their jobs. The HRMMU also reported that students of Donetsk State University of Management had been forced to join the "Young Republic" association.

965. According to its report covering the period between 16 August and 15 November 2016, the HRMMU found that employees of public budget-funded institutions, as well as students and school graduates, had been obliged to participate in demonstrations taking place in the "LPR". Similar conduct had been observed in territories under the control of "DPR" armed groups. On 10 October a rally had taken place in Luhansk against the deployment of an armed OSCE monitoring mission, the latest in a pattern of armed group-organised assemblies. As reported by local media, the protest had gathered 17,000 people. Notably, "LPR" media had emphasised that it was an "improvised rally" with "hand-made posters", to underline the voluntary nature of the protest. The accounts collected by OHCHR suggested that the participants had to sign a paper obliging them to participate in the rally, while "student trade unions" were responsible for ensuring student participation.

966. The HRMMU's report for 16 November 2016 to 15 February 2017 suggested that the rights of individuals in territory controlled by armed groups to form, to join and not to join associations, including civil society, human rights, humanitarian, and religious organisations, continued to be limited. Moreover, the right of existing associations to pursue their activities had been consistently violated. The report observed the expansion of associations in which civilians were often involuntarily included or mandated to participate by the armed groups. At the same time, independent civil society, including humanitarian organisations, remained unable to freely operate in territory controlled by armed groups.

967. According to the same report, in the "LPR" an association called "Mir Luhanshchine" (Peace to Luhansk) made membership mandatory for individuals based on their place of employment, thus violating the right not

to be forced to join any association. For instance, the HRMMU had interviewed a woman who had expressed her fear of travelling to territory controlled by the government because her personal data had been published on the website of the "Myrotvorets" centre allegedly because of her membership of "Mir Luhanshchine".

968. In its reporting period for 16 May to 15 August 2018, the HRRMU indicated that restrictions on exercising the freedom of association and assembly had continued, albeit in a formalised manner, in territory controlled by the "LPR" through a decree signed on 27 June 2018, requiring organisers of peaceful assemblies to seek prior approval. Such approval would be granted on the basis of an assessment by either the ministry of state security or the ministry of the interior.

969. In its report covering the period between 16 August and 15 November 2018, the HRMMU reported that in the territory controlled by armed groups, there was an absence of space for peaceful assemblies organised by residents on their own initiative, where critical opinions could be expressed.

970. As described in the HRMMU's report for 16 February to 15 May 2019, civic space remained highly restricted in territory controlled by the separatists, with all assemblies observed reportedly organised by the "DPR" and "LPR".

971. In its report for 16 August to 15 November 2019, the HRMMU noted that in territory controlled by the "DPR" and "LPR", it had not observed any voluntarily organised assemblies, which might indicate residents' fear of possible retaliation if they voiced critical opinions.

972. In the HRMMU's report for the period of 16 February to 31 July 2020, OHCHR expressed its concerns about the lack of freedom of peaceful assembly in territory controlled by the separatists. Protests by coal miners against salary delays had reportedly resulted in a series of arrests of participants. OHCHR had also been informed of cases when some employees of public institutions of the "LPR" holding Russian Federation citizenship had been asked by their management to justify their failure to participate in the referendum on amendments to the Constitution of the Russian Federation in June 2020.

973. In its report covering the period between 1 February and 31 July 2021, the HRMMU emphasised that in territory controlled by the self-proclaimed republics, the atmosphere of fear and self-censorship continued to prevail, narrowing opportunities to freely express opinions during peaceful assemblies. Despite the existing risks, several assemblies critical of authorities had been held, including protests by coal miners against salary delays and at least one rally by local residents against lack of water supply. However, OHCHR was not aware of any assemblies having been held on more sensitive topics, including political issues.

974. In its report on "Civic Space and Fundamental Freedoms in Ukraine, 1 November 2019-31 October 2021", OHCHR underlined that human rights defenders in territory controlled by self-proclaimed republics were also affected by ongoing restrictions on civic space. They kept low profiles in fear of persecution, including arbitrary detention. Civic space in the territory had gradually deteriorated after an initial crackdown in 2014. Many human rights defenders had left the territory after the start of the armed conflict, having faced reprisals for their work. Those who had remained and continued their work faced a high degree of insecurity, in particular female human rights defenders.

975. In the same report OHCHR noted a small number of assemblies taking place, exclusively raising economic and social issues, criticising salary delays and poor management of local infrastructure. OHCHR had not observed any assemblies on more sensitive political topics and was concerned that this was probably due to restricted civic space, the prevailing atmosphere of fear and self-censorship. Participants in assemblies raising economic and social rights, such as labour strikes, faced serious consequences, including arbitrary detention.

976. On 6 June 2020 twenty-two coal miners were arrested by the ministry of state security of the "LPR" for participating in a labour strike over prolonged salary arrears and unsafe working conditions at the mine. Two of the coal miners were arrested for disseminating information about the strike and salary arrears on social media. While in detention, the miners were held incommunicado, did not have access to legal counsel and did not have an opportunity to contest their detention before a judge. On 18 June 2020 all the coal miners were released and warned by the ministry not to share information about their detention, or else they would risk criminal prosecution. In order to prevent dissemination of information about the labour strike, actors of the "LPR" reportedly blocked access to the Vkontakte website for several weeks, cutting off the primary means used by mine workers to communicate with each other about the strike and share critical views on the matter with the public.

(viii) Destruction and expropriation of property, theft and looting

977. The impact of the conflict on the enjoyment of economic and social rights continued to be devastating for people living in the conflict-affected area. The HRMMU repeatedly reported about the damage done by intense fighting using heavy weaponry and indiscriminate shelling in and around population areas. This devastated towns and villages, demolishing residential buildings and infrastructure.

978. In its report of 15 June 2014, the HRMMU referred to an escalation in looting in eastern Ukraine. It reported the looting of a military base in Mariupol by "pro-Russian" activists, who had reportedly taken weapons, ammunition and two armoured vehicles. The HRMMU had also been

informed in May 2014, by the Parliament Commissioner for Human Rights, of numerous incidents in the Donetsk and Luhansk regions where members of the armed groups had seized personal telephones and cars from ordinary citizens. The HRMMU also noted that the police rarely intervened or took any action. In its reports for June and August 2014, it provided examples of instances of robbery and looting in the regions and reports by residents of eastern Ukraine of being robbed at checkpoints controlled by armed groups.

979. In its report of 15 June 2014, the HRMMU reported about the looting of a military base in Mariupol. It had been looted after the armed forces had left by "pro-Russian" activists, who had reportedly taken an unknown number of weapons, ammunition and two armoured vehicles. Looting and stealing of valuables had reportedly occurred, along with abduction of people. According to the Parliament Commissioner for Human Rights there had been numerous incidents in Donetsk and Luhansk regions where members of the armed groups seized personal phones and especially cars from ordinary citizens. The police rarely intervened or took any action, as they were usually unarmed and thus unable to perform their functions in the current situation.

980. In July 2014 the HRMMU reported that there had been deliberate targeting by the armed groups of critical public utilities such as water, electricity and sewerage plants, which had shut down essential supplies to the residents. Public and private properties had been illegally seized and residences destroyed.

981. The HRMMU reported in July 2014 that as a result of threats and intimidation, many factories and businesses had had to shut down. For example, in the Luhansk region, four coal mines owned by the DTEK Mining Company had been shut down on 10 July because of the risk to miners' lives. This followed an incident in which four miners had been killed and sixteen wounded, including women, when a bus they were travelling in came under fire. The company had also closed its two coal enrichment factories. These closures affected 4,500 employees. Armed groups had also seized warehouses and factories, using the premises for such things as training camps or military repair shops. Companies that produced materials that could be used to make weapons had also been seized by the armed groups.

982. In its daily report for 25 July 2014, the SMM observed material damage to an apartment block in a civilian neighbourhood 2 km east of Donetsk city centre. The SMM had received information the previous day that an unexploded missile had hit the building that day.

983. On 30 July 2014 the SMM visited civilian localities on the outskirts of Donetsk city, which had been shelled on 28 and 29 July. The monitors observed damage caused by shrapnel and saw a house in which the interior walls had large holes, making it uninhabitable. Inhabitants whose houses and property had been damaged presented the SMM team with the alleged remnants of exploded Grad missiles, which were photographed by the SMM.

984. In its daily report for 4 August 2014, the SMM observed large holes in several external walls, and broken windows, consistent with shelling damage in a suburb of Donetsk city.

985. On 14 August 2014 the SMM reported a series of loud explosions consistent with shelling in the city centre of Donetsk. It noted that an apartment on the fourth floor of a residential block had been destroyed and that all windows at the back of a building across the road had been shattered following what appeared to have been a mortar shell impact in the backyard of the building. At a nearby street, several windows and the entrance of a maternity clinic were damaged from what appeared to have been a mortar shell impact in the nearby yard. The SMM observed no military facilities in the vicinity.

986. On 19 August 2014 the SMM noted that several houses had been damaged by artillery in Donetsk region.

987. On 5 September 2014, while on patrol on the outskirts of Donetsk, in the Oktyabrskiy area, the SMM heard intense shelling targeting the airport and originating from both the east and the west. The SMM witnessed damage to several buildings, which were reported to have occurred on 4 September and included direct hits on the House of Culture, five apartment buildings and a residential house, with a total of two deaths being reported. Furthermore, two Grad missiles landed within the hospital complex, causing three light casualties and some material damage.

988. As a result of the hostilities in Ilovaisk and the surrounding villages in 2014, there was a devastating impact on the civilian population. OHCHR reported in its thematic report on the events in Ilovaisk that 600 out of 1,800 individual houses had been destroyed and 116 multi-storey buildings had been damaged. For three weeks, residents of Ilovaisk did not have electricity, water and gas because of damage caused by the hostilities. During this period, there were also no functioning medical facilities.

989. As documented by the HRMMU, notably in its report of 16 September 2014, the rule of law was replaced by the rule of violence in the Donetsk and Luhansk regions, where the regional governments ceased to function effectively, as did the police and judiciary. Banks were robbed and coal mines were attacked, with many forced to close. Railways were blown up and salaries, pensions and other social welfare payments were stopped in places under the control of the armed groups.

990. The SMM observed on 20 September 2014 that Luhansk airport had been completely destroyed, including airport infrastructure such as planes, cars, trucks and tanks remaining in the area. The runways could no longer be used owing to the large number of craters.

991. On 19 October 2014 the SMM observed Kirovskyi district from Chekalina Street where a house situated at no. 5 had been hit by two mortar shells from an unspecified direction. The roof, ceiling and the windows of the house had all been destroyed. Furthermore, on the same street, the SMM

observed a second house, situated at no. 15. No casualties and wounded persons had been recorded thus far, according to a representative from the "DPR" emergency services department, who also claimed that the damage in both cases had occurred on 18 October.

992. On 22 October 2014 the inhabitants of the Kyivskyi district in Donetsk told the SMM that, as a result of frequent shelling between 15 to 20 October, many houses had been seriously damaged or completely destroyed, and that the area was without electricity, water and gas, as the utility infrastructure had been damaged. The SMM observed at least ten partly destroyed houses (damaged windows and roofs), and four completely destroyed houses.

993. On 8 November 2014 the SMM went to the village of Hranitne (57 km south of Donetsk) where it heard tank shelling close to the village. The SMM observed several houses with sustained serious damage consistent with shelling, which residents said had been ongoing in recent days.

994. According to the HRMMU's report of 15 November 2014, it had continued to receive reports about illegal seizure of property in the areas controlled by separatist armed groups. For example, on 30 September 2014 the spokesman of the Information Centre stated that the armed groups of "LPR" had organised the sale of about 100 cars stolen from local residents or dealerships and had been forcing local residents of Lutugino to sell their homes for as little as USD 100 to USD 1,000.

995. On 15 November 2014 the SMM visited a residential area of Debaltseve which had reportedly been shelled on 14 November. The SMM observed heavy damage to residential buildings in the area of Chakovo Street.

996. On 12 December 2014 at 3 p.m., the SMM visited the remains of Donetsk International Airport. The SMM saw a terminal which had been completely destroyed. The SMM also saw many impact craters, large amounts of unexploded ordnance and the general debris of the destroyed airport infrastructure. However, owing to the security situation, the SMM was unable to observe damage to the runway.

997. On 21 January 2015 the SMM observed that the bridge over the Sievierskyi Donets River near Stanytsia Luhanska (20 km north of Luhansk, government-controlled) had been seriously damaged by what appeared to be explosive ordnance. The SMM also noticed parts of a destroyed vehicle, located on the side of the bridge, on "LPR"-controlled territory.

998. On 24 January 2015 the SMM reported MLRS attacks on the city of Mariupol, allegedly fired from the territory controlled by the "DPR". The attack caused explosive damage to more than fifty residential buildings and numerous shops and businesses.

999. In its report covering the period between 16 February to 15 May 2015, the HRMMU reported in some towns controlled by the armed groups, such as Debaltseve and Vuhlehirsk (Donetsk region), which it had visited on

20 March, up to 80% of residential buildings and public facilities had been destroyed.

1000. On 19 August 2015, in government-controlled Pisky (12 km north-west of Donetsk), the SMM observed that all buildings were heavily damaged by shelling and seemed abandoned. A Ukrainian armed forces officer present informed the SMM that there were approximately twenty residents remaining in the village, living without electricity. Five residents – mixed gender, mostly elderly – told the SMM that they had difficulty leaving the village because there were checkpoints blocking the surrounding roads, and that the village had been shelled every night.

1001. On 22 August 2015 the SMM visited eight locations in "LPR"-controlled Pervomaisk (50 km west of Luhansk), observing damage to civilian residences, which numerous residents said had been caused by shelling the previous night. Crater analysis carried out by the SMM indicated that 81 mm and 122mm mortar rounds – fired from the north, at least in one instance – had caused the damage.

1002. On 5 June 2016, in a residential area in the north-eastern parts of government-controlled Mykolaivka (41 km south-west of Donetsk), the SMM conducted a crater analysis on nine fresh craters, which had allegedly been the result of shelling on the night of 4 June, and assessed that they had been caused by 120 mm mortar rounds fired from a northerly direction. The SMM saw that one house had been partially damaged by a direct hit, which had destroyed the roof completely and penetrated the north-facing wall and the ceiling of the house. On the eastern outskirts of government-controlled Novotroitske (36 km south-west of Donetsk), the SMM analysed twelve fresh craters and assessed them as having been caused by 82 mm mortar rounds fired from a north-easterly and northerly direction. The SMM saw that at least three houses had damage to their walls, windows, and roofs facing north and north-east. In government-controlled parts of Stanytsia Luhanska, the SMM assessed damage to houses which, according to residents, had been caused by shelling on 2 and 3 June. At one house, the SMM observed that all the windows were broken, and the west-facing walls were charred by burning. At three other houses, it observed holes on west-facing walls and entrance doors, which it assessed as having been caused by projectiles from undetermined weapons.

1003. On 30 June 2016, in government-controlled Popasna (69 km west of Luhansk), the SMM conducted an analysis on a fresh crater 2-3 metres from a house, which it assessed as having been caused by a 120 mm round from an unknown weapon fired from an easterly direction. The SMM observed damage to the house: cracked wall, broken windows, and shrapnel damage all over the wall.

1004. In the reporting period of 16 May to 15 August 2016, the HRMMU noted that the vast majority of private houses, dormitories and apartment buildings in Kuibyshevskyi district had been damaged. During that period,

the area had undergone further shelling. The few remaining residents reported that they did not leave their homes, in order to protect their property from looting and the presence of armed groups. Some informed the HRMMU that despite a "DPR" commission's visit to the area and the commitment it had given to restore the damaged buildings, no action had been taken.

1005. It appears from the same report that armed groups had continued to loot and use civilian homes and other property for military purpose. During a monitoring visit to Kuibyshevskyi district in Donetsk, it was observed that members of armed groups were present in the neighbourhood's bomb shelter. Some residents mentioned having been expelled from the shelter by members of the armed groups and having nowhere to go when shelling took place. Some also indicated that armed group members had been staying in residential apartments. Residents also claimed that armed group members had looted shops and apartments. The residents did not provide any details, noting that complaints to the armed groups tended to be followed by intimidation.

1006. In its reports covering the periods between 16 February and 15 May 2016 and 16 August and 15 November 2016, OHCHR referred to interviews with people who said that their property had been looted and partially or fully destroyed by the armed groups in 2014 or 2015. In particular, it reported interviews on 18 and 26 March 2015 with residents of Kuibyshevskyi district of Donetsk city. They had allegedly been prevented from returning to their own homes by an armed group (allegedly part of the so-called "Vostok battalion") that had occupied a local kindergarten and a chemical factory on 17 January 2015. A local resident reported that although they had all documents proving their ownership of the property, they had been detained by members of the armed group for looting and taken to the basement of the seized chemical factory, where they had been held for several hours. Afterwards, they had visited the building and found that most of the apartments had been looted.

1007. A similar case was reported by a man from Sverdlovsk in Luhansk region who was a former serviceman and currently an internally displaced person. On 27 June 2014 the man had allegedly been detained by armed groups and subsequently interrogated and tortured by three persons who identified themselves as representatives of the Main Intelligence Directorate of the Russian Federation. He alleged that the armed groups had destroyed his logistics business including thirty trucks, various supplies, garages, cars and equipment worth UAH 20,000,000 (approximately USD 780,000) in total. According to witnesses of the complete destruction of his property, the armed groups had used explosive devices, jeopardising the lives of peoples residing nearby.

1008. In its report for 16 August to 15 November 2016, OHCHR noted that it had received reports that "LPR" armed groups continued to loot apartments in Luhansk city. Allegedly, in a consistent pattern of conduct, persons in camouflage or in civilian clothes entered residential buildings and

seized private property after breaking into individual apartments. Armed group members cited "legal" grounds related to "searches" and collecting evidence for "criminal investigations". According to OHCHR interlocutors, armed groups actively monitored and targeted apartments whose owners had left Luhansk. Similar concerns were also raised in relation to the conduct of "DPR" armed groups.

1009. On 5 December 2016, in government-controlled Lobacheve (17 km north-west of Luhansk), the SMM observed five houses with ten impacts assessed as having been caused by under-barrel grenade launchers (VOG25) on walls facing south. One house had its roof damaged, and a shop located opposite to the ferry crossing also had damage to the roof and the windows. According to residents, shelling had occurred the night before.

1010. On 3 February 2017 the SMM observed shelling damage to three residential buildings at the intersection of Vorobiova and Molodizhna Streets in Avdiivka. The SMM saw a large hole in the third-floor wall of one of the buildings and an impact near the road. The SMM assessed the latter as having been caused by a 122 mm artillery round fired from a south-easterly direction. Several windows were blown out and the exterior walls of the buildings were damaged. According to residents, the damage had occurred at around 8.30 p.m. on 2 February.

1011. On the same day, in government-controlled Chernenko (21 km north-east of Mariupol), the SMM observed impact sites in a residential area that residents said had been shelled on 31 January. The damage observed was consistent with shelling in recent days. The SMM observed an impact site in the garden of a house and saw shattered windows and shrapnel damage to the walls of a house nearby. The SMM assessed that the damage had been caused by a mortar round (82 mm) but could not determine the direction of fire. At a second location, the SMM saw damage to the roof of a house.

1012. According to the report for 16 November 2016 to 15 February 2017, hospitals had also been frequently hit by artillery fire, in violation of their protected status under international humanitarian law.

1013. On 8 May 2017 the SMM, following up on information provided by the Ukrainian armed forces, assessed impact sites and damage to residential areas caused by shelling. In government-controlled Popasna (69 km west of Luhansk) on 8 May the SMM observed four impact sites. At 144a Pervomaiska Street the SMM observed a fresh hole in the south-facing wall of a garage located about 25 metres from the house, as well as a fresh crater 2 metres from a hut, about 150 metres south of the house. The hut itself had sustained damage to its walls and broken windows. At 239 Hrushevskogo Street the SMM saw a fresh crater in a garden about 12-15 metres from a house. A 6-7-metre section of wooden fence nearby had been flattened. The SMM observed a fresh crater in a garden about 20 metres from 125 Nohtenka Street. Nearby, the SMM saw damage to a tree caused by shrapnel. In all cases the SMM assessed that the impact sites were caused by shells fired from

a south-easterly or south-south-easterly direction. The SMM could not assess the type of weapon used. Residents told the SMM that the shelling had happened at around 8 pm. on 7 May and that there had been no casualties.

1014. On 8 June 2017 the SMM reported damage to houses and a shop caused by shelling in Krasnohorivka and Pikuzy.

1015. On 1 July 2017, following up on separate reports of shelling in government-controlled Marinka (23km south-west of Donetsk) from the Ukrainian representative to the JCCC, the local police and a woman in the market place in Marinka, the SMM visited fresh impact sites accompanied by a Ukrainian officer of the JCCC. At 39 Karla Marksa Street the SMM observed broken windows, shrapnel marks on the exterior wall of the house and a collapsed part of the roof, all on the north-eastern side of a house, assessed as impacts of rounds from unknown weapons fired from a north-easterly direction. A 48-year-old woman told the SMM that shelling had taken place on the evening of 30 June. At 37 Karla Marksa Street the SMM saw damage to the windowpanes, window frames and the roof of a house on the north-eastern side of the house. The SMM assessed that the damage was caused by a 120 mm mortar or artillery round fired from a north-easterly direction. A woman in her eighties told the SMM that she had heard three explosions at around 11 p.m. on 30 June. At 17Artema Street the SMM observed a fresh crater in a hard gravel surface in the north-eastern yard of a house with shrapnel damage visible on both sides of the crater, assessed as having been caused by an impact of a round from an unknown weapon fired from a north-easterly direction.

1016. On 29 May 2018 the SMM followed up on reports of damage caused by shelling in a residential area in Chermalyk (government-controlled, 31 km north-east of Mariupol). Accompanied by a Ukrainian officer of the JCCC, at 18 Haharina Street the SMM saw two shattered windows and minor shrapnel scarring on the north-facing wall of a one-storey house, as well as a fresh crater 8 metres north of the house. The SMM assessed all damage as having been caused by a 73 mm cannon round fired from an easterly direction. A resident of the house (aged 40-50) told the SMM that she had been at home with her husband on the night of 28-29 May when the sound of glass breaking had woken them up and that they had sought shelter in the basement. At 20 Haharina Street, the SMM saw a fresh crater in the soft soil about 4.5 metres south-east of a barn which had minor shrapnel damage to its south-east-facing wall, assessed as having been caused by a 73 mm cannon round fired from an easterly direction.

1017. According to the HRMMU's report for 16 May to 15 August 2017, parallel procedures put in place by armed groups to regulate inheriting, selling and buying property continued to create unnecessary hardship for the population. According to legislative initiatives, all real-estate transactions executed after 11 May 2014 had to be registered with the "DPR". Such initiatives resulted in additional financial burden due to the double

registration of transactions that was required, considering that the government of Ukraine did not recognise such registration as valid.

1018. The same report noted that military occupation and use of civilian housing by armed groups had hindered the ability of displaced persons to return to their homes. The HRMMU had been informed about a woman who returned to Luhansk city and could no longer access her apartment because the lock had been changed. Interlocutors from Luhansk alleged that apartments were being opened and given to armed groups. Armed groups further restricted the right to unimpeded use of privately-owned commercial premises or other business-related property. On 5 July 2017 a member of the people's council of the "DPR" reported that 109 private markets had passed into state ownership since April 2017. The owner of a small market told the HRMMU that he had had to pay additional money to the state management to be allowed to continue managing a small shop there. On 4 July 2017 the state property fund of the "DPR" announced the lodging of an appeal with the arbitration court requesting a declaration of property rights concerning "abandoned" property.

1019. On 28 August 2018 the SMM observed fresh damage to a civilian property in Kriakivka (government-controlled, 38km north-west of Luhansk). At 25 Haharina Street the SMM saw a fresh large hole on the western side of a roof of a single-storey house and a number of asbestos roof-tile pieces on the ground. The SMM saw large holes on the south-facing wall of a nearby chicken coop and the southern side of the roof of a nearby wooden barn. About 250 metres north of the house, the SMM observed trees with branches that had been freshly severed, assessed as having been hit by shrapnel. The SMM assessed that all of the damage had been caused by undetermined weapon(s) fired from a southerly direction. A resident of the house (male, 52 years old) told the SMM that he had been working outside his house at around 6.45 p.m. on 26 August when he had heard shelling with rounds flying over his head and impacting north of his house. He said that he had run to the cellar and had then heard a projectile hit his house.

1020. According to the numbers given by the HRMMU in its report covering the period between 16 August and 15 November 2019, over 50,000 civilian homes had been damaged or destroyed as a result of hostilities on both sides of the contact line between mid-April 2014 and November 2019.

1021. According to the report for the period of 16 February to 31 July 2020, OHCHR had started to systematically record incidents that affected civilian objects (excluding civilian housing). From 1 January to 31 July 2020 OHCHR recorded seventy-five such incidents, including forty-one that had resulted in damage to civilian objects.

1022. In its report for 1 August 2020 to 31 January 2021, the HRMMU continued to systematically record incidents affecting civilian objects (excluding civilian housing). In comparison with the preceding six-month

period, there were fewer attacks affecting civilian objects, from seventy-two incidents (of which forty had resulted in damage to civilian water and sanitation facilities) from 1 February to 31 July 2020, to four incidents between 1 August 2020 to 31 January 2021, none of which had resulted in damage.

1023. In its report covering the period of 1 February to 31 July 2021, the HRMMU indicated that residents of government-controlled Novooleksandrivka village (Luhansk region) had informed OHCHR about consistent shelling that had led to civilian casualties and damage to their houses. The residents had to walk 3 km through potentially mined unpaved paths and fields to access pensions, food, transport and government services in the nearby town of Popasna. The police, ambulances and local administration did not visit the village because of safety concerns, the military's ban on vehicle movements, and lack of paved roads. Furthermore, village residents had not had access to electricity since 2014 and relied on humanitarian organisations to obtain coal or wood for heating during the winters. Residents of the outskirts of armed group-controlled Horlivka (Donetsk region), comprising mostly of older people, had informed OHCHR about persistent shelling that had caused civilian casualties and damage to their houses, as well as the lack of public transport or access to ambulance services.

1024. The HRMMU's report for 1 February to 31 July 2021 expressed concerns about the possible violation of the right to adequate housing of internally displaced persons (IDPs) and residents of territory controlled by the "DPR". On 28 April 2021 regulations were adopted that allows for the expropriation of immovable private property considered abandoned or left unclaimed following the owner's death. According to the HRMMU, the regulations not only risked infringing the housing rights of IDPs, but could also endanger future restitution and create additional constraints for the return and reintegration of IDPs. Moreover, IDPs living in government-controlled territory could be disproportionately affected, as, on account of COVID-19-related restrictions on freedom of movement, they could not access their property or take the actions necessary to secure their property rights.

1025. OHCHR continued to record security incidents in the conflict zone that affected civilian objects (other than civilian housing). From 1 February to 31 July 2021 OHCHR recorded twenty-seven such incidents caused by shelling and SALW fire across the contact line: twenty-two in armed group-controlled territory and five in government-controlled territory. Ten incidents had affected electricity supplies, seven had affected educational institutions, six had affected water and sanitation facilities, three had affected gas supplies and one had affected a medical facility. Though none of these incidents had resulted in civilian casualties, they had endangered the lives of

civilians in and near these institutions, and had affected the population's access to basic services.

1026. In its update covering the period between 1 August and 31 October 2021, the HRMMU documented thirty-seven security incidents affecting civilian objects (excluding civilian housing), such as schools and water or electricity supply: six in government-controlled territory and thirty-one in territory controlled by the self-proclaimed republics.

1027. In its report covering the period between 16 May to 15 August 2022, OHCHR expressed its concerns about the expropriation of civilian property by the ministry of state security in territory controlled by the "DPR". One such case involved the apartment of a family in Donetsk who had received it under a State-funded programme before the conflict. In January 2015, armed men (believed to be from the ministry of state security) had broken into the apartment and seized personal property, which had been followed by threatening phone calls demanding that the family hand over the keys to the apartment. When the family reported these incidents to the authorities several days later, the ministry of state security had requested access to the apartment to conduct "special operations" for three days. The keys had only been returned after nine months, but according to the family, a number of belongings were missing from the apartment. On 4 March 2018, the apartment had been sealed by the ministry of state security and since then the family had not had access to their home. In 2018 the family had submitted multiple appeals to the various duty bearers in territory controlled by the armed groups. In May 2018 OHCHR had initially started attending the civil hearing on expropriation of the apartment, but in June the court had decided to hold closed sessions and had ordered OHCHR to leave. No other members of the public were present. The report stressed that this case might not be an isolated one. According to one interlocutor, private apartments had been expropriated in a similar manner in Donetsk, affecting at least five families.

(ix) Attacks on teachers, destruction of schools and prohibition of Ukrainian language

1028. According to its daily report of 14 May 2014, the SMM had been informed about the abduction of a school teacher by unknown uniformed armed men on the same day. Reportedly, the teacher was abducted in the office in the presence of pupils and teachers and taken into a car and allegedly held at the SBU building, which was occupied by the "South-Eastern Army". The teacher had been released after two hours.

1029. In its report of 15 June 2014, the HRMMU noted that in Slovyansk, Krasnyi Lyman and Krasnoarmiysk, sixty-two schools and forty-six kindergartens were not functioning. It was reported that at the end of May 2014 two school buildings in Slovyansk had been damaged in the fighting.

1030. In August 2014 the HRRMU reported that on 7 August 2014, during a roundtable on access to education for children from the eastern

regions, the Ministry of Education and Science had reported that the buildings of at least 51 kindergartens and 102 schools in the Donetsk and Luhansk regions had been damaged.

1031. In its report for 22 August 2014, the SMM referred to the declaration of a director of a local kindergarten in Donetsk, who had said that the facility had recently been shelled three times. He said that currently only fifteen children between the ages of 2 and 6 were attending classes. When the SMM visited the facility in June 2014, the number of children amounted to 147.

1032. It appears from the SMM's spot report on the shelling of residential areas in Donetsk, dated 24 August 2014, that the SMM had seen a kindergarten with the windowpanes of its second floor shattered and children's toys scattered around. A small group of civilians, mainly women, was observed close to the kindergarten in a state of shock. Local residents in the area provided the SMM with what they believed to be pieces of artillery shells.

1033. On 27 August 2014 the SMM observed significant damage to civilian infrastructure in Mospyne, including a school which had sustained damage consistent with shelling.

1034. On 1 September 2014, the SMM attended the opening of a school in Luhansk, at which the self-declared "LPR" president, Igor Plotnitsky, made a speech. Mr Plotnitsky said that the new curriculum would be based on the educational curriculum of the Russian Federation.

1035. The SMM reported on 4 September 2014 that the mayor of Donetsk had told it in Kyiv that 235 schools in Donetsk had been destroyed and that some 75,000 children could not go to school. He suggested that a commission be formed to visit the region and assess the damage caused by the separatists.

1036. On 18 October 2014 the SMM heard a series of loud explosions consistent with incoming and outgoing artillery rounds, in the northern outskirts of the city of Donetsk where the airport is located. On 19 October the SMM went to the Kuibishevskyi district, in Zvyagilskiy Street where it visited school no. 61 and two other houses, which had allegedly been damaged by shelling on 18 October. School no.61 had been hit, allegedly by two instances of shelling consistent with mortar fire, at around 7.15 p.m. the previous night, according to the witness who was the duty officer of the shelled school. According to the duty officer, the school remained operational, and classrooms which had been affected by the shelling had been cleaned up when the SMM visited the scene. The duty officer told the SMM that so far there were no plans on how to proceed with teaching in the damaged school.

1037. On 25 October 2014 a Ukrainian military commander in Hranitne (90 km south-east of Donetsk city) and several residents told the SMM that the town had been shelled six times the previous evening. The SMM observed damage consistent with shelling on the roof and windows of a local school in

the centre of the town, which, according to the mayor during an earlier visit, had until been recently used as a Ukrainian army barracks.

1038. It appears from the SMM's daily report of 5 November 2014 that on 4 November 2014, the principal and four department heads of a school in Luhansk told the SMM that the school had 200 pupils enrolled, compared with 650 before the conflict. The school, they said, had already received textbooks from the Russian Federation and would follow the Russian curriculum as of 9 November 2014. The language of instruction was Russian, whereas it had been both Russian and Ukrainian before the conflict, they said.

1039. On 24 January 2015 the SMM reported MLRS attacks on the city of Mariupol, allegedly fired from the territory controlled by the "DPR". The attack had caused explosive damage to four schools.

1040. On 25 August 2015, in "DPR"-controlled Horlivka, the SMM saw damage caused by shelling that, according to members of the city council, had occurred at approximately 4 a.m. on that day. At school no. 25, the SMM saw a pool of blood on the floor and shrapnel impacts to the guard's cabin. There was shrapnel damage on the western wall of the building but no crater at the site. The SMM observed a crater close to the entrance at school number 16 (on Kirova Street). All windows facing west were shattered. At school number 14 (32Gertsena Street) impact damage was observed to the roof and grounds. Walls facing north and west were damaged by shrapnel. The SMM observed that the north-facing exterior and interior walls of an apartment at 99 Nesterov Street had been badly damaged. The SMM conducted crater analysis at schools nos. 14, 16 and 25 and assessed that the shells most likely used had been 120 mm calibre mortar, fired from the north-north-west.

1041. On 9 September 2015, at the local secondary school no. 23 in the "LPR"-controlled Horodyshche (57 km south-west of Luhansk), the school principal told the SMM that the pupils had been provided with new books which attempt to reflect the school curriculum of the Russian Federation.

1042. On 14 September 2015, in "LPR"-controlled Artemivsk and Brianka (46 km and 49 km west of Luhansk respectively), the SMM was informed by the principals that their schools were applying mainly the Russian curriculum and that the books were provided by the Russian Federation. The principal of the school in Artemivsk said that the roof, which had been seriously damaged by shelling, had not yet been repaired. The principal of Brianka School told the SMM that because of previous shelling, there was no running water available at the school. At a school in government-controlled Luhanske (58 km north-east of Donetsk), the SMM observed extensive damage to the roof, walls, windows, and to the heating system. The school personnel present at the premises told the SMM that since April, pupils from grades one to four had been relocated to Luhanske kindergarten and distance learning had been set up for pupils from fifth grade onwards.

1043. On 18 February 2016 the SMM examined damage to a school, in "DPR"-controlled Staromykhailivka (16 km west of Donetsk), assessed as having been caused by a 30 mm by165 mm high explosive tracer bullet originating from the north-north-west. The impact had shattered a window and damaged interior walls. According to the school's principal, the impact had occurred at 10.30 p.m. on 17 February.

1044. Throughout its reports, the HRMMU stated numerous times that in the territories controlled by the separatists, schooling was limited, mainly as a result of the destruction of buildings and the lack of security. Several schools and educational facilities, including kindergartens, in the conflict zone had been heavily damaged in shelling and exchanges of fire. As documented by the report for 16 May to 15 August 2016, on the night of 910 July 2016, a school in Sakhanka, school no. 84 in Mykytivka in Horlivka, and school no. 7 in Horlivka were damaged by shelling. At the time, approximately twenty local residents had been hiding in the basement of school no. 84 in Mykytivka. When visiting the schools in late July 2016, OHCHR did not observe any arms or fighters inside the buildings or in their vicinity.

1045. In its report covering the period between 16 August and 15 November 2016, the HRMMU reported that, between 13 and 14 September, two schools in territory under "DPR"-control had been hit; school no. 44 in Makiivka had been shelled, and bullets from small arms had hit school no. 3 in Dokuchaievsk during the school day. On 4 October 2016 school no. 2 in government-controlled Marinka had been shelled. The following day, on 5 October, school no. 77 and kindergarten no. 154 had suffered damage from a nearby explosion.

1046. It appears from the HRMMU's report for 16 February to 31 July 2020 that between 1 January and 31 July 2020, thirteen schools and kindergartens were damaged or affected by shelling and SALW fire. Of seventeen incidents recorded by OHCHR, thirteen had occurred in territory controlled by the "DPR", and four in government-controlled territory (three in the Luhansk region and one in the Donetsk region).

1047. In its report for 1 August 2020 to 31 January 2021, the HRMMU expressed concern that on 6 March 2020, the people's council of the "DPR" had amended the law on education, establishing Russian as the official language in educational institutions in territory they control. These changes were already in place for the 2020-2021 academic year. Similarly, in June 2020 the same approach to the Russian language in education institutions was introduced in territory controlled by the "LPR".

(x) 25 May 2014 presidential elections

1048. The HRMMU reported in June 2014 that on 7 May 2014, "several political parties had allegedly been banned in Luhansk region by a decision of the people's council".

1049. In its May 2014 report, the HRMMU stated that several candidates had reported facing arbitrary restrictions, hate speech, intimidation and violent attacks during their election campaigning. Some examples of such cases are listed below.

1050. On 10 April 2014 Oleg Tsariov (non-affiliated candidate from eastern Ukraine), following a press conference in Odesa, was reportedly prevented from leaving the location by "Right Sector" activists. Scuffles broke out between the latter and supporters of Mr Tsariov. The police managed to transfer Mr Tsariov out of the hotel.

1051. On 14 April 2014 Mykhailo Dobkin (Party of Regions) and Oleg Tsariov were attacked in Kyiv at the ICTV (national television channel) media building. Both were known for their pro-Russian stance and for supporting federalism.

1052. On 11 April 2014, in Rivne, there were reports of "Right Sector" activists who had picketed, burned documents and then sealed the office of the Communist Party. They demanded that the activities of the party be banned for as long as Petro Symonenko, Head of the Communist Party, supported separatist activities in south-east Ukraine.

1053. On 22-23 April 2014, in Krasnodon and Alchevsk (Luhansk region), unknown persons attacked campaign tents of Anatoliy Hrytsenko (Civic Position party). On 30 April, in Mykolaiv, his campaigners were verbally harassed with demands to remove the campaign tents by unknown persons.

1054. On 28 April 2014, in the village of Perehrestivka (Romensky district, Sumy region), the pro-unity campaign team of Oleh Liashko (Radical Party) was threatened and its property destroyed. He cancelled his campaigning activities in the area. Also on 28 April Mykhailo Dobkin, was prevented from leaving the plane at Kherson airport by some 250 pro-unity activists. The police claimed that they had been prohibited from accessing the runway, and could not provide security to the presidential candidate.

1055. The HRMMU referred to the NGO Opora, which had highlighted that the presidential election campaign was often accompanied by intolerance, which could lead to more social tension and outbursts of violence.

1056. On 30 April 2014 Andriy Mahera, Deputy Chair of the central election commission, announced that the presidential elections would be conducted whatever the circumstances and their outcome would be legally binding. Furthermore, in order to prevent the disruption of the electoral process, as well as to hinder any possible unlawful referendums in support of the various self-proclaimed republics, the decision had been made to block access to the State Voter Register in several towns in the Donetsk and Luhansk regions.

1057. On 22 May 2014 the SMM reported that the head of the district administration of Oleksandrivka had confirmed that the presidential elections

would not take place in two of its districts "for security reasons". Other officials had confirmed that people did not vote because they had been intimidated by separatists (SMM daily report for 26 May 2014).

1058. In its 15 June 2014 report, the HRMMU noted that following the "referendum", "DPR" representatives had openly declared their intention to obstruct the 25 May 2014 presidential election.

1059. There were twenty-one candidates officially on the ballot. On 3 June 2014 the central election commission confirmed that Mr Petro Poroshenko had won with 54.7% of the vote. In the regions of Donetsk and Luhansk, attacks had taken place every day during the week preceding the elections and had multiplied on election day, with violent obstruction of polling stations. The pattern of such attacks consisted of representatives of the "DPR" and the "DPR" and armed men entering the premises of the district election commissions, threatening staff and sometimes beating and/or abducting them, often taking away voter lists, computers and official documents. In some cases, the premises of the commissions had been seized and blocked; others had had to close either because they had become inoperative, or because for security reasons the staff were frightened to come back. Several attacks against district election commissions and polling stations were reported just prior to, and on, the election day, with armed men entering polling stations, forcing them to close and/or destroying or stealing ballot boxes.

1060. As a consequence, polling did not take place in ten of the twelve election districts in the Luhansk region and in fourteen of the twenty-two election districts in the Donetsk region. The HRMMU concluded that these "illegal acts" had prevented many people living in the Donetsk and Luhansk regions from exercising their right to vote. According to official figures reported by the HRMMU, 82% of voters in the Donetsk region and 88% of voters in the Luhansk region had been deprived of their right to vote.

(xi) Observations concerning the downing of flight MH17

1061. On 17 July 2014 the SMM reported that it was making its way to the crash site in the Donetsk region where a civilian aircraft, flight MH17, had come down, leading to the deaths of 298 people. The SMM intended to monitor the situation at the scene and report accordingly.

1062. On 18 July 2014 the SMM announced that it was making its way to the crash site of MH17. However, it obtained very limited access to the site. There were dead bodies at the scene, marked but exposed to the elements. No process of debris collection was observed. Some of the "DPR" guards were visibly intoxicated and aggressive.

1063. In its report of 17 August 2014, the HRMMU reported that on 19 July 2014, ten foreign journalists, who had been attempting to report on the MH17 crash, had been detained by armed groups in Donetsk.

1064. In its daily report for 20 July 2014, the SMM indicated that it had visited the impact site of the flight MH17 near the village of Rozsypne for the second and third time on 19 and 20 July respectively. On 19 July 2014 access to the site was limited, but greater than it had been on the SMM's first visit the previous day. Rescue workers at the scene told the SMM that they had photographed and filmed bodies before placing them in body bags. The SMM observed fifty-five body bags. The security perimeter, on the SMM's arrival, was weak. On 20 July 2014, the SMM observed an indeterminate number of bodies held in cold storage in train carriages at Torez railway station, close to the crash site. On that day, the SMM was given full access to the main crash site, which on this occasion was properly cordoned off.

1065. According to its spot report for 21 July 2014 on the visit to locations related to the Malaysia Airlines flight MH17 crash, on 21 July an SMM team of fourteen monitors had visited three locations related to the crash of MH17 flight in the Donetsk region. The SMM was escorted by armed guards provided by the "DPR". The SMM, as on previous visits, facilitated access for the Ukrainian National Bureau for Investigations of Air Accidents and Incidents in Civilian Aviation. The team was also accompanied by three forensics experts from the Dutch National Forensics Investigation Team. At 11.20 a.m. the SMM arrived at the railway station in Torez. The five train carriages (four of which were refrigerated), which the SMM had observed on 20 July, were still at the station. The Dutch forensics team entered the carriages and assessed that the storage conditions were good. The SMM and the forensics experts witnessed the closure and sealing of three of the four refrigerated carriages. The fourth, which was empty at the time, remained open for the delivery of additional body bags during the day. When the SMM returned to Torez train station at 5.30 p.m., it monitored the arrival of a truck with one body bag, which was loaded onto the fourth carriage. The carriage now contained additional body bags. The fourth carriage was sealed in the presence of the SMM and the Dutch forensics experts. A "DPR" representative informed the SMM that they had thus far collected 282 bodies but the SMM was unable to confirm this number. In Torez, on the morning of 21 July, the "DPR" had assured the SMM that the train would be allowed to leave for Kharkiv as soon as the remaining bodies had been loaded, and provided it was accompanied by the Dutch forensics experts and two SMM monitors. This was subsequently not possible because of the reported shelling of one of the railway stations in Donetsk city during the day. The "DPR" instead agreed to guard the train and move it to a safe location in Donetsk city. At 1.20 p.m. the SMM arrived at the main crash site, which it had visited on the three previous days, near the village of Hrabove. The team did not see any security perimeter in place and was given unhindered access to the site. There was noticeably less activity and the emergency services were no longer present, with three of the four tents previously used for administration and planning having been removed. The SMM observed that what appeared to be

hand luggage had been collected into piles. It saw that one of the largest pieces of debris had been split in two. Elsewhere, a considerable amount of smaller debris appeared to have been moved. The monitors observed that all bodies previously visible at the site had been recovered, although several smaller body parts remained. Two trucks loaded with thirty body bags and several smaller bags containing body parts left the site at 2.20 p.m. The Dutch forensics experts assessed that the body-recovery work at the site was good. At 4.15 p.m. the SMM arrived at an incident scene not previously visited by the monitors, near the village of Nikishyne, approximately 4 km from the main crash site. The SMM saw multiple pieces of debris of various sizes widely scattered over an area of approximately one square kilometre. There was no evidence of human remains. The site was not guarded. The SMM left the site at 4.45 p.m.

1066. On 22 July 2014 the SMM reported that the remains of many of the MH17 victims had arrived in Kharkiv, from where they would be transported to the Netherlands. At the main incident site of the MH17 flight crash scene, the SMM observed that passengers' belongings had been removed. There was no security perimeter. At another site, where the cockpit had fallen, the SMM noted that debris had been cut and moved. Unlimited access to all sites was provided to the SMM. The SMM – together with Dutch and Malaysian experts – accompanied the remains of many of the MH17 Flight victims on a train from Donetsk city to Kharkiv city.

1067. On 23 July 2014 the SMM noted that it had accompanied Malaysia Airlines investigators to the crash site in Hrabove. The SMM and Malaysian experts visited two additional parts of the crash site not investigated on previous days. In two big fields in the vicinity of the village of Petropavlivka (69 km east of Donetsk), additional, small or medium pieces of wreckage were observed. Armed supporters of the "DPR" escorted the SMM convoy to the site.

1068. On 24 July 2014 the SMM stated that it had visited two sites related to the flight MH17 crash, observing large pieces of aircraft debris, some of which, at one site, had been moved. It also noted some small pieces of human remains, and what appeared to be hand luggage, unzipped and empty. Access to the sites was unhindered.

1069. On 25 July 2014, the SMM visited four sites in Donetsk region related to the crash. At two sites, the monitors saw a wallet containing credit cards, three other credit cards belonging to three different people, two Dutch passports and a driver's licence, a Malaysian identity card, and other personal documents. The documents had not been present on the SMM's previous visits to these sites. At one site, the monitors noted that some debris had been cut and moved, and – in some instances – possibly removed. At another site, for the first time in four days, the SMM observed three emergency workers from the Ministry for Emergency Situations, who were handling a large piece of fuselage. They did not explain what they were doing. At the main crash

site in and around the village of Hrabove, they observed, at three locations outside the village and at one inside the village itself, small pieces of human remains.

1070. On 28 July 2014 the SMM noted that the MH17 investigative team was unable to access the crash site owing to fighting in the area. The next day, the SMM was again unsuccessful in reaching the wreckage site. Owing to security considerations, only a reconnaissance with two SMM vehicles (with one representative of the Australian contingent and one representative of the Dutch contingent) was made, but they were stopped in Shakhtarsk when they heard gunfire exchanges (believed to be taking place within a maximum distance of 1 km) and a mortar/howitzer impact (believed to be taking place within a distance of 2-3 km). The SMM returned to Donetsk without any further incident. The original access road to the wreckage site was no longer accessible because of ongoing military operations. On 30 July 2014 the SMM support group dealing with MH17 declared that it was unable to access the crash site for the fourth day in succession owing to fighting and security concerns.

1071. On 31 July 2014 the SMM, together with Dutch and Australian experts, successfully visited the crash site of flight MH17 in Hrabove, in accordance with a route and plan agreed both in Kyiv with the Ukrainian government, and in Donetsk with the "DPR". This was a reconnaissance rather than a full investigative group. The SMM observed no changes to the main site when compared to previous visits, as reflected in the relevant reports: for example, many personal belongings remained where SMM had last seen them. No security perimeter was in place at the scene. The SMM saw artillery and rocket impacts 8-10 km westwards. It accompanied 100 Malaysian, Australian and Dutch experts, who accessed areas associated with the crash of flight MH17. The SMM and the expert team were escorted by armed personnel, at different stages, from the self-proclaimed republics.

1072. On 1 August 2014 the SMM, together with Australian and Dutch experts, visited the crash site. The convoy comprised twenty-five vehicles, including a bus and two mobile ambulances. They saw several instances of artillery impacts 7-10 km south-west of the crash site. The expert teams recovered some human remains. The Australian expert team wanted to operate an unmanned aerial vehicle in order to access areas such as fields, without damaging them. However, neither the "LPR" nor "DPR" representatives agreed to its use. After about five hours, the SMM left the site.

1073. The SMM, accompanied by 132 Dutch and Australian police and other specialists on 2 August 2014, and by 109 Dutch and Australian police and other specialists on 3 August 2014, accessed various locations associated with the crash in the Donetsk region. On 2 August the experts accompanying the SMM recovered several body parts, mainly human bones and skin tissue. On 3 August they recovered some personal belongings. Later that day, the

SMM and the experts were shown a sealed train carriage in Torez, to which the "DPR" had earlier transferred personal belongings recovered from the crash sites. Up to forty pieces of luggage and multiple loose items were retrieved from the carriage by the experts.

1074. On 4 August 2014 the SMM accompanied 100 Malaysian, Australian and Dutch experts, who accessed areas associated with the crash. They were escorted by armed personnel, at different stages, from the "DPR" and "LPR". According to the representatives of the "DPR", the target search area in the village of Petropavlivka (7 km south of the main crash site at Hrabove), between the villages of Nikishyne and Mius, lay between the "DPR" and Ukrainian positions. After some delay, the SMM and the international experts proceeded to the southern part of the village. The head of the village administration of Petropavlivka handed over some personal belongings of the crash victims, which local people had collected and taken to the municipal building. A new search area between the villages of Petropavlivka and Rozsypne was identified, where a few personal belongings were discovered.

1075. On 6 August 2014 the SMM, together with sixty-four experts and police, went to the village of Rozsypne (73 km east of Donetsk city), where inhabitants handed over some personal belongings of the victims of the crash. The experts confirmed that the "DPR" emergency services were conducting search operations in a professional manner. While they were in the village of Rozsypne, the SMM team heard automatic gunfire emanating from the north. One ricochet hit a tree line near the SMM and experts' convoy. The SMM and the experts stopped their work. An escort consisting of representatives of the "DPR" and "LPR" led the convoy out of the village centre. After approximately one hour, when "LPR" and "DPR" escorts had cleared the passage through their last checkpoint, the convoy continued its return to its base.

1076. The HRMMU suggested, in its report of 17 August 2014, that the armed groups had also obstructed the international investigation into the crash, despite an order by the President of Ukraine to implement a 40 km ceasefire zone around the crash site. Sporadic fighting made it impossible for international investigators to properly conduct their search, which had to be suspended on 6 August 2014.

1077. On 1 October 2014 the SMM visited the village of Hrabove in order to assess the awareness of the local authorities and the local population about the procedures related to the recovery of items and other personal belongings of the passengers of the MH17 plane. In Hrabove and its surroundings, as well as in Rozsypne, the SMM observed leaflets and posters informing the public about the recovery procedure of personal belongings and/or other remains. These were displayed in visible places such as post offices, shops, bus stops, pharmacies, schools, administration offices, churches, checkpoints and neighbourhoods, including information boards.

1078. On 4 November 2014, in Hrabove, controlled by the "DPR" (80 km east of Donetsk) the SMM accompanied the Dutch MH17 crash site recovery team to the aircraft crash location. The purpose of the team's visit was to recover human remains. The SMM and the Dutch teams remained on site for approximately three hours. Periodic heavy shelling was heard to the north-west at a distance of 15 km.

1079. On 5 October 2017 the SMM further facilitated the handover of possible human remains and debris of flight MH17 by "DPR" members to a delegation from the Netherlands.

1080. In Hrabove, controlled by the "DPR", the SMM accompanied the Dutch MH17 crash site recovery team to the aircraft crash location. The purpose of the team's visit was to recover human remains. The SMM and the Dutch teams remained on site for approximately three hours, while periodic heavy shelling was heard at a distance of 15 km.

1081. On 11 and 12 November 2014 the SMM facilitated access to Rozsypne and Hrabove, the MH17 crash site, for the MH17 recovery team. The visit purpose of the MH17 recovery team was to carry out site surveys for subsequent wreckage removal and search for human remains.

1082. On 13 November 2014 the SMM accompanied a Dutch MH17 recovery team convoy from Donetsk westwards, towards territory under the control of Ukrainian forces, passing through several "DPR"-controlled checkpoints. When stopping at the first Ukrainian checkpoint, on the road leading to Kurakhove (50 km west of Donetsk), three artillery shells impacted 400 metres north of the SMM's position. The SMM could not ascertain the origin of the shelling.

1083. On 15 November 2014 the SMM facilitated dialogue between the Dutch MH17 recovery team and members of the "DPR", with a view to concluding removal of wreckage from the MH17 crash site in Hrabove. On 16 November 2014 the SMM monitored the process of removal of wreckage by the recovery team, which was assisted by about thirty personnel from a "special police unit" of the "DPR".

1084. On 17 November 2014 the SMM continued to monitor the removal of the aircraft wreckage from the MH17 crash site in Hrabove, as well as the transfer of the wreckage via truck to rail cars in Torez. The Dutch MH17 recovery team was escorted by thirty personnel from the "DPR" "special police unit Berkut", who collected wreckage, unloaded trucks and assisted with crane operations.

1085. On 16 December 2014 the SMM monitored the ongoing collection of remaining flight MH17 debris at the two storage sites in Hrabove and Rozsypne, both controlled by the "DPR".

(h) Observations concerning impediments to the missions' work

1086. There were several instances where the OSCE missions were not allowed access to particular zones. A number of examples are given below.

1087. On 27 April 2014 two members of the Donetsk SMM team were detained by a group of unarmed men at around 11.15 a.m. in Yenakiieve (55 km north-east of Donetsk). They claimed to be part of the so-called "People's Militia of Donbas". The monitors were taken afterwards to the City Administration building. The SMM Head of Office in Kyiv reached out to the capturers and sent a letter re-confirming the identity of the monitors. The monitors were allowed to return to Donetsk at around 2.45 p.m. The same day, another SMM team, upon receiving permission to enter the heavily barricaded police building in Horlivka (43 km north-east of Donetsk), was approached by five heavily armed and partly masked individuals. The monitors were cross-examined, accused of espionage and held for a short period of time. After a brief discussion with the occupants, the team was able to leave the scene. On 5 April 2015, when attempting to visit the Izvaryne border crossing point controlled by the "LPR", the SMM was stopped by a member of the "border guards" 10 km from the border crossing point who said to the SMM that according to his orders the SMM was not allowed to enter the border zone and/or visit the border crossing point without an authorisation issued by the "ministry of state security".

1088. On 18 May 2014 five masked and armed men abducted three SMM monitors for about twenty minutes while they were on patrol in the centre of Donetsk. The monitors were informed that they were considered to be "prisoners of war", and taken to the garage of the occupied state security service building. Later, the leader of the group apologised for the incident and the monitors were set free.

1089. On 21 May 2014 the SMM team was stopped at the checkpoint at the entrance to Horlivka, which was manned by approximately eight armed individuals wearing camouflage. The team was escorted to the City Police building, and had to wait for about one hour to meet with the so-called commander, who told the team that it was not welcome in Horlivka. He told the team to leave Horlivka immediately and warned the OSCE against returning to the town again. The team was escorted back to the original checkpoint.

1090. On 28 May 2014 at 12.10 p.m. eleven SMM monitors, on the way from Donetsk to Dnipropetrovsk, were stopped at a checkpoint at the entrance to the town of Marinka (35 km west of Donetsk) by approximately twelve armed people. The monitors were forced to leave the vehicles and give up their mobile phones. They were then taken to the occupied television station in Donetsk. After arriving there, they were provided with food and asked to provide information on OSCE activities. At 6.45 p.m. a commander of the armed group pointed out the high number of losses in recent operations and said that the OSCE was the only organisation competent to provide the public with a clear picture of the ongoing events. He added that he did not wish the OSCE to leave the area. At about 7.30 p.m. the monitors were set free.

1091. A team of SMM monitors from Donetsk were detained by the "DPR" authorities. Late on 26 June 2014, they were released after thirty-two days of detention. Shortly after that, on 28 June 2014 four SMM monitors were released by the "LPR" authorities after days of detention.

1092. On 15 September 2014 at around 6.37 p.m. the SMM vehicles were hit by artillery fragments in the northern outskirts of Kirovske. The SMM retreated to a safer place and waited for guidance from both parties. As a result of shrapnel damage, one SMM vehicle was no longer operational and was left at the scene. The six SMM staff were gathered unharmed in the remaining armoured vehicle.

1093. On 23 September 2014 Nikolay Kozitsyn, a commander of the Don Cossacks, *de facto* controlling south-western areas of the Luhansk region, warned the SMM that he would not allow any patrols of OSCE monitors without prior arrangement.

1094. On 3 November 2014 the SMM reported that its unarmed flying vehicle (UAV) had been subjected to serious electronic jamming while flying over "DPR"-controlled territory. Initial analysis of the UAV flight log data indicated that it had been subjected to "military-grade GPS jamming". Ukraine confirmed that its forces had not engaged in jamming.

1095. On 19 November 2014 at 12.38 p.m. an OSCE convoy composed of two vehicles was travelling east from Kurakhovo (30 km west of Donetsk) towards the city of Donetsk. Near the area of Marinka, about 80 metres ahead of the convoy, there was a flat-bed cargo truck carrying a large green wooden box, with two uniformed personnel on board wearing helmets. The SMM observed tactical marks of two white vertical lines on the tailgate of the vehicle and on the passenger door. One of the soldiers stood up and fired two shots in the direction of the OSCE convoy. The bullets struck about 2 metres from the second OSCE vehicle. The SMM staff travelling in this vehicle heard sharp sounds originating from road or bullet fragments impacting on their car. Because of security concerns, the SMM left the area immediately.

1096. At approximately 12 noon on 26 November 2014, an SMM patrol of three monitors – escorted by Ukrainian military personnel – was travelling between two Ukrainian military checkpoints – less than 2 km apart – between the towns of Kirove (55 km north-east of Donetsk) and Shumy (50 km north-east of Donetsk). When they reached the checkpoint near Shumy at 12.10 p.m., one of the SMM monitors exited the SMM armoured vehicle. Almost immediately, a rocket-propelled grenade was fired – from a location to the south-east – impacting approximately 150 metres from the SMM vehicle. In the space of two seconds, multiple rounds of 23 mm anti-aircraft ammunition were fired, impacting two to three metres from the SMM vehicle. The SMM monitor – who had been standing next to the SMM vehicle – immediately entered it, at which point it left the scene. There were no injuries or damage sustained in the attack. The SMM monitors returned safely to their base.

1097. On 2 December 2014 at approximately 2 p.m. an SMM unmanned aerial vehicle was in an area three kilometres south-east of Pavlopil (25 km north-east of Mariupol), an area of ongoing fighting. It spotted a military-style truck with six people around it. Almost immediately eight to ten rounds – assessed to have been from a ZU-23 (a 23 mm anti-aircraft gun) – were fired at the SMM unmanned aerial vehicle, but none of them hit. Twenty minutes later, 4 km to the north-west, the unmanned aerial vehicle spotted three tanks and an armoured personnel carrier. Almost two hours after the firing incident, at a location approximately 7 km south-east of the location of the firing incident, the SMM unmanned aerial vehicle spotted two tanks.

1098. On 12 December 2014 at 10.15 a.m., an SMM patrol of two vehicles was stopped in Pyschevyk by sixteen "DPR" members, some of whom pointed their weapons at the patrol. Two SMM members immediately exited the first vehicle and announced that they were representing the OSCE. Some "DPR" members approached the second vehicle and attempted to break its window. The "DPR" ordered the SMM staff to hold their hands up and stand next to their vehicles while they conducted a search of the two SMM vehicles. One "DPR" member struck a SMM monitor on the leg with the butt of a rifle, causing a minor soft-tissue injury. The SMM was then instructed to "proceed" further down the road towards Oktyabr (28 km north-east of Mariupol), followed by a BTR-82 armoured vehicle. The "DPR" directed the SMM approximately 1 km away towards Oktyabr, where the staff members were again asked to exit their vehicles. Following some thirty minutes of hold-up and negotiations, and as a result of the SMM patrol leader's insistence that they speak to their commander, the "DPR" members allowed the SMM staff to leave under the condition that they proceed to "DPR"-controlled Pavlopil to verify shelling which had allegedly occurred earlier in the morning.

1099. On 16 December 2014 an SMM patrol of two armoured vehicles was caught up in small arms crossfire directed at Ukrainian military vehicles at Donetsk International Airport.

1100. On 18 January 2015 five SMM vehicles containing eleven monitors en route from Debaltseve (55 km north-east of Donetsk, government-controlled) towards Artemivsk and Perevalsk (43 km south-east of Luhansk, "LPR"-controlled) were stopped by armed persons wearing camouflage uniform in a civilian vehicle. An armed man, who did not identify himself, queried whether the SMM had permission to travel through the area. He then told the SMM convoy to turn around, and shot small-arms fire into the air. When leaving the area, another volley of small-arms fire was heard. The SMM were then passed on the road by the same group of persons who escorted them towards government-controlled territory. The SMM continued to Sievierodonetsk (75 km north-west of Luhansk, government-controlled).

1101. On 28 January 2015, on the outskirts of Khartsyzk (25 km east of Donetsk, "DPR"-controlled) alongside the H21 road, the SMM observed a

parked column of five T-72 tanks facing east, and immediately afterwards, another column of four T-72 tanks moving east on the same road which was accompanied by four unmarked Ural-type military trucks. All vehicles and tanks were unmarked. Later, in Makiivka (12 km east of Donetsk, "DPR"-controlled), the SMM observed a column of seven unmarked Ural-type military trucks, also heading east. The SMM proceeded east on the H21 road towards the border crossing point between Ukraine and the Russian Federation at Ulyanivske (63 km south-east of Donetsk, "DPR"-controlled). While on its way, the SMM was contacted by a local Cossack commander and advised not to approach Ulyanivske border crossing point, without further explanations. As the SMM turned in a westerly direction, towards Donetsk, it noticed intensified movement of unmarked military trucks, covered with canvas. The trucks were moving in both directions on the H21 and T0507 roads, which run between Donetsk and the international border.

1102. On 30 January 2015, at a Ukrainian armed forces checkpoint in the vicinity of government-controlled Starchenkove (100 km south-west of Donetsk), the checkpoint personnel denied passage to the SMM. The SMM personnel were ordered out of their vehicles, which were searched thoroughly. The checkpoint commander arrived twenty-five minutes later saying that he could allow passage only if ordered by his superior. The SMM returned to base.

1103. On 6 April 2015, at a junction 7 km south-west of "LPR"-controlled Khoroshylove, the SMM was stopped at a mobile checkpoint manned by members of the "border guards". The "commander" who identified himself as the "deputy commander" of the" border guard force" said that they had been ordered not to allow the SMM into the border zone without an authorisation by the "ministry for state security". The "deputy commander" then contacted his "commander", following which the SMM was advised to proceed to Luhansk city to meet a representative of the "ministry for state security". Upon arrival at the "ministry for state security" in Luhansk, the duty officer enquired about the SMM's intentions to visit the border zone and reiterated that when/if access was granted, a meeting could be arranged with the "minister of state security" to arrange the procedure for visiting the border zone. Similarly, on 2 March 2018 the SMM reached three border areas not under Ukrainian government control but was denied access by members of the armed formations.

1104. On 1 May 2015 the SMM was not allowed access to its observation post located 4 km north-west of Shyrokyne (20 km east of Mariupol), where members of the battalion on the ground had taken up position.

1105. On 2 May 2015 at 11.55 a.m., en route to Shyrokyne, approximately 1 km west of the entrance of the village, the SMM heard a burst of small-arms fire originating from north-west of its position. The SMM armoured vehicle sustained a direct hit to its rear right corner from a single 5.45 mm bullet fired

in the burst. The SMM patrol did not sustain any casualties as a result of the attack. At 2.45 p.m., while monitoring at a JCCC observation post in Pisky (government-controlled, 13 km north-west of Donetsk), four 82 mm mortar shells impacted 100 metres from the SMM's location. The SMM patrol did not sustain any casualties. The SMM took shelter and retreated from the area as soon as it was possible. At 4.05 p.m., the same SMM patrol visited the JCCC patrol base in Avdiivka (government-controlled, 15 km north-west of Donetsk). Whilst there, the SMM observed what it assessed to be shelling by 152 mm artillery. The SMM took cover in a nearby underground shelter and was only able to depart from the location following the implementation of a five-minute local ceasefire. The SMM patrol did not sustain any casualties.

1106. On 26 July 2015 at approximately 12.40 p.m., an SMM patrol comprising two vehicles was caught in mortar and automatic grenade launcher fire while trying to cross the contact line from the "LPR"-controlled side of Shchastya (20 km north of Luhansk) to the government-controlled side. This crossing had been agreed and co-ordinated beforehand with both the Ukrainian armed forces and the "LPR". At 2.20 p.m. the shelling ceased and the SMM considered it sufficiently safe to leave the place shortly afterwards. There were no injuries to SMM members or damage to SMM vehicles. All SMM members returned safely to their base in "LPR"-controlled Luhansk city around 3 p.m.

1107. On 9 August 2015 at approximately 2.25 a.m., the SMM observed that four OSCE armoured vehicles parked outside the residence of the SMM monitors in Donetsk city were on fire. At 2.33 a.m. the SMM heard four loud bursts, most probably as a result of tyres of the armoured vehicles exploding. By 3.22 a.m. the firefighters had managed to extinguish the fire. The SMM noted that three of its vehicles were completely destroyed, one vehicle heavily damaged and three other vehicles partially damaged by the heat from the fire. SMM monitors were not injured and no damage to other OSCE vehicles was observed.

1108. On 5 December 20015, an SMM patrol comprising four SMM monitors and the SMM medical officer in two armoured vehicles arrived at a field in the vicinity of "LPR"-controlled Yurivka (26 km south-west of Luhansk), where the SMM had observed twelve towed howitzers (D-30, 122 mm) during previous visits – in violation of the relevant withdrawal line. The SMM drove towards the twelve howitzers (D-30, 122mm) and at a distance of 100-150 metres, it spotted three armed individuals standing near one of the howitzers. When the SMM continued driving towards the howitzers and was at a distance of 80-100 metres, one of the armed individuals released a burst of fire into the air with an automatic rifle and another individual pointed his automatic rifle at the SMM. The armed individuals shouted at the SMM. As a consequence, the SMM immediately left the area. There were no injuries to SMM members or damage to SMM vehicles.

1109. On 27 December 2015 an SMM patrol comprising six SMM members in two armoured vehicles arrived at a site 3.5 km south-south-west of the centre of the village of Kominternove (92 km south of Donetsk, 23km north-east of Mariupol) from "DPR"-controlled Zaichenko (90 km south of Donetsk), escorted by armed "DPR" members and a Russian Federation representative of the JCCC. While conducting an analysis of the third crater, the SMM heard three single shots from small arms, outgoing 150-200 metres north-north-west of its position, and saw the third shot impact on the ground 5-7 metres north-east of its position. The SMM left the area immediately. On its way to its vehicles, the SMM heard a burst of small-arms fire originating from the same location. There were no injuries to SMM members or damage to its vehicles; the SMM returned safely to its base in Donetsk city.

1110. On 7 April 2016 at 9.45 a.m., while an SMM patrol, comprising four SMM members in two armoured vehicles, was 3.5 km north-east of Snizhne ("DPR"-controlled, 72 km east of Donetsk) near the administrative boundary between the Donetsk and Luhansk regions, the driver of the front SMM vehicle heard the trunk window crackling. After stopping to inspect the vehicle, the SMM noted on the lower right part of the trunk window a hole, 5 mm in diameter, assessed to be caused by a bullet. No SMM members were hurt and the patrol returned safely to its base in Luhansk city at 12.30 p.m. Since no shot had been heard, the SMM could not ascertain at what time and location the vehicle had been hit. In a separate incident at 2.22 p.m. on the same day, a different SMM patrol, comprising five SMM members in two armoured vehicles, was stopped on the P-66 highway at a checkpoint north of Smile ("LPR"-controlled, 32 km north-west of Luhansk) by a senior member of a local "LPR" armed formation known to the SMM, wearing military-type clothes. The same patrol had passed through the checkpoint earlier in the day without problems. The SMM patrol leader got out of the car to speak with the man. Angrily addressing the SMM patrol leader, the man insisted that the SMM had no right to be in the area. After the SMM explained its freedom of movement as provided by its mandate, upon the interlocutor's order, another man charged his weapon and pointed it at the patrol leader from a distance of 7 metres. The patrol leader then immediately got into the vehicle and the SMM patrol left the area. It returned safely to its base in Stakhanov at 4.15 p.m. The SMM informed both Ukrainian and Russian representatives at the JCCC about both incidents, asking them to take follow-up actions.

1111. On 27 May 2016 the SMM lost all communication with its long-range unmanned aerial vehicle flying over "DPR"-controlled Ozerianivka (35 km north-east of Donetsk), on the south-western outskirts of "DPR"-controlled Horlivka (39 km north-east of Donetsk). Emergency procedures were activated but the unmanned aerial vehicle did not respond. Shortly before communications were lost, the unmanned aerial vehicle had spotted a multi-purpose tracked vehicle (MTLB) with a surface-to-air missile

system (9K35 Strela-10, 120mm) mounted on top. An SMM patrol based in nearby Horlivka, heard - at approximately the same time - an explosion 4-5km south-west (in the area where contact was lost with the unmanned aerial vehicle). An SMM patrol went to Ozerianivka, where residents told the SMM that they had heard an explosion to the north-west of the village at the approximate time communication had been lost with the unmanned aerial vehicle. The SMM could not reach the presumed crash site as both the Ukrainian armed forces and "DPR" members told the SMM that the area was mined.

1112. On 2 June 2016 the SMM lost all communication with an SMM long-range unmanned aerial vehicle while it was flying at an altitude of 9,000 ft in the area between "DPR"-controlled Korsun (31 km north-east of Donetsk) and "DPR"-controlled Shevchenko (28 km north-east of Donetsk). While flying 2 km south of Korsun village, 12.5 km south-east of the contact line, the unmanned aerial vehicle experienced dual jamming of its global positioning system, causing loss of all communications and the video link. Seconds later, it experienced simultaneous system failures. At approximately 6.44 p.m. the Ukrainian armed forces liaison officer reported that they had lost the unmanned aerial vehicle from their radar, approximately 2 km south of Korsun at the same time as the SMM had also lost communication with the unmanned aerial vehicle. The SMM informed the JCCC, which, as per established procedure, had been informed in advance of the unmanned aerial vehicle flight plan. Simultaneous loss of all communication with the unmanned aerial vehicle strongly suggested that it had been caused by an impact to the tail section of the unmanned aerial vehicle, where the anti-jamming system and the antennas were located, which in turn had triggered the other system failures. According to the SMM's assessment, these events had probably caused the unmanned aerial vehicle to crash. The SMM underlined that on 1 June 2016 the unmanned aerial vehicle had spotted a surface-to-air missile launcher (9K33 Osa, 210 mm) and an anti-aircraft gun (ZU-23) in Korsun, within the security zone.

1113. On 8 and 9 June 2016 the SMM faced six restrictions of its freedom of movement, mainly in areas not controlled by the government.

1114. On 13 June 2016 the SMM reported three separate restrictions to its freedom of movement or other impediments to the fulfilment of its mandate. In one case, an armed man denied the SMM entrance to "DPR"-controlled Pervomaiske (59 km south of Donetsk). He said that the SMM required a permit and, once the permit had been obtained, it would be allowed to proceed with a "DPR" escort. In another case, in "LPR"-controlled Voznesenivka, an armed man did not allow the SMM to enter the railway station, claiming that it needed special permission. In a third case, a Ukrainian armed forces commander in government-controlled Andriivka (61 km south of Donetsk) asked the SMM patrol members about their nationalities. He allowed three

members of the patrol to enter the compound but did not allow an SMM national staff member to proceed.

1115. On 17 July 2016 the SMM's freedom of movement was restricted on six other occasions, five of which occurred in areas not controlled by the Government.

1116. On 25 July 2016, while flying over government-controlled Avdiivka, approximately 600 metres north-west of the contact line and 12.5km north of Donetsk, an SMM long-range unmanned aerial vehicle experienced a loss of signals with the ground control station and the SMM lost all communication with the vehicle. On 27 July the Russian Federation armed forces representative to the JCCC told the SMM that those responsible had been identified and disciplinary measures had been taken.

1117. On 29 July 2016 the SMM saw fresh tracks, assessed as having been caused by an infantry fighting vehicle leading south from "DPR"-controlled Lukove (72 km south of Donetsk). At 1.47 p.m., while following the tracks, it was stopped by two armed "DPR" members, who blocked the road with a camouflaged-style jeep (vehicle no. 1) and pointed their guns at the SMM. They ordered the SMM to leave the area, which it did. At 1.49 p.m., while the SMM was leaving the area, a second camouflaged-style jeep (vehicle no. 2) approached from a side road at high speed, almost hit the lead SMM vehicle and came to an abrupt stop in front of the patrol, blocking its way. At the same time, the two armed "DPR" members in vehicle no. 1 blocked the SMM from behind. Three armed "DPR" members jumped out of vehicle no. 2 and pointed their guns at the first SMM vehicle in a very aggressive manner and screamed at the driver to open the vehicle door. One "DPR" member made a "cut throat" sign to the SMM and took photographs of both SMM vehicles and the drivers. The SMM was ordered to follow the "DPR" members to a checkpoint in Prymorske (76 km south of Donetsk, 5 km south of Lukove). One of the "DPR" members in vehicle no. 2 kept his gun pointed at the SMM for the duration. At this point the patrol called the SMM Regional Security Officer, who in turn informed the Joint Centre for Control and Co-operation. At the checkpoint in Prymorske, nine armed "DPR" members surrounded the first SMM vehicle, swearing and making threatening gestures. One armed "DPR" member stated twice that SMM members should be shot. Another armed "DPR" member twice struck the front left wing of the first patrol vehicle with his rifle butt leaving two dents. At 2 p.m. the SMM was released from the area and returned safely to its base in Mariupol.

1118. On 21 and 24 August 2016 the SMM faced nine freedom-of-movement restrictions, all but one in areas not controlled by the government.

1119. On 31 August 2016 the SMM decided to evacuate forward patrol base in Shchastya (20 km north of Luhansk) due to mortar shelling.

1120. On 2 September 2016 the SMM reported that it had encountered impediments to its freedom of movement, including threats of violence against SMM members, all in areas outside government control.

1121. On 6 September 2016 the security guard of the SMM office in central Ivano-Frankivsk noted on the CCTV camera that an SMM vehicle (Nissan Patrol) in the car park was on fire and called the fire brigade. The fire brigade arrived at the scene after eight minutes and extinguished the fire. As a result of the damage, the vehicle was no longer operational.

1122. On 14 October 2016 the security guard at the office of the SMM in the centre of Ivano-Frankivsk heard an explosion nearby. When reviewing the footage from the CCTV camera installed outside the office, the SMM saw that at 12.24 a.m. an unknown person wearing a hood and carrying a flashlight had appeared in the car park, and at 1.12 a.m. the same person had thrown an object which had exploded 10 metres from the rear entrance of the building where the SMM office was located on the fourth and fifth floors; he had then run away. The SMM saw fragments of what was assessed to be an explosive device at the spot, and burn marks on the ground and wall of the first floor of the building. The OSCE monitors also noted that nine windows in the lower part of the building within a five-metre radius were broken. There were no injuries to SMM members or damage to its assets.

1123. On 27 October 2016, driving eastbound between two checkpoints in government-controlled Marinka (23 km south-west of Donetsk), the SMM heard heavy exchanges of fire assessed as occurring 2 km north-east of its position in the area between Marinka and “DPR”-controlled Oleksandrivka (20 km south-west of Donetsk). At around 5 p.m., while travelling toward the last Ukrainian armed forces checkpoint before entering non-government-controlled areas – and approximately 100 metres from that checkpoint – those travelling in the last vehicle of a convoy of three felt and heard a thud, which they thought was a tyre blow-out. The SMM returned to its base in “DPR”-controlled Donetsk city and inspected the vehicle, finding an entry hole in the front left wheel arch and a bullet (7.62 mm), assessed as having been freshly fired, in the engine block. The bullet had pierced the wheel well from the left side at a 90-degree angle and damaged an air conditioning line. The SMM assessed it to have been fired from a northerly direction at a position lower than the SMM vehicle, which at the time had been on higher ground. No SMM members were hurt.

1124. On 22 November 2016 the SMM reported that its freedom of movement had been restricted on seven occasions (three in government-controlled areas and four in areas not under government control.

1125. On 17 March 2017 five SMM members were positioned outside two of its vehicles, 15 km north of Donetsk on the eastern side of the H20 highway, where it intersects with a secondary road leading east to Donetsk Water Filtration Station (located between government-controlled Avdiivka and “DPR”-controlled Yasynuvata), to monitor adherence to the ceasefire for

demining at and around the filtration station, as well as the restoration of water supply to both sides of the contact line. The JCCC had facilitated security guarantees. Three JCCC officers (two Ukrainian and one Russian), four representatives of the State Emergency Service of Ukraine and four members of a "DPR" demining team were also present at the site. At 11.45 a.m., while four SMM members were 2-3 metres north and another was 5 metres south-east of the vehicles, they heard the hissing sound of a bullet flying above their heads, and at the same time heard a shot of small-arms fire 100-200 metres south of their position. All present immediately took cover on the northern side of the SMM vehicles. The SMM assessed the bullet as having been fired from a southerly to a north-north-easterly direction. The SMM also heard another shot of small-arms fire 100-200 metres south while boarding its vehicles. Subsequently, all present including the SMM left the area. No injuries to the SMM members or damage to SMM vehicles were sustained. Ukrainian and Russian officers of the JCCC informed the SMM that none of their staff had been injured.

1126. On 27 March 2017, the SMM reported that, near Orikhove-Donetske, shots had been fired in the direction of SMM unmanned aerial vehicle and had landed normally, without any evident damage.

1127. On 2 April 2017 an SMM patrol composed of six members and two armoured vehicles had been stationary (since 12.25 a.m.) 50 metres west of the main Tsentralna street on the northern edge of "DPR"-controlled Sakhanka (24 km north-east of Mariupol), in the car park of an uninhabited building. Three patrol members were outside the vehicles, and three were inside. At 1 p.m. an unmarked car (a beige Lada with Ukrainian registration plates), with three male passengers in military-style clothes moving north along the main street, reduced its speed in front of the uninhabited building, about 50 metres from the SMM. Then the driver opened his window and all of the passengers shouted loudly, in Russian, an insult towards the SMM. The driver then took an assault rifle (AK-47) from one of the passengers in the car, and, holding the steering wheel with his knees, put the rifle through the open window, pointed it up into the air, and shot twice, without stopping the car, proceeding north towards the nearby "DPR"-controlled village of Uzhivka (formerly Leninske, 24 km north-east of Mariupol). The SMM left the scene after ten minutes and proceeded to the "DPR"-controlled village of Bezimenne (30 km east of Mariupol), where at 1.25 p.m. it saw the same unmarked car parked in the centre of the village, but was not able to discern whether the two men inside were part of the group involved in the incident. The SMM arrived at its base in Mariupol safely.

1128. On 23 April 2017 an SMM patrol consisting of six members and two armoured vehicles was driving near "LPR"-controlled Pryshyb (34 km north-west of Luhansk) on a secondary road previously used by the SMM. At 11.17 a.m. one of the SMM vehicles (second in line), with three members on board, was severely damaged as a result of an explosion, possibly after

coming into contact with a mine. Consequently, a male paramedic died and the two other patrol members (one male and one female) were taken to Luhansk Regional Hospital for further medical examination. The other three SMM members from the unaffected vehicle were safely transported back to the SMM base in "LPR"-controlled Kadiivka (formerly Stakhanov, 50 km west of Luhansk). No mine hazard signs were visible along the road.

1129. After the fatal incident of 23 April 2017, the SMM noted that its operations in Donetsk and Luhansk regions remained restricted.

1130. On 11 June 2017, positioned 4 km east of "DPR"-controlled Mineralne (10 km north-east of Donetsk), the SMM launched a mini-unmanned aerial vehicle. The SMM had co-ordinated the flight with the JCCC. At 11.13 a.m., while the unmanned aerial vehicle was flying about 900 metres north of the SMM's position, the SMM heard four-five shots of IFV (BMP-2) cannon fire and bursts of anti-aircraft cannon (ZU-23) 1 km north of the SMM's position. The SMM recalled the unmanned aerial vehicle, during which time it heard unaccountable shots and bursts of small-arms fire 300 metres north of the SMM's position, assessed as targeting the unmanned aerial vehicle. The SMM safely landed the unmanned aerial vehicle at 11.18 a.m. and left the area.

1131. On 20 June 2017, positioned at "DPR"-controlled Yasynuvata (16 km north-east of Donetsk) railway station, two SMM patrols heard one burst of small-arms fire assessed as having been fired from the area of two men in military-style attire (one of them armed). The armed man then ran to one of the SMM vehicles and attempted to enter it and then to break its window with the gunstock of his assault rifle (AK-type). After his unsuccessful attempt to do either, the armed man ran after the other SMM vehicle and pointed his assault rifle at SMM members inside the vehicle. As the SMM was leaving the area, the armed man hit the rear right-side window of the vehicle with his gunstock, causing minor damage. The SMM then saw the man fire a burst of his assault rifle into the air, followed by three shots that the SMM assessed were fired at their patrol vehicles. No patrol vehicles were hit and the SMM safely returned to its base.

1132. On 5 April 2018, while preparing for a flight of its mid-range unmanned aerial vehicle on the H15 road near a checkpoint east of Kreminets, two cars (a blue Lada with "police" markings in Russian and subsequently a white car) approached the SMM. Three men, each carrying an assault rifle (AK-variant), emerged from the blue Lada, and two men emerged from the white car, one of them carrying an assault weapon (AK-variant). The two men from the white car spoke to SMM members in an aggressive manner. The SMM then heard one of them say "Get ready" (in Russian) to the other, who then charged his weapon, keeping his finger on the trigger and pointing the barrel of the gun at the ground. The SMM collected its unmanned aerial vehicle and safely returned to its base.

1133. On 22 June 2018 an SMM patrol consisting of six members and two armoured vehicles was driving eastwards through the village of Petrivske (non-government-controlled, 41 km south of Donetsk) on a road last used by the SMM on 20 February 2018. About 10 metres east of the crossroads inside the village, the first vehicle was driving over a freshly dug but well camouflaged ditch extending across the road and filled with rubble when it noticed a suspicious object at the northern end of the ditch, half-covered by rubble in a shallow pit about 1 metre away from the road. The first SMM vehicle immediately stopped about 5 metres east of the object and the second vehicle stopped about 10 metres west of it at the crossroads. The patrol assessed the object as a TM-62 anti-tank mine with a command wire extending from the undergrowth on the northern side of the road to the mine and continuing further south across the road into the freshly dug ditch which consisted of a series of shallow circular depressions filled with rubble. The object was located 300 metres east-south-east of the SMM camera in Petrivske and 500 metres east of the eastern edge of the disengagement area. While the patrol was considering the possibility for the first vehicle to drive east away from the mine and for the second vehicle to turn around and drive north to safely leave the area, a member of the armed formations carrying an assault rifle (AK-74) and displaying signs of intoxication approached the first SMM vehicle from the east and told the patrol to leave the area immediately and that it would not be permitted to proceed any further east. Despite the SMM pointing out the presence of the mine, he refused to let the first vehicle drive eastwards, thus leaving the first vehicle no choice but to drive back westwards once again across the freshly dug ditch filled with rubble near the identified mine. The first SMM vehicle then drove on the southern side of the road towards the crossroads as far as possible from the visible mine. At the crossroads, while leaving the area, the patrol saw additional ditches filled with rubble across the road, respectively 5 metres west and 5 metres south of the crossroads, and a command wire extending from the rubble-filled ditch on the western side of the crossroads. The patrol returned safely to its base in Donetsk city.

1134. On 9 June 2019 at 2.34 p.m., two members of the separatist armed formations approached the SMM, briefly spoke to three SMM patrol members who were outside the vehicles and returned to the checkpoint. At 2.36 p.m. the three patrol members who were standing next to the vehicles heard small-arms fire at an assessed range of 200 metres south and then heard at least three bullets passing about 5 metres above them from a westerly direction. The SMM returned safely to its base in Kadiivka.

1135. On 17 October 2021, members of separatist armed formations prevented the SMM from leaving its Forward Patrol Base in Horlivka.

D. Material from Ukrainian State bodies

1. National expert reports

(a) Expert opinion on Forensic Commission Military Examination, 6 October 2017

1136. This report of the Kyiv Scientific-Research Institute of Judicial Expertise of the Ministry of Justice of Ukraine of 6 October 2017 ("KSRIJE") gave a detailed account of events in Ukraine in 2014 and 2015 on a daily basis, focusing on the actions of the "Anti-Terrorist Operation". It was based on the experts' examination of the material of criminal investigation no. 42014000000000457, a large part of which was classified as covered by various levels of secrecy. A summary of the events involving alleged actions of the Russian Federation or specifically mentioned by the applicant Ukrainian Government in their initial memorial is set out below.

(i) Events

1137. On 12 April 2014, Russian detachments under the control of officers of the special services of the Russian Federation started combat actions in Donbas, which led to the seizing of Ukrainian towns, such as Slovyansk, Kramatorsk and Druzhivka. There, Russian "saboteurs" armed the local collaborationists with weapons that were taken from the offices of the Ministry of Internal Affairs. On the same day, an attack by Russian gunmen with short-barrelled assault rifles of Russian production, series AK10x, was registered in Krasnyi Lyman.

1138. On 14 April 2014, armed groups of pro-Russian activists, coordinated by officials of the Chief Intelligence Directorate of the General Staff of Armed Forces of the Russian Federation, started the mass capturing of administrative buildings and police offices in Donbas.

1139. On 26 May 2014 the new terminal of Donetsk airport and the approach ways were taken by assault formations of the Russian special services in Ukraine, namely the "Vostok" battalion and detachments of Mr Borodai, Mr Pushylin, Mr Zdryliuk and the "Oplot" battalion, formed by former and current members of special elements of the GRU and the FSB, including three hundred Chechens. At around 5 p.m. about a dozen KAMAZ trucks filled with armed gunmen were sent to the airport. However, they were not able to take over control of the airport.

1140. At that time a large number of fighters appeared at the border, which indicated a massive uncontrolled transition of the State border with weapons and equipment from the Russian Federation. From the territory of the Russian Federation, through the uncontrolled sections of the border, the transfer of mercenaries (Cossacks and Chechens) and active servicemen, weapons and ammunition continued.

1141. On 1 June 2014, pro-Russian fighters assaulted the frontier post in Luhansk. The assault ended on 4 June 2014 with the exit of the garrison from this post.

1142. On 12 June 2014, the delivery of heavy armoured machinery started. A column of trucks with Grad multiple-launch rocket systems came to Luhansk and on the next day these were used in the war in Donbas for the first time.

1143. On 20 June 2014 the President of Ukraine announced the beginning of a ten-day unilateral ceasefire, promising amnesty to all who surrendered their weapons. Pro-Russian militants did not approve of the proposed conditions and did not support the ceasefire.

1144. In the morning of 2 July 2014, the Anti-Terrorist Operation forces entered Luhansk. It became apparent that twenty tanks, 122 units of armoured vehicles and ten BM-21 Grad multiple-launch rocket systems had been supplied to "LPR" militants from Russia.

1145. On 5 July 2014, after being defeated in Nikolaevka, separatist forces retreated from Slovyansk and Ukrainian troops took back the city. On the same day, Kramatorsk, Druzhkivka and Kostyantynivka were also vacated by the separatists. Ukrainian troops confiscated from the militants the newest model of an armoured KAMAZ. In the trailer they found thirty-three boxes of 120 mm mines, two 2C-12 "Sani" mortars (Russian production), two 82 mm BM-37 "Podnos" mortars (Russian production), an RBI "Shmel", an AGS-17, a PTCR, two MANPADS and a large number of small arms.

1146. On 11 July 2014, Russian regular troops began to participate in the war. They attacked Ukrainian units near Zelenopillya from Russian territory with rockets. During July and August 2014, the entire line of Ukrainian units near the border – from the region of Luhansk to the coast of the Azov Sea – was systematically shelled with artillery from the territory of Russia. The shelling led to the cutting of supply lines of the Ukrainian groups in the area of Izvaryne, and thus a significant number of Ukrainian forces were surrounded for weeks. On 6 and 7 August 2014 a deblocking operation was carried out, after which the units were withdrawn from the combat zone having lost control over the 140-kilometre State border.

1147. On 16 July 2014, a Russian aircraft of type MiG-29 shot down a Ukrainian attack plane.

1148. In August 2014, before the events near Ilovaisk, at least 150 Russian soldiers died. Relatives of the dead servicemen received 2 million roubles and had to sign a non-disclosure agreement regarding the circumstances of their death.

1149. From 8 to 23 August 2014, servicemen of the Armed Forces of the Russian Federation carried out plans aimed at changing the State border of Ukraine by causing significant damage to the troops of the Anti-Terrorist Operation from the territory of Russia. This was carried out systematically with the shelling of the Anti-Terrorist Operation in the direction of

Savur-Mohyla, Uspenka and Amvrosiivka with massive rocket artillery: BM-21 Grad (GRAU 9K5I index), RZZ BM-30 Smerch (GRAU index 9K58) and 9P140 Hurricane (GRAU 9K57 index).

1150. On 24 August 2014, at 7 a.m., 400 men of the 331st Guards Parachute Regiment of the 98th Division of the Airborne Forces of the Armed Forces of the Russian Federation, together with other military units of the Armed Forces of the Russian Federation, consisting of three battalion tactical groups, invaded the territory of Ukraine in the area of the settlements of Pobeda and Berestove in the Starobeshevsky district of the Donetsk region, and then advanced to the district of the city of Ilovaisk, where they encircled the Anti-Terrorist Operation units. The total number of Russian armed forces personnel consisted of more than 3,500 people. They had about sixty tanks, 320 airborne armoured vehicles (BMDs), sixty guns, including up to sixteen anti-tank guns, and up to forty-five mortars. In preparation for the invasion of Ukraine, they removed all tactical marks indicating that the military equipment of the three battalion tactical groups belonged to the Armed Forces of Russian Federation.

1151. In August 2014, near Luhansk, the Russian Federation used several battalion tactical groups belonging to the Armed Forces of the Russian Federation to break through the Ukrainian encirclement of the city.

1152. On 27 August 2014, negotiations about a humanitarian corridor started between the leaders of the Armed Forces of Ukraine and the General Staff of the Armed Forces of the Russian Federation, to ensure the safe withdrawal of the Anti-Terrorist Operation from Ilovaisk to Starobesheve and then to Novokaterynivka. During the negotiations, the Armed Forces of the Russian Federation representatives constantly changed the conditions of the exit from the encirclement. As further events showed, confirmed by the materials investigated by the criminal proceedings, the Armed Forces of the Russian Federation deliberately delayed so that they could arrange for tactically advantageous fire positions along the route.

1153. On 28 August 2014, representatives of the Armed Forces of the Russian Federation verbally guaranteed officials of the Anti-Terrorist Operation a safe exit from the encirclement the following day. However, during the retreat they were shot at with heavy weapons and small arms by servicemen of the Armed Forces of the Russian Federation and members of separatist armed formations. Wounded Ukrainian servicemen who, owing to their injuries, did not resist, were shot dead. 366 servicemen of the Armed Forces of Ukraine, other military formations and law-enforcement agencies units of the Anti-Terrorist Operation were killed, 429 were injured and 300 were taken prisoner.

1154. On 30 August 2014 a video appeared that showed the transportation of the trailers of T-72B tanks with the inscription “For Donbass” in Kamensk-Shahtinsky, Rostov region. In autumn 2014 the Russian Federation continued to transfer T-64 tanks, by rail. At the Kamyansk-Shakhtinsky

station T-64s with yellow markings were recorded, which were subsequently repeatedly observed in the ranks of the pro-Russian armed groups, including the "Somali" battalion.

1155. In the beginning of September 2014, systematic shelling of positions and block stations of the Anti-Terrorist Operation forces and sabotage and reconnaissance activities continued. The main efforts of the separatists and Russian militant factions were aimed at creating supply channels in the direction of Yasynuvata, Panteleymonivka and Horlivka, attempting to expand their territory and pushing out the ATO forces in the districts of Debaltseve, Kirovske, Zhdanivka, Verhnya Krizha, Panteleymonivka, Yasynivka, Krinichne, Slovyanoserbsk, Hirske and Zymohirya. These active hostilities were carried out until 6 p.m. on 5 September 2014.

1156. On 10 September 2014 a column of one hundred units of equipment passed through Izvaryne: twelve tanks, forty-eight military vehicles, one BRDM, twenty Ural trucks with ammunition and eight with personnel, four air defence vehicles and five fuel fillers.

1157. By the end of September, the Anti-Terrorist Operation forces fully controlled nine districts in the Donetsk region and ten districts in the Luhansk region, and partly controlled three districts in the Donetsk region and three districts in the Luhansk region. Six districts in the Donetsk region were under separatist control, as well as the following cities of regional significance: Donetsk, Horlivka, Yenakiieve, Makiivka, Shakhtarsk and Yasynuvata. Five districts in the Luhansk region were under separatist control as well as the following cities of regional significance: Luhansk, Alchevsk, Antratsyt, Krasnodon, Krasnyi Luch, Rovenky, Sverdlovsk and Stakhanov. During this period, the Russian troops mainly used artillery, which included Tulip 2C4 240 mm calibre heavy mortars.

1158. Russian soldiers of the Kantemirivsky Panzer Division from the Moscow region confirmed in an interview with Reuters that from August to September 2014 their units had participated in hostilities in eastern Ukraine.

1159. From 15 to 17 November 2014 the Russian Federation transferred over 100 units of military equipment into Ukraine. The areas of Debaltseve, Gnutove, Pavlopil and Donetsk airport continued to be shelled.

1160. Russia tried to intimidate the population and to accuse the Ukrainian authorities of failing to maintain order. To this end, "terrorist" and sabotage acts were committed on civilian targets in Kharkiv, Odesa and Mariupol. Russian special services were the direct executors of the largest and most technically complex "terrorist" acts; for other events they acted as sponsors and organisers. Taking advantage of the ceasefire, Russia significantly increased the number of modern, unmanned aerial vehicles exploring the positions of Ukrainian troops around the clock. Also, the covert supply of weapons began, including under cover of "humanitarian convoys". There was a comprehensive provision and preparation of illegal armed units,

in particular from the territory of the Russian Federation; over forty trucks with munitions, material, technical equipment and personnel, weapons and military equipment were coming through unauthorised passage points into the Donetsk and Luhansk regions every day.

1161. To organise and control the armed units of the "DPR" and "LPR", the Armed Forces of the Russian Federation created two army corps: the 1st and 2nd Army Corps. The direct control of these army corps was assigned to the 12th command of the Reserve of the Centre for Territorial Forces of the Southern Military District of the Armed Forces of the Russian Federation and carried out on a rotating basis by commanders from among the senior officers of the Armed Forces of the Russian Federation.

1162. In December 2014 the shelling of Ukrainian troops increased.

1163. In December 2014 the largest number of bombardments by units of the Armed Forces of the Russian Federation and separatist armed groups took place at Donetsk airport. At the same time, the actions of "the enemy" intensified in the direction of Debaltseve, a significant railway junction that was important for the receipt of military aid in the form of weapons, missiles and ammunition from the territory of the Russian Federation by rail.

1164. In January 2015 the security situation in the Anti-Terrorist Operation zone worsened. There was an increase in the shelling of Ukrainian forces with gun and rocket artillery, mortars and small arms.

1165. According to the Secretary of the National Security and Defence Council of Ukraine, the separatists had 542 tanks, 990 armoured combat vehicles and 694 units of artillery systems, including volley fire systems, as of mid-January 2015. "The enemy" continued to build groups in the area of the cities of Vuhlehirsk, Bryanka and Pervomaisk. At the same time, the illegal armed groups which operated in the direction of Debaltseve consisted mainly of units of the "1st Army Corps" of the "DPR", numbering up to seven battalion tactical groups from the 1st, 3rd, 5th and 7th Separate Motorised Infantry Brigades. Their actions were supported by two battalion tactical groups of the 2nd Army Corps of the "LPR". Major General Alexei Zavizion was Commander of the 1st Army Corps of the "DPR" in the period from February to July 2015.

1166. In early February 2015, servicemen of the 2nd Artillery Division of the 128th Mechanised Brigade captured a Russian T-72 tank near Debaltseve.

1167. On 10 February 2015, separatist armed formations in the Lohvynove area were strengthened by Russian units, including tanks.

1168. Despite the introduction of the ceasefire from 15 February 2015, the situation in the Anti-Terrorist Operation zone remained difficult. "The enemy" continued to shell the Ukrainian forces, primarily in the direction of Debaltseve, Donetsk and Mariupol, and tried to expand the boundaries of control in the areas of Debaltseve, Donetsk, Avdivka, Pisky and Shyrokyne.

1169. Up until that moment, the war had led to the death of 3,661 servicemen and 12,295 wounded servicemen of the Armed Forces of

Ukraine and other military formations, involved in the Anti-Terrorist Operation. In addition, these actions had led to the death and injury of the civilian population, including children. About seventy Russian soldiers (including at least seventeen paratroopers from Ivanovo) died in January-February 2015 near Debaltseve. The Russian Ministry of Defence promised to pay compensation for the deaths and injuries.

1170. Representatives of the authorities and commanders of the Armed Forces of the Russian Federation organised a transfer to members of the "LPR" of small arms, military equipment, ammunition and material resources that were later used to shell the Anti-Terrorist Operation and civilians in the settlements of the region of Luhansk, committing sabotage and armed attacks on servicemen of the Armed Forces of Ukraine and other military formations and law enforcement authorities. This, among other things, happened under cover of "humanitarian aid".

1171. In May 2017, the InformNapalm team revealed an investigation of documents of the 1st Slavic Motorised Infantry Brigade of the Russian occupation troops in Donbas. In these documents the serial numbers of the nodes and chassis of six Gvozdika 2C1 self-propelled howitzers with board numbers 410-415, by which a self-propelled artillery division had been armed, were mentioned. The Ministry of Defence of Ukraine was consulted about these serial numbers and its answer was that "that vehicle is not and never was armed by the Armed Forces of Ukraine". Analysis of documents of captain Alexander Shcherba, who was killed in June 2017 in a battle near Zholobok (a village in the Popasna district of the Luhansk region) showed that he had received weapons from the Russian Federation.

(ii) Number of soldiers and military equipment present

1172. As of the beginning of April 2014, the numbers of Russian armed forces in the regions close to the Ukrainian border were as follows: up to 25 battalion task groups, 36,000 soldiers, up to 16 tanks, around 1,400 armoured combat vehicles, up to 300 artillery systems, up to 60 multiple-launch rocket systems, around 180 combat aircraft, 120 strike helicopters and up to 29 combat ships (combatant crafts).

1173. The Polisskyi operations line had three battalion tactical groups in the area of Klimovo, Khomutovka, consisting of the 1st Motorised Rifle Regiment, two Motor Rifle Divisions, twelve armoured regiments, four armoured divisions and the 20thA and 21st eparate Motorised Rifle Brigades of the Western Military District. This included 3,000 people, up to 35 tanks, up to 160 armoured combat vehicles, up to 40 artillery systems, up to 20 multiple-launch rocket systems, up to 40 combat aircrafts and up to 20 attack helicopters.

1174. The Slobozhanskyi operation line had five battalion tactical groups in the area of Belgorod, consisting of the 104th and 234th Air Assault Regiments, the 76th Air Assault Division, the 1st and the 137th Airborne

Regiments and the 106th Airborne Division of the Parachute Troops. This included 4,500 people, up to 10 tanks, up to 300 armoured combat vehicles, up to 40 artillery systems, up to 50 combat aircraft and up to 20 attack helicopters.

1175. The Donetskyi operation line had seven battalion tactical groups in the area of Belaya, Kalitva, Millierovo, Rostov-on-Don, consisting of the 137th Airborne Regiment, the 106th Airborne division, the 217th Airborne Regiment, the 98th Airborne Division, the 56th Separate Motorised Rifle Brigade of the Parachute Troops, the 2nd Separate Motorised Rifle Brigade of the Southern Military District and the 15th Separate Motorised Rifle Brigade of the Central Military District. This included 5,000 people, up to 37 tanks, up to 610 armoured combat vehicles, up to 100 artillery systems, up to 20 multiple-launch rocket systems, up to 60 combat aircraft, up to 40 attack helicopters and up to 10 combat ships (combatant crafts).

1176. The Pivdennobuzkyi operation line had two battalion tactical groups in the area of Dubossary, Tiraspol, consisting of the 82nd and the 113th Separate Motorised Battalions of the Peacekeeping Forces of the task group of Russian troops in the Transdniestria region. This included 1,000 people and up to 35 armoured combat vehicles (27 similar to infantry fighting vehicles and 8 similar to armoured vehicles).

1177. In August 2014 the Armed Forces of the Russian Federation intensified their grouping along the eastern part of the border of Ukraine and included up to thirty-two battalion tactical groups and three company tactical groups. This concerned 45,100 people, up to 160 tanks, up to 1,360 armoured personnel carriers, 350 artillery systems, 130 multiple-launch rocket systems, 192 combat aircraft and 137 helicopters.

1178. In November and December 2014 the concentration of the Armed Forces of the Russian Federation along the State border in eastern Ukraine consisted of forty-two battalion tactical groups and four company tactical groups. This concerned 50,500 people, 270 tanks, 1,826 armoured combat vehicles, 4 OTR Tochka-U missile launch systems, 500 artillery units, 190 VFS (vehicle fighting systems), up to 215 combat aircraft, 120 combat helicopters, 28 warships and 2 submarines.

1179. In January 2015, the military personnel of the Armed Forces of the Russian Federation along the territory and in the territory of Ukraine consisted of 51,000 people. The military equipment consisted of up to 280 tanks, 1,826 armoured combat vehicles, 4 OTR Tochka-U missile launch systems, up to 565 artillery systems, 190 VFS, 230 TOS-1 Buratino multiple rocket launchers, 126 helicopters, 30 warships and 2 submarines. The Armed Forces of the Russian Federation had the following amount of personnel and equipment in the regions of Donetsk and Luhansk: about 32,000 people, up to 329 tanks, 312 artillery systems and up to 284 VFS.

1180. In a statement dated 8 April 2015, the deputy commander of the Anti-Terrorist Operation Valentin Fedichev said that the Russian Federation

had illegally transported into the territory of Ukraine almost 700 tanks, more than 1,100 armoured vehicles, almost 600 artillery systems, over 380 multiple-launch rocket systems and 110 air defence systems.

1181. Tens of thousands of soldiers of the Russian Federation were involved in the fighting in Donbas. This assessment was based on serial numbers of combat medals awarded by the Russian Federation to its troops in 2014-2016. In 2014-2015, the number of awarded medals suddenly and sharply increased compared with the number of medals awarded until 2014. From 7 November 2014 to 18 February 2016, 4,300 medals for military merit were awarded, indicating that in that period the Russian army took an active part in major military operations.

(iii) Divisions present

1182. The subdivisions listed below of the Armed Forces of the Russian Federation and special law-enforcement bodies participated in the armed invasion by the Russian Federation into the administrative territory of Ukraine, by occupying part of the territories of the Donetsk and Luhansk regions and conducting aggressive hostilities against Ukraine.

(α) July 2014

1183. From 14 July 2014 the Diversion-Intelligence divisions formed, based on:

- 2nd Separate Special-Purpose Brigade of the Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU);
- 10th GRU Separate Special-Purpose Brigade ;
- 45th Separate Special-Purpose Brigade of Landing Troops (Kubinka, Moscow region);
- 173rd Separate Intelligence Company of the 106th Guards Airborne Division (Tula);
- 9th Intelligence Battalion of the Separate Motorised Brigade (formerly 84th Separate Intelligence Battalion);
- 18th Intelligence Battalion of the Guards Motorised Brigade (formerly 18th Separate Intelligence Battalion).

(β) August 2014

1184. During the military invasion in August 2014, units formed from the Armed Forces of the Russian Federation participated. From 11 August 2014 these were:

- 2nd Separate GRU Special-Purpose Brigade;

– *In the direction of Donetsk:*

- 6th Tank Brigade;
- 8th Separate Motorised Infantry Brigade;
- 17th Separate Motorised Infantry Brigade;
- 18th Separate Motorised Infantry Brigade;
- 21st Separate Motorised Infantry Brigade;
- 33rd Mountain Motorised Infantry Brigade;
- 31st Separate Air Assault Brigade (Ulyanovsk);
- 247th Guards Airborne Assault Regiment of the 7th Guards Airborne Assault Division (Novorossiysk);
- 331st Guards Paratrooper Regiment of the 98th Guards Airborne Division (Kostroma);
- 137th Guards Paratrooper Regiment of the 106th Guards Airborne Division (Ryazan).

– *In the direction of Luhansk:*

- 15th Individual Motorised Infantry Brigade;
- 5th Separate Motorised Infantry Brigade;
- 74th Separate Motorised Infantry Brigade;
- 136th Separate Motorised Infantry Brigade;
- 200th Individual Motorised Infantry Brigade;
- 104th Guards Airborne Assault Regiment of the 76th Guards Airborne Assault Division (Cheryokha, Pskov Region);
- 234th Guards Airborne Assault Regiment of the 76th Guards Airborne Assault Division (Pskov).

(iv) Officers present

1185. The Security Service of Ukraine and the Main Intelligence Department of the Ministry of Defence of Ukraine identified officers of the Armed Forces of the Russian Federation involved in the war in Donetsk and Luhansk as follows:

- Lieutenant General Andriy Viktorovich Gurulov: from autumn 2014 to the end of spring 2015, he was in the military service as commander of the 12th Command of the Reserve of the Centre of the Southern Military Territorial Forces of the Armed Forces of the Russian Federation;
- Major General Oleg Mussovich Tsekov: from October 2014 until March 2015, he was commander of the 2nd Separate Motorised Infantry Brigade of the 2nd Army Corps, which was part of the "LPR";

- Major General Sergey Yuriyovych Kuzovlev: from October 2014 until March 2015, he was in the military service as commander of the 2nd Army Corps of the "LPR";
- Major General Mikhail Stepanovich Zusko: from summer to December 2014, he was in the military service as commander of the 1st Army Corps of the "LPR";
- Major General Alexei V. Zavizion: from February to July 2015, he was Commander of the 1st Army Corps of the "DPR";
- Major General Valery Nikolayevich Solodchuk: Commander of the First Army of the "Novorossiya" Force in Donetsk;
- Major General Roman Shadrin;
- Lieutenant General Anatoly Konstantinovich Barankevich: former Minister of Defence in the occupied South Ossetia, now he was an adviser on combat readiness in the "LPR";
- Colonel General Oleksandr Ivanovich Lentsov: Deputy Commander of the Land Forces of the Russian Federation;
- Colonel General Serhiy Istrakov: Deputy Chief of the General Staff of the Armed Forces of the Russian Federation in 2013-2014, served as commander-in-chief of the Armed Forces of the Armed Forces of the Russian Federation and was directly responsible for the readiness of the army corps to carry out tasks in the territory of Ukraine during the armed aggression of the Russian Federation against Ukraine; in early 2015, he was appointed Deputy Chief of the General Staff of the Armed Forces of the Russian Federation; he was responsible for coordinating the activities of Russian occupation troops in the Donbas;
- Lieutenant General Mikhail Yuryevich Teplinsky: Chief of Staff of the Centre for Territorial Forces (formerly 12th Command of the Reserve) of the Southern Military District of the Armed Forces of the Russian Federation;
- Colonel Dmitry Yevgenyevich Bondarev: former Commander of the 51st Paratroopers Regiment of the 106th Landing Division, based in Tula (Airborne Forces of the Armed Forces of the Russian Federation). During the war, he was appointed Commander of the 9th Separate Motorised Rifle Regiment (Novoazovsk), 1st AK Centre for Territorial Forces of the Southern Military District of the Armed Forces of the Russian Federation;
- Colonel Andrey Ruzinsky, under the pseudonym "Nefyodov": served as Commander of the 2nd Separate Motorised Infantry Brigade of the "LPR" 2nd Army Corps.

(b) Expert opinion on phonoscopic examination of intercepted communication of S. Glazyev

1186. This report was prepared by phonoscopic experts of the Ukrainian Research Institute of Special Engineering and Forensic Examination of the SBU. The report was prepared at the request of an SBU investigator within the context of criminal proceedings initiated on 4 July 2014. According to the investigator's decision appointing the experts, the investigation had found that during the period of the end of February and the beginning of March 2014, Sergey Glazyev, an adviser to the President of Russia, "while in Moscow, under telephone surveillance", had directed unidentified persons in Ukraine who had committed intentional actions in Luhansk, Zaporizhzhya, Odesa and Crimea, aimed at changing Ukraine's borders in breach of the constitutional procedure. A video recording published on YouTube of an interview given by Mr Glazyev to the TV channel Rossiya, dated 29 October 2013 and entitled "Sergey Glazyev: Ukraine's accession to the EU is a careless step", was provided to the experts, along with a number of audio recordings of conversations in each of which one of the two speakers was identified as "D1".

1187. The experts conducted a technical and linguistic analysis of the voices. They first identified whether "D1" was the same person in each of the audio recordings. The experts concluded that, from the technical examination, it could be concluded that "D1" was the same speaker in around thirty audio recordings. They then determined whether the voice of "D1" and the voice of the person on the video recording was the same. The expert report concluded that the two voices belonged to one and the same person.

2. Information reports

(a) Information report concerning Russian weapons and equipment

1188. This document is about Russian weapons and equipment that was used in eastern Ukraine. Its author is unknown. It presents a synthetic summary of information contained in other documents presented by the Ukrainian Government in support of their initial memorandum, notably InformNapalm's report "Weaponry of the Russian Federation in the war against Ukraine", a document labelled "Material evidence in criminal case no. 42014000000000457 – military equipment, weapons and heavy armoured vehicles, trucks of the Russian Federation armed forces", the Atlantic Council's report "Hiding in Plain Sight", and the witness statement of S. Driuk, a former "DPR" commander).

1189. The Ukrainian authorities and other witnesses indicated that they had seen military convoys with ammunition, equipment, armed groups and weapons crossing the border from the Russian Federation to Ukraine. The use of tanks and other equipment that were solely owned by the Russian Armed

Forces and not by the Ukrainian army had been recorded on numerous occasions. This concerned the following:

- Russian modifications of tanks of type T-72, particularly T-72B3 and T-72BA; these had been destroyed in battle by Ukrainian forces; use of the T-72B3 had also been reported by the Atlantic Council investigation team;
- specially adapted infantry vehicles, such as the BTR-82AM;
- the anti-tank missile Kornet;
- the suppressed sniper rifle VSS Vintorez;
- the anti-aircraft system Pantsir-S1, the use of which had also been reported by the Atlantic Council investigation team;
- the multipurpose vehicle GAZ Vodnik;
- the "Dozor" variant of the KamAZ-43269, reported by the Atlantic Council investigation team;
- the KamAZ-5350, nicknamed "Grad-K", reported by the Atlantic Council investigation team;
- the intelligence devices PSD-5 and PSD-8;
- the automatic control system Barnaul-T, detected near the settlement Stakhanov in Luhansk;
- the electronic warfare system RB-531B "Infauna" on unified transport base BTR-80 K1SH1;
- the radio control complex "Torn-MDM";
- the automated jamming station P-330ZH "Zhitel", which was used in the battle of Debaltseve and the presence of which was confirmed by a satellite image of 17 February 2015;
- the GSM suppression system RB-341V "Leer-3", spotted in Ukraine during the training of Russian troops in May 2015 and in the summer of 2015 and on 19 April 2016 in Donetsk;
- the automated jamming station R-934BMV, observed in Donetsk;
- the radio station R-166-0.5, recorded on a K1SH1 chassis.

1190. Operation and maintenance of this modern military equipment often required qualified staff, meaning that trained Russian military personnel must have participated.

(b) Informational Report concerning the Russian Armed Forces and Army Corps

1191. This document concerns the presence of the Russian Armed Forces in eastern Ukraine in 2014. Its author is unknown. It presents a synthetic summary of information contained in various other documents presented by the Ukrainian Government in support of their initial memorandum, notably various witness statements cited below. The following examples of the presence of the Russian Armed Forces in eastern Ukraine are given.

1192. On 26 May 2014 operatives of the police special forces from the Chechen Republic were seen among the participants of the first engagement at Donetsk airport.

1193. In June 2014 the Ukrainian military unit led by S.A.K. found evidence of the presence of the Russian military near the hill of Savur-Mohyla about 3-4 kilometres from the State border (a summary of his witness statement can be found in paragraphs 1430-1432 below).

1194. On 20 July 2014 the patrol group of the Ukrainian troops detected an ambush of three troops about 1-1.5 kilometres from Popasna. As they were captured and searched, personal documents (certificates) were found, identifying two captives as officers of the Russian GRU.

1195. On 20 August 2014 a serviceman of the "Shtorm" ("Storm") battalion saw an airborne armoured vehicle abandoned by Russian soldiers. It was a BMD-2 with board number 275 which belonged to the 1st airborne brigade of the 76th Air Assault Division of the Armed Forces of the Russian Federation, military base no. 74268.

1196. On 21 August 2014, during the conflict in Ilovaisk, O.D.B. met a general lieutenant of the Russian Armed Forces and participated in an exchange of captives.

1197. On 24 August 2014 the "Dnipro-1" battalion and units of the Armed Forces of Ukraine captured two paratroopers of the 31st Separate Air Assault Brigade of the Russian Armed Forces.

1198. On 25 August 2014 several servicemen of the Ukrainian Armed Forces were captured by the fighters of the 51st brigade of the Russian Armed Forces from the town of Orenburg in Russia.

1199. On 25 August 2014 Ukrainian forces captured ten soldiers of the 331st Guards Airborne Regiment (from the 98th Guards Airborne Division, which is based in Kostroma in central Russia) near Dzerkalne (20 kilometres from the Russian border). According to Russia, they had crossed the Ukrainian border by accident at an unmarked section.

1200. On 29 August 2014 the "Donbas" battalion captured an armoured vehicle and soldiers of the Airborne Troops of the Armed Forces of the Russian Federation.

1201. Vsevolod Steblyuk, a member of the "Myrotvorets" battalion, was a military doctor. He informed the Government that a Russian officer had allowed him to collect the wounded and those killed in action.

1202. The battalion tactical groups that invaded Ukraine in August 2014 consisted of the following units:

- in the direction of Donetsk: 6th Separate Tank Brigade; 8th Separate Motorised Rifle Brigade; 17th Separate Motorised Rifle Brigade; 18th Separate Motorised Rifle Brigade; 33rd Mountain Motorised Rifle Brigade; 31st Separate Air Assault Brigade (Ulyanovsk); 247th Guards Air Assault Regiment of the 7th Guards Air Assault Division (Novorossiysk); 331st Guards

Airborne Regiment of the 98th Guards Airborne Division (Kostroma); 337th Guards Airborne Regiment of the 106th Guards Airborne Division (Ryazan);

- in the direction of Luhansk: 15th Separate Motorised Rifle Brigade; 35th Separate Motorised Rifle Brigade; 74th Separate Motorised Rifle Brigade; 136th Separate Motorised Rifle Brigade; 200th Separate Motorised Rifle Brigade; 104th Guards Airborne Regiment of the 76th Guards Airborne Division (Cheryokha, Pskov Region); 234th Guards Airborne Regiment of the 76th Guards Airborne Division (Pskov);
- and also: 2nd Spetsnaz Brigade of the GRU.

1203. During the autumn of 2014 the commanders of the Armed Forces of the Russian Federation created two army corps, the 1st Army Corps (“DPR”) and the 2nd Army Corps (“LPR”), and subordinated the existing groups and units of the irregular troops of the “DPR” and “LPR” militia groups to those formations. Direct control of the designated army corps was assigned to the General Staff of the Armed Forces of the Russian Federation. Direct supervision of the 1st and 2nd Army Corps was carried out by commanders, senior officers of the Armed Forces of Russia, on a rotating basis. The above was also corroborated by testimonies of former members of the 1st and 2nd Army Corps: Svitlana Druik and Sergey Semenchenko. Operational management and support was provided by the Center of Territorial Forces (Novocherkassk, Russia) of the 8th Army of the Southern Military District (Rostov-on-Don, Russia) of the Armed Forces of the Russian Federation.

(c) Information Report concerning Russia’s continuing control of the leadership

1204. This document is about the leadership of the Russian Federation in eastern Ukraine. No mention is made of who drafted the document. It presents a summary of several documents relied upon by the Ukrainian Government in support of their initial memorandum, notably “The Surkov Leaks” report, decrees of the President of Russia, and the letter from the Security Service of Ukraine of 15 November 2018 (concerning “LPR” and “DPR” finances).

1205. Reference is made to the paper “The Surkov Leaks: The Inner Workings of Russia’s Hybrid War in Ukraine”, by Alya Shandra and Robert Seely from the Royal United Services Institute. According to the paper, on 13 May 2014 Mr Surkov, a personal adviser to the President of the Russian Federation on relations with Abkhazia, South Ossetia and Ukraine, received a list of recommendations for posts in the “DPR” government from an employee of the international investment firm Marshall, owned by a Russian national, Konstantin Malofeyev. These names included: Denis Pushilin, Igor Girkin, and locals Andrei Purgin, Alexander Khodakovsky and Alexander Zakharchenko.

1206. The document further states that Russia's leadership role and cooperation with the separatists was clear from its support for the "DPR" and the "LPR" before the international community, for example by organising events and advocating for their interests at the Minsk process.

1207. According to the document, the signing of several decrees and executive orders is another sign of the Russian influence. On 18 February 2017, the President of the Russian Federation signed the executive order on "Recognition in the Russian Federation of Documents and Vehicle Registration Plates Issued to Ukrainian Citizens and Stateless Persons Permanently Residing in Certain Districts of Ukraine's Donetsk and Luhansk Regions". On 24 April 2019 he signed a decree on a simplified naturalisation of the residents of occupied Donbas and on 21 December 2014, by the Decree of the Prime Minister of the Russian Federation, all economic and social issues of the occupied territories came under full control and regulation of the Inter-Ministerial Commission for the Provision of Humanitarian Aid to the South-east Regions of Donetsk and Luhansk.

1208. Lastly, the document describes the budget system of the "DPR" and the "LPR". These entities are reportedly financed with local taxes and external financial assistance from the Russian Federation.

(d) Command Personnel of the Russian Occupation Forces

1209. This document, prepared by the Ukrainian Government, describes military officers of the Russian army who allegedly commanded the forces that participated in the conflict in eastern Ukraine, namely:

- Serhii Yuriiovych Kuzovliov – Major General, Commander of the 2nd Army Corps of the Russian occupation forces task group in 2014-2015, appointed as Commander of the 8th Army of the Southern Military District of the Armed Forces of the Russian Federation in 2017;
- Valerii Mykolaiovych Solodchuk – Brigadier General, Commander of the 1st Army Corps of the Russian occupation forces task group in 2014-2015, appointed Deputy Commander of the 5th Army of the Eastern Military District of the Armed Forces of the Russian Federation in 2015;
- Andrii Viktorovych Huruliov – Major General, Commander of the 58th Army of the Southern Military District and Commander of the Russian occupation forces task group in 2014-2015, appointed Deputy Commander of the Southern Military District of the Armed Forces of the Russian Federation in 2016;
- Petro Mykolaiovych Bolharev – Brigadier General, Commander of the 2nd Separate Motor Rifle Brigade of the 2nd Army Corps of the Russian occupation forces task group in 2014-2015, appointed Commander of the 150th Motor Rifle Division of the 8th Army of

the Eastern Military District of the Armed Forces of the Russian Federation in 2016;

- Serhii Serhiiovych Yudin – Major General, Commander of the 2nd Army Corps of the Russian occupation forces task group in 2015;
- Oleksii Volodymyrovych Zavizion – Brigadier General, Commander of the 1st Army Corps of the Russian occupation forces task group in 2015, appointed Commander of the 41st Army of the Central Military District of the Armed Forces of the Russian Federation in 2015;
- Mykhailo Stepanovych Zusko – Major General, Commander of the 1st Army Corps of the Territorial Troops Centre of the Southern Military District of the armed forces of the Russian Federation, appointed Deputy Commander of the 49th Army of the Southern Military District of the Armed Forces of the Russian Federation in 2015;
- Yevhenii Valeriiovych Nikiforov – Brigadier General, Commander of the 2nd Army Corps of the Russian occupation forces task group in 2015-2016, appointed as Commander of the 58th Army of the Southern Military District of the Armed Forces of the Russian Federation;
- Valerii Hryhorovych Asapov – Major General, Commander of the 1st Army Corps of the Russian occupation forces task group in 2015-2016, appointed Commander of the 5th Army of the Eastern Military District of the Armed Forces of the Russian Federation in 2016;
- Mykhailo Yuriiovych Teplynskyi – Major General, Chief of Staff and First Deputy Commander of the Territorial Troops Centre of the Southern Military District of the Armed Forces of the Russian Federation in 2015-2017, appointed Chief of Staff of the Southern Military District of the Armed Forces of the Russian Federation in 2017;
- Ihor Borysovych Tymofeev – Brigadier General, Commander of the 3rd Separate Motor Rifle Brigade of the 1st Army Corps of the Russian occupation forces task group in 2016;
- Ihor Leonidovych Krasin – Brigadier General, Commander of the 2nd Army Corps of the Russian occupation forces task group in 2017, appointed Deputy Commander of the 8th Army of the Southern Military District of the Armed Forces of the Russian Federation in 2016;
- Valerii Yevhenovych Sharahov – Brigadier General, Commander of the 2nd Army Corps of the Russian occupation forces task group in 2017, appointed Deputy Commander of the 29th Army of the

Eastern Military District of the Armed Forces of the Russian Federation in 2018;

- Arutiun Vantsykovych Darbinian – Brigadier General, Chief of Staff of the 1st Army Corps of the Russian occupation forces task group in 2017, appointed Commander of the 1st Army Corps of the Russian occupation forces task group in 2018.

3. Correspondence

(a) Letter from Central Electoral Commission of 29 May 2017

1210. This letter dated 29 May 2017 from Andriy Magera, Deputy Head of the Central Electoral Commission ("CEC"), to the Ukrainian Government Agent before the Court concerned events in the Donetsk and Luhansk regions with regard to the presidential elections in Ukraine on 25 May 2014. The letter did not state explicitly the source of information contained in it but referred to the fact that in the relevant period the CEC had received "applications and other reports of unlawful actions" in the relevant regions, which it had forwarded to the Ministry of Internal Affairs.

1211. The letter stated that numerous actions had impeded the exercise of the powers of the electoral commissions and endangered the life and health of their members. They had also led to the seizing of premises, equipment, election documentation and other property and made it impossible for the CEC to send ballots to the district electoral commissions. As a result of this, voting had not been possible in the territorial constituencies nos. 41-46, 48, 51-57, 105-113 and 116.

1212. Attached to the letter were two leaflets circulated in the Luhansk region regarding the referendums on 11 May 2014, calling on residents in eastern Ukraine to support independence.

(b) Letter from the Administration of the State Border Guard Service of Ukraine of 7 September 2017

1213. In this letter from Deputy Chairman of the State Border Guard Service of Ukraine O. Blyashenko to the Ukrainian Government Agent before the Court, reference was made to several annexes about events at the border (concerning notably the loss of control over the border in the Donetsk and Luhansk regions, weapons supposedly supplied from Russia to the "DPR" and "LPR" during April to September 2014 and Russian-made weaponry captured by the Ukrainian Border Guards). The annexes were not attached.

(c) Letter from the Administration of the State Border Guard Service Administration of Ukraine of 21 September 2015

1214. In this letter dated 21 September 2015 from the Administration of the State Border Guard Service of Ukraine to the General Prosecutor's Office

of Ukraine, detailed mention was made of fifty-seven occasions when units of the State Border Guard Service of Ukraine had been fired upon from the direction of the territory of the Russian Federation, between 11 July 2014 and 3 September 2014. The letter did not specify the source of information contained in it but stated that witnesses were being sought.

1215. The firing consisted of artillery fire, mortar fire, shelling (on some occasions by self-propelled guns) and firing delivered by BM-21 Grad MLRS and Smerch weapon systems. Firing was reported from the direction of Russian Federation territory in general and from specific Russian settlements. Several of the incidents of firing had been witnessed by various border guard squads.

(d) Letter from the Main Directorate of Intelligence of the Ministry of Defence of 23 May 2018

1216. Annexed to this letter by Yu. V. Kravets, from the Ministry of Defence of Ukraine, to the Agent of the Government of Ukraine before the Court, is a detailed overview of Russian citizens and soldiers who were in some way linked to the war in eastern Ukraine, often including personal data, such as dates of birth, telephone numbers, links to social media pages, websites and/or bank accounts. A detailed account of the structure of the 1st and 2nd Army Corps of the “DPR” and the “LPR” was also given. There was detailed information concerning sixty-two Russian citizens, many of them mercenaries and militants, who were involved in the activities in the regions of Donetsk and/or Luhansk. Moreover, information was provided about twenty-eight Russian citizens and organisations who were involved in financial and logistical activities concerning the “DPR” and the “LPR” (including detailed information on the names of the organisations through which this was supposedly done, and bank account and bank card numbers).

1217. This document further contains a detailed overview of the structures of the 1st and 2nd Army Corps, including names of commanders, and an overview of the different tasks, locations, personnel and armament of the divisions. Accordingly, the 1st Army Corps was composed of 20,691 members of staff and had at its disposal 282 tanks, 491 armoured combat vehicles, 441 artillery systems and 122/245 MLRS/air defence batteries; and the 2nd Army Corps was composed of 15,635 members of staff and had at its disposal 198 tanks, 357 armoured combat vehicles, 282 artillery systems and 88 MLRS/air defence batteries.

(e) Letter from the Ministry of Defence of Ukraine of 30 April 2018

1218. This document gives an overview of sixty-three identified Russian servicemen (mostly commanding officers) who were present in eastern Ukraine from September 2015. The source of the information is not mentioned.

(f) Letter from the Main Directorate of Intelligence of Ministry of Defence of Ukraine of 23 May 2018

1219. Attached to this letter from Yu. V. Kravets, Chief Deputy of the Main Directorate of Intelligence of the Ministry of Defence in Ukraine, dated 23 May 2018, was an overview of Russian weapons and equipment that had been found or seen in Eastern Ukraine. Items of military equipment were identified, together with details of where and when the items had been spotted and additional notes as to whether the item could be found within the arsenal of Ukraine. The letter did not systematically specify the persons or officials who did the sightings but, in some instances (for example for Borodach and Shmel flamethrowers), it was specified that they had been found by soldiers of the Armed Forces of Ukraine in specific locations in eastern Ukraine after fighting with separatists on specific dates.

1220. The letter notes that all of these types of weapons and equipment were used by the Armed Forces of the Russian Federation and for most of them it was clear from their markings that they had been produced in Russia (for some of them, for instance some shot-down drones, photographs of Russian manufacturer's labels on the equipment are shown). The document contains, among other things, photographs (including what appear to be aerial or satellite surveillance photographs), markings and specific features of the armaments. The authors of the photographs are not specified.

1221. The letter states that despite repeated appeals, Russia has not provided any reasonable explanation about how such modern high-tech weapons and military equipment of Russian make that had never been used by the Ukrainian Armed Forces or imported into Ukraine had appeared in the conflict zone.

1222. Annexed to the letter was a chart showing the structure and composition of the 1st and 2nd Army Corps in 2014-2015. According to the chart, which bears the coat of arms of the Main Intelligence Directorate, the "Slavianska", "Berkut", "Oplot" and "Kalmius" brigades had been integrated into the 1st Army Corps and groups from Alchevsk, Brianka, Antratsyt, Rovenky, Sverdlovsk, Stakhanov, Perevalsk and Krasnyi Luch, including "Prizrak" and a Cossack regiment, had been integrated into the 2nd Army Corps.

1223. A further annex contained the transcript of an intercepted phone call between A.V. Huruliov, Commander of the 12th Reserve Command of the Southern Military District of the Armed Forces of the Russian Federation, Major General (previous position: Commander of the 58th Army of the Southern Military District of the Armed Forces of the Russian Federation); and M.S. Zusko, Commander of the 1st Army Corps, Brigadier General (previous position: Commander of the 34th Separate Motor Rifle Brigade of the 49th Army of the Armed Forces of the Russian Federation) on 1 November 2014. They talk about the upcoming elections in the "DPR" and the "LPR" on 2 November 2014. There is no mention of how the intercept

was obtained, but the transcript bears the coat of arms of the Main Intelligence Directorate. The transcript read as follows:

> "H.**:** How do things stand, Misha?
>
> Z.**:** Nothing has changed, since 16.30 shooting and firing has stopped along the contact line.
>
> H.**:** What about Ukes?
>
> Z.**:** They finished, exactly.
>
> H.: But you continue crushing them, right?
>
> Z: I put everything in operational readiness. Units ... All are in trenches and on their positions.
>
> H.: But how will they vote on their positions?
>
> Z.: They will, Comrade Commander, they will move around with ballot boxes on their positions. There are mobile voting stations. ...
>
> Z.: I've got it, we promise to deliver the echelon after ten.
>
> H.: Ok, let it be echelon. But report to me in the morning, damn! Tomorrow I will be there already at 8.
>
> Z.: Where? Not there? Novocherkassk or Rostov?
>
> H.: Here, fuck, not in Rostov, now I am in Bolshoi Log. ..."

(g) Letter from the Security Service of Ukraine of 15 November 2018

1224. This letter was sent from the Ukrainian Security Service to the Ukrainian Deputy Minister of Justice and Agent before the Court. In its annexes, one can find all the items of military equipment seized or recorded as operating inside Ukraine which were exclusively available to the Russian armed forces, including various identifiable types of battle tanks, armoured combat vehicles, artillery systems and armour-defeating weaponry. The documents specify the criminal proceedings in which the seizure of the relevant pieces of equipment was documented and makes reference to the relevant criminal procedure report and the dates and places on which the seizure was documented. At least twenty-one such specific instances from 2016 to 2018 are mentioned.

1225. An annex contains an assessment of the importation of weapons from the Russian Federation via various routes (including cross-border road and rail connections), concluding that Russia has continued a steady flow of weaponry. The principal means of weapons-smuggling was the misuse of "humanitarian convoys" organised by the Ministry of Emergency Situations of the Russian Federation. The annexes also record available dates and times of clandestine cross-border crossings of this equipment and accompanying personnel. This information came notably from a former commander of an "illegal armed formation" in the Luhansk region (both he and the unit are

named in the document) who defected and cooperated with the Ukrainian intelligence service.

1226. Moreover, the report documents, notably through a detailed analysis of bank transfers, the arrangements for the financing of the pro-Russian armed groups operating in eastern Ukraine and Moscow's role in it. It concludes that "these facts indicate that the Russian financial institution, the Centre for International Settlements Bank LLC, in accordance with the power entrusted to it by the Russian authorities, actually performs the function of a supplier and regulator of cash coming from the aggressor country to banking institutions operating in the temporarily occupied territory of Donbas ... According to the data received, the occupation administration of the Russian Federation continues to develop a separate credit and banking system for lending to business entities of [the] so-called LPR".

(h) Letter from the Security Service of Ukraine of 10 September 2019

1227. This letter, which runs to 441 pages including annexes, is addressed to the Ukrainian Deputy Minister of Justice and Agent before the Court from the Ukrainian Security Service. It assembles a volume of declassified evidence collected from the phone of the witness S.M.D., a former "DPR" commander. It provides numerous annexes and reports about, *inter alia*, Russian military presence and armed engagements on Ukrainian territory; in particular, the annexes list Russian servicemen serving in the "DPR" units in 2017 and 2018, including various information about them: their call signs and/or fake names they used in the "DPR", their rank in the Russian Armed Forces, their dates of birth, the units where they served, the history of their service in the "DPR", their phone numbers, and photographs or identikits of them.

(i) Letter from the Ministry of Internal Affairs of Ukraine dated 21 October 2020

1228. The letter was addressed to the Ministry of Justice and provided information concerning the alleged interaction of the Ministry of Internal Affairs of Ukraine with the Internet resource centre for research into signs of crimes against the national security of Ukraine, peace, humanity and international law ("Myrotvorets"). According to the letter, there had never been any connection between the Ministry of Internal Affairs and Myrotvorets.

(j) Letter from the General Prosecutor's office dated 30 October 2020

1229. This letter, which runs to 102 pages including annexes, is addressed to the Ministry of Justice and sets out arguments and evidence in support of Ukraine's position before the Court. It provides information concerning the participation of Russian nationals and residents in the early protests and in the separatist armed groups and entities. The information provided appears to

originate from the results of Ukrainian criminal investigations listed in the letter, notably those against Mr Glazyev and Mr Zatulin.

1230. The letter explains that simultaneously with the occupation of Crimea, the Government of Russia planned and organised actions to seize and take control of the south-eastern regions of Ukraine (Donetsk, Luhansk, Kharkiv, Odesa, Zaporizhzhya, Dnipropetrovsk and others). One of the currently identified organisers was Mr S. Glazyev, an adviser to the President of Russia. The letter lists his conversations from 27 February to 6 March 2014 with a number of individuals whom Mr Glazyev had instructed to seize administrative buildings in Kharkiv, Odesa and Zaporizhzhya.

1231. On 27 and 28 February 2014 Mr Glazyev had discussed appointments of certain people to leading positions of the self-proclaimed "Republic of Crimea" with Mr K.F. Zatulin, a citizen of Russia, a member of the 1st, 4th and 5th State Duma and director of the "Institute for the Countries of the Commonwealth of Independent States". On 27 February Mr Glazyev had discussed with Mr Zatulin funding for mass riots in Kharkiv and Odesa with participation of the illegal armed formations "Oplot" and "Odesa Squad".

1232. In a conversation on 1 March 2014 a former member of the Ukrainian Parliament, O.A. Tsaryov (a person wanted by the Ukrainian law-enforcement authorities), had discussed, over the phone line Mr Glazyev used, the organisation of mass riots in Odesa, Donetsk, Luhansk, Kharkiv and Zaporizhzhya. They also discussed who would be the "governor of Malorosiya" ("Small Russia") after the seizure of the south-eastern regions of Ukraine by Russia.

1233. On 6 March 2014 Mr Glazyev had given instructions by phone to S.V. Aksionov (a citizen of Ukraine and self-proclaimed head of the so-called "Republic of Crimea") regarding the organisation of an illegal referendum on the territory of the Autonomous Republic of Crimea and the formulation of questions for submission to the illegal referendum.

1234. Criminal investigation was pending on that account against Mr Glazyev and Mr Zatulin.

1235. The letter goes on to describe the active role of Igor Girkin, a commissioned officer of the Chief Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation, in organising the occupation of Crimea by the Russian Federation (his unit included the Russian citizen A. Pavlov and the Ukrainian citizens I. Bezler and S.A. Zdryliuk). After his success in Crimea, he, directed by his agent handlers from the Russian Federation, had organised and directly participated in armed attacks and seizures of government authorities in Slovyansk, Kramatorsk and other cities of the Donetsk region and had later been appointed "minister of defence" of the "DPR".

1236. The letter lists Russian Army commanders (full names, ranks and posts in the Russian Armed Forces) who played a role in directing combat

operations against Ukrainian forces in the Donetsk and Luhansk regions (their role is defined). This information came from declassified reports from the Security Service of Ukraine and from intelligence and tactical messages of the Anti-Terrorist Operation's staff and the staff of its subordinate sectors.

1237. The letter states that the Great Don Cossack Army was formally a public association officially registered in Russia in 1995. In practice, it was a paramilitary formation controlled by the State authorities of the Russian Federation consisting of more than 10,000 people with a clear hierarchical structure, subordination, discipline, military uniforms and military ranks. Its members had experience of fighting in armed conflicts organised by the Russian Federation in Transdniestria, Chechnya, Abkhazia and other regions.

1238. Since 1994 the "Ataman" of the Great Don Army had been a citizen of the Russian Federation, M.I. Kozitsyn. On 9 April 2014, on the official website of the Great Don Army, M.I. Kozitsyn had issued Order no. 36, providing for the formation of armed detachments for the purpose of conducting military operations on the territory of Ukraine.

1239. In early May 2014, M.I. Kozitsyn and his subordinate armed members of the Great Don Army, more than 500 people, had illegally crossed the border of Ukraine and seized the administrative buildings of the authorities of the Sverdlovsk and Antratsyt districts of the Luhansk region. The armed detachments led by M.I. Kozitsyn had first established control over the section of the State border of Ukraine in the Luhansk Region for the unhindered supply of weapons and ammunition from the territory of the Russian Federation and the movement of mercenaries and military personnel of the Russian Armed Forces. Later on, they had exercised control over about 80% of the territory of the Luhansk region; the illegal armed formations of the Great Don Army numbered more than 10,000 people. During 2014 the actions of M.I. Kozitsyn on the territory of Ukraine had been coordinated by the Commander of the 22nd Separate Special Service Brigade of the GRU, Major General V.Yu. Travkin.

1240. The letter then addresses the Russian military involved in or related to the events in eastern Ukraine. It specifies a number of criminal investigations initiated in connection with shelling in the Donetsk and Luhansk regions. According to the investigation, which was ongoing, negotiations on providing guarantees of safe humanitarian corridors for military personnel of the Armed Forces of Ukraine and other military formations of Ukraine to leave the encirclement near Ilovaisk were conducted by the head of the Anti-Terrorist Operation, V.M. Muzhenko, for Ukraine, and the Deputy Head of the General Staff of the Russian Armed Forces, M.V. Bogdanovskyi, for the Russian Federation.

1241. As regards the types and origin of weapons and military equipment in eastern Ukraine, the letter states that, within the framework of a criminal investigation, more than 100,000 pieces of armaments and equipment seized from the "illegal armed formations" of the "DPR" and "LPR" had been

documented. The letter lists a number of items of military equipment seized by the Ukrainian forces in the course of combat in the Donetsk and Luhansk regions in 2014 and 2015, various signs on which indicated that they originated from the Russian Armed Forces, for example:

- T-72 tanks with modifications not present on any tanks in use by the Armed Forces of Ukraine;
- a Grad MLRS with a shooting table bearing the seal of the Motorised Rifle Brigade of the 58th Army of the Southern Military District of the Armed Forces of the Russian Federation;
- a KAMAZ military truck with a Russian military registration plate number overpainted with a “DPR” number;
- a Kornet anti-tank guided missile, a missile of a type not in service in Ukraine, manufactured in Russia;
- and other equipment, such as unmanned aerial vehicles, grenade launchers, flamethrowers, missiles and rifles originating from Russia as evident from various characteristics.

1242. Regarding the alleged support of the Russian Federation to the “DPR” and “LPR”, the letter explains that R.V. Liahin, a citizen of Ukraine who was accused of committing crimes on account of his role in organising the referendum on self-determination of the “DPR” while holding the so-called position of chairman of the “DPR” Central Election Commission, and then the position of head of the “Ministry of Information and Mass Communications”, gave the following statements in the course of the investigation:

- the funds for holding the referendum had been provided by K.S. Knyrik, a Russian citizen and an assistant to I. Morozov, a member of Russia’s Federation Council;
- on 11 May 2014, the day of the “referendum”, at 4 p.m. armed men had taken Mr Liahin to Mr Borodai, who told him what results of the “referendum” had to be announced that day;
- in early August 2014 Mr Liahin had met Mr V. Surkov, adviser to the Russian President, who had appreciated the quality of the organisation of the “referendum” and proposed that elections for the head of the “DPR” be organised;
- Mr Liahin had met numerous times in Moscow and Rostov Mr O.M. Govorun, head of a department in the Executive Office (Administration) of the President of Russia, and his deputy M.B. Polyakov, who served as one of Mr Liahin’s supervisors, had given instructions on holding elections for the head of the “DPR” and People’s Council of the “DPR”;
- Mr Liahin’s own role was communicating to the press while organisation of the elections was carried out by a group of Russian citizens from Moscow and residents of Donetsk;

- V. Surkov had repeatedly gone to Donetsk, where he held meetings, and the “DPR” members had repeatedly attended meetings held by V. Surkov in his office in the Executive Office of the President of the Russian Federation.

(k) Letter from the Main Directorate of Intelligence of the Ministry of Defence of Ukraine dated 30 October 2020

1243. This letter is addressed to the Agent of the Ukrainian Government before the Court and provides, in an attached PowerPoint presentation, information material to be used for preparation of the position of the Ukrainian Government before the Court, such as the management system of the “Russian occupation troops” in eastern Ukraine, their weapons and military equipment, examples of instances of the supply of Russian military equipment, such as air defence, electronic warfare and signals intelligence systems, howitzers and unmanned aerial vehicles, to the east of Ukraine (with photographs, including aerial or satellite photographs, and infographics). The source of the information is not mentioned.

(l) Letter from the Ministry of Defence of Ukraine dated 30 October 2020

1244. This letter is addressed to the Ministry of Defence and provides information regarding the recording of cross-border artillery and multiple-rocket launcher shelling of Ukrainian units in Ukrainian territory or shelling of Ukrainian units on the border from Russian territory, on ninety-eight occasions from 11 July to 5 September 2014, resulting in thirty fatalities and 175 wounded among Ukrainian servicemen. The letter mentions the exact dates and times of the shelling of Ukrainian units. There is no reference to the specific source of the information but it appears that it came from the reporting of the relevant units to the Main Command Centre of the Armed Forces.

(m) Letter from the Security Service of Ukraine dated 30 October 2020

1245. This letter is addressed to the Ministry of Justice and is 236 pages long. It indicates that from February 2014 to 30 October 2020, the Security Service had prosecuted 252 Russian citizens (twenty of them for espionage in favour of the Russian Federation, and 232 for crimes against the foundations of national and public security, and for terrorist activities). Some indictments and decisions are attached. It appears that indictments against 79 Russian citizens had been submitted to the courts and 155 had been declared “wanted”.

1246. Without mentioning the source of the information, the letter sets out a list of specific Russian Armed Forces units deployed in areas near the Ukrainian border as of March 2016 and of forty-five training camps for “DPR” and “LPR” militants in Russian territory.

(n) Letter from the State Border Guard Service of Ukraine dated 30 October 2020

1247. This letter, addressed to the Agent of the Ukrainian Government before the Court, runs, with annexes, to 244 pages. It provides information about the alleged aggression of the Russian Federation against Ukraine, such as the cross-border artillery shelling (it lists forty-six incidents from 5 July to 3 August 2014, including date, time and location), the presence of Russian servicemen in Ukraine and the support given by Russia to the administrations in eastern Ukraine. It states in particular that, according to the Border Guard Service's information, forty-nine Russian servicemen had been killed in Eastern Ukraine from 2014 to 2016. The letter lists their full names, dates and places of birth, the Russian military units in which they had supposedly been serving at the time of their death, dates of death and their next of kin receiving survivors' allowances.

1248. The annexes list commercial and banking entities used by Russia to ensure support for the "DPR" and "LPR", notably:

- Komertsiyny bank "Mizhnarodnyi rozrakhunkovyi bank" (International Settlements Bank) and "Vneshtorgservis", registered in Tskhinvali in the unrecognised "Republic of South Ossetia";

- Bank "Tsentr mizhnarodnykh rozrakhunkiv" (International Settlements Centre), registered in Moscow.

1249. Among the annexes to the letter there are a number of photocopies of documents from the "DPR/LPR" and Russia, intended to illustrate the economic and financial links between those entities and Russia:

- a letter dated 14 October 2015 from the Minister of Justice of the "LPR", A. Shubin, to the head of administration of the head of state of the "LPR" I. Teytsman, in which Mr Shubin reports that on 8 October 2015 he was on a business trip to Rostov in Russia where Vladislav Surkov had held a meeting with the "heads of state" and ministers of the "LPR" and "DPR" dedicated to economic and social development;

- a letter dated October 2016 from the "DPR" minister of construction and utilities to Deputy Minister of Economic Development of the Russian Federation S.M. Nazarov, in which it is mentioned that "budget subsidies" of more than 509 million Russian roubles had been provided for housing construction and repairs and that the "DPR" Minister had requested permission to redirect part of the relevant funding to a different use;

- minutes of a meeting held in Donetsk on 26 March 2016 at the office of the head of state of the "DPR" dedicated to social and economic issues in which Deputy Minister Nazarov is listed as one of the participants;

- minutes of a meeting of the Inter-Ministerial Commission for the Provision of Humanitarian Aid for the Affected Areas in the South-east of the Regions of Donetsk and Luhansk in Ukraine (commission established by the Order of the Government of the Russian Federation dated 15 December 2014), held on 7 December 2016 and signed by Deputy Minister Nazarov and Mr A. Yanovskiy, Deputy Minister of Energy of the Russian Federation. The

meeting was dedicated to the state of mines in the "DPR" and the minutes state, in particular, that it was decided that the "DPR" Ministry of Coal and Energy would organise hydrological surveillance of a certain mine sector and submit proposals to the Ministries of Economic Development and of Energy of the Russian Federation concerning mine restructuring;

- a power of attorney issued by "the International Settlements Bank" in Tskhinvali on 26 September 2018 to the head of that entity's branch in Donetsk, authorising her to perform banking operations;

- incorporation documents of Vneshtorgservis created "under the laws of the Republic of South Ossetia" in June 2016.

(o) Letter from the Foreign Intelligence Service dated 3 November 2020

1250. The letter is addressed to the Deputy Minister of Justice and Agent of the Government before the Court and provides information regarding Russian troops, weapons and citizens, and their relations with "DPR" and "LPR" authorities. There is no indication of the sources of the information set out in the letter.

1251. The letter states that the Russian Armed Forces had deployed twenty-eight battalion tactical groups along Ukraine's border. On that basis, the formation of three new units was being completed, namely of two armies and an army corps, which would be brought to full operational readiness during 2020-2021. Those three joint-forces groups would be able to carry out sudden offensive operations in the territory of Ukraine without declaring mobilisation and with minimal preparatory measures.

1252. The letter listed two major camps used for training Russian troops and the "DPR" and "LPR" militants, in the village of Persianovsky (45 kilometres north-east of Rostov-on-Don city) and near the village of Kuzminka (40 kilometres north-west of it), and five other smaller camps in the Rostov region. The Russian personnel and equipment were directed from those camps to the occupied territories of the two Ukrainian regions through the "Novoazovsk-Veselo-Voznesenka" border checkpoint, which had been seized by the separatists.

1253. The leader of the Russian party LDPR[1], V. Zhirinovsky, had formed and headed, in March-April 2014, a group that raised funds for the "DPR" and "LPR". Members of that party, including leaders and representatives of regional branches, as well as other deputies of the State Duma, had joined the group. Russian deputies had signed an agreement with the "DPR" about material support, as a result of which the separatists had been provided with premises in Moscow for the purpose of "representative activity". At the request of the leader of the "Somali" illegal armed formation M. Tolstykh (call sign "Givi"), the group led by V. Zhirinovsky had sent the

[1] Standing for "Liberal Democratic Party of Russia", the official name of this Russian nationalist party.

separatists six Russian-made cross-country vehicles, purchased with the funds collected. Some of those vehicles had been involved in terrorist attacks against Ukrainian units, in particular at Donetsk airport.

1254. In 2014, millions of humanitarian aid had been provided by the Russian millionaire K. Malofeyev to the "DPR" and "LPR" through his fund "Help for Novorossiya". Approximately from the middle of 2015, K. Malofeyev had stopped actively influencing the processes taking place in the "DPR" and "LPR".

1255. The letter stated that the budgets of the "DPR" and "LPR" were characterised by dependence on Russian financial assistance. Furthermore, the Ministry of Finance of the "DPR" regularly reported to the Federal Treasury of the Russian Federation on the expenditure of federal state aid.

1256. On 11 September 2015, in an interview with the Russian media, the Secretary of the "DPR" Security Council, Aleksander Khodakovsky, stated that Russia not only supplied weapons to the militants, but also provided other material and methodological assistance. According to him, the Russian Federation ensured 70% of the "DPR" funding and determined who would hold which positions.

(p) Letter from the Ministry of Foreign Affairs of Ukraine dated 5 November 2020

1257. This letter, addressed to the Ministry of Justice, sets out information about Russia's international commitments concerning notification of troop movements. Enclosed with the letter are diplomatic notes, dated from 5 June to 27 November 2014, informing Russia about the closure of certain border crossing points. The first of those notes states that the Ukrainian side had expected the Russian side to stop traffic through those points to ensure public safety and to take all necessary measures to stop blatant violations of the rules concerning the State border and the attempts of armed individuals to enter Ukraine from Russia.

1258. The letter noted that under the Agreement between the Governments of Ukraine and of the Russian Federation dated 8 February 1995, crossing of the border was possible only through points specifically designated in the Agreement. Article 10 of the Agreement provided that each party could restrict or close traffic through a particular crossing point unilaterally without the consent of the other party.

(q) Letter from the Ministry of Foreign Affairs of Ukraine dated 11 November 2020

1259. This letter addressed to the Ministry of Justice stated that Russia's notifications within the framework of the OSCE Vienna Document on Confidence- and Security-Building Measures revealed deployment of new military formations in the areas adjacent to Ukraine's eastern and southern border in 2017 and 2018.

(r) Letter from the Ministry of Foreign Affairs of Ukraine of 16 April 2021

1260. This letter informs the Ministry of Defence that, on account of the threatening massing of Russian troops on Ukraine's border in April 2021, Ukraine had activated the mechanism envisaged by the OSCE Vienna Document on Confidence- and Security-Building Measures requesting an explanation of the build-up of troops, to which Russia had responded that it did not "conduct any significant military activity". The letter described international condemnation, in particular within the framework of the OSCE, of that build-up of troops.

4. Statements of Russian authorities and officials regarding the "DPR" and "LPR" referendums

1261. The statement of the Russian Ministry of Foreign Affairs on 15 May 2014, published on its website, reads, in part:

> "On 11 May referendums were held in the Donetsk and Lugansk Regions of Ukraine ... Preliminary results of the voting convincingly show the real disposition of nationals of the Donetsk and Lugansk Regions to have the right to take independent decisions on the issues related to vital problems for them. We believe that the implementation of the results of the referendum must take place within the framework of the dialogue between Kiev, Donetsk and Lugansk ... Unfortunately, the Kiev authorities are still demonstrating criminal lack of readiness to a dialogue with their own people."

1262. According to a statement published on 12 May 2014 on the site of Yevidaya Rossiya (United Russia, Russia's ruling party), Ms Irina Yarovaya, chairperson of the State Duma's Committee for Security and Combating Corruption and a member of the Presidium of the General Council of United Russia, declared that the "referendums on the status of the Donetsk and Luhansk regions of Ukraine were referendums on people's liberation from Kiev's punitive units".

E. Material from criminal proceedings in Ukraine

1. Material (physical) evidence in criminal case no. 42014000000000457 – military equipment, weapons and heavy armoured vehicles, trucks of the Russian Federation armed forces

1263. This document of thirty-one pages describes various pieces of weapons (such as tanks, armoured vehicles, army trucks and drones), ammunition and other objects captured by the Armed Forces of Ukraine and the Border Guards in the Donetsk and Luhansk regions, together with photographs of them.

2. Inspection record of weapon of 22 January 2015

1264. This inspection record, drawn up by an investigator of the General Prosecutor's Office of Ukraine in the context of criminal case no. 42014000000000457, concerns an anti-tank missile (engine of an ATGM "Kornet" 9M133F1 rocket) made in the Russian Federation, at OJSC V.A. Degtyaryov Plant.

3. Judgments

(a) Judgment against Ye.V. Yerofeyev and A.A. Aleksandrov

1265. By this judgment of 18 April 2016, the Kyiv Holosiyivskyi District Court convicted Mr Yerofeyev, a captain of the Russian Armed Forces and commander of a special forces unit, and Mr Aleksandrov, a sergeant in the same unit, of waging aggressive war in the territory of Ukraine and terrorism. The court found it established that in March 2015 the defendants had been transferred from Togliatti in Russia, where their unit had been stationed, to the Rostov region and from there had entered the Ukrainian territory with arms through a portion of the border not controlled by Ukrainian authorities. There, they had participated in intelligence and combat operations in support of the "LPR" in the Shchastya area and in the process had shot dead a Ukrainian serviceman, Junior Sergeant Vladimir Pugachev.

(b) Judgment against O.S. Daronin

1266. By this judgment of 14 January 2016, the Popasna District Court of the Luhansk Region convicted Mr Daronin, a Russian citizen, of waging aggressive war in the territory of Ukraine and terrorism. The court found it established that in February or March 2015 the defendant had attempted to enlist in Russian Armed Forces but had been told that because of his prior conviction he could only enlist if he agreed to go to fight in the Donbas. He had agreed and entered the Luhansk region through the Izvaryne crossing point, uncontrolled by Ukraine. In the Perevalsk district he had enlisted in the "Prizrak" battalion of the "LPR" and then in the 1st Cossack regiment named after Platov. In those roles he had manned a checkpoint and participated in reconnaissance missions. The defendant pleaded guilty during the trial and was sentenced to thirteen years' imprisonment.

(c) Judgment against R.S. Sheludiakov

1267. By this judgment of 5 April 2016, the Kuybyshevskiyi District Court of the Zaporizhzhya region convicted Mr R.S. Sheludiakov of participating in a "DPR" illegal armed formation. The defendant said in court that, after he had joined the "DPR" in Donetsk in July 2014, on 21 July 2014 he had been sent by his commanders, along with twenty to thirty other people, to Rostov-on-Don in Russia for military training. His training group

comprised six or seven people and was trained in firing a shell-firing artillery system and operating its towing vehicle. In early August 2014 the defendant had returned to Snizhne in "DPR"-controlled territory, where he had served on a checkpoint until December 2014.

(d) Judgment against V.P. Koloshchyk and O.V. Zarochyntsev

1268. In this judgment of 9 August 2017, the Mariupol Zhovtnevyi district court of the Donetsk region convicted the two defendants, Ukrainian citizens, of participating in illegal armed formations. The court established that the defendants had joined the "DPR" armed formations in September 2014 and served until March 2015. Mr Koloshchuk said in court that he had undergone two weeks' training in the Rostov region, Russia, as a T-72a tank driver (as part of a group of twenty people, whose instructors were Russian), received an AKM machine gun and returned to the "DPR"-controlled Ukrainian territory. He had then served as the tank commander and Mr Zatochyntsev had become a tank gunner. The defendants had participated in military action against Ukrainian Armed Forces.

(e) Judgment against Viktor Seledtsov

1269. By this judgment of 23 February 2016, the Lutsk Municipal and District Court of the Volyn Region convicted Mr Seledtsov, a Ukrainian citizen, of subverting the territorial integrity of Ukraine and other offences in connection with his participation in the activities of the "Russian Bloc self-defence" in Crimea in March 2014. The court, moreover, found it established that the defendant had received a Russian medal "For the return of Crimea", Moreover, from 2 May to 23 August 2014 the defendant had fought on the side of the "DPR". The defendant pleaded guilty and admitted the facts in court.

4. Correspondence

(a) Letter from the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case No 22018050000000156

1270. This letter, addressed to the Ministry of Justice, contains documents from criminal case no. 22018050000000156, namely (i) the records of questioning of the accused, Mr T.Ye. Shchetinin, a Ukrainian citizen, on 26 July 2018 in the presence of his lawyer, on charges of participation in "DPR" "terrorist activities" and (ii) the ruling of the Mariupol Zhovtnevyi District Court of 27 September 2018 releasing the defendant from criminal liability on account of his cooperation with the investigation. As described in the defendant's statement and the court ruling (facts admitted by the defendant), the defendant had joined the "DPR" armed formations in July 2014 and had served with them in Snizhne, Marynivka and Novoazovsky District until September 2015. During that time the defendant had twice

undergone training as a driver of an armoured personnel vehicle (BMP) in the Rostov region of Russia and on several occasions had brought such armoured vehicles from Russia to the separatist-controlled Ukrainian territory for his separatist unit. The defendant also stated that while serving near Marynivka at the end of August 2014 he had observed a column of Russia military vehicles (armoured personnel vehicles, tanks, KAMAZ trucks, cannon) moving from the direction of Russia.

(b) Letter from the Prosecutor's Office of the Donetsk Region regarding pre-trial investigation within criminal case no. 22015050000000469

1271. This letter, addressed to the Ministry of Justice, contains the record of questioning of the accused in the criminal case, Mr S.V. Komisarenko, a Ukrainian citizen, on 18 December 2015 in the presence of his lawyer. The defendant stated that in mid-July 2014 he had joined the "DPR" "Oplot" battalion in Donetsk and had been sent to Rostov-on-Don in Russia for training (as part of a group of forty; a man with the call sign "Proton" was the group's leader). The defendant had undergone training there for a month on military training grounds. The training included assembly and disassembly of BS-3 (100 mm calibre) and D30 (123 mm calibre) artillery systems. The instructors were in camouflage without distinguishing signs. The defendant had been issued with an AK-74 automatic rifle and Russian military uniform but had been told to immediately cut off the Russian chevrons. After returning and serving in Snizhne in August to mid-October 2014 the defendant had been instructed by his battalion commander Oleksandr, nicknamed "Smert", to return to the same training grounds in Russia for more advanced training. The defendant had undergone two additional weeks of training there. After returning to Snizhne, one of the defendant's missions had been to meet columns of military vehicles of the Russian Armed Forces at the border and accompany them to their destination points.

(c) Letter from the Prosecutor's Office of the Donetsk Region regarding criminal proceedings no. 22014050000000452

1272. This letter, addressed to the Ministry of Justice, encloses a report from the above-mentioned criminal case. The report of 5 December 2014, addressed to the head of the Directorate of the Security Service of Ukraine for the Donetsk Region by the head of the counterintelligence unit in the Directorate, states that the unit had uncovered a group of saboteurs made up of three citizens of Ukraine, V.M., A.R. and O.S., who had joined the "DPR" and "LPR" in June 2014 and had undergone military training in training camps in the Rostov region of Russia and in Crimea. There they had acquired specialisation as a scout, operator of a mortar unit and a MANPADS Igla operator. Having participated in fighting in "DPR" and "LPR" units, under the direction of the Russian intelligence services, in July to November 2014,

at the end November 2014 the group had infiltrated Mariupol in the government-controlled territory for the purposes of sabotage.

(d) Letter from the Prosecutor's Office of the Donetsk Region regarding pre-trial investigation within criminal case no. 22018050000000163

1273. This letter, addressed to the Ministry of Justice, contains the record of questioning of the defendant in the above-mentioned criminal case, Mr D.A. Novikov, a citizen of Belarus, on 10 August 2018, on charges of "participating in a terrorist organisation." Mr Novikov said that, while living in Russia and Belarus, he had read about the events in Ukraine on the news and on social media and had volunteered to join "DPR" forces. In November 2014 he had gone by bus from Vitebsk, Belarus, to Moscow and from there to Donetsk. There he had enlisted in the "Somali" battalion and interacted with "Givi". Mr Novikov had been appointed tank commander, and his company had been transferred to military training grounds in the Rostov region of Russia, in the vicinity of Molkino. At the border the Russian border guards had searched members of the defendant's unit and let them through. The defendant had spent about two weeks learning to operate T-72 tanks. There were other similar groups on the training grounds but communicating with them was prohibited. After completion of the course the defendant's unit had been brought back to the Ukrainian territory. Having served in the vicinity of Donetsk airport, the defendant had been injured and left for Belarus. There he had been recruited by the Belarusian secret services and several times returned to the Donbas.

(e) Letter from the Prosecutor's Office of the Donetsk Region regarding pre-trial investigation within criminal case no. 22016050000000278

1274. This letter, addressed to the Ministry of Justice, contains the report of a reconstruction conducted within the framework of the above-mentioned criminal case on 29 March 2017. The reconstruction was conducted with the defendant Ms L.O. Pinkevych in the presence of her lawyer and two attesting witnesses. It was dedicated to the circumstances of the defendant's service in the units of the "DPR Ministry of Internal Affairs" from September 2014 to October 2016. The defendant showed on Google Maps the site in the Rostov region of Russia where she had undergone military training and the places in Donetsk where she had served. Printouts from Google Maps are attached to the report.

(f) Letter from the Prosecutor's Office of the Donetsk Region regarding criminal proceedings no. 22017050000000220

1275. This letter, addressed to the Ministry of Justice, contains the record of questioning of the defendant in the above-mentioned criminal case, Mr D.G. Bryantsev, a Ukrainian citizen, in the presence of his lawyer, on 8 September 2017, on charges of subverting Ukraine's territorial integrity.

The defendant stated that on 2 March 2014 he, as a member of the Communist Party of Ukraine, had participated in a meeting in Mariupol and agreed to sign a letter to the President of Russia asking him to send Russian armed forces as peacekeepers to protect the Russian-speaking population. The defendant stated that this had been done in part on the initiative of Ms O.Yefanova (who, the defendant had later learned, worked for the Russian secret services).

1276. Mr Bryantsev travelled to Russia to transmit the letter to the regional representative office of the Russian President. He first went to Taganrog, where the defendant met representatives of the city administration. The latter introduced him to an FSB officer who was introduced to the defendant as Dmytro Dmytrovych (no last name). The latter showed an interest in the organisation of meetings in Mariupol and asked the defendant to transmit to the head of the Mariupol city organisation of the Communist Party, Mr Chornyi, an email address and two passwords to allow him to communicate with the FSB officer.

1277. On return the defendant discussed with other activists actions to destabilise the situation in the city and procurement of weapons from Russia.

1278. On 19 March 2014 the defendant and I. Lutikov (representative of the "people's mayor of Mariupol", D. Kuzmenko) went to Taganrog on the instructions of the head of the city's Communist Party and met with an employee of the international relations department of the Taganrog city administration, Mr D.V. Kulichov, who took them to meet some Cossacks and their leader in Taganrog, A.V. Lovlynskyi. The Cossacks' potential help in bringing weapons to Mariupol was discussed.

1279. At the end of March and in mid-April 2014 the defendant, in Taganrog, met with Mr Kulichov, Dmytro Dmytrovych of the FSB and Mr V.V. Laptiev (head of the border guards in Taganrog city), to discuss potential weapons shipments to Mariupol. On 10 May 2014 the defendant met with Dmytro Dmytrovych in Taganrog. The latter told the defendant that weapons for seizure of power in Mariupol had already been delivered and on 24 May 2014 discussed other deliveries.

1280. On 16 May 2014 the defendant discussed with two former FSB officers plans to shell Ukrainian troops at Mariupol airport.

1281. On 21 August 2014 the defendant again met with Mr Kulichov in Taganrog. Mr Kulichov advised him to go to one of the training camps where Ukrainian citizens were trained for the liberation of Ukraine from fascists, and drove him to a camp near Rostov. The defendant received an automatic rifle and was trained by Russian servicemen there. On 26 August the defendant went back to Ukraine as part of a unit of twenty-four people, mostly Ukrainians, under the leadership of a Russian serviceman with the codename "Kyslyi" and under the overall command of Mr O. Demianenko, a colonel of the Russian special operations forces. The defendant's unit set up camp near Sakhanka in the village of Novoazovsk but only Russian Army servicemen participated in the hostilities.

1282. From 29 September to 15 October 2014 Mr Bryantsev was trained in a military camp in Russia as a T72-B1 tank commander. Afterwards the defendant served in various "DPR" units, including the Cossacks, until March 2015, and then, after a stay in Taganrog, from August to November 2015.

1283. In that period the defendant described several meetings between him and his fellow separatists and Dmytro Dmytrovych of the FSB, notably in September 2015, to ask the latter for help with getting an appointment at the "Novoazovsk administration of the DPR".

(g) Letter from the Chief Department of the Security Service of Ukraine in the Donetsk and Luhansk Regions regarding criminal proceedings no. 22014050000000084

1284. This letter, addressed to the Ministry of Justice, contains the record of questioning of three defendants in the above-mentioned criminal case (all Ukrainian citizens), on charges of treason and illegal possession and handling of weapons.

1285. In his statement of 6 August 2014 Mr V.V. Byelobrod explained that cartridges and grenades found in Mariupol belonged to him and had been given to him by the militants of the "Vostok" battalion of the "DPR". He described his participation in pro-Russian meetings in Mariupol, and discussions on seizure of power there. In April 2014 the defendant and Mr O. Nedavniy had visited Taganrog in Russia and met individuals who were introduced to the defendant as officers of the Main Intelligence Directorate of the General Staff of the Russian Armed Forces (GRU), contacted through the intermediary of Igor Girkin. They discussed possible ways of shipping weapons to Mariupol and Novoazovsk. The defendant established coded contact with them and agreed instructions on collecting information about the Ukrainian military. The defendant helped organise weapons shipments from Donetsk to the Mariupol area (with the participation of Mr Khodakovsky) and underwent military training in a camp near Rostov.

1286. In his statement of 23 October 2014 Mr O.S. Sierazhov described the same events in and around Mariupol and notably confirmed that at the time he had known that Mr Byelobrod had connections in the Russian intelligence. The defendant also described his trip to Russia for training by GRU officers, where Mr Sierazhov had also observed Mr Byelobrod communicating with an FSB officer concerning sabotage activities in Mariupol.

1287. In his statement of 7 October 2014 the defendant Mr V.V. Kilyanov described the same events in and around Mariupol.

(h) Letter from the Prosecutor's Office of the Donetsk Region regarding criminal case no. 22015050000000111

1288. This letter, addressed to the Ministry of Justice, contains the ruling of the Donetsk Regional Court of Appeal of 17 February 2016 by which it

upheld the conviction of Mr S.V. Katolevskyi by Volnovakha District Court on charges of "participation in a terrorist organisation." The court found it established that Mr Katolevskyi had served in the "Semenivskyi" battalion of the "DPR" from July 2014 to 16 February 2015.

(i) Letter from the Prosecutor's Office of the Donetsk Region regarding pre-trial investigation within criminal case no. 22018050000000152

1289. This letter, addressed to the Ministry of Justice, contains the record of questioning of the defendant in the above-mentioned criminal case, Mr Yu.O. Liekstuties, a Ukrainian citizen, on 9 August 2018 in the presence of his lawyer, on charges of "participation in a terrorist organisation." The defendant states that, after the seizure of the Donetsk Regional Administration on 6 April 2014, he had come to the building and started helping distributing food among the protesters present there. The next day the defendant had been asked to represent his hometown of Dokuchaievsk at the meeting where the "DPR" was proclaimed and the "referendum" was announced. He had then organised the referendum in Dokuchaievsk (drawing up lists of polling stations, setting up polling places, preparation of ballots). On the day of the referendum the head of the "DPR central election commission" B.O. Litvinov had told the defendant not to bother counting the ballots as the appropriate results had already been prepared.

1290. On 14 May 2014 the defendant was told that he had been designated as a deputy of the "DPR Supreme Soviet" (there had been no voting to elect him). The same happened with others. On 16 May the defendant was appointed "DPR first deputy minister of Culture and Tourism".

1291. At the end of May, new people appeared at the Regional Administration, notably Mr Borodai, Mr Rodkin, Mr Khalikov and others. Mr Borodai, "on the initiative of the Russian Federation," became the prime minister, and Mr Khalikov the prosecutor general. Mr Borodai personally took decisions on distribution of weapons brought from Russia. Everyone was listening to and afraid of him because everyone knew that he was the "hand of the Kremlin".

(j) Letter from the Prosecutor's Office of the Donetsk Region regarding criminal proceedings no. 22020050000000027

1292. This letter, addressed to the Ministry of Justice, contains the record of questioning of the defendant in the above-mentioned criminal case, Mr S.O. Pogromskyi, a Ukrainian citizen, on 5 February 2020, in the presence of his lawyer, on charges of "participation in a terrorist organisation."

1293. Mr Pogromskyi described his service in the "DPR" units from 5 July 2014. He had initially served near Horlivka and underwent military training. During training there was a Russian citizen in the camp, who had appeared when the unit received a new multiple rocket-launcher system (MRLS) Grad. The unit's commander often sent people to Russia for military

equipment. A Russian serviceman helped with targeting the Ukrainian Army positions near Horlivka which the defendant's unit shelled using the Grad system.

(k) Letter from the Chief Department of the Security Service of Ukraine in the Donetsk and Luhansk Regions regarding pre-trial investigation within criminal case no. 42016050000000891

1294. This letter, addressed to the Ministry of Justice, contains police reports submitted to the investigator for use in the above-mentioned criminal case and apparently identifying individuals potentially involved in an attack on a Ukrainian Army unit on 29 July 2014 near the village of Latysheve in the Donetsk region, which resulted in the death of ten Ukrainian servicemen and the captivity of five. The reports identify the following individuals:

- Mr Sergiy M. Velykorodnyi, a Russian citizen, "DPR deputy minister of defence" (as of the date of the report, 28 September 2016);
- Mr Eduard M. Gilazov, a Russian mercenary with the "DPR" at the time of the crime who was caught on video present at the interrogation of Ukrainian servicemen (he was later arrested and shot by the "DPR", on 27 July 2015 in Donetsk);

1295. The reports also cited five other individuals, mostly Ukrainian nationals residing in the "DPR territory" and Mr Andriy Lysychenko, whose nationality was unspecified (although he was reportedly born and living in Russia).

1296. The record of questioning of an aggrieved party in the above-mentioned criminal case, a Ukrainian serviceman, Mr V.Yu. Oliynyk, on 21 October 2015, is attached. Mr Oliynyk described how he had been taken prisoner on 29 July 2014 and repeatedly beaten by "DPR" militants.

(l) Letter from the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case no. 22016050000000214

1297. This letter, addressed to the Ministry of Justice, contains the judgment of the Slovyansk Court of the Donetsk Region of 14 December 2017 convicting Mr M.V. Filimonov, a Ukrainian citizen, of participating in the "DPR" activities. The court found it established, in part on the basis of the defendant's guilty plea, that the defendant had served in the "DPR" from 17 June 2014 to 8 October 2016. In particular, Mr Filimonov had served in the Novoazovsk district, where he stood watch on his unit's positions, having taken them over from servicemen of the Russian Armed Forces.

(m) Letter from the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case no. 220140500000000291

1298. This letter, addressed to the Ministry of Justice, contains the record of question of Mr O.P.G., a Ukrainian citizen, on 2 October 2014. The witness described his service in the "DPR" units, beginning in May 2014.

According to him, the "DPR" general staff was based at the former SBU building in Donetsk, and directives to take positions were given by "Mykhailo", a citizen of Russia, who had previously been the head of the general staff and was currently an adviser on military matters. Highly secretive Russian units, apparently engaged in UAV (drone) operations and intelligence gathering, were stationed near the "Donetsk sea" (a large artificial body of water in Donetsk).

1299. O.P.G. also stated that he, with a unit of armed men, had been in charge of redirecting money flows from markets in Donetsk and Makiivka to the "DPR" treasury. His team had, for this purpose, a meeting with the directors of the Solnechnyi market in Donetsk.

(n) Letter from the Security Service of Ukraine concerning material from criminal proceedings no. 22014000000000502

1300. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, notably the enclosed notification of modified charges of November 2018. According to the document, Mr Ravil Khalikov, a Russian citizen resident in Russia, had been notified of the suspicion of his having served as the "Prosecutor General of the DPR" from 23 May to 23 September 2014 and, as such, directing the elimination of pro-Ukrainian elements and movements in the separatist-controlled territory.

(o) Letter from the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case no. 12018050630000777

1301. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, namely the enclosed record of questioning of a defendant, Ms G.V. Smieyanova, a Ukrainian citizen, on 23 May 2018. The questioning took place in the presence of her lawyer. The defendant stated that in July 2015 she had lived in Donetsk and joined the "DPR republican guard". The defendant named three Russian military commanders in the "DPR" units whom she had encountered:

- Mr Stanislav Subotskyi a.k.a. "Subota", captain, commander of a tank battalion of the 100th Special Motorised Rifle Brigade of the "DPR";
- Mr Yurii Slepakov a.k.a. "Klin", captain, executive officer of a tank battalion of the 100th Special Motorised Rifle Brigade of the "DPR";
- Mr Andrii Skorodumov a.k.a. "Hnutyi", major, first deputy executive officer of a tank battalion of the 100th Special Motorised Rifle Brigade of the "DPR".

(p) Letter from the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case no. 22015050000000265

1302. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, namely the enclosed (i) extract from the Register of Criminal Investigations and (ii) letter of 5 June 2015 from the head of the counterintelligence unit of the SBU Directorate in the Donetsk Region to the head of the Directorate, on the basis of which the respective entry in the Register of Criminal Investigations was apparently made.

1303. The letter states that the counterintelligence unit had identified the coordinator of the "DPR" sabotage and reconnaissance groups and the network of their undercover agents. They believed this coordinator to be Mr Renat I. Biktagirov, a Russian citizen resident in Samara, probably belonging to the GRU. The letter also identifies two Ukrainian citizens working for Mr Biktagirov as undercover intelligence operatives.

(q) Letter from the the Prosecutor's Office of the Donetsk Region regarding the pre-trial investigation within criminal case no. 22018050000000101

1304. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, namely the enclosed record of questioning of a witness, Mr S.S.P., a Ukrainian citizen, on 19 May 2018. In December 2014 the witness had joined the "DPR" as a KAMAZ truck driver, working in a unit stationed near the village of Bezimenne in the Novoazovsk district. After two weeks in service the witness had started regularly, three times a week, driving his truck to Rostov in Russia, crossing the border at the settlement of Markyne, and returning with food provisions for his "DPR" military unit. He had served until 15 April 2015 and had then resigned and moved to the government-controlled territory.

(r) Letter from the Chief Directorate of the Security Service of Ukraine in the Donetsk and Luhansk regions regarding criminal proceedings no. 12014000000000290 UGSSM

1305. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, in particular the enclosed notifications of suspicion (charges) addressed on 1 August 2014 to three Russian citizens residing in Moscow:

- Mr Konstantin Malofeyev was charged with organising, in March to July 2014, the purchases of arms, ammunition and military supplies for the illegal formation "Narodne opolchennia Donbasu" (People's militia of Donbas, PMD), which had then been illegally brought into Ukraine through partially uncontrolled border points. This was done through organisations Mr Malofeyev controlled, the investment company "Marshal Capital" and the charity foundation of St Basil the Great. Mr Malofeyev thus acted as an

instigator in a number of attacks committed by the "Oplot" battalion of the PMD, led by Oleksandr Zakharchenko, in April to July 2014, notably: attacks on the Ukrainian Armed Forces and the National Guard, and robberies of petrol stations, car dealerships and bank branches;

- Mr Sergei Shoigu, the Russian Minister of Defence, was charged with having directed the members of the Russian Armed Forces to take part in the creation of the above-mentioned illegal armed formations and supplying them with weapons and equipment and thus contributing to the above-mentioned series of attacks;

- Mr Sergey Mironov, member of the State Duma and leader of the "Spravedlivaya Rossiya" (Just Russia) party, was charged with having entered, in February to May 2014, into a conspiracy with Mr Vitaliy D. Bolotov (who had created the "LPR"), to finance that entity. This had been covered up by the Just Russia's presidium's decision of 22 May 2014 to provide "material aid" to the "brotherly peoples" of the "DPR" and "LPR". Mr Mironov had used the charity organisation "Spravedlyva dopomoga" (Just Aid) and its bank accounts to direct financing to the "LPR" and cover it up. On 10 June 2014 Mr Mironov, speaking before the State Duma, had called for the creation of a "corridor" to the Luhansk region, thus trying to secure an unfettered possibility of financing the "LPR".

(s) Letter from the Chief Directorate of the Security Service of Ukraine in the Donetsk and Luhansk regions regarding the pre-trial investigation within criminal case no. 22015000000000001

1306. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, notably the enclosed notifications of suspicion (charges) addressed on 1 August 2014 to Mr Gleb L. Kornilov, a Russian citizen residing in Moscow. According to the charges, Mr Kornilov was the head of the organisation "Fond pomoshi bezhentsam, sootechestvennikam i russkoyazychnomu naseleniyu 'Svoikh ne brosaem'", which used the short name "Fond pomoshchi Novorossii I Donbassu" (long name in translation "Foundation for Assistance to the Refugees, Fellow Countrymen and Russian-Speaking Population 'We Do Not Abandon Our Own'", short name "Foundation for Assistance to Novorossiya and Donbas"), registered with the Moscow inspectorate of the Federal Tax Service on 6 August 2014.

1307. Mr Kornilov had used the organisation's bank account at Sberbank in Moscow to collect funds for the purchase of military uniforms and supplies, military-use personal protection equipment, radio communications equipment and medicines which would then be transferred to the "DPR" armed structures. The charges list the goods allegedly supplied by Mr Kornilov in 2014 to I. Girkin, P. Gubarev, A. Pavlov ("Motorola"), M. Tolstykh ("Givi"), O. Mozgovyi "and others": body armour, Kevlar

helmets, radio stations, drones, night vision equipment, unforms, tactical clothing and so on.

(t) Letter from the Prosecutor's Office of the Donetsk Region regarding criminal proceedings no. 12015050000000836

1308. This letter, addressed to the Ministry of Justice, contains permission to disclose material from the above-mentioned criminal case, in particular the enclosed records of questioning of the defendant, Mr O.S. Pavlov (a Russian citizen), on 11 February and 18 May 2016. The defendant was questioned in the presence of his lawyer.

1309. According to his statements, the defendant had joined the "DPR" unit "Cossack Union of Don Army" in Donetsk on 24 November 2014. In early February 2015 the defendant and several of his teammates were detailed to Uglegorsk in the Donetsk region to guard two officers (Mr Pavlov was told by his superiors that they were a Russian general and a Russian major). In Uglegorsk the defendant also saw a column of vehicles (twenty tanks, twenty BMP-2s and five medical vehicles) going in the direction of Debaltseve. The defendant understood the column to be Russian since the drivers and fighters in the vehicles had Asian-looking eyes and darker skin characteristic of the residents of Russia's eastern regions. The defendant served until 1 March 2015 and then resigned and left for the government-controlled territory.

5. Resolutions granting permission to disclose information from the pre-trial investigation

(a) Resolution of 5 November 2020

1310. Attached to this decision of the Kramatorsk prosecutor's office is a record of questioning, on 8 August 2014, of a witness in criminal proceedings no. 12014050390001007, Ms K.O.M., a Ukrainian citizen. The witness, a resident of Kramatorsk, had visited the city council on 13 April 2014 after its seizure. She listed the call signs and other details of twenty-three people who were occupying the city council building, a group called "Volchya sotnya" (Wolf's Hundred). She stated that one of them was from Crimea and seven from Russia, notably the leader of the group, Yevgeniy Ponomaryov (call sign "Dingo"), who was from Belorechensk (apparently a city in the Krasnodar region of Russia), his close associate Maksim from Ryazan in Russia (call sign "Fiks") and Igor (call sign "Grom" – Thunder), also from Belorechensk, who, the witness said, was in charge of "gumanitarka" (humanitarian aid, that is supply of weapons, ammunition and uniforms), and two others from Belorechensk (Aleksandr Mazhayev and Dermandzhi Shamsi, whose girlfriend the witness had become).

1311. The witness stated that she had heard from others that the Wolf's Hundred were either sent by or would be admitted into the GRU. She had also

heard that a member of "Pravyy Sector" had been caught in Slovyansk and shot but she did not know the exact circumstances.

(b) Resolution of 10 November 2020

1312. Attached to this decision of the Kramatorsk prosecutor's office is a record of questioning of a victim in criminal proceedings no. 12018050380000850, Mr V.K.S. (see summary of this witness statement at paragraph 1378 below).

F. Witness statements and records of questioning

1. Witness statements

(a) Civilians in relevant areas in Eastern Ukraine

(i) E.F.A.

1313. The witness, a resident and driver in Luhansk, stated that he had been detained on 21 March 2018 by members of the "LPR" ministry of security and beaten and tortured by them. He was charged with and eventually, on 11 April 2019, convicted by the Supreme Court of the "LPR" of "treason" to twelve years and two months' imprisonment. He was exchanged on 29 December 2019.

(ii) Y.M.A.

1314. The witness is a Ukrainian national who worked as a farmer in the Luhansk region. He stated that he had been captured on 6 June 2014 by "LPR" forces when he had stopped at the Makariv checkpoint near Stanytsia Luhanska, controlled by Gennadiy Ivanovych Chornousov and Volodymyr Mykolayovych Belousov (the head of the Stanychno-Luhanske district Council). He had been pulled out of his car and beaten until he lost consciousness. He had awoken in a cellar in the village of Pionerske. On 14 June 2014 he had been transferred to the cellar of the Machine-Building Institute in Luhansk, where a group of "terrorists" ran the place under the leadership of Oleksandr Oleksandrovych Bidnov (known as "Batman"). He had remained there for a few months. He stated that during the period of captivity from 6 June 2014 until 29 December 2014, he had been a witness to numerous beatings, malicious insults, tortures, and rapes of prisoners with whom he had been detained in the cellar of the Machine Building-Institute, and had also been a victim of such treatment.

(iii) L.O.B.

1315. The witness, a resident of Donetsk, stated that she had been captured on 22 February 2019 by four men from the "DPR" Ministry of State Security in civilian clothes. She had been taken to the Ministry building and,

after her "interrogation", to the "Izolyatsiya" detention facility. She was threatened with bodily harm during her detention and interrogation, in particular by a militant with the call sign "Ded". She stated that she had not been injured. She had been charged with and convicted on 13 August 2019 of espionage by the Supreme Court of the "DPR".

(iv) D.V.B.

1316. The witness stated that on multiple occasions he had been tortured while he was detained at the "Izolyatsiya" detention facility (including one instance of electric torture with "Tapik", and beatings as a result of which he had suffered five rib fractures). The witness also stated that a Russian citizen had questioned him using a "lie detector" and that he had heard from the prison guards that multiple military vehicles were brought to "Izolyatsiya" from the Russian Federation.

(v) O.O.B.

1317. The witness is a Ukrainian national, who worked as a staff member for the newspaper *Hornyak* ("Miner") in the town of Torez (Donetsk region) in 2013 and 2014. She stated that non-Ukrainian militants had started to arrive in the Donetsk region between 5 May and 5 June 2014. In particular, a large military convoy had passed through, which had turned out to be a column of "Kadyrovtsy". She had also witnessed military machinery which did not belong to the Armed Forces of Ukraine passing near her newspaper's office.

1318. She stated that at the end of April 2014 separatists had visited the newspaper officers and demanded that an announcement about the separatist referendum be published but that that request had been refused. On the night of 5-6 May 2014 the offices had been ransacked. On 6 June 2014 the office of the newspaper had been set on fire, after which they had stopped publishing.

1319. She further stated that on 5 June 2014, several roadblocks had been placed in nearby cities by the "DPR". She had passed one of those roadblocks with a colleague (pretending to be a couple, but in fact in order to transport newspaper material to another city for printing) and believed, from their speech, that the people manning the roadblock were Russian.

(vi) S.I.C.

1320. The witness is a Ukrainian national. He stated that, in early May 2014, pro-Russian public organisations, such as "Shield" together with the "Don Cossacks", had patrolled Pervomaisk city. At that time, appeals for armed resistance and appeals to President Vladimir Putin for the introduction of the Russian Armed Forces into the territory of Ukraine, as well as demands to hold a referendum on the basis of the "Crimean" scenario, had already began to be made.

1321. He stated that local criminal elements and a member of the Ukrainian Parliament from the Party of Regions, Oleksandr Efremov, had had a role in the development of events, in particular the seizure of administrative buildings by separatists. He also stated that people had been brought from Russia to participate in pro-Russian meetings, claiming in particular that Vladimir Timofeev ("Babai"), commander of the division in the 1st Cossack Regiment named after Platov, had "organised the transportation of people to 'Anti-Maidan'" from the Belgorod region, Russia, where he had lived for a long time".

1322. He stated that in the spring of 2014, a meeting had been held by the Pervomaisk city council "with the participation of a deputy from the regional council of Luhansk region", Oleksandr Ivanovych Golub, who had urged the city council deputies to conduct "correct voting" after the 2014 presidential elections.

1323. He stated that in June 2014, the armed hostilities had started around the city, as well as in the separatist strongholds in the city itself, and active construction of fortifications (trenches and dugouts) began. The work had been forcibly carried out by local drug addicts, alcoholics and other marginalised people. Many pro-Ukrainians had been imprisoned in the basement of the military commissariat.

1324. He further stated that in the autumn of 2014, he had visited the occupied city of Pervomaisk several times and seen people along with local leaders of "terrorist" combat units arriving in military uniforms, obviously not local, with foreign registration numbers on special equipment.

(vii) O.O.D.

1325. The witness stated that on 17 February 2017, while living in Luhansk, he had been taken captive by three armed men dressed in black military uniforms without any insignia. He had then been taken to the Luhansk city police department, where he had been beaten and tortured with electricity (the torturers, "LPR" militants, called the torture device "Tapik"). When he regained consciousness, he had been taken to the Leninskyi District Department of Internal Affairs. He stated that owing to the fact that he had been severely beaten, the prison staff had not wanted to accept him but after a while he had been placed in a single occupancy cell in the facility, where he had stayed for about fifteen days. He added that he had received no medical care. He further stated that after fifteen days, he had been tortured (hung up while handcuffed and electrocuted and kicked) on the premises of the "LPR" ministry of state security by people whom the witness considered to be Russian military servicemen or FSB officers because of their accent. About two months later, he had been indicted for "treason and participation in a criminal group" and, in August 2019, sentenced to thirteen years' imprisonment by an "LPR military court".

(viii) V.O.D.

1326. The witness stated that on 17 February 2017 he had been arrested by armed men dressed in military uniforms without any insignia. He stated that he had been tortured by representatives of the "LPR" ministry of state security in similar circumstances to those mentioned by O.O.D. (see paragraph 1325 above).

(ix) I.A.D.

1327. The witness stated that on 5 February 2017, while living in Pervomaisk (Luhansk region), he had been captured by unknown persons in military uniforms, allegedly belonging to the People's Militia of the "LPR". He stated that, upon arrival at the home of his friend, he had been beaten for an hour (on his way there he had also been beaten, and some of his teeth had been knocked out with a gun barrel). Later, together with his friend (who was also arrested), the witness had been taken to the Stakhanov police department of the "LPR" and then to the "LPR" ministry of state security. He had been interrogated about his suspected cooperation with the secret services of Ukraine. He had stayed in a basement for one year and four months and had been systematically beaten and tortured (electrocuted on the tongue, fingers, ears and other body parts, and hung up on the wall with handcuffs). He stated that the torture had lasted for four months and that the torture basements had been supervised by an officer from the Federal Security Service of the Russian Federation called "Semen" and the torture itself had been supervised by an FSB employee nicknamed "the butcher". The witness stated that he had learned from a fellow prisoner, a former "LPR" militant, that torture was inflicted by trainees from the Voronezh and Rostov Institutes of the FSB. The witness had been charged with "creation of an organised crime group, banditry, terrorism, storage and bearing of weapons and ammunition, attempted kidnapping, sabotage and demolition" and sentenced to twenty years' imprisonment.

(x) R.V.H.

1328. The witness, a Ukrainian citizen, stated that on 16 October 2017 a group of fifteen to twenty armed men had captured him at his home and taken him to the "DPR" ministry of state security and that he had been repeatedly beaten during interrogations. He further stated that he had later been transferred to "Izolyatsiya", where he had been subjected to torture and forced labour. According to his statement, on 2 August 2018 he had been transferred to the Makiivka penal colony, where he had remained until 27 March 2019, after which he had been transferred to the Donetsk pre-trial detention facility. On 17 May 2019 he was sentenced to eleven years' imprisonment by a "DPR" court.

(xi) T.O.H.

1329. The witness, a Ukrainian citizen, was an entrepreneur in Donetsk. She stated that on 31 May 2016, her friend (apparently R.Y.P., see paragraph 1375 below) had been detained by a unit of the "DPR" ministry of state security. She stated that she had been contacted by a person introducing himself as a representative of that ministry who offered to meet with her in order to ask some questions about her friend. As the witness met him in his car, she had seen her friend, who showed signs of physical violence.

1330. The witness stated that she had been questioned by a ministry of state security employee named Slavik who had a pronounced Russian accent. She stated that she had initially been let go but when she had gone back to the ministry of state security on 2 June 2016 on Slavik's orders, she had been taken to an empty office, where an unknown man had hit her on the head and ordered her to write what she knew about subversive activities against the "DPR". About twenty minutes later, another unknown person had come and hit her several times in the face. According to her statement, they had put a plastic bag on her head, and she had later been taken to "Izolyatsiya". Upon arrival there she had been taken down to the basement, where she had been taped to a chair, while still wearing the bag. She stated that during the questioning, she had been subjected to electroshocks, threatened with murder and rape and severely beaten. Her statement indicates that throughout her deprivation of liberty, the conditions of detention were cruel. She stayed in "Izolyatsiya" until 29 August 2017. She was charged with "espionage" and sentenced by the Supreme Court of the "DPR" to fourteen years' imprisonment and released on 29 December 2019.

(xii) Y.Y.H.

1331. The witness, a Ukrainian citizen, was a resident of Donetsk city. He stated that on 17 February 2017, he had been approached, in the Donetsk railway station square, by a man dressed in a military uniform with identification insignia of the "DPR" special operations regiment Vityaz. He had asked to show ID and detained on the pretext that the Ukrainian passport he had shown was fictitious. He stated that he had been taken to the Vityaz offices and severely beaten there. According to his statement, during his beating, he had given the "necessary testimonies". He had stayed there until 23 February and was subjected to periodic beatings. He had then been transferred to the "DPR" ministry of state security. During his interrogation there, his head had been covered with a plastic bag and he had been beaten again. He had then been taken to "Izolyatsiya". He stated that until 24 April 2017, he had periodically been taken back to the ministry of state security and interrogated and beaten. On that day, he had been transferred to pre-trial detention facility no. 5. In April 2018 he had been indicted for committing attempted "espionage". In August 2019 the Supreme Court of the "DPR" had

sentenced him to seven and a half years' imprisonment. He was released on 29 December 2019.

(xiii) O.M.H.

1332. The witness, a Ukrainian citizen, was working in the State Property Fund of the "DPR" as head of human resources. She stated that, on 18 July 2017, when she went to the "DPR" ministry of state security to present some economic reporting, she had been invited to a "conversation" with several ministry officers. They had interrogated her for more than four hours, applying psychological pressure. She stated that, about five or six hours later, when the interrogation was over, she had been taken first to her home and then to "Izolyatsiya". She had not been physically abused during her detention but declared that she had been subjected to "psychological influence". She had seen two other female detainees, M.Y. (who was a blogger) and O.M., being repeatedly beaten and tortured with electric currents. According to her statement, on 26 March 2018 the witness was transferred to a pre-trial detention facility where she stayed until 20 April 2018. On that day, she was taken to Snizhne penal colony. She stated that sanitary conditions were normal at "Izolyatsiya" and the penal colony, but very poor in the pre-trial detention facility. Because of her health problems, she was not subjected to forced labour but stated that others had carried out a full range of housekeeping operations in the detention facility. She was released on 29 December 2019.

(xiv) N.I.K.

1333. The witness, a Ukrainian citizen, is a teacher. In 2018, she resided in Shakhtarsk (Donetsk region, controlled by the "DPR") and started posting images of Ukrainian writers, poems, and images of Ukrainian symbols around town. She stated that on 4 April 2018, two unknown persons had come to arrest her and before they entered her house, she had managed to destroy two mobile phones, Ukrainian postcards and Ukrainian flags with the signatures of servicemen and to hide personal documents and military insignia. She had then gone out and asked who they were and what they were doing. According to her statement, they replied that they were from the Torez department of the "DPR" ministry of state security. They handcuffed her, put a bag over her head and took her to the ministry building in Torez. She stated that, during her interrogation, she had been hit in the face. She further stated that when she did not reply to the questions, she had been tortured (handcuffed behind her back, hung from a hook and lifted, a form of strappado). As a result, she lost consciousness. She was then taken to Donetsk and handed over to persons who said "welcome to hell". She said that she had been pushed into the basement. She stated that, during the interrogation, possibly by the agents of the Russian FSB (because of their speech), she had been hit on the head and

on the ear. On 19 December 2018 an indictment was drawn up against her. On 7 June 2019 the Supreme Court of the "DPR" sentenced her to twelve years' imprisonment. She was detained in Donetsk pre-trial detention facility at Snizhne women's colony. She was released on 29 December 2019.

(xv) I.M.K.

1334. The witness is a Ukrainian national who worked as a private entrepreneur in the city of Durzhkivka, during the spring of 2014. She described several events starting in the autumn of 2013 in Druzhkivka. She stated that the events had begun with aggressive acts by pro-Russian activists against pro-Ukrainian activists which had led to mass robbery and pillaging and, eventually, to Russians and Caucasus natives (Chechens) arriving in the city on around 10 June 2014.

1335. She claimed that a torture chamber had been arranged by separatists in the yard of the local council building, where people who did not agree with the events had been sent to be tortured and killed. At some point, the separatists had started to build checkpoints around the city. There, she had noticed a large group of Chechens. She described how the Chechens had been handled with great respect by the militants.

1336. Enclosed with her statement was an article to which she referred, published on the Ukrainian online information site Liga.Net on 12 February 2016. The article was based in part on an interview with her and contained photographs from the torture basement she described.

(xvi) A.V.K.

1337. The witness is a Ukrainian national, who, prior to the unrest in Eastern Ukraine, worked as the Deputy at the Department of Internal Policy of the Donetsk Regional State Administration. He stated that he had been illegally detained by representatives of the Ministry of State Security of the "DPR" from 25 July until 24 September 2014. He said that he had been interrogated multiple times (in particular concerning his service in the Security Service in Ukraine prior to his retirement in 2007), during which he had been verbally threatened but never physically ill-treated. He had on one occasion been interrogated by two officers of the FSB together with three officers of the "DPR".

1338. He stated that he had been detained in poor conditions, with one meal per day, and had been forced to do physical labour (loading and unloading trucks with ammunition).

(xvii) A.V.K.2

1339. The witness worked as a warder at penal colony no. 32 in Makiivka. He stated that the "Vostok" and "Oplot" battalions had been the first separatist battalions to come to the city on 1 June 2014 and that the Russian

Orthodox Army had a base in Makiivka. He further stated that on 21 June 2014 his car had been taken by a group of persons in camouflage clothing with assault rifles, who declared that it was being taken for "DPR" needs. According to his statement, he was taken from his home by four men introducing themselves as "Oplot" representatives, including Oleg K., whom the witness recognised from photos on social networks. He stated that, on arrival at HUBOZ (a building which used to be occupied by the city's organised crime fighting unit), he had been hit with a rifle butt, bludgeoned, punched and kicked by Oleg K. and someone named "Salat" and that they had broken his left rib and caused bruises. He had then been questioned and shown documents from his work and a membership card of the Batkivshchyna political party[2] discovered in his car. The witness stated that another person, named Sasha, had been brought into the room where he was being held. "Salat", the head of "Oplot" in Makiivka, and fifteen other persons were present. According to his statement, Salat shot another person named Sasha in the leg three times with a TT pistol. He stated that he had been bound, humiliated and threatened that his eyes would be poked out. Shots were fired near him and he was later shot in the hip and beaten. He was told that the car was not enough payment to save his life. According to his statement, he was taken to his parents' house, where he was forced to give them UAH 60,000 of his savings.

1340. The witness stated that they had then been driven to Horlivka. On the way, his captors threw Sasha into a pit. According to his statement, during that time he was given no medical help or attention. He stated that he had then been taken to Mr Bezler at HUBOZ in Horlivka into a basement measuring 6 by 3 metres, where there were other captives and mutilated dead bodies with hands tied behind their backs. He was stripped and cut with a knife.

1341. The witness said that a professional and calm but hooded person had then come in carrying a very specific weapon the witness had never seen before but could draw. According to the witness, this person was from the Special Forces of the Russian Federation. Mr Bezler behaved with great deference towards him. After the man had spoken to Mr Bezler, the witness and another detainee of the basement were brought out and put in the car of an associate of the "DPR" press service. He said that, after staying in a garage where more representatives of the "DPR" were present, he had been put in the back of a minivan and brought back to Mr Bezler's basement. On the way there a militant had sat on him in the minivan and twisted a gun barrel in his hip gunshot wound. While in the basement, the witness had seen a detained pastor from Dnipropetrovsk, S.P. He stated that those who had been alive in the basement the previous time had been killed in front of the pastor's eyes.

[2] A Ukrainian political party, led by Ms Y. Tymoshenko, which supported the Maidan protests.

1342. According to his statement, for the next four days the detainees, including the witness, were without food or water. Other prisoners brought in were I.B., a volunteer from Poltava who said that she had been engaged in bringing food supplies and evacuating victims; she had been captured by Cossacks a week before. The witness stated that on 24 June 2014, Mr Bezler had shot R.K., head of the Druzhkivka Investigation Department, in the leg. The witness also said that, another person, S.G., who already had bruises when he was brought in, had been captured because he had participated in Maidan protests.

1343. The witness stated that he had been regularly beaten, and that after a time his leg had started "rotting away" but he had managed to get some help to clean the infected areas from other detainees. He also stated that he had been made to help take away corpses of executed persons on several occasions.

1344. He said that, on an unknown date, he had been transferred to another basement, where he had witnessed Chechens executing nine to fifteen people every night. In the courtyard of their compound, he saw about twenty stolen cars of expensive brands, like BMW and Mercedes.

1345. The witness stated that he had been brought back into Mr Bezler's captivity, where he had been forced to work. In particular, he had twice participated in unloading white Russian KAMAZ trucks which he understood to be from the Russian "humanitarian convoys". He said that he had seen multiple rocket launchers and mortar ammunition among the cargo.

1346. The witness stated that a Russian general had come to the HUBOZ base where he was detained and had made some changes, with militants being put in barracks; the premises had become cleaner and salaries were given to the militants, in roubles.

1347. The witness stated that his release had been secured by his family who had negotiated with Russia for a long time through the FSB.

(xviii) A.A.K.

1348. The witness, a Ukrainian citizen who at the time lived in Donetsk, stated that he had been detained on 16 October 2017 by people who had introduced themselves as employees of the "DPR" ministry of state security. He had been beaten at the time of his arrest and transfer. He said that after interrogation under torture on the ministry of state security premises about his alleged cooperation with the Ukrainian security services, he had been transferred to "Izolyatsiya", where he had met two Russian nationals, one a prison guard and another a ministry of state security employee. According to his statement, the conditions of detention were terrible (including not enough beds and space, intermittent supply of water, no heating, staying in the basement with no walks allowed, and forced labour). He was eventually convicted of "espionage" by a "DPR court" and released on 29 December 2019.

(xix) R.V.K.

1349. The witness is a Ukrainian citizen. He stated that prior to his captivity by the "LPR" ministry of state security, he had worked as a driver who regularly crossed the contact line. He said that on 10 July 2018 he had been invited to the "LPR" ministry of state security and charged with "treason". The interrogator had threatened his family and he admitted having cooperated with the Ukrainian secret services. He stated that he had been placed in a cell with no toilet or water, together with ten other people. He was released in an exchange on 29 December 2019.

(xx) D.V.K.

1350. The witness, a Ukrainian citizen, used to live in Yasynuvata, Donetsk region. He said that on 29 August 2016 he had been arrested by the "DPR" ministry of state security and that the people who had arrested him wore uniforms with "DPR" and "Russia" chevrons and the Russian flag. He stated that he had been put on the ground and kicked during his transfer to the ministry of state security premises. There he had been injected with a substance which he believed had prevented him from falling asleep for days. He said that he had been interrogated and beaten and tortured with electricity, and that his teeth had been pulled out with pliers. On 3 September 2016 the witness was taken to "Izolyatsiya", where he was beaten on the body, arms and legs almost every day and regularly tortured with electricity. He was charged with "terrorism" and "sedition against the DPR", among other alleged offences. On 29 November 2016 the witness was transferred to the Donetsk SIZO and then to a correctional colony in Makiivka. He was released on 29 December 2019.

(xxi) A.M.K.

1351. The witness is a Ukrainian national, who worked as the leader of a local political party in Lysychansk in the Luhansk region and as head of the public organisation "Association of entrepreneurs of the southern part of the city" in 2013. He stated that in the autumn of 2013, he had received a telephone call from an unknown man introducing himself as a representative of Ukrainian Choice, an organisation associated with Viktor Medvedchuk. The man had invited his association to join several events, rallies and protests in eastern Ukraine and Crimea in the spring of 2014. The witness explained that it was not until spring 2014 that he had understood the meaning of the conversation and invitation about holding pro-Russian meetings, territorial claims against Ukraine and the legalisation of the occupation of Donbas. He had declined the invitation.

1352. The witness stated that in April 2014, he had organised several pro-Ukrainian meetings but that, after notification of one of the meetings had been registered the Lysychansk City Council, hundreds of people had

attacked the participants with bats and knives. He said that "the buses in which these people were brought carried number plates from the Donetsk, Kharkiv and Luhansk regions. Pro-Ukrainians were beaten up by pro-Russians. Two weeks later, armed people arrived in the city, settled in the office of the Communist Party of Ukraine and called themselves the Cossacks who come from Russia."

(xxii) K.V.K.

1353. The witness is a Ukrainian national. He stated that Russian nationals from the Rostov region had arrived in Mariupol between 1 to 3 March 2014. He had known that they were from Rostov because of their accents, which he said he knew well from having lived there. He also stated that their identity had been disclosed from the fact that they had carried Russian flags and had asked for directions in a way that showed that they had no knowledge of the city. With regard to events on 3 March 2014, he stated that unknown individuals had first appeared in civilian clothes and that more and more of them had arrived. Then persons in military uniform had appeared. He saw one commander lead the capture of the local council. The commander was there with the guard, gave orders and, ten minutes before the beginning of the storming, got in the car and left.

(xxiii) O.V.K.

1354. The witness was arrested by the "DPR" ministry of state security on 20 July 2017 on suspicion of cooperation with Ukrainian intelligence. He stated that he had mostly been detained in a basement at "Isolyatsiya" in Donetsk. The witness stated that he had later published pictures from the inside of "Izolyatsiya", including one of a torture chamber. According to his statement, there was constant video and audio surveillance in the cells and no telephone calls or visits were allowed.

1355. The witness said that he had been repeatedly questioned, constantly beaten during questioning, and on one occasion tortured with electric shocks to his genitals. After the torture the witness had been made to stand in a stress position called "Lastivka" for hours.

1356. The witness stated that, while in prison, he had met a Russian citizen who had fought for the "DPR" with the nickname "Olyenyevod" who told him that he had worked for the Russian FSB in Chechnya but had been promised a better salary and service time in Donbas, where he worked for a military unit. After a conflict with the "DPR" ministry of state security he had been detained. The witness overheard the guards speaking about visits from "feysy". He said that this was how the Russian FSB officers were referred to.

1357. The witness said that the commandant of "Izolyatsiya", nicknamed "Palych", abused prisoners and forced women prisoners to have sex with him.

1358. The witness stated that he had been forced to work every day without holidays from 6 a.m. to 8 or 9 p.m. The work included cleaning of the territory, the militants' cars, military equipment, work on a prison farm, and cleaning a recreation centre of the "DPR" ministry of state security.

1359. The witness stated that on 27 April 2018, he had been transferred to the Donetsk SIZO, where conditions had been comparatively better but overcrowded (three people for an area of 8 sq. m) and bad food. He stayed there until 24 September 2019. He said that an OSCE representative had been able to visit the SIZO once and speak to a fellow prisoner. He stated, however, that everyone knew that complaining to the OSCE would have bad consequences, such as the denial of inclusion in a prisoner exchange.

1360. The witness was released in a prisoner exchange on 29 December 2019.

(xxiv) O.V.L.

1361. The witness is a Ukrainian citizen and the wife of A.A.K. (see paragraph 1348 above). She said that she had been arrested at the same time as her husband and detained at "Izolyatsiya" in horrible sanitary conditions (insufficient number of sleeping places, usually two meals a day but sometimes only one and sometimes none, no heating in the basements with only one five to twenty-minute walk outside daily), and then at the Donetsk SIZO and Snizhne penal colony.

(xxv) B.V.L.

1362. The witness worked at the State Border Guard Service of Ukraine. As regards hostilities at the Marynivka checkpoint in the Donetsk region on 5 June 2014 and possible cooperation between the Russian Federation and the "DPR", he stated that according to operational data, on the same day, a column of "terrorists" had gone from Donetsk towards their checkpoint in order to capture their positions. The column consisted of one APC, five KAMAZ, one Ural, two minibuses and several cars. He said that a battle had begun and lasted for about an hour and a half and that during the battle, part of the "terrorists" had dropped back into the territory of the Russian Federation, and another part had moved rearwards in the direction of the town of Snizhne, Donetsk region. According to his statement, on 5 June 2014 the shelling had been conducted from Russian Federation territory.

(xxvi) A.V.M.

1363. The witness is a Ukrainian citizen. She stated that she had been detained by the "LPR" police on 8 February 2018 for posting pro-Ukrainian leaflets in Luhansk, where she lived at the time. According to her statement, her flat was searched and USD 50,000 in cash was seized, half "officially" confiscated for the "LPR" and the other half taken without a receipt and

disappeared. The witness was questioned by the "LPR police organised crime unit" about possible links with the Ukrainian intelligence services. She said that she had been pushed, pressured and not allowed to go to the toilet. She stated that she had once been questioned by an "LPR" representative with a Caucasian appearance and a pronounced Russian accent who said that he used to work in the "Transdniestrian republic" and "put things in order there". She was released on 29 December 2019.

(xxvii) S.O.N.

1364. The witness is a Ukrainian citizen who at the time lived in the "DPR"-controlled territory. He stated that on 18 September 2016, he had been on his way from Donetsk to Russia to visit his father who lived there. He had been stopped by the Russian border guards and then questioned by the Russian FSB officers about his alleged work for the Ukrainian secret services against the interests of Russia and the "DPR". He said that he had been taken to what he believed was the building of the FSB office in Taganrog, Russia. There he had been interrogated by people in balaclavas whom he believed to be "DPR" representatives since they had asked him why he was not fighting for the "DPR" while "their boys" were dying. He stated that he had been beaten and subjected to water torture. Afterwards he had been detained in a Russian temporary detention facility under false reports charging him with public drunkenness and attempted escape. The witness was then transferred to a facility, where he was handcuffed with a bag over his head and supervised by armed FSB officers. He stated that on 8 October 2019, he had been transferred to "DPR" ministry of state security officers at the Matveev Kurgan border crossing. The witness further stated that he had been taken to the ministry of state security building in Donetsk and interrogated, while being beaten and subjected to threats to him and his family. After being detained at various places in Donetsk (including the SIZO) the witness was sentenced to 14 and a half years' imprisonment by a "DPR" court for "spying" and was released on 29 December 2019.

(xxviii)D.A.O.

1365. The witness is a Ukrainian citizen who at the time lived in the "LPR"-controlled territory. He stated that he had been arrested in his home by the "LPR" ministry of state security on suspicion of "spying" for Ukraine and detained at its building. He said that he had then been detained in other detention places, where the conditions of detention were poor. He was eventually sentenced by "LPR" court to twelve years' imprisonment and released on 29 December 2019.

(xxix) S.M.P.

1366. The witness is a Ukrainian citizen and prior to his captivity he lived in Bakhmut in the government-controlled territory but regularly visited his flat in Horlivka, in the "DPR territory". He stated that on 13 January 2017 he had been taken into custody by the "DPR" ministry of state security for taking pictures of Horlivka. He said that he had been questioned about his pro-Ukrainian position, including his prior participation in pro-Ukrainian unity meetings, and social media posts. According to his statement, during questioning he was punched and kicked. The witness considered that two Russians had participated in this interrogation, based on their speech and their knowledge of the situation in Russia. He said that he had not seen them as throughout the questioning he had a plastic bag on his head. He stated that afterwards he had been transferred to "Izolyatsiya", where he had been tortured with electricity and put in a stress position called "lastivka". As a result, he had to falsely confess that he had cooperated with the Ukrainian intelligence. He said that after being kept in horrible conditions, he had been convicted by a "DPR" court and eventually released on 29 December 2019.

(xxx) K.S.P.

1367. The witness is a Ukrainian citizen who prior to his arrest lived in Horlivka. He said that he had been arrested on 16 November 2017 and taken by "DPR" ministry of state security officers to the former SBU building in Horlivka. Among those who took the witness there were two locals and a Russian serviceman with the call sign "Rumyn". The witness stated that this person had interrogated him about his alleged cooperation with the Ukrainian intelligence and used physical violence. The witness was eventually convicted of "espionage" by a "DPR" court and held in Makiivka penal colony until his release on 29 December 2019.

(xxxi) S.S.P.

1368. The witness worked as the head of the public organisation "Civil Society" in Stakhanov (Luhansk region) in 2014. He stated that at some point pro-Russian activists had started printing pictures of pro-Ukrainian-minded individuals with the inscriptions "fascists" and "Nazis" and had disseminated them among the population. According to his statement, as a result, those speaking at meetings and patriots were caught, taken to an unknown location and tortured (beaten or cut with knives). For example, such torture had been endured by the witness's friend Y.S., who worked in the city's communications division.

1369. The witness also stated that he had been captured, detained and ill-treated between 31 July and 28 August 2014 by "LPR" officials. He said that, during detention, he and his friend had been severely beaten, threatened with execution, and once used for a mock shooting. The witness said that he

had only received food five times during his detention. He was released on 28 August 2014. He also stated that he had seen the murder of a lawyer while in detention.

(xxxii) O.P.R.

1370. The witness is a Ukrainian citizen, who used to live in Donetsk and then moved to the government-controlled territory. He stated that he had been detained on 23 July 2017 by the "DPR" ministry of state security at a checkpoint on the contact line while trying to enter the "DPR"-controlled territory. He said that he had been severely beaten by the ministry representatives while in detention. After initial detention at the ministry building, the witness stated that he had been detained at "Izolyatsiya".

1371. According to his statement, there was a constant fear at "Izolyatsiya" and the prisoners were repeatedly beaten and were constantly hungry. He said that the so-called ombudsman of the "DPR", Dariya Morozova, knew of such torture at "Izolyatsiya" but paid no attention. He stated that female prisoners had often been raped by the guards. Prisoners including the witness had been forced to do hard work. He also said that he had been subjected to mock executions.

1372. The witness stated that once, when being questioned at the ministry building, he had overheard the staff discussing the need to arrest a woman in Moscow and one of those speaking said "let us call our people in Moscow, let them arrest her in Moscow".

1373. The witness was released in a prisoner exchange on 29 December 2019.

(xxxiii)H.A.R.

1374. The witness is a Ukrainian national. She stated that she had been captured on 22 July 2014 at the "Novorossiya" block post by people in uniforms with "LPR" marks. The others travelling in the same car, including Father V. and Y.F., a journalist from 112 TV channel, had also been detained. She had been brought before a general of the "Don Cossacks", who had questioned her. When she had explained that she had been carrying humanitarian aid, she and her fellow travellers had been ill-treated (beaten, shot and burned; Father V. had been severely cut; the driver had been shot in the leg; cigarettes had been extinguished on their bodies). The witness had been imprisoned in different locations until her liberation. She and her companions had subsequently been detained for five or six days in a detention centre in Luhansk. She said that they had not been fed but had been given water.

(xxxiv) R.Y.P.

1375. The witness is a Ukrainian citizen who at the time lived in Donetsk. He said that he had been detained by the "DPR" Ministry of State Security on 31 May 2016. According to his statement, he was punched and hit with a rifle butt in the course of his arrest and in transit. He was then brought to the "Izolyatsiya" prison and tortured, in particular with electricity to the genitals and the rectal area (the "Tapik" device), and beaten to extract a confession to the effect that the witness had collected intelligence on the separatists. The witness said that he had been driven around by a ministry of state security team including a Russian, an FSB officer with the call sign "Khokhol." The witness had been interrogated and beaten nightly from 31 May to 10 June 2016, and afterwards until September 2016 violent interrogations had taken place weekly. He said that he had stayed at "Izolyatsiya", in poor conditions, until July 2017 while the case against him for "espionage" was pending. He was sentenced to fourteen years' imprisonment and transferred to the Makiivka penal colony, from where he was released on 29 December 2019.

(xxxv) S.V.R.

1376. The witness is a Ukrainian citizen, who lived at the time in Donetsk. He stated that on 2 December 2017, he had been arrested at a "DPR" checkpoint and taken to the "DPR" ministry of state security. He had been questioned about suspected cooperation with the SBU and hit with rifle butts. According to his statement, one of the interrogators had a Russian accent and threatened the witness with a gun. The witness was detained until 10 January 2018 in a basement at "Izolyatsiya" and then in a ground-floor cell at the same prison. The witness said that in March 2019, he had been transferred to the Donetsk SIZO and on 26 April 2019 to the Makiivka colony, where he stayed until his release. The witness's Fiat Doblo car and USD 1,000 were seized from him and disappeared.

(xxxvi) V.O.R.

1377. The witness is a Ukrainian citizen, who lived in Donetsk until 25 October 2017. He said that on that day he had been seized by a group of armed men and brought to "Izolyatsiya". He stated that they had hit him while in transit. A fellow prisoner, a former "DPR" militant nicknamed "Jackson", was in charge of "pressuring" other prisoners in his cell and he regularly hit the witness in the ribs, liver and kidneys, and did the same to other prisoners. The witness said that he had been taken for interrogations at the "DPR" ministry of state security, where he had been interrogated about his alleged cooperation with the Ukrainian security services. During interrogations, he said that he had constantly suffered violence (hit on the head with books, punched and kicked, twice tortured with electricity, with needles stuck under the fingernails). According to his statement, other prisoners suffered the same

treatment. The witness said that the main perpetrator of this violence had been Anton, who was from Petropavlovsk Kamchatsky in Russia.

(xxxvii) V.K.S.

1378. The witness is a Ukrainian citizen. He stated that he had been taken prisoner on 27 February 2015 in Makiivka, in his submission on the personal orders of the "DPR" leader, Mr Zakharchenko, by a team of twenty armed men including the Russian servicemen Mr Roman Nazarov (the real commander of the "Oplot" separatist battalion), Yevhen Safoshkin and another officer of the Russian Armed Forces with the call sign "Lyova". He said that he was accused of preparing a "*coup d'état*" in the "DPR". According to his statement, upon being taken to the Makiivka military commandant's office, he was subjected to a mock execution. The witness then spent until 4 March 2015 in a basement of the Donetsk television centre, where he was questioned and beaten. The witness was also questioned at the "DPR" ministry of state security building, suffering beatings and electrocutions. The witness named a number of ministry of state security staff in charge of his "case," including Roman Kirillov, who had declared himself to be a major in the FSB, Lieutenant Colonel Denys Oleksandrovych Ignatov (at the time the head of the "DPR" ministry of state security in Makiivka), an FSB senior lieutenant named Igor and a certain FSB colonel.

1379. The witness said that he had been detained in poor conditions with no medical care in various places. He further stated that he had witnessed an extrajudicial execution of a Ukrainian Army serviceman (seized at Donetsk airport) in the courtyard of the "DPR" ministry of state security prison in March 2015, who had been shot by "MSS Major" O.S. Vialykhhe.

1380. The witness was released on 29 December 2019.

(xxxviii) D.V.S.

1381. The witness is a Ukrainian citizen. He stated that he had been arrested by the Russian FSB after having crossed into Russia at the Novoshakhtynske crossing point. He said that he had been detained from 15 to 24 April 2016 at the FSB directorate in Rostov, tortured with electricity and beaten and interrogated about alleged cooperation with the Ukrainian secret services against the interests of Russia and the "LPR". The witness had heard how Ukrainian Army servicemen had been tortured and had died in neighbouring cells. He said that after 16 June 2016, he had been taken to the "LPR" ministry of state security building in Luhansk, where he had seen in his "LPR" criminal case file records of his questioning which he had been forced to sign while detained by the FSB in Russia. The witness was released on 29 December 2019.

(xxxix) V.M.S.

1382. The witness is a Ukrainian citizen who resided at the time in Slovyanoserbsk. He stated that on 12 January 2018, he had been arrested and then taken captive at the "LPR" ministry of state security, where he had been beaten and tortured. He said that he had later been convicted of "treason" and detained in a number of prisons in the "LPR". He described the conditions in the basements of the military commandant's office as having been particularly bad, with ten people for a space of 28 sq. m and not enough sleeping places (sleeping in turns), no toilet, no heating and no walks outside).

(xl) A.O.S.

1383. The witness is a Ukrainian citizen. He stated that he had been detained on 11 July 2016 by "LPR" ministry of state security officials on suspicion of cooperation with the Ukrainian security services. He said that he had repeatedly been beaten to extract a confession and had been detained in poor conditions.

(xli) R.O.S.

1384. The witness is a Ukrainian national who resided at the time in Donetsk. He stated that he had been detained between 10 October 2017 and 29 December 2019 at the hands of "DPR" agents. He described the conditions of his detention in "Izolyatsiya" as having been horrific. He stated that he had repeatedly been beaten, tortured and subjected to forced labour. In particular, the witness described being tortured at "Izolyatsiya" (for example, by electricity with the "Tapik" device, with needles stuck under his fingernails, or by being tied down with a towel over his mouth and water poured on it to cause suffocation). The torture sessions would last up to twelve hours. The witness also said that there were Russian agents in Donetsk SIZO, where he had stayed in a penal colony. He was eventually sentenced to twelve years' imprisonment by a "DPR" court and released in a prisoner exchange.

(xlii) O.V.S.

1385. The witness is a Ukrainian national. She stated that she had been arrested on 30 October 2018 by the "LPR" ministry of state security in Luhansk, and kept in the basements of the ministry building until 13 August 2019. She said that she had been questioned on accusations of "treason" and "extremism" for posting pro-Ukrainian leaflets. One of the "LPR" representatives under whose guard the witness was had a Russian accent and wore a Russian-style military uniform.

(xliii) O.O.S.

1386. The witness is a Ukrainian national, who worked as the head of the Organisational Department of the Slovyansk City Council. The witness stated that when the city council building was occupied by the militants, she had observed them to be very organised and prepared and noticed that one of them had a Russian accent marking him as not local. From his statements and conduct she considered him to be a Russian special forces serviceman, associating him with the "green men" who had seized Crimea.

1387. The witness further stated that several times they had witnessed blindfolded individuals being led in the direction of the basement of the City Council.

(xliv) V.O.T.

1388. The witness is a Ukrainian citizen. He stated that he had been arrested on 22 January 2018 by "LPR" militants, severely beaten, strangled, and tortured with electricity after his arrest. He said that his brother S. had similarly been tortured in his presence. After he had been taken to the "LPR" ministry of state security's basement, similar torture had continued. He said that the torture had stopped after a month.

(xlv) M.O.T.

1389. The witness is a Ukrainian citizen. He stated that he had been arrested by the "DPR" ministry of state security on 26 April 2016 and detained, initially at "Izolyatsiya", where he had been systematically beaten and tortured with electricity while being questioned about an alleged assassination attempt on the "DPR leader" Mr Zakharchenko. The witness said that one of the people who had interrogated him had a Russian accent and the call sign "Khokhol." He described appalling conditions of detention (overcrowding, insufficient number of beds, no toilet, irregular food, unheated cells with no walks outside, forced labour entailing moving fuel and weapons and so on). He was released on 29 December 2019.

(xlvi) Y.V.T.

1390. The witness is a Ukrainian citizen who prior to his arrest lived in the Krasnodon district of the Luhansk region. He stated that on 20 May 2015, he had been arrested by the "LPR" police. Although he had attempted to escape, he had been captured. He said that he had been severely beaten. Eventually he was sentenced by a "LPR" court to nine years' imprisonment and released on 29 December 2019.

(xlvii) O.L.T.

1391. The witness is a Ukrainian citizen. He stated that he had been arrested by the "DPR" ministry of state security on 26 December 2017 on suspicion of spying for the Ukrainian security services. He said that he had been questioned, beaten and detained at "Izolyatsiya", where he had been "subjected to psychological and physical influence". He was eventually sentenced by a "DPR" court to fourteen years' imprisonment and released on 29 December 2019.

1392. He stated that during his detention in SIZO no. 5, he had witnessed representatives of Rosgvardiya (Armed Forces of the National Guard of the Russian Federation, a Russian federal agency and armed force) visiting the pre-trial detention centre. According to his statement, there were also Russian citizens among the guards at "Izolyatsiya".

(xlviii) S.V.U.

1393. The witness is a Ukrainian citizen. He stated that he had been arrested by the "DPR" ministry of state security in 2016 in Horlivka and that during his detention he had been severely beaten, electrocuted and strangulated, leading him to confess to "espionage" for the Ukrainian secret service. He was eventually sentenced to twelve years' imprisonment by a "DPR" court.

(xlix) Y.O.V.

1394. The witness is a Ukrainian citizen who worked as a war correspondent for the Ukrainian television channel Espreso. He said that he had gone to Ilovaisk in August 2014 and that he had been detained by "DPR" militants from 30 August to 7 October 2014. He stated: "in a school building with soldiers of Dnepr-1 and the Armed Forces of Ukraine, they talked with the prisoners, that was recorded by [him] on video. They were two paratroopers of the 31st airborne assault brigade of the Armed Forces of the Russian Federation from the city of Ulyanovsk, the Russian Federation – Ruslan Akhmetov and Arseniy Ilmitov – and a mechanic of one of the combat vehicles of the 8th infantry brigade of the Armed Forces of the Russian Federation, Olexander Desyatnykov. They said that under the guise of training exercises they had arrived in the Rostov region of the Russian Federation, and only when they were given the ammunition at the border did they cross the border to Ukraine. They realised that they were not on an exercise when they came under fire."

1395. The witness said that on 30 August 2014 he had been captured, together with seventy others, when he had stumbled upon a broken tank which turned out to be a checkpoint of Russian soldiers. According to his statement, the soldiers did not hide that they were Russian. He stated that on 3 September 2014, the Armed Forces of the Russian Federation had

transferred him to "DPR" representatives, who had beaten him during the interrogation, which had been videotaped and posted on the Internet. He was then taken to the city of Horlivka before being released on 7 October 2014.

(l) V.O.V.

1396. The witness is a Ukrainian citizen who lived at the time in Luhansk. She stated that she had been arrested by the "LPR" Ministry of Internal Affairs on 17 November 2016 and that she had been questioned about her connections with pro-Ukrainian activists and suspected cooperation with Ukrainian intelligence. She said that during the interrogations, she had been threatened with an AK machine gun, punched, kicked, hit with clubs and books, choked and electrocuted. As part of the interrogation, she had been injected with various drugs. She was released in a prisoner exchange on 29 December 2019.

(li) A.I.Y.

1397. The witness is a Ukrainian citizen. She stated that she had been arrested by representatives of the "Vityaz" unit on 3 March 2017 in Donetsk, where she used to live. She said that she had been questioned about video recordings, considered suspicious, found on her phone. According to her statement, one of the interrogators was (she believed, based on his speech and manner), a Russian FSB officer. The witness had been kept for two months at a room in the so-called television centre building in Donetsk, and regularly questioned at the "DPR" Ministry of State Security about her supposed work for Ukrainian intelligence. She said that she had then been transferred to "Izolyatsiya", where she was held, in particular, with T.O.H. (see a summary of her witness statement in paragraphs 1329-1330 above). The witness was released on 29 December 2019.

(lii) V.O.Y.

1398. The witness is a Ukrainian citizen. She stated that she had been arrested on 6 September 2017 near her home in Luhansk by the "LPR" police and had eventually been convicted of fraud. According to her statement, she was not subjected to torture, psychological abuse or threats in the places of detention. She was released on 29 December 2019.

(liii) T.Z.

1399. The witness is a Ukrainian national who worked as a journalist for a news platform called "ORD" (Donetsk region) and as a reporter for the *Gazeta po-ukrainski* newspaper during 2013 and 2014.

1400. She stated that Russian citizens had been actively leading the pro-Russian rallies in the winter of 2013-14. She said that Russians had

started to appear among Anti-Maidan's followers in around January 2014 and stated that she had identified several individuals in photos and videos of pro-Russian rallies which she had reviewed on the Internet. Amongst them were Andriy Kovalenko (the leader of the Eurasian Youth Union), Maria Katasonova (a participant in the "National Liberation Movement" ("NOD"), a Russian political organisation led by the Russian State Duma deputy Yevgeniy Fedorov, a member of the Political Council of the United Russia, the ruling party) and assistants of Yevgeniy Fedorov.

1401. The witness further stated that several attacks had been undertaken against the Donetsk administrative building on 1 March 2014 in the presence of many people who had arrived in buses and cars with Russian number plates that day, wearing symbols of the NOD on their waistcoats as well as orange and black flags (with the ribbon of St George, a Russian military symbol).

1402. The witness further stated that the first successful attempt to take over the Donetsk regional state administration building had been made on 3 March 2014. According to her statement, Pavel Gubarev came to the regional administration's session and spoke to the deputies. He stated that he was supported by "thousands of armed people". The witness said that after a while, participants headed by Mr Gubarev had attacked the administration building, dispersed the deputies and taken it over.

(liv) O.Y.Z.

1403. The witness is a Ukrainian citizen. She stated that she had been arrested on 3 October 2017 by the "DPR" ministry of state security in her hometown of Makiivka after ministry representatives had discovered on her computer a pro-Ukrainian Twitter feed with information about military movements and a military base in Makiivka. The witness was detained first at "Izolyatsiya" and then at Snizhne penal colony. She was released on 29 December 2019.

(lv) A.V.Z.

1404. The witness is a Ukrainian citizen. He stated that he had been detained on 7 April 2018 by "DPR" representatives while crossing the contact line at Olenivka. "DPR" ministry of state security officers had questioned him about suspected cooperation with the Ukrainian Secret Service. He said that the second interrogator, who had questioned him on 14 April 2018, had had a pronounced Russian accent. According to his statement, from 17 April 2018, the witness was detained at "Izolyatsiya", where on 22 and 28 April 2018 he was tortured with electricity for hours and made to sign a confession. He was kept in basements in "Izolyatsiya" in terrible conditions (cold and damp cell, a plastic bottle or bucket for a toilet, little water, no walks outside). He said that from time to time he had been taken for additional interrogations, during which he had been beaten to obtain additional confessions. During one

of the interrogation sessions an interrogator with Russian accent had pulled out the witness' fingernail with pliers. The witness said that he and other prisoners had been made to engage in forced labour (at the prison and at the Russian army base located at the former Ozero sanatorium, as well as on building grounds for military manoeuvres). He stated that he had then been detained at SIZO no. 5 in Donetsk and from 18 October 2018 in the Makiivka penal colony, from which he had been released on 29 December 2019.

(b) Members of the Ukrainian Armed Forces or volunteer battalions

(i) O.O.A.

1405. The witness served as a soldier in the Ukrainian Armed Forces (Territorial Defence brigade). He stated that they had been in a battle with the Armed Forces of the Russian Federation on 24 August 2014 (apparently in the vicinity of Ilovaisk), which had led to his surrender and capture and that of the other fighters of the battalion (around forty people in total). He said that on the same day, the representatives of the "DPR" had come by, tied their hands, and transferred them to the town of Snizhne in the Donetsk region. There, the prisoners had been detained in a temporary containment cell. He stated that he had been made to engage in forced labour, fed once a day, and subjected to psychological pressure and threats. He also stated that he had not been beaten and that he had the opportunity to make phone calls to family members.

(ii) I.V.B.

1406. The witness served in the "Donbas" volunteer battalion. He stated that he had been captured by the Armed Forces of the Russian Federation on 29 August 2014, after a battle near the village of Chervonosilske, together with 150 other fighters from his battalion and possibly from other battalions, while carrying out withdrawal from the "Ilovaisk cauldron". He said that he had then been handed over to the "DPR" and detained in the former building of the Security Service of Ukraine in Donetsk. He was detained in the cellar of the building with 110 other people.

1407. The witness stated that the Russian troops had treated him well, but that the representatives of the "DPR" had subjected him to ill-treatment, including threats and insults, humiliation of dignity and beating to the point of losing consciousness. He said that diesel fuel had been added to his food once. The witness stated that he had been questioned by officers from the Russian Federal Security Service. He was released on 13 October 2014.

(iii) M.S.B.

1408. The witness served in the "Donbas" volunteer battalion as a soldier. He stated that his unit had first been attacked on 29 August 2014 near the village of Chervonosilske and that they had been shelled from both sides.

That same day, after a discussion with an Armed Forces of the Russian Federation captain, called "Lys", they had had to surrender and were taken captive. They were transferred to the "DPR" that same day. He said that they had been treated relatively well, except for one incident where a Ukrainian soldier was beaten, as a civilian girl claimed that she had been raped by a person with a beard and this prisoner had a beard. It is unclear when the witness was released.

(iv) O.D.B.

1409. The witness served in the 8th army corps of the Armed Forces of Ukraine as a colonel. He stated that his unit had been attacked through artillery fire, leaving them no choice but to evacuate the wounded by bus to the Savur-Mohyla area. On the way, they had run into a KAMAZ truck, which had blocked the traffic and had been occupied by separatists, mainly Chechens. He said that they had physically assaulted his unit and that all the members of his unit had been pulled out of their vehicles, forced to the ground and beaten. He said that he had then been transferred to separatists, who had kept him in the basement of the SBU building. He stated that after 25-26 August 2014, there had been a large influx of prisoners taken captive after battles in Ilovaisk. He and other prisoners, including the wounded, had furthermore been forced, on 24 August 2014 (Ukraine's Independence Day), to take part in the "parade of the prisoners" in Donetsk. There were about 2,000 people present and they shouted, threw bottles and stones at the paraded prisoners. After the passage of prisoners, the pavement was washed.

1410. The witness said that there had been two members of the "DPR" who were especially violent: Kent and Krutyi. He described no specific ill-treatment during detention, except for a lack of food. He was released in an exchange on 12 November 2014.

(v) O.H.D.

1411. The witness served in the "Donbas" volunteer battalion as the commander of Division 1, Platoon 1, Company 1. He stated that his battalion had first been attacked on 29 August 2014 by the Armed Forces of the Russian Federation. At some point they had been surrounded near Ilovaisk and a Russian officer, Major Lysytzkyy, had come to negotiate. The witness said that the next day, he and his battalion had had to surrender. He stated that they had then been taken to a field, before eventually being transferred to the "DPR" and detained in the building of the Security Service of Ukraine in Donetsk. During captivity, they had often been interrogated and subjected to pressure and ill-treatment in the form of beatings. He was detained for four and a half months. The exact date of release is unclear.

(vi) V.S.D.

1412. The witness served in the National Guard of Ukraine, holding the position of senior instructor – head of the cynological group of the first patrol battalion, with the military rank Sergeant Major. He stated that on 24 August 2014 his unit had been attacked by the Armed Forces of the Russian Federation, which had led to their surrender and capture. The majority of the Russian servicemen were of "Middle Eastern appearance" and made no secret of their affiliation with the Russian army. The witness said that the Russian fighters had handed them over to representatives of the "DPR", after which they had been taken to a temporary detention facility in Snizhne, where there were around 200 people in his cell and in neighbouring cells.

1413. He described how he had seen a person known as "Uncle Fedia", who was the self-proclaimed mayor of Snizhne, and also Mr Zakharchenko, the leader of the "DPR", and his security chief. He stated that he had been ill-treated and made to engage in forced labour. According to his statement, the thirty people had been placed in five-person cells; they had been fed only once a day; they had been beaten and threatened. With regard to murder, he stated that the murder of prisoners had probably taken place immediately after encirclement: "the Russian servicemen gathered the wounded while others were lying face down, and I personally heard shots from small arms. As I later found out, Boris Gryaznov was killed."

1414. In reply to the question whether or not he knew about mass graves, he declared that he only knew about the graves at Savur-Mohyla, where both "terrorists" and Ukrainians were buried.

1415. The witness was released on 13 October 2014.

(vii) O.D.D.

1416. The witness served in the "Donbas" volunteer battalion (military unit 3027) as a cannon gunner. He stated that he had been captured on 30 August 2014 near the village of Chervonosilske after a battle with the Armed Forces of the Russian Federation. The Russian troops had handed him over to the "DPR" on 31 August 2014, after which he and others had been detained at the former building of the Security Services of Ukraine in Donetsk. He also stated that once he had been given "a kind of soup with diesel oil in it". He said that he had been detained with around 110 other people.

1417. He stated that during the first month and a half he had been constantly interrogated by interrogators called "Movchun" and "Adrenalin" and that his tooth had been knocked out. Other prisoners had been shot in the legs and arms with pneumatic weapons and beaten by the guards.

1418. The witness said that in November 2014, he had been taken to Ilovaisk, together with sixty-five other soldiers, and detained in a police

station cell. He stated that they had been brought there to do manual labour. He was released on 26 December 2014, together with 150 other soldiers.

(viii) S.V.F.

1419. In 2014 the witness commanded a self-propelled howitzer artillery unit of the Armed Forces of Ukraine. He stated that from 24 to 26 August 2014 his battalion had been attacked by the Armed Forces of the Russian Federation, including from Russian territory. On 26 August 2014 they had surrendered and been captured. He said that he had been treated normally by the Russian troops. On 27 August 2014 they were handed over to the "DPR" as the Russian soldiers said that they did not know what to do with the captives. He stated that he had been beaten (in the head) and subjected to psychological pressure. He said that on 29 August 2014, he had been taken to a military facility in Luhansk and after a few days he had been taken to Donetsk to the "DPR" ministry of state security building. According to his statement, the prison conditions were not good (stuffy, dump, too cold during winter, no proper beds, no proper hygiene or food). Soldiers of the "Donbas" battalion were in the room next to him.

1420. The witness stated that he had been interrogated by someone called "Movchun", who "conducted interrogations and supervised the processes of beating." He stated that his back had been completely beaten and torn, bloody and bruised after one beating and that persons called "Grigoriev", "David" and "Zombie" had beaten his hands, feet and body (kidneys, back, arms and legs). He also said that threats had been made against him and his family and that he had constantly been made to do forced labour. He was released on 8 September 2015.

(ix) R.V.F.

1421. The witness served in the Armed Forces of Ukraine as squad leader of the anti-aircraft artillery platoon of the A4104 military unit. He stated that on 23 November 2017 he had been injured and the next day he had been taken captive by the "LPR" militants. He had had surgery in hospital. He said that the doctors had treated him normally, but the "LPR" militants who came to interrogate him had treated him badly and beaten him. He stated that he had received no medical care during his detention. He said that on 27 December 2017 he had been transported and placed in the basement of the "LPR" commandant's office in Stakhanov city (Luhansk region) and detained in poor conditions. He also stated that he had been beaten during interrogations. He had been kept in different detention facilities and had been subjected to torture. He was released on 29 December 2019.

(x) S.V.H.

1422. The witness served in the Armed Forces of Ukraine and took part in the operations against the "LPR". He stated that on 16 February 2015 his convoy had been shot at by unknown individuals. He had later been captured by the People's Militia of the "LPR". He said that he had been beaten by the militants. Later, when he was transferred to a hospital, two residents of Ossetia had hit him on the body and head. He had then been taken to Luhansk. After his interrogation, he was taken to an unknown place and detained there for a week. During his detention, he was visited by a serviceman of the Russian Federation. He stated that he had then been transferred to the former Department of the Security Service of Ukraine in the Donetsk region, where he had been detained from February 2015 to March 2016. During that time, he said that he had been periodically interrogated. At the beginning of March 2016 he was transferred to another detention facility in Donetsk, where he stayed until 22 June 2016. That day, the witness and other Ukrainian servicemen were transferred for detention to the penal colony in Makiivka, where they were detained until 12 January 2018. He was charged with "terrorism" by the Prosecutor General of the "DPR". The witness stated that on 12 January 2018, he had been transferred along with other servicemen to SIZO no. 5 in Donetsk city, where they had stayed until 23 September 2019. He was sentenced to 30 years' imprisonment and released on 29 December 2019.

(xi) M.Y.H.

1423. The witness served in the "Aidar" volunteer battalion of the Ukrainian Armed Forces as a shooter. He stated that he had been captured on 26 August 2014 by the Armed Forces of the Russian Federation, in particular by Colonel Oleksandr Serdyuk, during the transfer of a wounded local resident to Luhansk airport. He said that he had been transferred to Rostov-on-Don in Russia on 27 August, where he had been interrogated by someone who had subjected him to torture: he was given electrical shocks and hit on the head with glass bottles. He said that he had then been transported to the Luhansk region, where he had been detained in a mine and subjected to physical violence by servicemen of the Russian army (for example, being hit on the head with a rifle butt by a Russian warrant officer). After that, on 2 or 3 October 2014, he had been transported to Luhansk, where he was kept in the premises of an old tuberculosis dispensary, supervised by the "LPR". He was released on 14 October 2014, together with thirteen other servicemen of the Armed Forces of Ukraine.

(xii) V.H.H.

1424. The witness served in the "Donbas" volunteer battalion. He stated that he and his battalion had first been attacked on 29 August 2014 by the

Armed Forces of the Russian Federation. They had surrendered on 31 August 2014, after which they had been handed over to the "DPR". According to his statement, they were detained in the basement of the Army Security Agency of Ukraine in Donetsk. He said that prisoners had been beaten and threatened. For example, an interrogator named "Adrenaline" had shot someone in the kneecap with a pneumatic weapon for no reason. He further stated that they did not receive enough food. He said that on account of his age (he was born in 1952), he had not been beaten personally. He was released on 27 December 2014.

(xiii) A.O.K.

1425. The witness served in the "Donbas" battalion. He stated that his battalion had been attacked in the vicinity of Ilovaisk by the Armed Forces of the Russian Federation on 29 August 2014, resulting in the battalion's surrender and capture on 30 August 2014. He was then transferred to the "DPR" militants on 31 August and taken to the basement of the Army Security Agency Office in Donetsk. He said that he had been detained there with more than 100 soldiers of the "Donbas" battalion. He recalled being constantly interrogated, humiliated and sometimes beaten. He stated that the call signs "Movchun", "Adrenaline", "Baton" and "Kent" had been among those who ill-treated the detainees. He said that one of his fellow soldiers had been shot in both legs because he had refused to kneel. He was released on an unspecified date.

(xiv) T.S.K.

1426. The witness served in the National Guard of Ukraine, the "Donbas" battalion, as deputy commander. He stated that on 29 August 2014 his battalion had got into a thirty-hour battle with the Armed Forces of the Russian Federation near the village of Chervonosilske, in the Donetsk region, after being ambushed while trying to leave the Ilovaisk cauldron through a corridor, where eventually they had been defeated. He said that he and 111 servicemen of military unit 3027 had been taken prisoner and taken to a former bomb shelter in the Donetsk region. He stated that he had been beaten, intimidated, poorly fed, threatened and made to do forced labour. He further stated that he had detained in a cell that was filled with twice as many prisoners as it was built for. He was released on 21 February 2015 as a result of an exchange in Luhansk.

(xv) R.M.K.

1427. The witness is a Ukrainian national, who served in the Ukrainian Armed Forces in June 2014. He stated that on 7 June 2014 he had been captured during a visit to the village of Voikove to get drinking water. He said that the "terrorists" had repeatedly beaten the detainees just for

entertainment and had also exerted emotional pressure on them and urged them to come over to the side of the "terrorists". He said that the food was poor and once there had been none for two days. He also stated that his captors had forced him to give them the PIN numbers for his bank cards and had withdrawn money from them. The witness also stated that the so-called "People's Mayor of Slovyansk" Mr Ponomaryov had been in a neighbouring cell and that he had been treated significantly better.

1428. The witness stated that some of the captors had spoken with a Russian accent and some were likely to have been local (judging from their speech). One of them said that they were military formations of the "Novorossiya".

1429. As regards his date of "release", the witness stated that he had not been released from captivity. According to his statement, because of the approaching Ukrainian soldiers, the "terrorists" had left the city of Slovyansk and prepared for their long-term work in a hurry. Right after their escape, the prisoners had opened the cells on their own and released everybody from detention. The witness said that this had happened approximately on 6 July 2014.

(xvi) S.A.K.

1430. The witness is a Ukrainian national, who served in the Armed Forces of Ukraine as a Lieutenant Colonel. He stated that that the first evidence of the presence of the Russian Armed Forces on Ukrainian territory had been discovered by him on 13 June 2014, when the witness had checked the area and found boxes with mines, parts of mortars and remains of cold rations produced in Russia. He said that the first land mines had been placed about 100 metres from the border inside Ukrainian territory by the Armed Forces of the Russian Federation. He also said that this was when the first cases of shelling of his unit had happened, apparently aided by drones from the territory of the Russian Federation. During that same period the witness and his unit established control over one of the crossings of the river Mius. As a result, there were "active and regular assaults of the ferry by illegal armed formations with the aim of capturing or destroying it in order to prevent the movements of our troops in that area".

1431. The witness stated that on 15 and 16 July 2014, his unit had been shelled from Russian territory. In that connection, he said that they "knew exactly that [they] were shelled from the territory of the Russian Federation because [he] reported to [his] artillery spotter from battery 2C3 72 brigade". He said that, from 15 July 2015 until the day he had left the area on 24 July 2014, they had been shelled for a few hours each day from the territory of the Russian Federation.

1432. The witness further stated: "On 17 July we were actively shelled by Grad rockets. In the afternoon, I received a notification from my observation post: 'Bravo, the SU-24 was shot down, but it is too big.' I came out of hiding

and saw from the edge of the clouds there was a plane appearing which was doing circular motions. At first, I thought that they had downed an II-76, either in configuration or with characteristic colours. Just from the colour, I suspected that it might not be a military plane but a civilian once, although I did not recognise that it was a Boeing. ... I did not have any doubts about who shot down the plane, because our aircraft was not there that day, I knew exactly and we didn't have the technology which physically could hit a target at that altitude."

(xvii) O.O.K.

1433. The witness served in the Armed Forces of Ukraine. He stated that he and other servicemen from his unit had been taken prisoner by "DPR" militants on 16 February 2015 in fighting near Debaltseve. They had initially been taken to a different town, held on a road outside and severely beaten. He said that he had then been taken to the basement of the Donetsk SBU building, where he had been held for ten days and questioned (combined with beatings), notably by a person with the rank of lieutenant colonel with a Russian flag chevron on the left arm. He stated that afterwards he had been held in various places of detention in poor conditions, including the Makiivka penal colony and the Donetsk SIZO. The witness was sentenced to thirty years' imprisonment for "terrorism" by a "DPR" court after a "trial" in which the witness was forced to refuse the services of a lawyer. He was released on 29 December 2019.

(xviii) V.M.K.

1434. The witness is a Ukrainian national who is a serviceman in the Ukrainian Armed Forces. He stated that he had been detained by representatives of the "LPR" from 25 to 26 July 2014. He said that no physical harm had been done to him or the other prisoners. With regard to his release, the witness stated that on 26 July 2014, he and forty other servicemen had been transported through the Izvaryne checkpoint to the territory of the Russian Federation and later returned to Ukraine.

(xix) Y.O.K.

1435. The witness served as a soldier in the "Donbas" battalion. He stated that they had first been attacked by the Armed Forces of the Russian Federation (recognisable by military uniforms, specific helmets, corresponding chevrons and so on) on 29 August 2014. Although they had managed to get away, the next day they had been attacked again. He said that they had had to surrender on 30 August 2014 and had been transferred to the "DPR" militants on 31 August 2014, when they had been placed in the basement of the SBU Office in Donetsk. He said that the Russian soldiers had treated them normally, contrary to the "DPR" representatives who had

humiliated them, put them on video, and shot the prisoners in their legs, hands and bodies with pneumatic weapons. He said that they had been visited by a person called "Motorola" who had beaten and interrogated him. He was released on 11 September 2014.

(xx) A.V.K.

1436. The witness is a Ukrainian national, who served as a volunteer in the "Dnipro-1" battalion in 2014 and 2015. He stated that his battalion had been forced out of Ilovaisk when the Russian troops arrived. He said that the Russian troops had surrounded the battalion on 24 August 2014. The witness further described how on 29 August 2014, his battalion had been attacked by Russians and that the latter had created an ambush using guns, tanks and automatic grenade launchers. The witness had been shot in the knee, had suffered a broken bone and had been injured on his shoulder. He stated that he had been taken to a stronghold, where "the militants did not hide that they were Russian military". Eventually he, and the other captives, were loaded into a Ural car and were eventually received by the Red Cross on 31 August 2014.

(xxi) S.B.K.

1437. The witness is a Ukrainian national, who served in the Ukrainian Armed Forces in 2014. He stated that he had been captured and detained by "DPR" militants on 31 August 2014. He said that he had been threatened; however, no actual physical ill-treatment had been inflicted on him. He stated that the people who had captured him had been wearing military uniforms without chevrons, but with white ribbons on the sleeves, wearing ammunition vests and carrying machine guns. With regard to his captivity, the witness stated the following: "[A]ll the persons who captured, escorted and kept us in prison treated us disparagingly. They constantly humiliated our honour and dignity, called us '*ukry*', '*ukropy*', '*banderivtsi*'. But they didn't beat me, torture me or use physical violence." He was released on 12 September 2014.

(xxii) S.O.I.

1438. The witness is a Ukrainian serviceman. He stated that on 4 February 2017, while performing a mission for the Special Operations Forces in Luhansk region, he had been captured by members of the armed groups of the "LPR". He said that he had been hit in the back with the butt of a machine gun and the captors had put a bag over his head. He also stated that during his interrogation, a person called "Chechen" with a Russian accent had tortured him with electricity and injected some drugs into him, after which he had lost consciousness. The next day, he had been taken to the ministry of state security of the "LPR", where he had stayed until 6 January 2018. He said that he had been charged with "membership of a gang, a terrorist act, murder and

participation in an organised criminal group". On 6 June 2018 he was sent to the Luhansk pre-trial detention facility. On 3 June 2019 he was found guilty as charged and sentenced to twenty years' imprisonment. Although he did not appeal, his lawyers, appointed by the "LPR", appealed against that judgment. As a result, on 13 November 2019, the Court of Appeal sentenced him to twenty-five years' imprisonment. He said that during his detention, he had been regularly beaten and abused by various persons and that he had been held in unsatisfactory sanitary conditions. He also stated that, while detained at the "LPR" ministry of state security, he had also been forced to clean the toilet and hallway. He was released on 29 December 2019.

(xxiii) Y.S.M.

1439. The witness served in the "Shtorm" ("Storm") battalion and was posted to the Ukrainian defence positions in the villages of Heorhivka and Lutuhyne villages in the Luhansk region. He stated that during the fighting on 20 August 2014, observing an enemy checkpoint from a higher position, he had seen the enemy executing Ukrainian prisoners of war. In the course of the fighting the witness and his unit had discovered an abandoned airborne infantry fighting vehicle (BMD-2) containing accounting records of soldiers, personal documents, sights, combat rations, backpacks and personal items, maps and documents with seals of the Armed Forces of the Russian Federation. From its contents, the witness identified the vehicle as belonging to the 1st airborne company of the 76th airborne assault division of the Armed Forces of the Russian Federation, military base no. 74268.

1440. The witness said that Senior Lieutenant Platoon Commander Popov was responsible for the vehicle, since there were documents with his initials and signatures. He said that the gunner's name was Private N.D. Surnachev. While reading the vehicle crew's diaries, the witness saw that it was a unit that had participated in a joint Russian-Belarusian military exercise in Belarus and had then moved to the Luhansk region.

1441. The witness stated that he had found out later from Russian media on the Internet that on 25 August 2014, two paratroopers from the 76th guards assault division, Leonid Yu. Kichatkin and Anton Korolenko, had been buried in Russia. Leonid Yu. Kichatkin was in the evening check log of the above-mentioned BMD unit, and the signature and initials of Anton Korolenko, the commander of an air assault platoon, were on almost all the documents found.

1442. Enclosed with the witness statements was a printout from the website of the Russian news site RBC with a translation of an article published on 2 October 2014 and entitled "RBC Investigation: Where Do Russian Soldiers in Ukraine Come From" (*Расследование РБК: откуда на Украине российские солдаты*). The article stated that on 25 August 2014 in Pskov, Russia, where the 76th airborne is based, the paratroopers Leonid Kichatkin and Aleksander Osipov had been buried. On the grave crosses,

19 and 20 August were marked as the dates of death. The article indicated that journalists and users of social networks had found dozens of profiles in the VKontakte social network belonging to Pskov paratroopers, which had come online for the last time on 15-16 August. Local media in Voronezh, Orenburg and Komi, citing military recruitment offices and relatives, reported the deaths of Anton Korolenko, Dmitry Ganin and Maxim Mezentsev, who had all served in the Pskov division. Recruitment offices had no information concerning the circumstances of their death.

(xxiv) I.M.M.

1443. The witness served as a soldier for the 51st mechanised brigade (based in Volodymyr-Volynsky) of the Armed Forces of Ukraine. He stated that his battalion had first been attacked on 24 August 2014. They had then been approached by unknown men who had been seriously injured and needed medical aid. He stated that the men said that they served in the Armed Forces of the Russian Federation. They had also said that they were marching to Rostov-on-Don in the Russian Federation. The witness said that these men had not been displaying any identifying marks.

1444. The witness stated that his battalion had again been attacked on 26 August 2014, after which they had surrendered and been captured. He said that the persons who captured him and his colleagues had been wearing military uniforms without identifying marks. The captives had been taken to a field, kept there for a few days. Eventually they had been handed over to the “DPR” militants.

1445. The witness said that both the Russian army forces and the “DPR” forces had been verbally insulting but had not used physical violence against the witness and his fellow captives. He was detained at the district police department of Snizhne city, Donetsk region, and released at the end of September 2014.

(xxv) V.O.

1446. The witness served in the “Donbas” volunteer battalion as squad leader. He stated that he and his unit had been attacked by and had to surrender to the Armed Forces of the Russian Federation on 29 August 2014 (while trying to leave the “Ilovaisk cauldron” through a “green corridor”), resulting in him and eleven of his colleagues being taken prisoner. According to the witness, there was no doubt about the nationality of the soldiers who took his unit prisoner as they made no secret of their Russian nationality and spoke Russian with a pronounced Russian accent. He said that he and his fellow prisoners had been handed over to the “DPR” militants, taken to the building of the Secret Service of Ukraine in Donetsk and detained in the building’s cellar together with approximately 111 other prisoners. He gave the names of the following guards: “Movchun”, “Adrenaline”, “Baton”,

"Sokol" and "David". He said that he had been ill-treated, both verbally and physically and that the prisoners had been "treated with disrespect, [their] honour and dignity were constantly assaulted, they tried to intimidate ... the prisoners were regularly beaten and tortured, taking into consideration the special hatred felt by the terrorists towards the volunteer battalion servicemen." He was released on 23 February 2015.

(xxvi) A.O.O.

1447. The witness served in the 51st separate mechanised group of the Ukrainian Armed Forces. He stated that he had been captured on 31 August 2014 after a battle near Ahronomichnyi in the Amvrosiivkyi district in the Donetsk region. His military unit had to surrender to the Armed Forces of the Russian Federation. He said that soon thereafter he and his colleagues had been transferred to Donetsk and handed over to the "DPR" militants, calling themselves "*Malorosy*" (Little Russians). At first the witness was detained in one of the rooms of the Donetsk City or Regional Council (the witness did not recall which). He stated that he had then been transferred to a room in the Ministry of Emergency Situations lyceum in Donetsk. He said that the Russian soldiers had treated the prisoners correctly, whereas the "DPR" had subjected the prisoners to humiliation and threats. He stressed that he had never been physically assaulted. He was released on 7 September 2014.

(xxvii) O.M.O.

1448. The witness served in the "Kyiv Rus" regional defence battalion as senior lieutenant, fire correction officer, acting as commander of a checkpoint. He stated that he had been sent to a checkpoint near the settlements of Tsentralnyio and Horodyshche in the Perevalskyi district of the Luhansk region on 23 and 24 September 2014. On 30 September he and his colleague Oleksandr Krivohub had been injured by Cossacks. He said that he had been held in garages and a shed in the city of Perevalsk, where he had often been beaten at night by drunk Cossacks (despite their commander's instructions). One specific person he recalled as one of the violent Cossacks was called "Maniac", who, according to the witness, was a convicted criminal. He also stated that he had been made to do manual labour. He said that he had finally managed to escape in the night of 23 to 24 February 2015.

(xxviii)B.V.P.

1449. The witness is a Ukrainian Army serviceman (2nd separate tank battalion). He stated that he had been taken prisoner in a fight with the "DPR" forces near Donetsk on 18 January 2015. Thereafter, he and his fellow servicemen had been disarmed and searched and the captors had subjected the witness and the other prisoners to a heavy beating (several people on each prisoner), punching and kicking them and breaking the witness's nose. He

said that the deputy commander of the unit which had captured the witness had also cut him with a knife, inflicting seven cuts on the back and left arm or hand. The witness and other prisoners had then been taken to a "DPR" base called "Cossack Union of the Region of the Don Cossack Army" in Donetsk, at 66 Travneva Street. He stated that he and other prisoners had been detained in horrible conditions in a basement: sleeping on pallets, cold and damp cell, no walks outside, two meals a day, bad food, a bucket for a toilet, and no medical care. He further stated that the prisoners had been beaten in cells for no reason and subjected to electric shocks. The witness had also regularly been interrogated and beaten and whipped in the course of those interrogations. He said that he had been transferred to the SBU building basement, where conditions were also bad in similar ways. According to his statement, the witness was forced to work, and other prisoners were made to clear the rubble and dead bodies. From 22 June 2016 until his release on 29 December 2019 the witness was kept in the Makiivka penal colony and the Donetsk SIZO, where conditions of detention were also poor. In the meantime, on 1 August 2019 a "DPR" court convicted the witness of terrorism.

(xxix) M.P.

1450. The witness was a gunner in the "Donbas" battalion. He stated that on the night of 28 to 29 August 2014 the enemy had stopped attacks on his unit's positions and the servicemen had been informed that according to preliminary agreements, a "green corridor" would be created the next day. However, once the column started moving, a mortar attack began after which a command was received to fight. In the centre of the column there was an ambulance followed by a KAMAZ truck carrying the wounded, also marked with a red cross and a white flag. He said that the Russians had begun firing from tanks and rockets; among the first targets were the ambulance and the truck. The witness stated that he had seen Russian prisoners of war, two from a tank brigade and two paratroopers from the 31st airborne assault brigade of the Armed Forces of the Russian Federation. A member of the witness's unit questioned the prisoners, recording the interview on video. According to the witness, the prisoners admitted belonging to the Russian Armed Forces. During negotiations with the Russian military over the release of the prisoners, the interlocutors did not conceal that they were soldiers of the Armed Forces of the Russian Federation. Refusing the offer to release their prisoners in exchange for the opportunity to withdraw, the Russian representatives proposed that if the witness's unit gave up, they would be transferred to a buffer zone and then to the Ukrainian command, through Red Cross mediation. Realising that they had many wounded and would not be able to hold out for long in such a situation, they agreed to the Russians' terms. The witness said that after their surrender, the medical care promised to the unit's wounded had not in fact been given, with the Russian servicemen

explaining that they themselves had many wounded. He stated that on 31 August 2014 the Russian paratroopers had transferred the witness and his fellow prisoners to the so-called "Motorola", who took them to Donetsk. The prisoners were kept in the basement of the former SBU building in poor conditions. He said that he had been questioned five times by representatives of the Russian FSB. Those officers were confused about the local geography, not knowing the settlements, and had a clear Russian accent. The witness stated that he had not really been bullied but had once been made to do 800 squats and had then spent three days recovering. He said that drunk Russian mercenaries would come to look at the prisoners, and in conversation announced where they came from, and the cities in Russia from which they had arrived. The witness was released on 31 January 2015.

(xxx) Y.V.P.

1451. The witness served in the "Donbas" battalion, in the intelligence unit. He stated that prior to his capture, in the village of Chervonosilske, they had detained six Russian paratroopers and members of tank units, whose broken T-72 tank was in that village. During interrogation, he had found out that they were from the city of Ulyanovsk. The witness's unit was attacked by the Armed Forces of the Russian Federation on 30 August 2014. He recognised them to be regular Russian troops by their military form, specific helmets and corresponding chevrons. After the battle, he and his unit had to surrender and were captured by the Russian soldiers on 31 August 2014, after which they were taken to a field, where they spent the night. The next day, on 1 September 2014, he was transferred to the "DPR" militants and transported to Donetsk, where he was detained in the SBU Office together with 100 other prisoners. He stated that during his captivity, he had been beaten and humiliated. He gave the names of the following interrogators: "Movchun", "Adrenaline", "Baton" and "Kent". He stated that one of his men, called "Bass", had been shot in both legs for refusing to kneel. The witness was released on 26 December 2014, together with 100 other prisoners.

(xxxi) V.D.S.

1452. The witness is a Ukrainian serviceman, who served in the battalion-tactical group 51 as chief of the food service of the rear of the "North" operational command (military unit A0796). He stated, firstly, that he had witnessed "murders, wounds of servicemen and civilians and them being injured during rocket-artillery bombardments of the villages of Petrivske, Velike Myshkovo, and Artemivka (Donetsk region)." He said that his unit had been shelled between 5 and 20 August 2014 by missiles and artillery from the area of the settlement of Marynivka, along the border with the Russian Federation. He said that on 21 August 2014 he had been captured

by “illegal armed units with people who looked like Caucasians”, around Petrivske. He had been detained in the former SBU office in Donetsk, presumably by the “DPR”. He said that he had “witnessed torture of soldiers of the Ukrainian Armed Forces, volunteer battalions of Ukraine, by representatives of the terrorist organisation ‘DPR’”. He said that he had seen representatives of both the “DPR” and “LPR” during his detention, as well as a battalion of illegal armed groups of about 500 people. He was released on 10 September 2014.

(xxxii) I.M.S.

1453. The witness served in the “Donbas” battalion. He stated that he had been attacked by the Armed Forces of the Russian Federation firstly on 28 August 2014, then again on 29 August 2014, leading to his unit’s surrender on 30 August 2014 and their captivity. He said that they had been taken to a field, where they had had to stay overnight. The next day, on 31 August 2014, he had been transferred to the “DPR” and transported to Donetsk, where he had been detained in the cellar of the SBU building. He said that the Russian soldiers had treated them properly, contrary to the “DPR” militants, who had constantly interrogated and beaten them. He gave the names of the following interrogators: “Movchun”, “David”, “Adrenaline” and “Baton”. He also said that one of his fellow soldiers called “Bass” had been shot in both legs for refusing to kneel. He was released on 31 January 2015.

(xxxiii)O.I.S.

1454. Prior to the events of 2014, the witness had lived in Donetsk and then served in the volunteer battalion “Donbas”. He stated that on around 20 August 2014, his battalion had been sent to Ilovaisk to support other units and that on 24 August 2014, during Ukrainian Independence Day, there had been a great deal of shelling towards their position. He said that on 30 August 2014, his battalion had eventually had to surrender to the Armed Forces of the Russian Federation. After he had been taken prisoner, he had been transported in a KAMAZ truck elsewhere and thrown off the truck and ill-treated. He described this in the following terms: “they started to beat me, break my leg, twisted the wounded leg, which resulted in torn ligaments and other injuries and otherwise abused me – pressed down my head with their leg so hard my teeth were breaking, beat me with rifle butts and the like.” He said that afterwards, they had been taken to the village of Osykove, where he had met Mr Anton Pavlov (“Motorola”), who wanted to take prisoners from the Russian soldiers. According to the witness, a Russian officer prohibited this and soon afterwards the Red Cross came. The witness said that, before his captivity, he had come across a KAMAZ military truck with non-local numbers, with characteristic “white circles”, and after that during the fighting he had seen the same insignia on the vehicles of the militias and the Russian

military "which were used to hide belonging to the military unit in Russia, to make it impossible to identify them in the future." It is unclear when he was released.

(xxxiv) V.V.S.

1455. The witness is a doctor. He served in the "Myrotvorets" battalion and participated in the events near Ilovaisk from 23 August 2014. He stated that on 29 August 2014, his unit had moved out in a column to withdraw through a previously agreed "green corridor". In the column they had Russian prisoners of war taken by the "Donbas" battalion. After arrival at Mnohopillya, the column stopped to receive further orders and suddenly a sound of explosion was heard and immediately thereafter a command was given on the radio to fight and move ahead. He said that all along the way from Mnohopillya to Novokaterynivka (40 kilometres), they had been shot at by Russian tanks, artillery, automatic grenade launchers and small arms. Having separated from the column, the witness saw some "green men" without insignia executing Ukrainian wounded soldiers. The witness said that he had eventually surrendered to soldiers in Russian uniforms. Presenting himself as a doctor, he had been allowed to collect the wounded by a Russian officer. The witness was helped by a solider named Tulgen from Astrakhan (Russia). He told the witness the story of his unit: in July they had been sent for training in the Rostov region, where they did ordinary military exercise. A week later the command had told them that they were going to guard the Russian border, because the "fascist junta" in Kyiv, along with the NATO forces, could attack Russia. Later their mobile phones and documents had been taken from them, and they had been sent somewhere at night. As it turned out, they had been transferred to Ukraine. The witness stated that the paratroopers who captured the witness and other prisoners were from Kostroma (Russia), and according to their "legend" they were (still) on a training exercise.

1456. The witness stated that on 30 August 2014, "the long-awaited column of the Red Cross came to take us out. We were given only one hour to load the wounded and 'Cargo 200', scattered around the sunflower field. In the evening, having loaded everyone we could finally got out of that hell".

(xxxv) A.P.S.

1457. The witness served in the Armed Forces of Ukraine, in the 15th Infantry Company of the 60th Infantry battalion of the Cordon group (military unit 3033) as a machine gunner. He stated that his unit had been sent to a checkpoint near the city of Mariupol. Upon arrival he had noticed that the checkpoint had been destroyed and soon afterwards, shelling from the side of the village of Novoivanivka (Amvrosiivkyi district of the Donetsk region) began. He said that they had been surrounded and had had to

surrender, resulting in their capture. He stated that the soldiers that had taken them captive were servicemen of the Russian Federation, who had not hidden that fact and also spoke with a Russian accent; some of them were of Caucasian and Ossetian appearance. The witness said that the Russian soldiers had shot some of the wounded. Afterwards the captives had been brought across the border to an unknown place in the Russian territory, somewhere "near the Rostov region". He said that after a while some other servicemen of the Russian Federation had transferred the prisoners to Snizhne in the Donetsk region and detained him in a former police temporary detention centre, under the control of the "DPR". He stated that he had not been threatened, but that he had had to do manual labour (cleaning of the wreckage of the city). He was released on 14 September 2014, together with seventy other people.

(xxxvi) A.A.T.

1458. The witness served as the commander of the special forces for the "Myrotvorets" volunteer battalion of patrol police. He stated that they had been attacked near Ilovaisk by the Armed Forces of the Russian Federation on 24 August 2014: "we were fired at both by divisions of the Armed Forces of the Russian Federation and by mercenaries of Caucasian nationality, who during the fight were at a distance of not more than 50-70 metres from us, we saw them almost directly. ... Moreover, after my soldiers had been captured and taken to hospital in Donetsk, at that time there was a person of Chechen nationality, who was the so-called 'Deputy Minister of Defence' of the so-called 'DNR', and claimed that during the assault they had lost 200 of their mercenaries."

1459. The witness recorded a video on which "the vehicles of the Armed Forces of the Russian Federation were marked with white circles, all their equipment was marked with such circles, [and] the vehicles of the Ukrainian troops were marked with stripes."

1460. He also said the following: "I can say that the regular troops of the armed forces of the Russian Federation who entered the territory of Ukraine after 22-23 August 2014 preparing for the breaking up of the actions of the Ukrainian military who were in the city of Ilovaisk, prepared their positions, sectors of fire, and equipment for the fight in this area. The curators from the Russian Federation, who coordinated and gave orders, supplied ammunition and logistical support, should be responsible for the finishing of the Ukrainian military wounded by the members of illegal armed formations on the battlefield." It is unclear when the witness was released.

(xxxvii) O.S.V.

1461. The witness served in the Armed Forces of Ukraine (military unit 3033) as deputy commander of the combat and material support company,

with the rank of junior lieutenant. He stated that he had been sent to a checkpoint near Mariupol, but upon arrival found out that the checkpoint had been destroyed. He said that soon after their arrival they had been shelled by tanks, mortars, armoured carriers and small arms. He and his unit had had to surrender, and they had been captured. He saw about 100 people in Russian military uniform, who spoke with a pronounced Russian accent. There were also many people of Mongolian and Yakut appearance, who spoke with an eastern accent. He did not see representatives of the "DPR" of "LPR" during the attack and capture. He said that after their capture, they had been taken to the Rostov area, followed by a transfer to the "DPR", who took them to a temporary detention facility in Snizhne. He said that he recalled the name "017", the head of the temporary detention centre, and "Fedia", the mayor of Snizhne. The witness said that he had not been physically assaulted but that he had been subjected to intimidation and threats. He was released on 13 October 2014, together with ten others.

(xxxviii) O.H.P.

1462. The witness is a former Ukrainian serviceman. He said that in 2015, he had gone to Horlivka, where he had been arrested by the "DPR police". The witness was kept in a police basement and then was taken to the "DPR" armed forces headquarters, where he was interrogated several times "with the use of physical violence". He said that the conditions of detention had been poor, with irregular access to the toilet and that he had been made to engage in forced labour. He was released on 29 December 2019 in a prisoner exchange.

(xxxix) V.V.V.

1463. The witness is a Ukrainian Army serviceman. He stated that he had been taken prisoner on 24 May 2018 near the contact line after being ambushed by armed men with the "DPR" and Russian chevrons. He said that he had been beaten after being taken prisoner and while being interrogated. He was eventually convicted of trying to overthrow the "DPR" and of "terrorism" by a "DPR" court. He said that, while he was in pre-trial detention centre (SIZO), he had met a Russian serviceman named Pavlo from Rostov-on-Don. The witness was released on 29 December 2019.

(xl) V.L.Z.

1464. The witness is a Ukrainian Army serviceman who served near the contact line in the area of the settlement of Pisky. He stated that he had been taken prisoner by representatives of the "DPR" on 17 February 2018. He had been interrogated to extract intelligence about his military unit and its positions and about his personal role. He had been beaten and electrocuted with a "Tapik" device, and tortured with a hot iron. He said that, as a result,

he had lost mobility in one leg. He stated that one of the persons who had questioned him had a pronounced Russian accent and a Russian-type uniform. The witness said that he had later been transferred to a temporary detention facility, a pre-trial detention facility and the Makiivka penal colony, where there was no longer any physical ill-treatment but poor conditions. The witness was sentenced to eighteen years for "terrorism" and "plotting to overthrow the DPR". He was released on 29 December 2019.

(c) Members of the separatist groups

(i) S.M.D.

1465. The witness is a Ukrainian citizen who served in the "DPR" armed units from 5 May 2014. She stated that on 28 October 2014, she had appointed chief of staff of the "DPR" 7th Brigade rocket-launcher battalion. In this role, she coordinated the bringing of armaments from the Russian Federation. She said that the shipments were always accompanied by Russian servicemen known as "tourists" (since they were in Ukraine secretly). She said that among other things, eighteen BM-21 multiple-rocket launchers, thirty-one T-72 and T-64 tanks and 12,500 artillery rockets for BM-21s had been supplied from Russia. A Russian Armed Forces officer, Major General Kuliev, had visited a shooting practice exercise to make sure that the unit was equipped with vehicles and weapons. She stated that a Russian Armed Forces serviceman codenamed "Terek" was an adviser to the battalion commander and had trained the unit in the combat use of BM-21s.

1466. In January and February 2015 the witness served in operations near Debaltseve, where she met a certain Alim Mahomedovych, a colonel of the Armed Forces of the Russian Federation (an adviser to the chief of an artillery brigade), and soldiers from the Wagner private military company.

1467. The witness said that after Debaltseve, Russian Armed Forces officers, who had previously served as advisers, had been appointed as official commanders of units and the locals, who had previously occupied those positions, including the witness, had been transferred to deputy commander positions. At first, they had been sent to Donbas for three to six months, then for a year, and later for a year and three months.

1468. The witness stated that in May 2015, she had moved to the "Republican Guard" and later the "Vostok" battalion, where she had been under the command of and cooperated with a number of Russian Armed Forces officers, including Lieutenant Colonel Kamenev (who had commanded operations in the Avdiivka industrial area in February 2017) and Captain Yuriy Prylutskyi, who was a tank battalion commander.

1469. The witness said that on 8 March 2017 she had been appointed the First Deputy Chief of Staff of the Mortar-Artillery Self-Propelled Division and her adviser was Captain Volkov, a Russian permanent serviceman who was an artilleryman.

1470. The witness said that the "DPR" personnel were paid in roubles delivered across the border from Russia and that the "DPR" could not support itself. She stated that a private was paid 15,000 Russian roubles without bonuses and a commander received 45,000 roubles.

1471. The witness eventually moved to the territory controlled by Ukraine.

(ii) S.N.S.

1472. The witness is a Ukrainian citizen who at the time resided in Luhansk, and enlisted and served in the "LPR" military from November 2015 to February 2017, as an assistant to the rocket-artillery armament service. He stated that the leadership of the 2nd Army Corps in the territory of "LPR" was carried out by representatives of the Russian Ministry of Defence under the control of the Federal Security Service and that the Russians occupied leading positions ranging up from battalion commanders. The main leadership positions were occupied by officers of the Armed Forces of the Russian Federation, and their deputies were local militants.

1473. The witness stated that Russia supplied intelligence devices (PSD-5, PSD-8) and they were used only by the Armed Forces of the Russian Federation because they were difficult to use and required special knowledge that local people did not have. He said that individual protective kits (body armour and so on) were manufactured in Russia. During the witness's stay in office, the number of such kits had reached thirty. The uniforms were tailored in the occupied territory of Ukraine and combat rations were delivered from Russia.

1474. The witness stated that the rotation of Russian servicemen was normally conducted every six months but could be extended or shortened at short notice. He said that the Russian servicemen came to the "LPR" after an interview with special services in Novocherkassk, where they left their service documents and uniforms. According to the witness, Russian servicemen received higher salaries (in roubles) than what was paid for service in Russia. He said that a year of service in the "LPR" counted for three years of service in Russia, allowing Russian servicemen to bring forward their retirement.

1475. The witness stated that the "LPR" military service regulations were identical to the Russian ones, only with the word "Russia" replaced by "LPR".

(d) Member of the Armed Forces of the Russian Federation

(i) V.V.R.

1476. The witness is a Russian citizen and a former serviceman of the Armed Forces of the Russian Federation. In 2015, he was convicted in Ukraine for criminal acts (Article 260 (Creation of unlawful paramilitary or

armed formations) and Article 263 (Unlawful handling of weapons, ammunition or explosives) of the Ukrainian Criminal Code). He was released in March 2017 but at the time of giving his statement on 2 August 2017, he lived in Ukraine.

1477. The witness stated that at the beginning of April 2014 two officers had come to his home in Omsk, Russia (where he lived after his service in the Russian Navy), to invite him (without the choice to decline) to the city of Rostov-on-Don for military training. The witness said that "after a while a white minibus ... with the flag of 'Novorossiya' came for me and picked me up. ... the man who met me introduced himself as an FSB officer, [and] showed the certificate, but did not open it." He stated that he had been taken to a base of the Ministry of Emergency Situations of the Russian Federation, together with a group of thirty-two people (some with prior criminal convictions), mostly Russians but also one from Horlivka in the Donetsk region. They were given military uniforms and told that they would undergo military training. The group trained for two weeks, and according to the witness they were constantly shown "brainwashing" videos of Ukraine as territory where "fascists" had seized power and destroyed the Russian-speaking population.

1478. The witness said that, at the base, there were flags of the "DPR" and "Novorossiya" everywhere. Instructors (notably in arms handling) were experienced men; from their conduct and manner of speaking the witness understood them to be from the FSB. At the end of the training: "[W]e were told that the next day we would go to the other side, that is, Ukraine, where it is necessary to protect the civilian population. Then we were taken in a big tour bus and drove to the border of the Russian Federation with Ukraine. We were dressed in military uniforms; we had no weapons or munition. ... We drove into the settlement of Izvaryne in the Luhansk region, which was completely under the control of fighters of the 'DPR'. We were taken to the City Council building."

1479. The witness stated that, after that, he had been taken to Donetsk, where he had observed a lot of military equipment which was the property of the Russian Federation. He then described how he was part of the "Globe" MANPADS unit "Globe" but did not take part in active combat. The witness stated that, in early August 2014, he "had a conflict with co-workers from the 'DPR'" and that afterwards he had been shot. He said that he had then been detained in the basement of the former building of SBU with other "unreliable" detainees, where he had been beaten.

1480. The witness stated that "staying in the territory of Donetsk and Luhansk regions in the summer of 2014, I repeatedly saw the presence of Russian military personnel in the ranks of the separatists. All the so-called 'military enlistment offices' were attended by the representatives of the FSB; they were, in fact, controlling all processes in the 'DPR', they were such a

guiding link, and actively participated in personnel work. I also saw many regular tankmen from the Armed Forces of the Russian Federation."

2. Records of interrogation of detained Russian paratroopers

(a) S.A.A.

1481. The witness served as deputy commander of a combat vehicle – gunner – and operator of the first division of the same paratrooper unit of the Armed Forces of the Russian Federation. He stated that "[a]s the command told us, the goal of our deployment in this region is the conduct of battalion tactical training. Personally, for me, the providence of any training in the vicinity of the borders of Ukraine seemed very strange, given the fact that on the territory of the Donetsk and Lugansk regions there are now 'hot spots'. But our command, headed by the commander ... Major Timur Bakitovich Kusainov, as well as my platoon commander Lieutenant Sergei Vitalyevich Starozhilov, assured us that everything was normal, and we would carry out a march. No one told us in what direction the march would be." He said that, upon arrival at the Rostov region, he had been asked to hand over his mobile phone and military ticket. He stated that their combat vehicles had no identification signs: before departure, upon the order of the command, they painted their numbers on, and on the armour of their cars, there was only a white circle.

(b) A.V.G.

1482. The witness worked as a gunner for the Armed Forces of the Russian Federation, in the same paratrooper unit. He said that at some point during the march on 24 August 2014, he had noticed inscriptions in Ukrainian and understood that they were in Ukraine. He said that he had asked the platoon commander Milenko where they were going. The commander said that he also did not know and that he had been ordered to follow the column. The witness said that he had gone to take care of the broken vehicle at the railway tracks, where he had been shot by an unknown party and had then been taken by Ukrainian soldiers to a camp, where he had been "politely asked to hand over the weapon". He was then handed over to the law-enforcement agencies and brought to Kyiv.

(c) A.N.G.

1483. The witness served in military unit 81211 of the Armed Forces of the Russian Federation (Kostroma) as sergeant, deputy commander of an engineer-sapper platoon. He said that on 18 August 2014, upon the order of Colonel Aleksandr Viacheslavovich Nemoliev, a battalion tactical training exercise had been called, which included forty units of military equipment (BMD02 and BTRD) and from 300 to 400 servicemen (the exact number was unknown to the witness). He stated that he had been told that the Russian-

Ukrainian border would be crossed; however, no specific location was shared. He said: "... making the crossing through the railway track in an unequipped place, [with] my crew, who were moving on BMD-2s, there was a breakdown – the 'caterpillar' flew off. Subsequently, the crew stopped to eliminate this failure, and the battalion continued to move further into the territory of Ukraine." He said that a Ukrainian BMP had been passing by and he believed that it was its crew that had shot in the direction of the Russian vehicles. He further stated that in response to a shot allegedly fired from a BMP with a raised Ukrainian flag, from the territory of the Russian Federation, artillery shelling with large calibre projectiles had begun. He stated that he had received the order to paint the numbers of the vehicles over with white paint and to put images in the form of white circles on the side and rear of the vehicle.

(d) I.V.M.

1484. The witness served as senior minesweeper in the Armed Forces of the Russian Federation military unit no. 71211, 331st Guards Parachute Regiment (Kostroma). He stated that he had been tasked, for unclear reasons, with drawing white circles on the military vehicles before starting off on the "march" on 24 August 2014. He had been sent towards Ukraine on the night of 24 August 2014 and Lieutenant Milenko had ordered him to assist a broken Russian army vehicle. He also stated that he had been attacked by "an unknown party" and had eventually received help from the Armed Forces of Ukraine, after which they had been arrested and detained by Ukrainian servicemen.

(e) A.V.M.

1485. The witness served as a contract serviceman in the same paratrooper unit of the Armed Forces of the Russian Federation. He said that "[o]ne of our three BMDs was destroyed, the other two left. For this reason, we decided to walk back to the side from which we had originally arrived. At the same time, we had a wounded driver-mechanic of a blown up BMD, Corporal Artem Kuzmin. After a while, we met the soldiers of the Ukrainian army, who had blue and yellow ribbons on camouflage, as well as horns of automatic rifles rewound with blue and yellow insulating tape. ... together we came to their camp ... Upon arrival, I was asked to hand over my weapon, which I did without any either moral or physical coercion." The witness stated that, upon arrival in the Rostov region, shortly before crossing the Ukrainian border, he and his fellow officers had been asked to hand over their mobile phones and military tickets.

(f) E.V.P.

1486. The witness was a professional ("contract") serviceman, with the rank of Junior Sergeant of the Armed Forces of the Russian Federation. He stated that he and his team had not been told where they were going. They were expecting a training exercise and were told to paint over the numbers of the military vehicles and to put white marks on the vehicles. According to his statement, the battalion commander was Major Timur Bakitovich Kusainov. The witness's military unit (no. 71211, 311) comprised three combat companies, each of which consisted of approximately fifty personnel and nine BMD-2s (amphibious combat vehicle).

1487. The witness said that on 23 August 2014 they had arrived at the Matveev Kurgan station in the Rostov area and had gone to a nearby camp location, where, on the order of Major Kusainov, they had received ammunition, dry rations, blankets and pillows, and had been told that the next morning (starting early, around 2.45 a.m.) they would have to march 70 kilometres to an unknown location. The witness stated that the next day, during the march, the commander, Lieutenant Podkopaev, had ordered him and his colleagues in the rear end group to go back to a railway crossing to take care of a broken/stuck military vehicle. When they had got there they were attacked. The witness said that it had either been by Ukrainian or Russian troops; that remained unclear. The witness and his colleagues were eventually aided by Ukrainian soldiers, had to hand over their weapons and ammunition and surrendered.

(g) I.I.R.

1488. The witness worked as a serviceman in the same paratrooper unit, deputy commander of a combat vehicle and gunner-operator for the Armed Forces of the Russian Federation. He stated the following: "[d]uring the maintenance of equipment, the battalion commander ordered [us] to paint the numbers on all BMD and draw white circles in their place on both sides of the vehicle and on the rear injector. The same evening, we were given white armbands, which we had to tie on the hands and feet on both sides. These actions were explained as the need to differ from the enemy." He also said that he had been sent back to the railway station: "the commander of the battalion ordered the rear group, including my vehicle, to return for the last vehicle that broke down when crossing the railway. Thus, the two vehicles returned ... The chief of the vehicles was the platoon commander, Lieutenant Mikhail Milenko."

1489. The witness said that he had not known that they were marching towards Ukraine: "... we met the BMP with the Ukrainian flag, we realised that we were on the territory of Ukraine. When we stopped on the orders of the platoon commander to try to reconnect, there was a shot on the right side of the first vehicle, in which I was. The shock wave threw me off the tower,

the crew of the vehicle fled away. Our BMD caught fire, shells in it detonated, we were shelling. [They fled from the vehicle and came upon Ukrainian soldiers.] [Eventually] [w]e explained to them that we were Russian servicemen and surrendered. In all, ten servicemen surrendered, namely myself, [A.K.], [I.M.], [E.P.], [G.], [A.], [S.]. I do not remember the names of the other three people. ... What was the goal of crossing the Russian-Ukrainian border, I do not know."

(h) V.V.S.

1490. The witness worked as deputy platoon commander – commander of a combat vehicle, commander of the second division of the 98th guards paratrooper division, guard sergeant in the Armed Forces of the Russian Federation. He said that they had been told that they were leaving for "training" in the Rostov region and that they had to hand over their military tickets and telephones. He stated that they had been told to erase numbers from the military vehicles and to paint white circles on them. According to his statement, they left for an unknown destination in the middle of the night, without knowing that it was Ukraine. Then, they had to return to a broken vehicle near train tracks. He said that after firing, they had run into the forest and come across Ukrainian soldiers and surrendered.

(i) S.A.S.

1491. The witness had worked, from 23 September 2008 to the present time, in the Armed Forces of the Russian Federation under a contract on the position of Senior Scout of military unit no. 71211 331 of the paratrooper regiment of the Svir 98th Guards division. His task was measuring and observing the distance from and movement of targets. He stated that on 16 August 2014 the commander of the battalion, Major Timur Bakitovich Kusainov, had lined up on the parade ground all the members of military unit 71211 (Kostroma, 8-a Skvortsov Street) who were serving under contract. After that, the chief of staff, Captain Evgenii Pinchuk, ordered that the units be completed by the contractors themselves. Subsequently, the commander of the battalion told them on 20 August 2014 that the unit would go to the battalion tactical training, taking place in Rostov region for two weeks. He said that on 23 August 2014, at about 7 p.m., everyone there had begun to receive ammunition, dry rations for three nights, blankets and pillows. On the same day, the platoon commander, Lieutenant Starozhilov, gave an order that at 3 a.m. there would be a 70-kilometre march on the vehicles, without specifying where. The witness also said that Lieutenant Starozhilov had told them to leave their military tickets in the camp with personal numbers. He stated that the next day, on 24 August 2014, at 2.30 a.m. they had been woken by alarm, and at about 3.45 a.m. the column had departed from the camp in an unknown direction. The column included: twenty-seven BMD-2s, thirty

tanks and an unknown number of cars (KAMAZ, Ural). The witness said that, while he was driving on a BMD-2, along with the commander of the platoon Lieutenant Starozhilov, Egor Fazylov, Sergei Arkhipov, Ivan Ivlev and Evgenii Ostanin, the engine had broken, and the column had proceeded further. After that, they had tried to repair the broken BMD-2, but had not managed to do so. Together with their BMD-2, there was still another BMD-2. After that, a tractor arrived, hooked their BMD-2 to it and they moved further behind the column. When moving along the railway tracks, a caterpillar fell off the vehicle that was defective. They again began to troubleshoot. While troubleshooting, two BMD-2s arrived to pick them up. When driving to catch up the column, they drove into a certain locality. The witness stated that at this time, searching for their column, they had come across a BMP-1, with a Ukrainian flag. He said that they did not understand where they were. He also said that at that time, there had been grenade launcher fire towards them. He stated that the second shot of grenade launcher had hit one of their BMD-2s. Following the shot, the witness had been pushed by an explosive wave from the BMD-2. He said that after that, they had taken up position in a field, which was on both sides of the road. They had been divided into two groups: one on one side of the road, the other on the other. After artillery fire, which lasted approximately fifteen to twenty minutes, all ten remaining men went to the forest, where they saw two soldiers, one of whom introduced himself as a serviceman of the 51st brigade of the Armed Forces of Ukraine, whom they told that they had a serviceman with burns, who needed medical help. The witness stated that the Ukrainian soldiers had taken them to their camp, where they surrendered their weapons.

(j) O.S.Y.

1492. The witness stated that he had joined the separatists in the “DPR” in Artemovsk in mid-April 2014 and that after the 11 May 2014 “referendum”, the armed group of Mr Bezler had seized a public building. He said that he had taken an active part in constructing barricades around the building and, subsequently, guarding it. He stated that around the beginning of June 2014, the headquarters “began to dissolve and everyone departed to the Russian Federation”. The witness had also boarded a bus travelling to Rostov-on-Don in Russia. He said: “[P]eople were convoyed by persons dressed in military form and ethnicity ‘Chechens’. After we arrived in Rostov, I stayed there for about a day, and afterwards I was taken to St. Petersburg and my study in the Suvorov school as cadet was arranged. I spent about two months at the Suvorov school, I didn’t like it there and I decided to go back home.”

1493. The witness said that he had returned to Artemovsk and on about 18-20 August 2014 had travelled to Donetsk. There, he had joined the “Slavyane” battalion. He described being on duty at a post when he had seen people in military uniforms driving a tow truck into the courtyard of a

five-story building and taking a silver car. He said that the next day, the owner of the car had come and asked if anyone had seen what had happened to his car. The witness told him what he had seen, and so he realised that it was hijacked.

1494. The witness stated that around the end of November 2014, he had been sent to the outskirts of Avdiivka, where he had "guarded the Russian servicemen, specifically the signalmen". He said that he understood that these were Russian military officers by their words, and one showed a military ID and a passport of the Russian Federation.

1495. The witness described how he had changed battalion several times before joining the "Vostok" battalion in May 2015. He had left in mid-June 2015 and returned home.

G. Intercept evidence

1. Introduction

1496. The applicant Dutch Government made available to the Court documents and reports, prepared by the National Crime Squad of the Dutch National Police, containing the transcripts of a number of intercepted telephone conversations. The remarks, explanations and footnotes set out in those documents (regarding issues such as the background, conclusions, coding), by either the applicant Dutch Government or by the investigating authorities who prepared these reports, are also reproduced.

1497. Information about how these telephone conversations had been intercepted and how their authenticity and reliability were examined, are set out in some of those reports. In addition, the applicant Dutch Government made available to the Court a record of the oral submissions made by the Public Prosecution Service of the Netherlands to the Hague District Court on 8 June 2020. This record, which contains further information in this regard and which explains the steps taken in obtaining and validating these intercepted telephone conversations, is summarised immediately below.

2. Authentication of the intercepted telecommunications

1498. According to the oral submissions of the Dutch Public Prosecution Service ("the OM") to the Hague District Court on 8 June 2020 on telecommunications, it had already been apparent on 17 July 2014 that the SBU – which had been investigating the armed groups involved since the start of the armed conflict – had access to relevant intercepted telephone calls. Intercepted conversations had been made public on the evening of that same day.

1499. The SBU had listened to all recorded telephone calls that might be relevant in order to uncover information about the downing of flight MH17; the first selection of telecom data of relevance to the MH17 investigation had

therefore been carried out by the SBU. As the Joint Investigation Team (JIT) investigation had gathered momentum, the investigation of telecom data had increasingly become a concerted effort by investigators from different countries.

1500. The telecom data retrieved in the course of the investigation could be divided into audio (intercepted calls) and metadata (data generated about telephones, telephone numbers, telephone calls and mobile phone masts to which mobile phones have transmitted signals). As the SBU had both intelligence and investigative duties, it had been able to intercept telephone calls and retrieve metadata. Prior authorisation by a Ukrainian court had been required in both intelligence and criminal investigations.

1501. The Ukrainian telecom data had been derived from three different sources: the SBU's intelligence investigations; the SBU's criminal investigation into the downing of flight MH17; and other criminal investigations by the SBU. Telecom data from the intelligence investigation conducted by the SBU had found its way into the case file via two pathways: in the first phase of the investigation – in July and August 2014 – the intelligence division of the SBU had provided telecom data to the Netherlands' General Intelligence and Security Service ("the AIVD"). The AIVD had then passed that information on to the OM. The Ukrainian authorities had also shared telecom data with the rest of the JIT on various occasions. The telecom data shared within the JIT had been gathered by the SBU in the course of both criminal and intelligence investigations.

1502. Before telecom data from Ukraine could be shared with other JIT partners, it first had to be declassified. The telecom data gathered in the context of the SBU's intelligence investigation had to first be disclosed before it could be provided to the JIT. The disclosure of telecom data gathered in the course of the SBU's MH17 investigation had required prior authorisation from a Ukrainian public prosecutor. The telecom data from the SBU's other criminal investigations could only be disclosed as evidence to the JIT once a Ukrainian court had given permission.

1503. While many telephone calls had been intercepted in the context of the armed conflict, this did not mean that a clear picture existed of the individuals participating in those calls because many more calls had been recorded in Ukraine than could be listened to each day. The advantage of this mass interception was that relevant conversations could be retrieved and investigated at a later stage; the disadvantage was that the SBU did not have a complete or up-to-date picture of the content of the telephone intercepts. During the JIT investigation, it had also become clear that many individuals within the armed groups had been using secure telecommunications devices for both secure (encrypted) conversations and for ordinary, unsecured conversations. Another complicating factor in the investigation had been the frequent use of call signs by participants in the armed conflict: most members

of armed groups in eastern Ukraine did not use their real names when speaking on the telephone.

1504. The authenticity of the telecom data had been assessed in a variety of ways.

1505. First, information had been requested about the location of mobile phone masts and telecom specialists from the Dutch police had taken network measurements in Ukraine. The OM explained:

> "When a mobile telephone is active in a particular network, it connects to an antenna on a mast associated with a telecom provider. The location of this mast gives an indication of the location of the mobile telephone, and it is therefore important for the criminal investigation. With this in mind, the JIT asked Ukrainian providers for information about the location of their mobile phone masts.
>
> Network measurements were also taken in Ukraine by telecom specialists from the Dutch police. It is possible by means of a network measurement to find out after the fact which mobile phone mast antenna a mobile phone transmitted a signal to when it was in a certain location. It is also possible to establish which mobile phone mast antennae an individual with a mobile phone transmitted a signal to while travelling a certain route. It is important to carry out a network measurement as soon as possible (ideally immediately after the incident that is the focus of the criminal investigation) to ensure the information obtained about the mobile phone mast antennae receiving a signal is as accurate and current as possible.
>
> In view of the ongoing hostilities and the fact that the JIT investigation first had to identify relevant areas and locations, network measurements could not be performed until about one year later, i.e. in the period from 11 June 2015 to 1 July 2015 inclusive. This means there is cause to treat the results of the network measurements with caution."

1506. Network measurements had been performed at locations that had emerged in the investigation as possibly relevant sites and along a route that had probably been travelled by the Buk TELAR, including the field to the south of the town of Snizhne (Pervomaiskyi); the centre of Snizhne near the Furshet supermarket; the field to the north of Snizhne; and the location to the south of the town of Zaroshchenske. Network measurements had also been taken in the vicinity of a business in Donetsk since it had been suspected that the low-loader on which the Buk TELAR had been transported had come from this location. The investigation team had been refused permission by the separatists to carry out network measurements in the Luhansk region and as a consequence, it had not been possible for measurements to be carried out on the part of the route in question that ran through the region. Subject to the caveat that, for the reasons outlined, a complete and up-to-date picture for 2014 could not be obtained, the data gathered were used to verify whether the mobile phone mast data received by the JIT corresponded with the data from the network measurements.

1507. A great effort had been made to ensure that conclusions drawn from the telecom data would be as accurate and reliable as possible, including with respect to determining the location of the telephones used. However, the OM

explained that the fact that a telephone was transmitting to a particular antenna on a given mast did not necessarily mean that that phone had been located in the immediate vicinity of that mast: a phone could also transmit a signal to a mast which was further away, for example because a closer mast was out of order or overloaded. For that reason, the evidential value of data showing that a certain mobile phone was transmitting to a particular mast had never been viewed in isolation but always considered in the light of other findings of the investigation.

1508. Second, telecom data and metadata had been compared and cross-checked in various ways in order to assess its authenticity. The OM explained that when two telephones were in contact, the conversation was registered by the provider in multiple ways: it was linked to the IMEI numbers of the telephone concerned; it was linked to the telephone numbers associated with the SIM cards in those telephones; and it was linked to the antennae on the mobile phone masts to which the two telephones are transmitting a signal. All these types of registration could be found in the telecom data gathered in the investigation. Moreover, when a telephone was tapped, a variety of information related to the intercepted conversations was retained, such as the length of a call and its start and end times. The various types of registration could be compared and cross-checked to see whether they were consistent or whether they exhibited any inexplicable differences. This had been done extensively in the context of the criminal investigation. A Dutch reporting officer with a great deal of experience in telecom investigations who had been involved for some time in analysing and verifying the telecom data gathered in Ukraine had concluded that the quality and integrity of the telecom data provided by the Ukrainian authorities was consistent with similar material used in other criminal investigations in the Netherlands.

1509. Third, since some of the tapped telephone lines had been in contact with foreign telephone numbers, foreign telecom providers had been asked whether they had registered the relevant calls. The telecom data supplied by the Ukrainian authorities had then been compared with the data obtained from non-Ukrainian providers. Enquiries with Polish and Spanish telecom providers, for example, had uncovered matching data for these calls in terms of date, time and telephone number.

1510. Fourth, the authenticity of the telecom data had been assessed through voice recognition. The investigation team had gathered information from public sources in which various participants in intercepted telephone calls had confirmed that they had conducted those calls. In addition, investigators had interviewed various witnesses who had recognised voices in conversations that the investigation team had uploaded to the JIT website or which had been played to them during questioning. Some people had recognised their own voices in recorded conversations. Where possible, the investigation teams had confronted participants in intercepted telephone calls with the content of those calls and had asked for their response.

1511. Finally, the authenticity of the intercept material was assessed by comparing the content of calls with information from public sources about events which had taken place. This exercise had revealed that a great deal of what had been discussed in the intercepted conversations was confirmed by other sources. The OM gave various examples.

1512. The OM referred to claims made in various articles and documentaries disseminated online to the effect that the intercepted calls had been manipulated. This had prompted the investigation team to assess the extent to which the claims made could be investigated. The OM explained that general accusations of manipulation – such as the contention that all intercepted calls had been falsified – could not be meaningfully investigated. Nevertheless, specific and concrete accusations could be examined and to that end the team had solicited the advice of forensic experts at the Netherlands Forensic Institute ("NFI").

1513. The OM concluded its submissions on the authentication of the telecom data as follows:

> "Given the quantity of calls analysed by the investigation team, the relationships between these calls, the relationships between these calls and other sources of evidence, and the fact that the vast majority of them were selected from a far larger pool of calls by investigators from countries other than Ukraine, it is extremely unlikely that the intercepted calls shared and used by the JIT were manipulated.
>
> As far as the Public Prosecution Service is concerned, the authenticity and content of the telecom data have been investigated as fully as possible, using different methods."

3. How the intercept material is presented

1514. The transcripts below show relevant parts of the transcripts transcribed in the official reports that contain them, with added explanations presented as they appear in the official reports. The relevant official report is cited in a footnote for every conversation.

1515. Some of the transcripts are anonymised. This process is explained in the report of 23 June 2020 as follows:

> "In order to avoid compromising the Ukrainian and Dutch criminal investigation and prosecution, it is not (yet) possible to share all the details of this conversation. For this reason, some details have been anonymised, as was the case with previous official reports. The names of the separatists who participated in the conversation have been replaced with codes."

1516. Where the identities of those participating or mentioned in the conversations has later been revealed or was previously disclosed by the SBU, the transcript includes the identified names.

1517. As to the codes used, the report of 16 December 2019 concerning disclosed intercepted conversations explain:

> "In cases where the separatists' names have been anonymised, the transcripts indicate whether the separatist has been identified, the separatist group to which he belongs and whether he ranks high or low rank in the hierarchy. Separatists are deemed to be 'high

ranking' if they have people under them or have some kind of leadership position. The exact number of subordinates a person has is not relevant for this classification system. 'Lower-ranking' separatists have no one under them."

1518. The time at which the relevant conversations took place is local time. Where no precise time is specified, it is noted as morning (06:00-12:00), afternoon (12:00-18:00), evening (18:00-00:00) or night (00:00-06:00). Where parts of the conversations are omitted in transcripts this is indicated with "[...]".

4. Content of the material

(a) 13 April 2014

1519. Three transcripts from 13 April 2014 appeared in a report of 16 December 2019 concerning disclosed intercepted conversations which described the context as follows:

> "In mid-April 2014 there was heavy fighting in Donetsk Oblast between separatists and the Ukrainian armed forces. On the afternoon of 13 April 2014 there were a number of conversations between an identified, high-ranking DPR separatist ('IHD-A') and another high-ranking DPR separatist ('IHD-B') who, according to what is said during the call, was in Russia at that time. Transcripts of three conversations are included in this report."

(i) Afternoon: Girkin: reporting to people on Russian territory

1520. The report explained:

> "In the first conversation IHD-B asks IHD-A how the situation is. IHD-A says that 'they' have repelled an enemy attack. This was a serious unit with important people, and it suffered heavy losses. He did not suffer any casualties. IHD-B says that reinforcements are on their way from Luhansk: 'whatever "they" had managed to arrange'."

1521. The relevant parts of the conversation were transcribed as follows; identities have been added since they were disclosed subsequent to the preparation of the report :

> "B: Yes, put [A] on the phone.
>
> C: Err.. hold on a second... who is asking?
>
> B: [B]... he knows.
>
> C: Hold on a second.
>
> In the background:
>
> C: [inaudible] the phone. [B] from Russia is on the line.
>
> Voice 1: Where from?
>
> C: From Russia. [inaudible].
>
> ...
>
> Girkin: Hi. Hello.

B: Yes.

Girkin: Hello. Yes.

B: What is the situation there?

Girkin: Well, look... we defeated the first attack... so... err.. they bumped into our whatsit... screen...

B: Uh-huh.

Girkin: ...incurred big losses. Incurred big losses. We don't even know who... who we crushed, but they were serious. So...

B: I got it. Great. So, look, a company from Lugansk will move out to you.

Girkin: Uh-huh.

B: I fucking [...] them.

Girkin: A company consisting of what?

B: Huh?

Girkin: A company consisting of what?

B: Well, what we fucking managed to... those who have fighting experience, will move out.

Girkin: Okay. Let them move out.

B: So,...

Girkin: But keep in mind that all the roads are sealed. They will have to fight their way through or bypass them.

B: I know. They will at least hit their check points.

Girkin: Uh-huh. Okay, okay.

B: Maybe they will not break through. They are terribly scared. Got it? As you can imagine. Maybe they will not break through.

Girkin: [B], throw... throw... now [...] the informa... we need the information regarding who we crushed. We crushed a very serious team. A very serious one. With some very serious and important people. So... err... they are keeping total silence... both on TV and the Internet. But we crushed them well. My guys did an excellent job.

B: I got it. How many?

Girkin: I don't know.

B: Do you have any losses?

Girkin: We don't have any losses. Not everyone has come back yet, but the main team incurred no losses. And you know that if we had losses, they would make much noise. So... err... and as the guys keep radio silence, it means... you understand that [inaudible].

B: Okay. So I will break through to Lugansk and form there...

Girkin: Okay.

B: ... with Lugansk teams I will [...] to you.

Girkin: Okay. Okay. Go ahead. Well, no... we... [inaudible] ... we will stick it out for several days. With fights of course. We will stick it out, you know. So... err... let them take more anti-tank weapons. Okay?

B: Good. Okay. Deal.

Girkin: We need anti-tank weapons. If we had any, we would cause everybody run behind Mozhay[3]. Bye. Good luck. Uh-huh.

B: I got it. Bye. Stay in touch."

(ii) Afternoon: Girkin: interview to be given by "the one who speaks with the Ukrainian accent"

1522. The report introduced the second conversation as follows:

"Later that same afternoon, half an hour after the previous conversation, the same identified, high-ranking DPR separatists again spoke by telephone. IHD-B wants to arrange an interview with the Russian news broadcaster Lifenews. IHD-A should have someone else give the interview. One of the subordinates of IHD-A – someone with a Ukrainian accent – should explain the outcome of the recent fighting in which IHD-A's troops were involved in the interview. Then he says that the demands of the Ukrainian separatists should be announced via the same medium."

1523. The relevant parts of the transcript read:

"Girkin: Hello. Hello.

B: Hello. Girkin.

Girkin: Hi. Yes. Listening to you.

B: Hi. So, look: Khokhly[4] are lying recklessly there. I want to arrange a LifeNews[5] live stream for you. I will give this phone number. They will call, introduce themselves. LifeNews from Moscow.

Girkin: Listen up.

B: Tell them a few words.

Girkin: Are you sure that I... that I need this? In terms of...

B: Don't introduce yourself. Okay. Take your deputy...

Girkin: Uh-huh.

B: ... the one who speaks with the Ukrainian accent.

Girkin: Uh-huh.

[...]

B: In short, take your deputy...

---

[3] A word for word translation of an idiom which means: "… we would cause everybody run far away from here."

[4] *Khokhol* (pl. *Khokhly*) – (literally "a forelock"). An old slur used by Russians to refer to Ukranians.

[5] LifeNews (Life) is a Russian news website and 24-hour television channel that is owned by the News Media holding company.

Girkin: Uh-huh.

B: ... and describe... let him describe absolutely clearly... introduce himself as a deputy commander...

Girkin: Uh-huh.

B: ... and describe absolutely clearly what is going on. I mean... err... that everything is fine, everything is okay. We won, so to speak. Those ones retreated with big losses. We have no losses. Hello.

Girkin: Okay. Give [...]. I will be waiting for the call then.

B: And the demands...

Girkin: Yes.

B: And the demands... that we are demanding the federalization of Ukraine, the elections of governors, the immediate elections of governors... okay? The elections of governors not later than the twenty fifth day of the month. We are demanding the federalization of Ukraine, the elections of governors and err... the condition that Rada[6] can't take foreign loans without the two thirds of vote of the regions. It is very important. It is a very essential demand. Because they will now give Ukraine as a pledge for money.

Girkin: I got it. Good. The person heard everything. He will say everything in the phone. Okay? Bye. Talk to you soon.

B: Okay. Good. Deal.

Girkin: Yes. So, here... here...

B: That we are demanding that, we will remain steadfast to the last.

Girkin: Yes, yes. So, look... here helicopters are flying around. We are looking at them with our hungry eyes. So... but...

B: I fucking understand.

[...]"

(iii) Afternoon: reporting to a Russian businessman

1524. The third intercepted call was described as follows:

"That afternoon the same identified, high-ranking DPR separatists spoke on the telephone once again. IHD-B said that IHR-D, an identified Russian businessman with contacts in high political circles, is with him, and then he hands him the telephone. IHD-A gives an update of the situation to IHR-D. IHR-D asks IHD-A if he has already told this to AKSYONOV, the leader of Russian-occupied Crimea. In response to IHD-A's reply that he has not yet been able to get in touch with him, IHR-D said that he would be meeting with AKSYONOV the next day and that he would talk to him. In the meantime, he advised IHD-A to continue trying to contact AKSYONOV. IHR-D also said that IHD-A's ambush has succeeded in wounding the head of the Ukrainian Anti-Terrorism Centre."

[6] The *Verkhovna Rada* of Ukraine is the unicameral parliament of Ukraine.

1525. IHR-D was later disclosed to be "Konstantin Valeryevich". It was further disclosed that he was using the telephone which belonged to Mr Borodai. The relevant parts of the transcript read:

"B: Put [Girkin] on the phone, please. Urgently.

[...]

Girkin: Yes, listening, [B]?

[...]

B: Yes. Hi. What is the situation like? [Konstantin Valeryevich] is here. I will put him on the phone now.

B is putting Konstantin Valeryevich on the phone.

Girkin: Yes.

Konstantin Valeryevich: Hello. Hello.

Girkin: I wish you good health, [Konstantin Valeryevich].

Konstantin Valeryevich: Yes. Good morning. So, what's up?

Girkin: So, we have defeated the attack. The enemy has retreated in all directions with big losses. So, err... from our side...

Konstantin Valeryevich: What does 'big losses' mean?

Girkin: Don't know, but according to our estimates they have from fifteen to twenty killed or wounded, including several senior special ops officers.

Konstantin Valeryevich: Uh-huh.

Girkin: They got in our ambush.

Konstantin Valeryevich: Uh-huh.

Girkin: We... so, our... our team shot at three VIP class vehicles...

Konstantin Valeryevich: Uh-huh.

Girkin: Which they drove... destroyed both security and those who were there... almost everybody. So, from fifteen to twenty.

Konstantin Valeryevich: And from our side? [...]

Girkin: We have no wounded or killed from our side. The guys did a great job.

Konstantin Valeryevich: Have you reported to Aksyonov?

Girkin: No, I haven't reported yet. I didn't manage to establish communication with him. So, if it is possible to call him...

Konstantin Valeryevich: Okay, okay. Then call him. I am meeting with him tomorrow here.

Girkin: Uh-huh. Uh-huh.

Konstantin Valeryevich: He is flying in this evening. We will have a talk with him, but try to get through to him yourself. With the report.

Girkin: Copied. Copied. Of course.

Konstantin Valeryevich: Okay?

Girkin: Copied. Copied.

Konstantin Valeryevich: Well. The further commander's personal reconnaissance... I need hardly say, the whole world is now looking at this geographical point... so... now we shouldn't be too clever-clever.

Girkin: I got it. So, from our side... we haven't relinquished a single position. I mean they are lying about everything. We maintained all the positions in Kramatorsk and we will [inaudible]...

[...]

Girkin: Konstantin Valeryevich from my side, I am asking to clarify... I mean... who did we beat after all? We've got completely different information... from Alfa[7] to GRU[8] special ops forces of whatsit... of Ukraine.

Konstantin Valeryevich: Well, I can only give official information. That it was the head of the Anti-Terrorism Center of Ukraine.

Girkin: Killed?

Konstantin Valeryevich: Well, they said wounded. Avakov said he is wounded.

Girkin: I got it. I got it.

Konstantin Valeryevich: Well, it's according to their TSN[9]. So, you hit the right person.

Girkin: Well, I got it. Yes. Great. I mean... Thank you. Thank you. Uh-huh.

Konstantin Valeryevich: Good luck.

Girkin: Yes. Thank you. Good bye. Uh-huh.

Konstantin Valeryevich: Ok. Stay safe. And I also want to say that you celebrated the holiday very well.

Girkin: I did my best. [laughing]. Thank you."

(b) 15 May 2014, 13:25:25: Pushilin and Borodai's assistant: list of people for the "DPR" government

1526. In a report of 16 December 2019 the following call concerning the selection of members of the "DPR Government" was set out:

"Borodai's assistant: So, listen to me. We've got... err ... the list of the following people,[inaudible] by ... err ... the hero-city here. It is not to be expanded. It includes, once again ...

[...]

Borodai's assistant: ... Strelkov, well, you got it, yeah? ... Kovalchuk ...

[...]

Borodai's assistant: Khodakovsky will come to you. We will introduce him. Right? So, look: Strelkov ... right?

[7] Alfa is an elite, stand-alone sub-unit of the country's special forces.
[8] Military Intelligence Agency.
[9] Television News Service.

Pushilin: So, hold on ... so, give me the full name of the position. I will present [...]. Uh-huh?

[...]

Pushilin: The Head of... the Head of the Security Council, right?

Borodai's assistant: The Head of the Security Council ... err ... dash ...

[...]

Borodai's assistant: So, look ... err ... Strelkov Igor lvanovich ... err ...

Pushilin: Hold on. How ... What surname should I state?

Borodai's assistant: Strelkov ... state the surname of Strelkov .... Strelkov Igor lvanovich ... Strelkov Igor ... Igor lvanovich ...

Pushilin: Uh-huh.

Borodai's assistant: Err ... The Head of the Security Council.

Pushilin: ... and the Minister of Defence. Go on. Next.

Borodai's assistant: The Minister of Defence. The next ... err ... Khodakovsky ...

Pushilin: So, he is the Head of DPR SS[10], right?

Borodai's assistant: Yes ... DPR SS .... Yes.

Pushilin: The Head of D-P-R S-S ... Khodakovsky ...

Borodai's assistant: The next ...

Pushilin: Hold on, hold on, hold on, hold on, hold on. Kho-da-kov-skiy ...

Borodai's assistant: Okay?

Pushilin: His name and surname.

Borodai's assistant: Err ... Aleksandr Sergeyevich.

Pushilin: Wait.

Borodai's assistant: Hold on a second. The next ... err ...

[...]

Borodai's assistant: Look ... look ... and we also have the Premier Minister, who will be known ... err ... tomorrow.

[...]

Pushilin: So, I am writing: the Speaker ... well, it is clear, right? My whatsit...

Borodai's assistant: Err ... look, you will write yourself down as the Speaker, okay?

Pushilin: Uh-huh.

Borodai's assistant: ... of the Supreme Council ... and that's it. And the Minister of Internal Affairs is ... will tell you now ... [...] Kova-Kovalchuk. Err ... will tell you his name and patronymic name now ... Much to our regret we can't include Purgin in the Security Council. We will apologize to him.

[10] The Security Service of the "DPR".

Pushilin: Uh-huh.

Borodai's assistant: Moscow approved the closed list, Purgin is not included in it.

Pushilin: So, err ...

Borodai's assistant: You ... you are included in it. It depends on a position, you know. The Vice-Premier is simply not included in the Security Council. Sorry, guys.

Pushilin: So, I got it. So ... the Minister of the Internal Affairs ... hold on ...

Borodai's assistant: The Minister of the Internal Affairs, [inaudible] ...

Pushilin: The Minister of the Internal Affairs ... his name, surname and patronymic name ...

Borodai's assistant: Kovalchuk ... Kovalchuk ... [...] When does the session start?

Pushilin: In half an hour.

In the background: an inaudible conversation between several people.

Voice 20: Tell him to spin things out for some time. So that for now ... Do you hear me?

Borodai's assistant: Yes, I do.

Voice 21: To spin things out for some time.

Back to the phone:

Borodai's assistant: Spin things out some time. We will find out the name and patronymic name now. Sorry.

Pushilin: Uh-huh. [...] So ... err ... the Minister ...

Borodai's assistant: Don't start without us. Alright? Don't start without us. We will come to you soon.

Pushilin: So, you will come ... so ... hold on. The Minister ...

B: Yeah ...

Pushilin: I mean we have no more [inaudible]. I mean, we have the total of one, two, three, four people ...

Borodai's assistant: Hmm ... we have ... look ... yeah ... Strelkov who has two roles ... err ... you, the Premier who will be known tomorrow, [inaudible].

Pushilin: Aah ... and ... five people, we have five people. And the Premier, right?

Borodai's assistant: Well, yeah ... and ... and the Premier Minister, who is supposed to be included there according to [inaudible]. It will ... it will ... it will be known tomorrow.

Pushilin: So ... okay. Err ...

Borodai's assistant: MVD[11], KGB[12], Strelkov in two roles ... the total of three, you, and ... err ... the Premier ... will now ... will now ... will now say MVD. Hold on.

---

[11] MVD stands for "*Ministerstvo Vnutrennikh Del*" and is translated as "the Ministry of Internal Affairs".

[12] KGB stands for "*Komitet Gosudarstvennoy Bezopasnosti*" and is translated as "the Committee for State Security".

[...]

In the background:

Voice 24: [inaudible]. Do you hear [inaudible]. I am waiting for the call with his full details in three minutes.

Back to the phone:

Borodai's assistant: Good. [inaudible] and spin things out until twelve. Alright? We will go now. And Khodakovsky [inaudible].

Pushilin: Okay. Okay. Agreed.

Borodai's assistant: So that he would be present. Okay? Alright?

Pushilin: Yeah.

Borodai's assistant: Thank you. Bye.

Pushilin: Yeah, yeah, uh-huh.

Borodai's assistant: Unfortunately, we don't take Purgin. Uh-huh? Thank you.

Pushilin: Well, I got that. I will... I will explain that to him. And after that you will add ... because he will kinda get offended.

Borodai's assistant: Of course, of course. It's just that Moscow didn't approve him. Yeah. Thank you.

Pushilin: Bye. Uh-huh.

Borodai's assistant: Bye."

(c) 8 June 2014: requesting military support from Mr Aksyonov

(i) 11:30:47

1527. The context to this call is described in the report of 16 December 2019 concerning disclosed intercepted conversations as follows:

"In June 2014 the rebels are in trouble. The Ukrainian armed forces have launched a counteroffensive and are advancing towards the Russian border. In this call GIRKIN – the Minister of Defence of the DPR – speaks with SHEREMET – AKSYONOV's assistant – and tells him that the 'enemy' outnumbers them and that the separatists need heavier equipment. GIRKIN asks, among other things, for anti-aircraft artillery with trained crews because MANPADs – shoulder-launched anti-aircraft missiles – are no longer adequate. He asks SHEREMET to pass on this message to 'Pervyi', i.e. the assistant's superior, AKSYONOV himself."

1528. The relevant excerpts of the transcript of the call are as follows:

"[...]

Sheremet: [Inaudible] Sergey brought me [...], told me you wanted to get hold of me to share some information.

Girkin: Now I wouldn't call that 'sharing information' ... In fact, this information is widely-known, and it reads that, err... that if no large-scale support arrives in the nearest time, the, err... they will smother/strangle [...]. What we need is truly large-scale support, what [...] is already not sufficient. Giving [...] by dribs and drabs – as they do it now – can't make a difference anymore. We are outnumbered by the enemy. Me, I've

been around long enough and I can still hold ground here some time, but if they keep it at this pace and launch an offensive against other towns and cities where people are unprepared and have no combat experience, they're going to crush them flat in no time. And then they will crush flat me, of course. If the issue of Russian support – air cover, or at least artillery support – is not dealt with, then we will not be able to hold ground here in the East, no way. ... first, back when this support was needed in large numbers, as much as possible, they didn't provide it; and what they are giving now is what we needed a month back.

[...]

Girkin: Now all we get is only enough to barely get by, nothing more. We will not be able to turn the tide in any significant way, and they will be squeezing us on all fronts.

Sheremet: I see.

[...]

Girkin: We need anti-tank artillery, we need tanks, we need decent anti-aircraft defense. Because we can't last on MANPADS alone any more - all manned with trained personnel, of course, seeing as we have, and will have, no time to train them. That's it... For example, four tanks are simply sitting on positions short of Semionovka[13] and firing on [...] positions from a distance safe near the rear. They've kept it this way for three days now. But I have no single anti-tank canon to counter them. Just now they were pounding the center of the city/town with howitzers, fired 30 rounds, some exploded nearby, just 150 meters short of my headquarters. But I cannot reach them because they are too far, in terms of range. That's it. And that's the case everywhere. The entire Ukrainian army ... [...].

Sheremet: yes, yes, I get that. Yes, yes.

Girkin: Now that's the message to get across. Sooner or later they will have to make a decision anyway, but by then a considerable part of the militia will be destroyed and the front line will be pushed away to somewhere behind Donetsk, to the east.

Sheremet: Uh-huh.

Girkin: Now that's the story.

Sheremet: Ok...

Girkin: I'd ask you to get this across to Pervyi.

Sheremet: Yes, I get that. OK. Will do.

Girkin: Uh-huh. OK then, talk to you later, thank you."

(ii) 11:46:33

1529. The background to this call was described in the following way:

"A few minutes after the previous conversation GIRKIN spoke to AKSYONOV himself ... AKSYONOV says, using veiled language, that he is aware of the situation and has told others. He is awaiting an answer, and that evening he has another meeting to discuss the necessary support. After the meeting he will contact GIRKIN again. He also says that a 'joint coordination centre' has been set up and that the necessary documents for the support are already being prepared."

[13] Ukrainian: Semenivka.

1530. The relevant extracts from the transcript provided:

"B: Hello. I need to speak to Igor.

A: Hold on. [Off to the side:] May I come in? It's him, once again.

Girkin: Yes, [XX]? I'm listening.

Sheremet: I'll hand over the phone to Pervyi[14].

[...]

Aksyonov: Hello?

Girkin: Hello?

Aksyonov: Hey there, Igor.

Girkin: Greetings. I wish you good health.[15]

Aksyonov: Hey there, Igorioga[16]. Good job, you're in your usual self, as I see. Now, in a nutshell, here's the story: on Tuesday I went to, err... to where I was supposed to go in the light of this situation... If it weren't for all those visits yesterday and today which, err, prevented [...] from coordinating action / briefing in relation to the picture[17]... At 22 or so tonight I'll get in touch with... well, with those who are, err... who have already made this decision. Just now...

Girkin: Uh-huh.

Aksyonov: ...just now I got a visit from those who had worked here – you surely know all of them in the line of this situation.

Girkin: Well, yes, yes.

Aksyonov: Now all of them have already received the entire picture. I mean, all who sort of been to both buildings back then, err... Well you remember...

Girkin: I see what you mean.

Aksyonov: Yes, everyone has received the picture. I mean, we... I will need you to [...] over the same channel/line at 22-22:30 today, me and you will need to talk over the same channel/line. I will then coordinate/brief you openly, and... There's already a person and a joint coordination center in place that are dealing with this situation... I mean those who are/have been coordinating this picture – I just don't want to give surnames openly over the phone.

Girkin: I understand. OK, I'll be available at that time. But, in general, do you understand what the situation is like and that [... inaudible]?

Aksyonov: I do understand what the situation is like, Igor. Listen up, that's right what I told them on Tuesday, that if we don't take certain steps... I mean, I was, err, where I was sort of supposed to be in light of this situation, and the message I brought along was that if no concrete steps are taken, then we're going to sort of lose all these commodity markets which we're sort of speaking about in terms of this picture.

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[14] In fact, Pervyi (which translates as "First Man", or "Number One") can be any person who is the first in the line of command within a given agency (most likely military or paramilitary) of which the speaker is a member.
[15] "I wish you good health" is a traditional military greeting.
[16] A very friendly short form of Russian and Ukrainian male name Igor.
[17] Russian criminal jargon (the expression used was "*stykovat po kartine*").

Girkin: OK then, they just [...inaudible]...

Aksyonov: That's what I was saying: we're about to lose these commodity markets. Well, me and you, we understand what that means.

Girkin: Yes, yes.

Aksyonov: And I sort of made it clear for [...], and right in my presence the guy rang up another pal who is responsible for the conduct of [...], then I had a talk with him about it once again on Wednesday, and then with [XX] on Thursday, and today I'm still waiting – it's just because all of them are gone for two days, were in different places, and that's why, err, that's why they asked to sort of [...] for these two days because of this picture. Anyway, the documents necessary for the support are already being prepared... I will also be [...] about all this stuff tonight, I will be coordinating/briefing [XX], err, [XX]'s man, err, in relation to all this cookery[18]. And at 22-22:30 today I will coordinate/brief you on all points of contact necessary for the entry.

Girkin: OK, I'll be waiting for you call.

Aksyonov: Now Igor, I sort of, err... [...inaudible] that's what I told them, 'If we don't know each other, if we didn't keep in touch, I wouldn't care that much', I said. 'It would be easier for me', I told my boss, 'it would be easier for me to withdraw someone and just say that, err... that it didn't make sense. But', I said, 'I've sort of seen this picture and I can't just abandon them guys in this situation'. So all necessary orders have been sort of given right in my presence, and... Now, Igor, let's get in [...] at 22:30, over the same channel/line.

Girkin: OK then, I'll be waiting.

Aksyonov: Be sure to [...] exactly [...], yes. [XX] will be next to me by that time, and we'll have a coordination/briefing...

Girkin: OK then, got it, deal. Uh-huh.

Aksyonov: Got it. Deal. Thank you, thank you."

(d) 14 June 2014: Mr Borodai in Moscow

1531. The report of 16 March 2021 regarding intercepted telephone conversations explained:

"Borodai travelled frequently to Moscow ... Also in several phone conversations indications can be found that Borodai is in Moscow regularly."

1532. It remarked that the Presidential Administration was located at 4 Staraya Square in Moscow.

(i) 15:08:19

1533. The relevant extracts from the transcript provided:

"Unidentified separatists B: [...] Are you here or not? Are you in Donetsk?

[18] Refers to the person having various things to deal with which are not visible to everyone or behind the scenes.

Borodai: (voice in the background): Almost in the Staraya Square[19]... Yes, at the corner of Staraya Square... Hello?

[...]

B: In short, there is one issue. I have a very large technical team to produce all sorts of things. I need seals and permits for factories, for technical documentation, for err... something. In short, we start production. I have already prepared everything.

Borodai: Misha, I will come and we will do everything. Okay? I will be there soon.

B: How long will you be gone?

Borodai: Not for long. I'll try to get out of here tomorrow.

B: [...] Well, we're sort of getting ready.

Borodai: Very good. Get ready. So to say ... I hope I will come with gifts."

(ii) 15:20:35

1534. The transcript read:

"Unidentified separatist from Donetsk: Good afternoon, Aleksandr Yuryevich. [...] Are you okay to talk? When can we see each other?

Borodai: We'll see each other tomorrow, I think. ln the evening. [...] I am now around Staraya Square in Moscow."

(e) 16 June 2014, afternoon: meeting with "Vladimir Ivanovich"

1535. The report of 16 December 2019 introduced the conversation as follows:

"On 16 June 2014 in the afternoon an unidentified separatist (A) calls with an identified, high ranking DPR-separatist (B). The JIT suspects separatist A works at the General Staff in Krasnodon ..."

1536. The transcript read:

"B: Yes, Roma[20]?

A (a separatist): Good evening. Well, I've got through to Andriukha[21] by fits and starts today. I dropped him your number, this one. I don't know ...

B : OK. He called me, Roma. He did. Yes. I just was away – I went to your parts, to the other side.

A: Ahh, I got you. Is everything OK?

B: Yeah, more or less. Look, turns out it's about ... what's his name ... Gosh ... Elbrus. I took him for another one. Elbrus ... Is that Igor? Igor. Elbrus.

A: Yes, Igor.

B: He's an old acquaintance of mine. I know him from my time in the Crimea.

[19] Staraya Square is in Moscow.
[20] Roma is a diminutive form of the masculine name Roman.
[21] Andriukha is a friendly way to address a man named Andriy (Ukr) / Andrey (Rus)

A: Ahh ... Well, I don't know. He's the one who speaks with a bit of a lisp.

B: Yes.

A: I see. OK. Was there anything about us? Has the situation cleared up? Did they say anything? About the group I mean.

B: You know, I spent three hours waiting only to have a ten minutes talk!

[...]

A: Ah you bet! That's a common thing. I still cannot have a talk! I'm sitting here and waiting. I should have departed yesterday but nothing has been settled up till now.

B: They came here. They did. Both Elbrus and err ... that boss of yours.

A: The commanding officer. I got you.

B: The commanding officer. Well, I didn't talk to them. I ... There was another higher-ranking boss [inaudible] ... basically, to talk.

A: Listen, Sergeyevich, tell me please ...

B: Go on.

A: What have we got there? Have the Oplot got themselves into the same situation as I did? At the same location?

B: Why?

A: Well, they are said to have been heading over there to the rescue. They took the same way and came under the same Zaria. That sort of thing.

B: Not sure. I haven't heard anything like that. I spoke with the Oplot ten minutes ago: he said he had no casualties.

A: Is that so?

B: Moreover ... No, they had a particular on-site mission pertaining Kozhevnia and Dmitrovka.

A: OK.

B: Now, there ... [inaudible] ... heavy I bad ... and Strelkov's ... in Marinovka, in my ... I mean where I had the situation ...

A: Yes, I remember that.

B: Also ...

A: They say entire Marinovka has been taken over. There was a battle at the entrance control post; I don't know if they took it over after all or not. So ...

B: They did take it over. The casualties are heavy, though.

A: Ah, I see.

B: Now, there ...

A: I suppose Prapor is in command there, isn't he?

B: Maybe he is or maybe somebody else is, I have no fucking idea.

A: I'm going to go see Elbrus now so that we can take a decision on how to get out and all. Have you put out a feeler about me, Sergeyevich? So that I can be where you are.

B: I actually haven't spoken with anyone apart from a person who ...

A: OK, I got you.

B: ... who flew over from Moscow. And nothing else.

A: Vladimir Ivanovich, I guess?

B: Yes. And it was like this with him: a few questions, a few answers and [inaudible]. He had his job to do [inaudible].

A: Well, Elbrus has already set off to get here. He must have already arrived, right?

B: I guess so. Because when I left – it was a few hours ago – he was just talking to him there.

A: I see. Then I'll go to see him so that we make a decision.

B: OK. Do.

A: And he is ... Well, I don't know him well. He's a guy from the Vympel[22], isn't he?

B: Yes, he is.

A: He is where my friends are – with the department I was dragged to. This is upfront information, though. Is he good enough to do with?

B: Well ... I interact with him; it looks like he is good.

A: He's a bit ... Fuck ... He always starts to ... err ... beat about the bush ... Hurries everything along. Never bothers to assess things properly. Everything is done in haste.

B: Listen, stop going on at him/them after all! Are they really adapted to a combined arms operation? Do they know a thing about it?

A: Well, I even ...

B: They have special missions to carry out and they don't know anything else.

A: Alright. There's a whole lot of words we can say on this subject. I got the point. The main thing is that Andriukha has got out and everything's OK there. The buggers are relinquishing Mariupol little by little; they are leaving. So I'll go ...

B: I see.

A: ... and try to talk to him.

B: OK, go ahead.

A: OK. I'll be in touch. Thank you, Sergeyevich. Good.

B: Bye."

(f) 17 June 2014, afternoon: "Vladimir lvanovich": need for armoured vehicles

1537. The relevant parts of the transcript read:

"A (a separatist): I need ... Err ... there is such need ... in armoured vehicles. We'll buy. If there is such a chance to help within Rostov or within that region. They could

[22] Vympel (literal meaning is a pennant) is the name of a Russian *spetsnaz* unit that took part in battles for Donetsk airport.

be without documents. We are pushing them over there and drive. It would be preferable for them to be at least of the fifth class minimum. A civil version.

Vladimir Ivanovich: You're throwing them 'over there'. Where is this?

A: Where ... beyond the river. Where else?

Vladimir Ivanovich: I see. Clear. Well, I can tell you nothing on the armoured vehicles as I haven't been managing this issue yet. See ...

A: Maybe there are some ... You know, basing on personal relations? There are just ... [inaudible] means but... well, they don't have enough time to do everything.

Vladimir Ivanovich: I see. What do you need the armoured vehicles for? There will be some regular vehicles.

A: No ... Err ... we are performing such a function ... a major one ... as we'll be there with the top officials.

Vladimir Ivanovich: And ... you 'll be with the top officials? What do you need everything on the list for?

A: What exactly?

Vladimir Ivanovich: Everything. As I see, you are driving there to work mostly with your head/brains.

A: Err ... there are different tasks. One of them ... There are different tasks.

Vladimir Ivanovich: Really? What tasks do you have?

A: How can I tell you over the phone?

Vladimir Ivanovich: Then find an opportunity to tell [...] for me to understand this. Ok then.

A: it's impossible. Just how? Do you know who ... who will be whatsit ... who are we taking over there?

Vladimir Ivanovich: Yes. I have an operational communications phone, 83-81-70.

A: Err ... of the operational communications ... it could be reach via the phone ... I'll go to the General of the Ministry of Internal Affairs, does he have such a line?

Vladimir Ivanovich: Of course, probably, it's possible.

A: Err ... Would you please repeat the phone number once again?

Vladimir Ivanovich: 83-81-70.

A: Yes. I'll try to. Uh-huh.

Vladimir Ivanovich: Ok."

(g) 23 June 2014, 15:22:54: orders from "Moscow"

1538. The transcript read:

"Sheremet: How are you getting on with Bes? [...] Are you together with him, in the same unit, or not?

B (unidentified separatist from the unit of Bes): Well yeah, all cool. [...]

Sheremet: [...], tell me who... who's giving you folks orders? Bes, who [is] pouring stuff into his ears – I mean, who commands him?

B: Him?

Sheremet: Yes.

B: Moscow.

Sheremet: Moscow?

B: Yes. Orders–

Sheremet: [unintelligible]

B: Orders are coming from over there.

Sheremet: From over there? All right.

B: Yes.

Sheremet: I see. OK, thanks."

(h) 24 June 2014, 11:15:19: orders from "Moscow"

1539. The transcript read:

"Unidentified separatist B: Deal. Now, listen, who do you get your orders from? Pervyi?

Unidentified separatist A: I get my orders from Moscow, as a matter of fact."

(i) 26 June 2014, 23:23:57: reporting to "Moscow"

1540. The transcript read:

"B [Unidentified separatist A from telephone call of 24 June 2014, 11:15:19]: Total victory! [...] All [inaudible]... grabbed/captured and fucking smashed.

Borodai: Great. Congratulations, damn.

B: [...] The fight lasted more than 7 hours, damn it. Well, I had to get them out.

A: Hey, Yuvelir, great, damn. Congratulations. How much was taken, crap? Have you got weapons?

B: We took everything, even the APCs.

Borodai: [...] Well ... Way to go! Well done! Uh! Congratulations to you and to Ivanovich.

B. Thank you, thank you. [...]

Borodai: Did you take a lot? You took a lot, didn't you?

B: A whole fucking lot. [...] We worn them out, some of them ran out of ammunition, damn it, and ... they just had nothing to defend with.

Borodai: Well, alright then. I will also inform Moscow in the morning.

B: Okay, good."

1541. The report remarked that, with regard to this conversation, it was relevant to know that on the internet several statements could be found about

the storming of the Ukrainian base "3004" in Donetsk on 26 June 2014 by separatists.

(j) 27 June 2014, 19:52:39: soldiers from Russia

1542. The transcript read:

"B: Aleksandr Yurievich, [...] do you have a minute for me? It's very important.

Borodai: Shoot.

B: Look, here's the story [...]: there're 54 marines arriving from [Russia's] Far East, a well-knit formation including officers [in the rank] up to lieutenant-colonels.

Borodai: Good.

B: I'd like that, rather than being spread out [across different units], they would be sent over directly to you in Donetsk [and placed] under your personal command, so that you could decide where to deploy them, as a stand-alone group [...] Can you see to it?

Borodai: Yes. [...]

B: So you're going to make sure that [...] will preserve them as one team and have them sent over [to their destination]? Great, thank you.

Borodai: Yes, preserve them as one team and have them sent over. [...]"

(k) 1 July 2014

(i) 14:35:53: conflicting orders from "Moscow"

1543. The context to this call was described as follows:

"It is apparent from intercepted phone calls that separatists stormed and seized the UVD [Department of Internal Affairs] building in Donetsk on 1 July 2014. It seems however that conflicting orders from 'Moscow' were given to the different separatist groups (including a group from Borodai and a group to which the unidentified separatist Botsman belongs)."

1544. The transcript read:

"[...]

Botsman: What's there? Are these only gossips or you have given an order on my disarmament?

Borodai: I haven't given an order on your disarmament.

Botsman: Yes. This is... It's just for being aware...

Borodai: Get in contact with Moscow to get to know. See? Get these orders from Moscow! Urgently, shit! If we don't want to fucking kill each other, shit!

Botsman: Listen, I...

Borodai: As I had an order.

Botsman: ... am in Donetsk now.

Borodai: ... had an order. And this is not only me who had the order.

Botsman: I... Err... Concerning what? My groups' disarmament?

Borodai: No. Not on your groups' disarmament. On disarmament of the group that has stormed the UVD[23], shit. Or fire for effect, shit. The same order was received by Zakharchenko, the same order was received by Khodakovsky, shit. He can also get in contact.

Botsman: In other words I'm going to the UVD, so, you're going to war against me, right?

Borodai: No, Botsman. I don't want to war against you, crap. Don't go to the UVD now. Receive the orders from Moscow.

Botsman: I've already received the orders from Moscow to take/seize the UVD. Did you get the sense?

Borodai: I did. We've already taken/seized the UVD. Now don't go to the UVD. Receive the next orders from Moscow.

Botsman: Then will come over. Come over to the UVD too. Let's have a talk there in peace.

Borodai: Crap! Make a pause as you could be fucking whacked by uncontrolled ones. First receive the orders from Moscow. Let him receive the orders from Moscow. Did you get it?

Botsman: [Off to the side] Senia[24], stop!

Borodai: [Talking on the phone] Halt the convoy. Get in contact with Moscow, shit.

Botsman: Crap... Hello?

Borodai: Don't be stupid!

Botsman: I got it.

Borodai: Don't get into the mess.

Botsman: Got it. Well, let's do...

Borodai: [...] receive orders from Moscow. I have the orders from the mission's commander!

Botsman: I also have orders from Moscow!

Borodai: But I – from the mission's commander! I won't give you the name and position on this phone. Crap! I have the concrete orders.

Botsman: Well, I have the concrete orders too. What are we going to do?

Borodai: What we are going to do... we are going to do the following thing: halt the convoy...

Botsman: Well?

Borodai: I'll try to fix it up now with my ones so that you can come through alone. I can give you a receiver."

[23] Ukrainian Department of Internal Affairs.

[24] Male name that could derive from Semion (Russian), Arseny (Russian) or Semen (Ukrainian), Arseniy (Ukrainian).

(ii) 16:39:16: conflicting orders from "Moscow"

1545. The relevant parts of the transcript read:

"[...]

Botsman: I just need you to understand: this situation is so wrong!

Borodai: The situation is fucked up because I received an order from the Central Command ...

Botsman: [inaudible] have been fighting against each other there, you see?

Borodai: ... who start to tell me that if you guys make resistance you are to be zapped. Do you know what I mean?

Botsman: Do you understand that...

Borodai: I don't like this situation! I don't like it myself.

[...]

Botsman: We need to meet up, do you know what I mean? Just two of us. [...] I need you to understand the situation: we need to meet up so that [inaudible].

Borodai: I know your commanders. All of them, you see? By name.

Botsman: That's great. And you don't understand them [phonetically].

Borodai: I know them personally. Yes. I've been working with them just fine.

Botsman: And they are not strange [phonetically]. They are baffled. They say they are baffled. Does it make sense?

Borodai: Why would they be baffled? Do you know what they say? That they cannot control Bes.

Botsman: Why?

Borodai: That's what I mean.

Botsman: Why?

Borodai: Because. They reported so to the Kremlin if you will. Alright, I'm done.

Botsman: Jeez!"

(iii) Afternoon: "Vladimir Ivanovich, the mission's commander"

1546. The relevant parts of the transcript read:

"A (an identified high-ranking 'DPR' separatist): [Speaking on the phone] Liosh[25]?

B: Yes.

[Voice in the background] C: Gafar[26]!

A: Are you aware of what is going on at our place?

B: Not yet. It's what I want to get to know.

[25] Contracted form of a male name Aleksey (Rus) Oleksiy (Ukr).
[26] A call sign/nickname.

[Voice in the background] C: I ... [inaudible]

A: Launched the war against Bes .... Bes gave an order to fucking kill all the commanders.

[Voice in the background] C: Sumy is there ... I want to know ... [inaudible]

A: Stormed the UVD. There was an order given to eliminate our *smezhniks*.[27] You know who I mean ... Vladimir lvanovich, the mission's commander. We need some massive PR on this case...

[...]

E: ... as they are going to ...

A: ... saying there is a mission undertaken against the criminal formation...

B: I see.

A: ... controlled by Bes.

B: I see.

A: In all our mass media.

[Voice in the background] F: Everyone [...] over here.

B: No problem.

A: There is no other choice. I predicted it to be this way.

[Voice in the background] G: Don't do this. No.

B: Uh-huh.

A: So, it has started today.

B: Well, I see. Haven't you informed anyone yet?

A: I will.

B: Uh-huh.

A: I failed to reach the bass aver the phone.

B: Uh-huh. Got it.

A: I informed everyone I could. For example, the office, in the first instance. The office has given the order.

B: Uh-huh. It's clear.

A: Fuck ..."

(iv) 22:08:05: men with a mandate from "Shoygu"[28]

1547. The report explains the call as follows:

"In another call, at the beginning of July 2014, an identified DPR-member with the call sign MONGOL tells an unidentified local commander that *'men are coming with a mandate from Shoygu'*. Sergey Shoygu is the Russian defence minister ..."

[27] Here: boundary partners.
[28] Source: official report of 16 December 2019 on Russian involvement (Appendix no. 10).

1548. The transcript read:

"[...]

B: I've got a question.

Mongol: Go ahead.

B: Have you got the fucking number of Strelok's[29] fucking Executive Officer?

Mongol: Nope.

B: Umm ... Then who did you fucking speak to [in order] to get a hold of Strelok? (inaudible) know any...

Mongol: Well, I've got some people in Slavyansk[30], but they're, how do I explain this ... they're not locals. They're people from the north.

B: Well I see...

Mongol: I'm not involved with the locals at all, you know.

B: Now can we get a hold of them at all? I mean, [to find out] what we're after, son-of-a-bitch? As the Commandant of Makeyevka[31], I'd very much like to know that. I want to know what we're moving towards.

Mongol: We're moving towards unity of command. What happens next is a bunch of men with a mandate from Shoygu[32] will arrive and kick the local warlords the fuck out of the units...

B: Uh-huh.

Mongol: ... and then people from Moscow will take charge.

B: Uh-huh.

Mongol: But that's not going to affect Makeyevka.

B: No, tell me– Well, I don't care if it's [going to affect] Makeyevka or not, I need to know one thing: who shall I fucking report to when it happens?

Mongol: You will report to the Minister of Defense.

B: What Minister, exactly?

Mongol: Minister of Defense of the DPR.

B: And that'd be?

Mongol: The Commander-in-chief, Borodai.

B: What do you mean, Borodai is the Minister of Defense? And who's Strelok, then?

Mongol: No, our Minister of Defense is Strelkov, and our Commander-in-chief –like any other President or Prime Minister – is Borodai.

B: Borodai, I see.

Mongol: I mean, Strelkov reports to Borodai. Immediately.

---

[29] Call sign ("shooter").
[30] Ukrainian name: Slovyansk.
[31] Ukrainian name: Makiivka.
[32] Sergey Shoygu, Russia's Minister of Defence.

B: Aah, so Strelkov reports to Borodai, right?

Mongol: That's right.

B: OK.

Mongol: That's it. Strelkov can give you orders, of course – and he'll certainly do so, as the war minister. No one else can give you orders. Well, Borodai, as the Prime Minister, can give your orders directly. In that case, you will have to comply.

[...]

Mongol: So keep calm. Our role here is limited to war. I, for one, have orders to stay away from any infighting, with one exception: they gave me lists of scumbags to be arrested in Donetsk. This I will do. For instance, I have orders to arrest Sherif[33] at all costs.

B: I have the same orders, to arrest [inaudible].

Mongol: Doc[34], too.

B: Doc, too? Well, I told you folks before, son-of-a-bitch, but you sat on your fucking asses and did nothing.

Mongol: Yes, that's why, err ... Plus I've got orders to arrest a couple more.

B: Well, my orders are exactly the same as yours.

[...]

Mongol: Speaking of which, I got called by Commandants of Konstantinovka[35], Druzhkovka[36] and Kramatorsk – they have received the same orders, and they're following them.

B: [mumbles]

Mongol: And [by the Commandant] of Artyomovsk[37], too, for that matter. Artyomovsk, Chasov Yar[38] and Yenakiyevo[39]. Same thing there.

B: Uh-huh.

Mongol: OK then, I'll be contactable, not going anywhere for now.

[...]"

[33] Call sign.
[34] Call sign.
[35] Ukrainian name: Kostyantynivka.
[36] Ukrainian name: Druzhkivka.
[37] Alternative romanisation of the Russian name is "Artemovsk"; Ukrainian name is Artemivsk. There are two locations in Ukraine with this name, one in Donetsk Oblast and one in Luhansk Oblast. Under the Decommunization Act 2016, Artemivsk in Donetsk Oblast was renamed Bakhmut, and Artemivsk in Luhansk Oblast changed its name to Kypuche.
[38] Ukrainian name: Chasiv Yar.
[39] Ukrainian name: Yenakiieve.

(l) 3 July 2014

(i) 17:30:15: Borodai: orders from the Russian Federation

1549. The report referred to comments from separatist leaders in the "DPR" that they had not been sent to eastern Ukraine by anyone. It continues:

> "The JIT, however, has indications that they were in fact directed from within the Russian Federation. The JIT spoke with several witnesses who belonged to the DPR in the summer of 2014. These witnesses stated that the key figures of the armed group were directed from within the Russian Federation.
>
> Their testimony is corroborated by telephone conversations that were recorded at the time. In his call with an unidentified person (B) on 3 July 2014 at 17:30:15 hours, Borodai ... seems to acknowledge that he was following Russian instructions."

1550. The transcript read:

> "B: Um ... Now, Aleksandr, here's the deal. I'm dealing with an ever wider circle of people from your system. There's another pal – you and he act independently from each other. .. He, err. .. I, err. .. I've got a first name and a surname ... They 've been arrested, um ... In short, err, [someone needs] to vouch/stand surety for them. But we need to talk about it. If you are, um, available in the nearest time, I'd can come over. I'm in town now.
>
> Borodai: I get that, but to be honest in the nearest time it's not really [unintelligible]. Now, what do you mean by the 'circle of people from my system'? I'm not sure I understand you.
>
> B: Listen ... I get that but try to understand: without me, you won't be able to, um, 'drink the bottle of consensus', as the, what's his name, the guy with the mark/spot, said. I reckon that with me, err ... Look, I only want is that all this is over as soon as possible. And as successfully as possible, too.
>
> Borodai: [unintelligible]
>
> B: So the sooner you decide to, um ... Well, tomorrow, err ... If you could [...] today ... Well, we shall see. I'm texting you that man's surname, and you'll do what you conscience will tell you. OK?
>
> Borodai: Now what's about this man, and who is he anyway?
>
> B: Um ... Hmm ... Do you know [who goes by] the nom de guerre 'Apostol', Aleksandr?
>
> Borodai: I'm afraid not. I haven't even heard about it.
>
> B: Well, let's say he's dealing with the matters of the peacemaking mission – for the side opposite to the OSCE. I can introduce you if you like. Not right now, of course [unintelligible].
>
> Borodai: 'Opposite to the OSCE'- that'd be?
>
> B: Huh?
>
> Borodai: For what side?
>
> B: For the Russian side.
>
> Borodai: Oh for the Russian side?
>
> B: Yes.

Borodai: [unintelligible]

B; Like I say, he's dealing with the peacemaking mission here. I mean, I don't know [the details]. There should be people in your [organisation] whose job is to check it. Anyway, I met him, we keep in touch, and, err .. That's it.

Borodai: I see.

B: I mean, there's be no harm in the three of us meeting together. He's got DPR passes ... I mean, he's part of your system. It's just that we need to [distorted] everything that's it. Um ... Two men, he says that they need them, that they're decent fellows and will cause no trouble. They were [unintelligible] by [unintelligible] due to a misunderstanding and are currently serving correctional labor.

Borodai: [pauses]

B: That's it.

Borodai: [unintelligible]

B: I've got all details for one of them-

Borodai: Can you say again where they're serving correctional labor?

B: Um ... Look, I like a broken phone, because a person just left me the info and disappeared. I'll text you [...] and, err ...

Borodai: OK

B: ... and you'll have a look.

Borodai: Yes, I get that no problem. [unintelligible]–

B: [unintelligible]–

Borodai: However, I'm still kind of lost in conjectures, you know. I have a feeling that I'm missing something here, although I'm apparently supposed to know it. [unintelligible] probably–

B: I stepped away for a moment.

Borodai: ... but one way or another, a lot [of what you're saying] is lost on me.

B: Well, I don't, um ... I really don't see how someone like you can consider. someone like me, a man who, err ... I mean, my only official status in Donetsk is 'wounded in the head', nothing more.

Borodai: Well, that's why I'm asking. Officially it may be one thing while unofficially it may be something different. I mean, um ... I'll be honest with you: I'm curious, all right? I can't tell why for now, it's a gut feeling if you like [unintelligible].

B: Well, look here: I mean, the main goal I pursue in this pot of mess – alright? –

Borodai: [unintelligible]

B: ... is that we don't lose Kolomoyets [*sic*], that he lives and that PrivatBank[40] gets integrated into the DPR system.

Borodai: Who?

[40] One of the largest banks in Ukraine founded – and as at 2014 owned by – Ukrainian oligarch Igor Kolomoisky.

B: Well, Kolomoyets or what was his name? I had a falling out with PrivatBank–

Borodai: [unintelligible]

B: Listen, let me finish, and then you'll speak alright?

Borodai: OK.

B: ... back in 2011. I requested a Royal Blood [*sic*] card, we had a conversation, and there you have it: the results of our conflict have now spread onto the entire country.

Borodai: Well, frankly speaking, I have no interest in this gentleman whatsoever. I consider him to be an enemy of the Russian Federation–

B: Well that's right

Borodai: [unintelligible]

B: Listen to me! Well that's right, I agree with you, but

Borodai: ... and he has to be literally destroyed, alright?

B: That's, um ... My six-year-old son...

Borodai: The enemy who declared war...

B: Listen to me! My six-year-old son comes to me and says, 'Dad, enemies have to be killed, is that right?' I told him, 'Son, enemies need to be turned into friends. Only then will it be a clean victory.'

Borodai: I think that's impossible, I'm sorry

B: Well.

Borodai: Mr. Kolomoisky is such an outspoken enemy of ours that turning him into a friend is impossible – and makes no sense at all...

B: I see, now can I say just one more phrase, OK?!

Borodai: Sure

B: I'm not fronting for him, OK? But, you see, there's a conflicting of two interests in today's Ukraine, roughly speaking – one of the Donetsk bigots whose diplomacy is to punch the opponent in the face first and talk after, and the other of the Dnepropetrovsk few. Now, until I was 15, I grew up in Donetsk and was a typical Dnepropetrovs uh, err, Donetsk bigot, and then, having lived in Odessa for ... I mean, I'm a viable combination [of the two]. I'm not asking to cancel anything, the only thing I'm asking for is, err ... Um ... Why I'm ... You see...

Borodai: [unintelligible]

B: Let me finish the phrase, will you?!

Borodai: OK.

B: Now look here: like a mischievous king from a Russian fairy tale, he gives up half of his kingdom to a man who gets him out of the soup. If we speak about our oligarchs, they – all of them – need to lose the status of oligarchs and thieves and become crisis managers. For that to happen, all capital must be brought back to the, um, country and, um, at least 50% must be returned [to the State] as an excuse for what [they]'ve done. In that case, I think, we won't need no IMF or anything of that sort.

Borodai: Well, your plans are far-reaching. Mine are not. I'm carrying out orders and protecting the interests of one and only state, the Russian Federation. That's the bottom line.

B: Fine with me. I mean, um ... But, err ... Well ... Pff ... Anyway, I made my point to you.

Borodai: [unintelligible]

B: Time will come, you'll forward it up the chain and it will work.

Borodai: We shall see. OK thank you.

B: That's it. Can I ask a question?

Borodai: Go ahead.

B: Shall I send text you that person's details, or you won't be able to help?

Borodai: Problem is, I don't understand what kind of help is needed

B: OK.

Borodai: I don't know this person, and, unfortunately, I don't understand what his trouble is. When I'm available, we can meet up and talk. I'll give you a call, OK?

B: Good, deal. Ring me up in an hour's time, and I'll bring that person with me and introduce you, OK?

Borodai: [sighs] OK, thank you."

(ii) 20:01:11: Dubinskiy and Semenov: FSB secure telephones

1551. The report of 16 December 2019 explained that the JIT had found indications that the FSB had provided telephones that could not be wiretapped. An intercepted call discussed these telephones. The transcript read:

"[...]

Sergey Dubinskiy: Hello. I'm greeting ... greeting you, Sanych. Sanych, look here. Makedon, a man from me, will be going, right? ... First of all, I'll send that entry for Medved to you ...

[...]

Dubinskiy: so that ... well, if next time ... our entry ... he goes ... so that there won't be any problems in Konstantynivka ... elsewhere.

Semenov: I got it, dear. I got it.

Dubinskiy: That's one thing, yeah? And ... er ... how are you about those special communication telephones, you know, that we have? Those that go through the Internet, do you know? Secure. What's his name ... Agap has one and [not clearly audible, sounds like] Chapay, or haven't you been there?

Semenov: Well, I don't know. Say, if there is a need we'll get some. What telephones are those?

Dubinskiy: You don't need to get them. Those are special phones, you cannot buy them. They are got through Moscow. Through FSB. Borodai has got one, and Gubarev. In short, want one to be installed for you? It will be easier for us to communicate then.

Semenov B: OK, go ahead.

Dubinskiy: So, I'll give your phone number to Yatsik, our signalman. He will give you a call on this ... till Monday, tops, as the new devices come, yeah? Look here, I'm reading the list of our men who ... look, ... who have ... Strelkov, Boroday, Gubarev, Agap, Chapay ... well, Kramatorsk commandant's office, Konstantynivka ... er ... my telephone, Izvarine, [sounds like] Mozgovoy ... well, then Snizhne, Zakhar, ... whatsit ... Oplot, you see, yeah?

Semenov: Uh-huh.

Dubinskiy: Then ... whatsit ... Kalmius, Gubarev, Gubarev's in Rostov, yeah?... Druzhkivka commandant's office, Aksyonov, Purgin, er ... Botsman, Bes, Kalmius. Those are the ones who ... now ... who have those direct phones. So, you dial 3 figures ...

Semenov: Uh-huh ...

Dubinskiy: ...it goes through the Internet, but there is a special communication there, it isn't wiretapped. That is ... Have you got the Internet at your base?

Semenov: Yes, I'll find. We'll do it. I have.

Dubinskiy: So, it is a fixed telephone, you see? Well ... er ... it isn't wiretapped, absolutely. So, it... er ... if you need, then ... well, I'm telling you, it is easier to contact everyone, ... Boroday and so forth.

Semenov: OK.

Dubinskiy: So ... He will dial you, yeah? ... and he'll install the phone. It is all free and so forth ... And ... er ... today or tomorrow, Makedon will deliver you the entries I wrote out for Medved ... now that I know him, right? ... So there will be no problems for your men to pass Konstantynivka, Druzhkivka, [not clearly audible] Dzerzhinka, Horlyvka, Snizhne, where our ... Ministry of Defense ... checkpoints.

Semenov: Excellent! My guys sometimes go toward Krasnodon and I'll give that entry to them.

Dubinskiy: As for Luhansk region, I can't promise ... because, you know, our relations with them are so ... so-and-so ... But within Donetsk region ... at our checkpoints ... there will no problems, eh? Those are sort of my entries, within my service, but they are all signed by Pervyi ...

Semenov: I got it.

Dubinskiy: ... and sealed.

[...]

Dubinskiy: Received, yeah?

Semenov: Well, but at least Debaltseve, Vuhlehirsk ... well ... it's quite normal...

Dubinskiy: Yes, it's the same. There is our commandant's office in Vuhlehirsk as well, right? Well, so ... in a couple of days I'll ... if we smooth down the situation ... you see, we are being pressed ... if we smooth it down ...

Semenov: Well, you are being pressed, yeah ... But you are standing firm, right? My guys from Slaviansk have come today ...

Dubinskiy: Well, of course, we are standing firm ...

Semenov: ... they say that they have ... well, it's not to be discussed over the phone ... I don't want... So, there are ...

Dubinskiy: Well, yes, yes.

Semenov: ... there are some issues ...

Dubinskiy: Clear ...

Semenov: They say, they have sorted it out on the whole, but there are some ... not very ...

Dubinskiy: I know, I know. Well, we are standing firm. We'll sort it out and I'll come for a day or two because I need to do some work in both in Kalmius and Oplot and in general ... to meet with you [not clearly audible, sounds like] on Donetsk issue.

Semenov: OK. [inaudible] Nikolaevich."

1552. The report noted that key figures in the "DPR" regularly called with a "batch" of telephone numbers in which the first set of nine digits was the same and only the last two digits differed. For further security, the report said, the separatists seemed to be using a scrambler. Mr Borodai had used a telephone number from the batch (79265318514) and in the period from June 2014 to mid-August 2014 had had calls almost daily with three other numbers from the same batch: 79265318528, 79265318520 and 79265318563.

(iii) 20:28:19: Surkov and Borodai: arrival of Anyufeyev

1553. The report of 16 December 2019 commented on this conversation and its context as follows:

"Surkov says, among other things, that there will be reinforcements from Russia

...

Surkov encourages Borodai to arrange for Vladimir Antyufeyev to get a high administrative post in the DPR. A week later, on 10 July 2014, Antyufeyev gives a press conference, together with Borodai and Girkin. Antyufeyev tells the press that he arrived from Russia that same day and that the sectors State Security, Home Affairs and Justice of the DPR will come under his responsibility."

1554. The transcript read:

"[...]

Surkov: Sash, well, I wanted to ask how you were doing there. Has the situation with Bes[41] got stabilized there at your place? What is going on?

Borodai: It hasn't been solved. It has got stabilized. Bes doled out the death penalty for everybody ...

Surkov: Well, just ... [inaudible] Uh-huh. Clear, Yes. Yes. Well, now ...

Borodai: Look!

Surkov: Yes.

[41] Cal1-sign meaning: "devil".

Borodai: The city is blocked from Bes's ones, We'll be mopping them up inside the city.

Surkov: Uh-huh. Uh-huh. In other words he has declared [...] there ...

Borodai: Bes [...] all his ones ...

Surkov: ... definitely the war! I got it. Yes.

Borodai: He has definitely declared the war ...

Surkov: Uh-huh. Uh-huh.

Borodai: for real, right? Though he is trying to conceal it by all the means possible.

Surkov: Uh-huh.

Borodai: ... is trying to ... [inaudible] the people, who has nothing to do with this, to the negotiations ...

Surkov: Uh-huh.

Borodai: I mean those of separatist type. I think it will be of no importance. He has pulled all the troops back from Igors.

Surkov: Uh-huh. Uh-huh.

Borodai: Those which used to be there nearby.

Surkov: Uh-huh.

Borodai: In other words, in fact he has declared war on Slaviansk, too... [inaudible]

Surkov: So, he doesn't help ... he doesn't help him, does he?

Borodai: No, he doesn't. On top of all there is a feeling that he is cutting his supply line.

Surkov: Come on! Oh, boy ...

Borodai: Of course he does. Igor is getting hysterical on that reason. He says: 'Crap! I can't say anything – I am afraid, crap, – concerning Bes.'

Surkov: Uh-huh.

Borodai: Because he will completely cut off all the lines and that's all.

Surkov: That's tough!

Borodai: But at the moment Igor is in the operational encirclement. Nothing has been reaching him for the third day.

Surkov: I know this.

Borodai: The last caravan was three days ago.

Surkov: I see.

Borodai: So, the story is like this .... [inaudible]

Surkov: We have no ... we have no strength now to make a breakthrough over there, do we? Maybe ... [inaudible]

Borodai: A break-through is to be made through Gorlovka[42]. We do. We have found it out. We could ... We could have found some strength even to attack somehow ...

Surkov: Uh-huh.

Borodai: ...from the rear ... But we need to move through Gorlovka. But it turns out that Gorlovka is to be separately taken.

Surkov: I see.

Borodai: Khodakovsky, me, Zakharchenko, err ... Baranov were sitting, actually, and discussing this issue.

Surkov: Uh-huh.

Borodai: It turned out... So to say ... Khodakovsky is backing the following point of view ... considering the fact that he is a commander of the biggest and the most powerful unit ...

Surkov: Uh-huh ...

Borodai: He is supportive of the point of view that... Moscow has ... [inaudible] the Bes, crap! So to say, crazy friends.

Surkov: I understand. Yes. I do understand.

Borodai: Yes. So, let them ... [inaudible] the post/point themselves!

Surkov: Uh-huh.

Borodai: We will block everything, put up the guns ...

Surkov: Uh-huh. I see.

Borodai: And they will stick out in all different directions.

Surkov: Uh-huh .... Yes ... Yes ... Let it be so ...

Borodai: Well, this is the story.

Surkov: What about Slaviansk? Should I talk to them concerning Slaviansk? Or... or ... it's better not to ... I think they are able to realize the situation with Slaviansk adequately, don't they?

Borodai: The situation with Slaviansk is extremely bad.

Surkov: I understand.

Borodai: Nikolayevka[43] has been taken by storm today.

Surkov: Uh-huh. Uh-huh.

Borodai: Err ... Between you and me, he should try to hold on or break through.

Surkov: Uh-huh.

Borodai: I hope I will be able to report everything to you in person as they have unexpectedly called me out... On top of all, I... if he ... Comrade 'M' ...

Surkov: Uh-huh. Uh-huh.

Borodai: ... promises negotiations in Minsk this time.

---

[42] Horlivka (Ukr).
[43] Mykolaivka (Ukr).

Surkov: Uh-huh. Uh-huh. Uh-huh ...

Borodai: So, in the nearest future it is possible for me ... I've stabilized the situation inside the city ...

Surkov: Uh-huh.

Borodai: ... arranged, so to say, a meeting with all the commanders ...

Surkov: Yes-yes.

Borodai: See, there is a possibility for me to come to you in the closest time.

Surkov: Come on! Come on! Is there anyone to stay without you?

Borodai: Yes, there is. I left some people. And the people are good.

Surkov: 'M' is 'M', but the main thing is to avoid any chaos there, yes, God forbid.

Borodai: No. There will be no chaos.

Surkov: ... [inaudible] Yes ...

Borodai: There will be no chaos. Zakharchenko is in control, Khodakovsky is in control.

Surkov: Uh-huh.

Borodai: And Ravil, the prosecutor general, is in control.

Surkov: I see. Ok then. Ok.

Borodai: He has a big and well-bonded team, too.

Surkov: Uh-huh.

Borodai: Moreover, in Snezhnoye[44] Prapor[45] is in control. This is Strelok's man and, so to say, an old friend of mine.

Surkov: Uh-huh. Uh-huh.

Borodai: So, everything is fine there in this sense.

Surkov: Well, if God's will! That's fine. That's fine.

Borodai: There is an interaction inside the city and in Snezhnoye. In other words we have three points.

Surkov: Uh-huh.

Borodai: ... [inaudible] Snezhnoye – I mean its area, yeah?

Surkov: Uh-huh.

Borodai: The whole area. I mean Dmitrovka[46], Saur-Mogila[47] and so on. And, correspondingly, Slaviansk.

Surkov: I see.

Borodai: The rest is under a pretty bad control.

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[44] Snizhne (Ukr).
[45] Nickname/call sign. Meaning: "a warrant officer".
[46] Dmytrivka (Ukr).
[47] Savur-Mohyla (Ukr).

Surkov: I feel it. I see it. Yes ...

Borodai: The city is hardly controlled, too, as it is extremely big.

Surkov: Uh-huh. I understand.

Borodai: It's natural that all sorts of sabotage teams are working there.

Surkov: Uh-huh.

Borodai: Today the cops were severely whacked at our place.

Surkov: Uh-huh.

Borodai: Four of them have been whacked.

Surkov: Uh-huh.

Borodai: With kill shots in the head. As a result the cops ...

Surkov: Is this ... [inaudible]? Are these cops right ones?

Borodai: Yes. These are ours.

Surkov: It's turning out to be this way, yeah?

Borodai: Those who joined us. Yes.

Surkov: Uh-huh. Uh-huh.

Borodai: I feel it to be either the monkey business of our joyful friend ...

Surkov: Uh-huh. Uh-huh. Uh-huh.

Borodai: Picking up such call signs is not for nothing.

Surkov: It's sucks ... sucks.

Borodai: Or, correspondingly ...

Surkov: Uh-huh.

Borodai: It's sucks. That's right

Surkov: I got it.

Borodai: The situation is sucks in this sense.

Surkov: Well, I don't know ... As you know, I talk to our so-called comrades-in-arms. They seem to be somehow determined ... But considering your story, everything is sucks there. Well ...

Borodai: It's bullshit Pushilin hired killers to eliminate me, Zakharchenko which makes me laugh ... and Baranov, too.

Surkov: He is running here – around Moscow now. Yes.

Borodai: Yes. I know. I know.

Surkov: Uh-huh. Uh-huh.

Borodai: Zakharchenko filmed the statement of the killer.

Surkov: Uh-huh. Not bad.

Borodai: Ah hah. True.

Surkov: You can ...

Borodai: Pushilin is Bes's man. Right? I think ... [inaudible].

Surkov: Well, no ... He doesn't... he doesn't make a secret of this.

Borodai: Really? I got it

Surkov: Yes-yes. It's just obvious.

Borodai: Uh-huh .... [inaudible]

Surkov: I am not sure whether it's right or not that I'm telling you this. But it appeared to me that he just wasn't making a secret of that.

Borodai: I know. I know it myself

Surkov: Uh-huh. Uh-huh. Uh-huh.

Borodai: It's so well-known. In fact, everything that is treated as a deep mystery in Moscow, is well-known throughout the whole city of Donetsk.

Surkov: Come on, Sashka! At our place there is nothing secret ... [inaudible]. It's just you who told me that now and here I am commenting on your, so to say, words. As I know the issue not profoundly. I just realized that he ... he is really on the same side with them.

Borodai: Absolutely!

Surkov: ... [inaudible] Judging purely by his statements. He is just [...] there...

Borodai: Well, and they have reasons which are concrete enough.

Surkov: Well, I do understand it more or less.

Borodai: Uh-huh.

Surkov: At the same time he speaks very well of you as usual. But I also understand that it's hard to believe. So, you see ... [inaudible]

Borodai: Well ... That's true. Yes.

Surkov: It's bad that all of you are apart there. It's sucks.

Borodai: Well, we are not apart from each other. But the problem is that these people have declared the war themselves.

Surkov: I do understand. I understand. Uh -huh.

Borodai: It's just because we are in their way.

Surkov: Yes-yes. Well, it's true.

Borodai: Well, in other words, to completely deepen it into chaos ... all this.

Surkov: Uh-huh. Uh-huh. May I discuss something from the social gossip with you? Are you in the mood?

Borodai: I'm listening. Yes.

Surkov: [laughing] I do understand that it's kinda not to the point now. Recently I have met Rinat[48] here.

Borodai: Really?

[48] Male name.

Surkov: He was ... he was at the beginning of the week. The colleagues have simply gave me a call, asked me. In fact I was not eager to meet him. He was patiently waiting for me in the restaurant for three hours.

Borodai: [laughing]

Surkov: It's just for you to understand how much interested he is. But at the same time the conversation [...] pretty long and incomprehensive. He was meeting his former patron here.

Borodai: Uh -huh.

Surkov: The latter one [...] him ... as it goes without saying ... concerning the task, as they say ... he kinda offered him to be present at the negotiating table on the side of the Republic. But, of course, the answer was clear – it was impossible for him. See, he was talking about the peace again and again ... Err ... He was speaking well of you. 'Good and very good' was repeated five times on some reason when speaking of Khodakovsky and Purgin. See, and he asked me if it was possible for him to come to Donetsk. I, to tell the truth, said it would be better not to do that.

Borodai: [laughing] This is the right thing. And no answers ... [inaudible]

Surkov: As it used to be ... No. Firstly ...

Borodai: Yes ... So ...

Surkov: No. Firstly ... No, firstly ... [inaudible] Secondly, Sashka, his purposes are bad. He will be only demoralizing you there. I would like you to understand ...

Borodai: I do understand [...] very well. I'm also disapproving ...

Surkov: Yes.

Borodai: ... due to this very fact...

Surkov: Uh-huh. Uh-huh. Uh-huh.

Borodai: I want to say that our friend, Comrade Purgin, has some interesting statistics.

Surkov: What's there?

Borodai: Err .... [inaudible] on gas consumption says that all the Oblast's enterprises – as you know, it's the Republic – have become three times less on average.

Surkov: Uh-huh.

Borodai: With the exception of those of Akhmetov.

Surkov: Uh-huh.

Borodai: They are secured by ... There is such data, for instance, from Druzhkovka[49] by both Bes and the Oplot. By Bes and the Vostok. My fault.

Surkov: You see ...

Borodai: Khodakovsky.

Surkov: You see ...

Borodai: Not by the Oplot.

[49] Druzhkivka (Ukr).

Surkov: [laughing] Yes-yes. Which proves the theorem, right? Well, come on. Considering the fact that life is difficult there at yours, everything is interconnected. Just watch out.

Borodai: Doing my best. Doing my best.

Surkov: In any case I think if he ... if he tries to return to Donetsk, it would be better, of course, to prevent it. Because it is ...

Borodai: No. I think we don't need it

Surkov: It will not... It will not result in anything good. But I've just told him that straight forward ... [inaudible] We'll see.

Borodai: Yes-yes-yes.

Surkov: Sasha, there is some more ... some more [...] from the civilian stuff. I wanted to sprinkle ashes on my head. We ... there ... The thing is that I haven't taken any sufficient care there ... We've screwed it up with whatsit ... with the Constitutional Act of Novorossiya. Now I've understood why it was going so painfully. I was forced ...

Borodai: Well ... Yes.

Surkov: I was forced to intrude.

Borodai: It appeared to be strange for me, too.

Surkov: ... [inaudible]

Borodai: I've just pushed it through with great pain.

Surkov: Sash, I know. I'm, of course, extremely grateful to you for this. This is our fault as I ... as I was sure about the another variant of the text to have been sent there. My courageous assistants have got confused. See, that's why I wanted to ask ... later on ... I do understand you are not up to this now. But nevertheless the life is still going on, one should do something somehow. We'll ask for re-voting on it and produce a milder variant as we do not need to clutter so many thing to some third point There is no point to. We'll only elevate the chaos. I told this to Oleg. He is taking all this with understanding. But I would ask you to revote later, ok? Clean and simple. Just re-vote and that's it.

Borodai: That's right. The Supreme Council ...

Surkov: Lugansk also ... [inaudible] Yes-yes-yes.

Borodai: In principle, now it's more likely to be the eparchy of Oleg.

Surkov: Err ... That's true. No-no. These are you who vote on the Act. Two republics are voting.

Borodai: True.

Surkov: As you are founding the very Novorossiya ... There is a need ... [inaudible] for you to have a complete freedom of action and you'd better approve there everything. Not the way they have drawn there something opposite: you receive orders from over there. This is wrong. On top of all, we are already in a difficult position now. It might worsen the situation. Some bosses of ours have appeared there. What fucking for are they needed? ... [inaudible] keep on standing ...

Borodai: Well ... In reality ... [inaudible] an unrest took place.

Surkov: I do know. I know that.

Borodai: ... [inaudible] there and err ...

Surkov: I know, Sash! I know. I'm really greatly thankful to you that you have put the squeeze on that. But, to tell the truth ...

Borodai: I got it.

Surkov: ... it was a mistake of ours. I ... I ... am very sorry. [laughing] I am just lost for words. It's just a screw-up. I just didn't read that before it had been sent away to you. They confused two variants with each other, unfortunately.

Borodai: ... [inaudible]

Surkov: Well, don't mind. I think we'll technically get it re-done. Concerning the other things of this sort ... Some certain Antiufeyev will be setting off for your place. I told you about him.

Borodai: I hope I'll show up [...] before that.

Surkov: Yes-yes. See how ...

Borodai: ... [inaudible] showed up for a while ... and, correspondingly, move together with him.

Surkov: ... he was planning to depart over there on Saturday ... or even on Sunday.

Borodai: So, you see, I think I'll probably manage to arrive earlier.

Surkov: Look, when you arrive, have a talk at once, we'll meet and discuss everything.

Borodai: Needless to say. Needless to say .... [inaudible]

Surkov: On Saturday they are already departing for the South to be combat ready. Well, Sasha, there is one thing there – I'll tell you about it right away – a they are claiming for the GB[50]. But I said that Khodakovsky headed the GB.

Borodai: No objections. I think that Khodakovsky, by the way, will vacate his office happily. He ... [inaudible]

Surkov: No. Look, Sash! Make decisions ... make decisions yourself. If he vacates [...], then let him vacate [...]. If he doesn't want to vacate [...] on some reasons, let them found one more special service. It will not result in anything bad. That's why I think that we'll ... [inaudible] there. Apart from that I would like them to start some political activity: get the labor unions on their side, well, say, some public movements - what the Lugansk people are slowly doing there, they are doing that quite well.

Borodai: That's right, Vladislav Yuryevich.

Surkov: There ... There the Communists joint them, say, all the labor unions joint them. That's why, ironically, something is going on there in this sense. Of course I would like you to do this there as well. I do understand it's not a good time for you for this. But, I would surely want you to have it within your sight.

Borodai: I will try to. I will try to.

Surkov: Yes ...

Borodai: ... [inaudible] management/ruling.

[50] Could stand for: the State Security.

Surkov: Yes-yes. The MVD[51], as you asked/wanted. They are bringing in a clever guy. Hope he will be of good use for you as I understand that you've got sick and tired of my stupid suggestions. When people come and then run away. But what can we do? And as I understand, the very Serenko has also got lost.

Borodai: He hasn't got lost. He just popped up today, then he popped up later on.

Surkov: Uh-huh.

Borodai: He has really round ... [inaudible]. He said that it was a complete ... [laughing] a complete failure.

Surkov: Uh-huh. Uh-huh.

Borodai: He was given an order to go to the center. He wants to leave for good, so to speak ... [inaudible]

Surkov: Uh-huh. Come on. It seems to me he started playing games on some reason there. I said: 'If you don't want, go to hell then! Some input [...], excuses, something else ... or some pseudonym again, or something else. I said: 'Listen! End up this shit. If you don't want to, just leave it then.'

Borodai: He has relatives there. He understands that they could be [...].

Surkov: Yes-yes. He does. But I told him that we could have taken the relatives and that's all. This is the issue that could be solved ... [inaudible]

Borodai: But it is not as easy as it seems to be.

Surkov: I do understand. Understand. Understand.

Borodai: In other words the scale of the chaos that is communicated from Moscow ...

Surkov: I do understand.

Borodai: ... comparing to the real chaos ...

Surkov: I understand, Sash. I understand. I do.

Borodai: ... is just minimum. It's not the Crimea.

Surkov: I do understand. Of course, it's not the Crimea. It goes without saying. It's certainly not the Crimea. I'm not the person to argue that.

Borodai: This is the place where a bloody pagan civil war is taking place.

Surkov: Understand. I do.

Borodai: Where everyone is shooting practically everyone.

Surkov: Yes ...

Borodai: ... without any exclusion.

Surkov: As they should do at a civil war. Yes.

Borodai: Yes. Yes. That's right

Surkov: Oh, hell ... Well, concerning the negotiations, Sash ... The situation hasn't changed. I mean, stick to the course we agreed on.

Borodai: I will, of course.

[51] Stands for: the Ministry of Internal Affairs.

Surkov: Nothing has changed. I think it's the only right, the only worthy and the only honorable one for us. We'll be struggling for this with our efforts being united. Check it on your level, too. We're putting pressure through all the channels for them to have meaningful negotiations on some constitutional things. Not the way they are doing now: kinda get disarmed and go away. Well, we'll see how that goes. We'll have a look.

Borodai: Look, Vladislav Yuryevich, to put it roughly, what I really need, – right?

Surkov: Yes.

Borodai: ... in other words, to control the situation, – is a real way to solve the problem with Bes. As this is an enormous destabilizing factor ... [inaudible]

Surkov: Sash! Understand very well. If I were a minister, I would solve ... [laughing] I'm taking all efforts to prove at least something. I hope that I'll succeed.

Borodai: Ok, Vladislav Yuryevich.

Surkov: Because, Sasha, I can tell you ... I don't want via this line as God knows what is going on with it ... The thing is that there is in fact one person left there who ... err ... doesn't agree with you ... he occupies an important position but not the main one. And all his immediate seniors, his deputies – they do agree with you on the assessment

Borodai: I got it.

Surkov: His ... His curators do agree with you. That's why the issue is about to be ... I'm telling you real things as I'm communicating with both the midlevels and the tops. That's why it is what is observed there. So, I hope, I will help you solve this problem anyway.

Borodai: I hope. I hope. I hope, Vladislav ... [inaudible]

Surkov: I hope. I hope. I hope. So, I'm doing my best. Believe me, I'm discussing it every day. Err ... and it's clear with whom ... and so on. We are trying.

Borodai: I got it. I got it.

Surkov: And the last thing, Sash ... probably ... I still can't leave you alone. I'm not trying to make you laugh or provoke your irritation. Concerning ... if .. is there anyone of ours managing payments?

Borodai: Yes. Every day.

Surkov: Really? Uh-huh.

Borodai: Today.

Surkov: Uh-huh. Something I can observe. It gets even on our TV. That's why...

Borodai: The thing is that everything is filmed on cameras ... mostly local ones.

Surkov: Uh-huh.

Borodai: Because federal ones ... federal ones have lost their interest and joy in this. The reason is that it is ...

Surkov: No-no.

Borodai: ... monotonous.

Surkov: No ... It's really monotonous enough but still we are making it more real step by step. And we'll move on in this direction and it should be done on the local ones. To tell the truth, it's even more important [...] on the local ones. But we're trying [...] here,

too. No-no, everything is going on here. And everything is more or less fine. It is on TV practically on everyday basis here this or that way. That's why ...

Borodai: Well, that's good.

Surkov: We ... It's really extremely important. As I [...] to you ... amid this total 'war of everyone against everyone,' as you say, it's very important to do this to have something happening in a positive way.

Borodai: Fine.

Surkov: I mean when our comrade ... the one of ours ... offered to collect taxes from the businessmen. I said then: 'You know, in this case we'll be surely put on pitchforks and this will be the end!' [laughing]

Borodai: Like they aren't collecting enough taxes from the businessmen now!

Surkov: They ... I ... I do understand. Understand what sort ...

Borodai: People of Bes come ... [inaudible] and ...

Surkov: Understand. Understand.

Borodai: ... and take five thousand hrivnas at the place where a million could be taken ...

Surkov: Understand.

Borodai: ... not in hrivnas.

Surkov: They are judging it from their point of view, you know.

Borodai: Yes,

Surkov: So ...

Borodai: Or, correspondingly, take [...] to the basement and have it fully squeezed out.

Surkov: Yes-yes-yes, Sasha, do you have the ministry of education? Do you have the ministry of education?

Borodai: Err . .. the Ministry of Education. I do.

Surkov: They seem to be working, Maybe ... [inaudible] as we have taken a decision here ... we've pushed our local community ... to have the vacancies for ... the entrants to the higher educational institutions.

Borodai: Yes. Yes,

Surkov: In other words ...

Borodai: This is well known, It has already been published in the local newspapers,

Surkov: If it's possible, will you use this as, really, we have a large amount/considerable capacities here. I mean, it's really some light in the end of a tunnel for the people,

Borodai: ... [inaudible]

Surkov: Ok then.

Borodai: Concerning the light in the tunnel ..., I have some doubts,

Surkov: Well, listen ...,

Borodai: Their concerns are of another character now .... [inaudible]

Surkov: For some of them ...

Borodai: ... [inaudible] in the evening at all.

Surkov: I ...

Borodai: ... [inaudible]

Surkov: I do understand you skeptical position very well but it seems to me that for some of them sending their child somewhere over here ... having guarantees ... is also not bad ... it shouldn't be underestimated. As the requests are being received.

Borodai: ... [inaudible]

Surkov: The requests are going to you as well as to Lugansk. It's not a problem .... [inaudible]

Borodai: ... [inaudible]

Surkov: You can't do anything with the children.

Borodai: ... [inaudible]

Surkov: Well, ok then. Sash, what else? Sash, tell me what can I help you with?

Borodai: Well, I'm already settling my major problem. The rest...

Surkov: Uh-huh.

Borodai: ... is basically the issues that could be solved.

Surkov: Hold on! Hold on!

Borodai: As it is the main rival of today.

Surkov: I understand.

Borodai: He is really the main rival for everyone. For everyone who is more or less sober-minded. ... [inaudible] everyone is different, right?

Surkov: Uh -huh.

Borodai: ...focusing on different powers, thinking in a slightly different way.

Surkov: Uh-huh.

Borodai: It doesn't matter. The point is that there are completely unreasonable things, right?

Surkov: Uh -huh.

Borodai: ... and there are those of more or less reasonable character. Moreover the economy is ruined in case it is based on pure racketeering, right?

Surkov: That's true. I see it I see.

Borodai: It will get absolutely paralyzed ...

Surkov: Uh-huh

Borodai: I mean the economy and the movement/connection between, so to say, the localities. That's why it's a complete disaster. Plus, naturally, it's Igor who is deeply surprised as he understands that the enemy appeared to be in his rear.

Surkov: Yes. Understand.

Borodai: And he ... He is complaining: ‘I have been repeating it for two months asking you to take him away again and again but instead you were pumping him up again and again.’

Surkov: Yes. Yes-yes ... You’re telling it to your coordinators, too, is my understanding right?... [inaudible]

Borodai: It goes without saying. It goes without saying.

Surkov: For them to realize ... Ok then. I’ll be helping. Ok then, Sash ...

Borodai: They do have the understanding.

Surkov: I realize that they understand. It should be brought to an end. We will. It’s ok Sash, you know what? How do people live there in your glorious city? Do people work? Say, factories or ... ships? Is anything functioning? Is everything functioning ... [inaudible]

Borodai: There is hardly anything functioning. Hardly ...

Surkov: Hardly anything, yeah?

Borodai: And it becomes less and less day by day.

Surkov: In other words, everything is decaying, right?

Borodai: Of course.

Surkov: It means, in the nearest future it will be a zone of a real humanitarian catastrophe, is my understanding right?

Borodai: Absolutely right.

Surkov: Uh-huh. Uh-huh.

Borodai: In general, it is slightly marked now in ... [inaudible]

Surkov: It’s just a large camp ... a large camp of camp for refugees, right?

Borodai: That’s right

Surkov: Uh-huh. Clear. Clear ...

Borodai: With severe racketeering and all the associated outcomes.

Surkov: Understand this, too.

Borodai: Well, you see.

Surkov: You’re not bringing it under control, Sash, that’s why this is the way it is going on.

Borodai: Well, of course.

Surkov: [laughing] Come on. Don’t ... [inaudible]

Borodai: ... [inaudible] not big lead ... [inaudible]

Surkov: I thought... I thought of having a chance to tease you! You keep on telling me: ‘You are sitting there and don’t understand anything ...’ [laughing] ‘ ... giving advice from faraway places ... Yeah ... Yes-yes-yes.

Borodai: Well, this is the way it is going.

Surkov: Sasha, together in our thoughts!

Borodai: Thank you. Thank you.

Surkov: If needed, we'll arrive personally.

Borodai: Well, you'll taste what's in ... [inaudible]

Surkov: We are ... we are not of great use but I think I will remember what we were taught earlier. In the end I will manage to do something regardless of the audience ...

Borodai: I know. I know. I know, Vladislav Yuryevich.

Surkov: ... and elderly ... elderly age. [laughing]

Borodai: I'm aware ... I'm aware of the geography/location. I know.

Surkov: Some week and a half and I'll remember something. [laughing]

Borodai: [laughing]

Surkov: Ok, Sashka, good luck!

Borodai: To tell the truth, I wouldn't like to take risks.

Surkov: Well, as I say ... As I said, by the way I am serious, as I said if it comes ... if it turns out to be extremely difficult, we'll arrive. What's the problem?

Borodai: I got it

Surkov: There is no way out. No way out Sash, hold on there! Keep in touch!

Borodai: Copy! Thanks a lot, Vladislav ... [inaudible]

Surkov: Uh-huh. Good luck See you! Bye.

Borodai: See you.

Surkov: Bye."

(m) 4 July 2014, evening: orders from "Moscow" regarding Slovyansk

1555. The relevant parts of the transcript read:

"Dubinskiy: [...] we may surrender Slaviansk, you see ... that's the point. [...] we are waiting for Moscow's decision on whether Slaviansk is to be taken out [...].

...

Other person: [...] he says, most probably there will a complete change of the commanders' staff of the DPR ... well, exactly not of that of the commanders' staff but of the political one. [...] ... Well, is it so?

Dubinskiy: Yes, there is such an order [...]. [DPR Separatist leader C and D] are in Moscow now, both of them. They've flown to Moscow today morning ... As soon as they arrive it will be known what the decision is, understood, yeah?'

Other person: Aha, you are to define for us who is a friend and who is a foe .

Dubinskiy: 'It goes without saying. It will be defined [...]"

(n) 7 July 2014, 10:31:19: orders from Moscow must be obeyed

1556. The relevant parts of the transcript read:

"Separatist B: Look. Let me put it in a nutshell. [...] Now I'm explaining the situation to you. [...] Look. Firstly, Strelok[52] makes me by hook or by crook to free that... bearded dick, who...

Borodai: I know, I spoke yesterday over secure line. Err...

B: Huh?

Borodai: Well, damn it... You know, he has to do it as well...

B: Well, could you at least agree ...?

Borodai: It's not a choice of his own.

B: I get it. I understand. But at least agree [inaudible].

Borodai: He is just...

B: Listen!

Borodai: Yes!

B: Look, if I do it now by his order... Not by yours, but by his. It looks like I supine before him.

Borodai: Err.

B: What the fuck? Do you want to lose me too, because it's him you want to give me some orders? At least I need ...

Borodai: No, I don't want to lose anyone.

B: ...to hold out before you come and give an order.

Borodai: Just get it...

B: Not him, but you.

Borodai: Uh-huh. So, consider that it's me who gives this order, but, unfortunately, from Moscow. Okay? That's the way it is. For one simple reason. I understand his motives. Okay?

B: Uh-huh.

Borodai: They are the same as mine. It's not a choice of his own. And in general, as they say, it's not of his own free will. He just tells me: 'Well, look, it's either this or that. Either this or that. Yes?'

B: Uh-huh. [...] I get it. Good. Then look. We should do this way. I will call you from his place.

Borodai: That is, go to his place... Go to his place. Tell him that you are informed. That, so to say, we had a talk. Okay?

B: Uh-huh.

Borodai: So that he... he will not put pressure on you. Do you understand? He will definitely not put pressure on you. Do you understand? Because he perfectly understands that you are in my submission and everything is fine, damn it."

[52] Call sign/nickname.

(o) 11 July 2014, 20:10:09: Borodai and Surkov: welfare matters

1557. The relevant parts of the transcript read:

"Surkov: Hello?

Borodai: Yes, Vladislav Yuryevich, go ahead.

Surkov: So, I had a conversation with, err, fellows back home, so to speak – the most senior folks who, um ... well, you know, the ones who are in charge of this whole military story.

Borodai: Uh-huh?

Surkov: So I told them. [And they] went like, 'Yes, we're up to speed on everything, don't worry, we're aware, but [part of the phrase is unintelligible] steps that can/will turn the tide' – I already talked everyone's ears off about it back there. 'Yes, we understand, we're preparing...' But honestly, Sasha, I can't really vouch that those answers can be relied upon, because, you know, although I know all of them very well, but there's no [unintelligible] to trust [them] to whether or not they're preparing something-

Borodai: Yes, I completely understand that, [unintelligible]

[...]

Borodai: We've managed to hold out for a week already – it's hard, but we can hold out some more.

Surkov: Well, yes, kind of, Sasha, but frankly, by the sound of it, that's about what you'll have to try to do. That's why I tried to focus as much as I could – let's see what comes out of it. Right now, you... Now, I've spoken to the guest – [XX], [you know who I'm talking about,) right? – and he told me pretty much the same as what I already know from you, but for right now I [unintelligible]. It's good he's in a good, reasonable mood – which in itself is a big get for these times. But, of course, his assessment [of] what's happening there at the moment and our capabilities there is also very, um, critical, to say the least. Well, we...

Borodai: Yes, I got it. Yes, yes, yes, yes, yes, yes, yes. I see. We're still...

Surkov: Now, why I called: because those territories come with population already, and because you and I still have to keep the folks back [home] in the loop about welfare matters ... The man we wanted to send over ... I've got a certain guy named [XX] here – [you know who I'm talking about,] right? – and it looks like he's going to come back to you in the end –

Borodai: Well, he [already] called me up, asked me to help out a man whose SUV has been commandeered, which I just did. That's about it–

Surkov: [chuckles] I see.

Borodai: Business as usual your own...

Surkov: The life takes its course, yes.

Borodai: Yes, the life takes its course.

Surkov: That's why he's likely to come back to you, but for now, erm, I'm asking you to – if you've got time and people to delegate it to – to at least scout the situation in the city, in some of the neighbourhoods, and, um, place an order with us [unintelligible] what you need to, say, prepare for winter, or, like, some sort of social or statutory

payments, or [unintelligible] maybe there's something new that the population needs, given the changing situation – anyway, I need you to provide an order for what you need – money, and if necessary, medicaments and whatnot [unintelligible], if you require it – I mean, as part of this civilian story.

Borodai: [unintelligible] civilian story [unintelligible] come up with something, yes. The money that has been [previously] allocated, this money, it's already running short. And will run out completely as soon as [unintelligible].

Surkov: [unintelligible]

Borodai: ... it will run out in one day by the looks of it.

Surkov: You already told me that. Now that's why I'm asking you myself – get someone who knows at least a thing or two about this, sit together with them and come up with, um, a more or less adequate order for what is needed, [and] we'll deliver quickly.

Borodai: All right, all right, I get that.

Surkov: Will you do it?

Borodai: Yes, [unintelligible]

Surkov: [unintelligible] for the population, Sasha, because you folks are under siege now, and it's important as ever that you if not win their love then at least, you know, [make them feel that you] look after them and all that – because the last thing you need is them starting to shoot you in the back.

Borodai: Yes, I agree, because this situation [unintelligible]

Surkov: [unintelligible], but I'll fix it for you no later than Monday or Tuesday – you know, back at our [...] it's really no big deal, we'll do it quickly.

Borodai: All right, all right, I get it, I see.

Surkov: The only thing I'm asking is an adequate order, alright? [One thing to consider is] preparations for the coming school year – see if you can make a gesture of some sort, for there is bound to be at least a small percentage of children who will stay there – I don't know how many, though, if they don't all scatter away. Number two is preparation for the winter, but it's not just about money, it's also about technical matters that might come up – like fuel, gas supply, water supply and so on. And of course it's money – maybe you need to pay out some benefits or allowances, or, say, some pensions or pension supplements. Or maybe you'll find a new niche that you can explore to make people understand that they're being looked after. That's what I wanted to ask you to do.

Borodai: I get that, I get that, sure thing.

Surkov: About winterization – you know what I'm thinking, Sasha? What you need to do is to hold a publicly-broadcasted briefing, like governors elsewhere always do. And don't take too long with it, now is the time. Yes, you should definitely hold a winterization briefing. Let everybody know that we're there for long [laughs]

Borodai: All right, all right, consider it done

Surkov: ... [and that] we're preparing for the winter, [chuckles] all as one. OK then, Sasha, I will be contactable [unintelligible].

Borodai: [unintelligible]

Surkov: ... I'll be out and about the whole day tomorrow, and I won't be available all the time, but I'll try to, um, keep you posted should anything pop up, alright?

Borodai: All right, all right, thank you. Good luck there! Goodbye!

Surkov: Uh-huh."

(p) 12 July 2014, evening: Borodai and Russian businessman: money problems

1558. The report of 16 December 2019 commented on this conversation as follows:

"Borodai ... discusses his money problems with an identified Russian businessman ..., the user of one of the three mentioned special numbers from the batch: *8520. Borodai says that his money is running out. A person named 'Kolya' had promised '180,000'. That money is waiting in Moscow, but they still need confirmation for payment."

1559. The transcript read:

"Borodai: Hello.

B (Russian businessman): Well, finally.

[...]

Borodai: Well, how are we getting on? A total mayhem. And, in general, the situation is actually rotten, you know. I mean, it's a total mayhem. The city is under the control of seven commanders. We go there and back with Igorek[53] I bring him round, he comes round to a greater or lesser extent, but this doesn't mean he is able to command all that mess. As a matter of fact, just like anybody else. Well, of course, he is somehow commanding, slowly and steadily. Well, in general, whatsit...

[...]

Borodai: The military situation ... the military situation is sucks. But I think you know and understand that.

Russian businessman: Uh-huh.

Borodai: So, the DPR became similar to a dick with a head in the form of Donetsk and, in general, frankly speaking, the prospects are poor. We are in lack of people ... the armoured vehicles ... let alone the armoured vehicles ... they have about one hundred times more there. I have some sections where they have one tank against one our fighter.

Russian businessman: Uh-huh.

Borodai: So ... in general, that's the kind of story we have. The presence of Antifeyev is very positive. He is working and I guess he will get down to business thoroughly. He makes a very good impression. We have agreed on all the issues with him. He interacts with Igor very well. Err ... there are problems with interaction with Khodakovsky, who agrees to talk only with me and nobody else. Okay?

Russian businessman: Uh-huh.

Borodai: We've got some problems here. There are different questions to him that are piling up ... of course, there is significant distrust. Well, for now it looks like I am coping with the problem. And at least, so to speak, nobody is trying to take anybody by storm.

[53] Igorek is a friendly form of Ihor (Ukr)/Igor (Rus).

Russian businessman: And do you trust him yourself?

Borodai: Well, how should I put it... not really. In principle, when I listen to him, I understand all of his motives. Okay? But there is a lot of different factual information ... you see ... crappy one.

Russian businessman: Uh-huh.

Borodai: So, and unfortunately we are getting more and more of it day by day.

Russian businessman: But it's a very good news about Antifeyev.

Borodai: Yes, Antifeyev is great. So ... conducted a meeting with businessmen today. Imposed a five-percent tax here.

Russian businessman: Uh-huh.

Borodai: So to speak ... I think they will now call me from the Administration and ask different questions relating to this issue. I will say: Guys, that is your team of economists. They are working all together ... Your ...

Russian businessman: [inaudible].

Borodai: ... those who are from Kostya[54] yeah ... my Lenya[55] as well ... so to speak, they came to me, presented the economic doctrine and I [inaudible] it. Which, as a matter of fact, is the truth.

Russian businessman: That's how it has to be.

Borodai: Yeah. And I don't care about anything else. In addition, I don't see any economic prospects for now anyway.

Russian businessman: And what did the businessmen say?

Borodai: Well, nothing. Stood up, nodded and went to think that over.

Russian businessman: Uh-huh. [inaudible].

Borodai: They are fucking freaked out there. You see, the whole city is undergoing continuous siphoning off and, so to speak, firing ... here and there.

Russian businessman: Uh-huh.

Borodai: Plus ... err ... so to speak, the enemy is already pounding the outskirts, okay? So to speak ... accordingly, as of today we have had more than thirty civilians killed.

Russian businessman: Uh-huh.

Borodai: Well, I mean, everything is okay. So ... yeah, the biggest problem I have now is ... err ... I am running out of money. I mean, that, so to speak, one hundred and fifty, that I took with me, it is practically over. Because fifty – to Zakhar, one million grivnyas – to Igor, plus all the other expenses, okay? Because [inaudible] is going/ goes ...

Russian businessman: Well, for that the economic doctrine has been introduced ... so that it would be possible to [...] locally.

Borodai: Yes. Local money will be actually got in about two weeks. You see?

Russian businessman: But you will get it...

[54] Kostya is a short form of Kostyantyn (Ukr.)/Konstantin (Rus.).
[55] Lenya is a short form of Leonid (Ukr./Rus.).

Borodai: ... in some form of a reasonable flow. We will ... if this situation remains the same for about two weeks. You see, if nothing changes in the military aspect, the situation will not remain the same for two weeks.

Russian businessman: Well, you know, [inaudible,] it doesn't have to be repeated.

Borodai: Uh-huh.

Russian businessman: If it doesn't remain the same, then it doesn't remain the same.

Borodai: Yes, yes, yes. Well ... that's approximately how the situation looks like. There is loads of other additional stuff ...

Russian businessman: You need ... you need ... you need to somehow get the money transferred.

Borodai: Yeah, I need to somehow [...] that money. There is Kolya[56], who promised one hundred and eighty thousand ... err ... I asked him to arrange that one hundred and eighty thousand through Lenya, but he said that he needed a confirmation, the money had to be in Moscow ... in general, he is a [inaudible] fastidious person, is obscuring the situation.

Russian businessman: Well, you summon him yourself, remind him about what he told you in my presence ...

Borodai: Yeah.

Russian businessman: ... and say: 'Dear friend, so, I don't want to know anything' ... so ...

Borodai: [inaudible].

Russian businessman: ... [inaudible] in a boat ... yeah ... 'you give us one hundred and eighty there, and you yourself know who ... will give it back to you in Moscow.'

Borodai: Uh-huh.

Russian businessman: So ... in addition, his ... err ... so to speak, former employer confirmed that to me ... that is why I simply will not call him again for that one hundred and eighty thousand. I will simply come and give that money to him. Will say: 'Here you are. It is for that.'

Borodai: Well, nevertheless ... this problem has to be somehow solved. Because I [inaudible].

Russian businessman: [inaudible].

Borodai: [inaudible] governmental [inaudible]

Russian businessman: [inaudible] a problem.

Borodai: ... but in the sense that as of today ... err ... fifteen thousand dollars. Something like that.

B: Sash, don't saddle me with that sort of stuff.

Borodai: Uh-huh.

Russian businessman: You know, that we agreed on one hundred and eighty. Take it. You need to try to arrange the rest. If there is still no flow, then we will arrange more through the same channel. And tell Nikolay: 'You know that we need at least two weeks

[56] Kolya is a short form of Mykola (Ukr.)/Nikolay (Rus).

... well, I mean before ... something ... that is why I need this sum for these two weeks, please ...'

Borodai: Uh-huh.

Russian businessman: '... Now I need one hundred and eighty, and later I will need this and that sum.'

Borodai: Uh-huh.

Russian businessman: ... Agree the sum that you need with me and I will give it ... so to speak, [inaudible].

Borodai: Okay. Agreed.

Russian businessman: A very simple story. And a quick one.

Borodai: Uh-huh. In addition, I am running out of social money. I will send the demands today to, so to speak, our respected people ... so to speak, [inaudible]. They also said that they would have sent me the social [...] by Monday. But [inaudible] only social [inaudible]. I mean I don't spend it. [inaudible].

Russian businessman: It is [inaudible]. It is clear.

Borodai: So ... on the whole ... so ...

Russian businessman: [inaudible].

Borodai: In addition, it is a social sector ... many expenditure items need to be given here, that is why that's the fucking story.

Russian businessman: [inaudible]. Sash, I have one more request to you.

Borodai: Uh-huh.

Russian businessman: Hold on, [inaudible]. We are on the road. So, it would be very important, to arrange for ... err ... the legendary one ...

Borodai: Uh-huh.

Russian businessman: ... to give an interview ...

Borodai: Uh-huh.

Russian businessman: ... which would demonstratively show loyalty.

Borodai: Uh-huh.

Russian businessman: Where he would say: 'I have finally got to Donetsk.' Well, I mean not in the form of a press-conference, but just one interview to one of the periodicals.

Borodai: Uh-huh.

Russian businessman: ... that in general, everything that is happening here ... well, so to speak, let's say Kurginyan [phonetically], some people on the net that wrote that I am kinda against ... err ... the Supreme Commander ... so, I am saying: I am an officer ...

Borodai: Uh-huh.

Russian businessman: ... I have the Supreme Commander ... yes, so ... it's clear that at the moment I am not fulfilling his direct orders, because I am in a different country.

But I treat him with great respect, consider him to be the brightest leader of the modern times, who put Russia back on its feet ...

Borodai: Uh-huh.

Russian businessman: ... and we all are looking at him with hope, not in the sense that well, we can't wait ... that's enough ...

Borodai: [inaudible]

Russian businessman: ... yes ... but we mean that we love, trust him, he is an icon for us, and no matter what decisions he takes, we will fulfil any decisions, because we consider him to be a wise leader of the Russian world.

Borodai: Uh-huh.

Russian businessman: It is not you who must do that, but him.

Borodai: I got it. Good.

Russian businessman: There are fewer questions regarding you.

Borodai: Frankly speaking, I don't think there are any questions regarding me at all.

Russian businessman: That's what I am saying.

Borodai: Yeah ... in this respect. Basically, frankly speaking, I don't think there can be any [...] in other respects.

Russian businessman: Well, in general, try ... because it's very interesting, we talked with our dear ... what's-his- name ... Karlson ...

Borodai: Uh-huh.

Russian businessman: ... so ... he explained himself regarding the Armenian comrade for half an hour ... so, he said: 'I understand, that you may think that it was me.

Borodai: The Armenian comrade [inaudible].

Russian businessman: ... but it wasn't me.'

Borodai: [inaudible].

Russian businessman: The one who [inaudible] ... yes, yes, yes ... an idiot ...

Borodai: [inaudible].

Russian businessman: He promised to keep his mouth shut

Borodai: Uh-huh.

Russian businessman: But he said it wasn't him who had sent him.

Borodai: Frankly speaking, I don't think it was him indeed. I am sure that it wasn't him who sent him.

Russian businessman: Well, we both decided that it was Urshyn [phonetically] who had sent him ...

Borodai: Uh-huh.

Russian businessman: ... because in such a way it's easier for us to work together.

Borodai: Well, that's also not true.

Russian businessman: Well ... [laughing] ... and it's easier for us ...

Borodai: Uh-huh.

Russian businessman: And who do you think it was?

Borodai: I have some guesses, but I will tell you when we meet.

Russian businessman: Well, okay. Alright.

Borodai: Yeah ... It's just that these guesses are based on one more set of facts. So to speak, of a very anxious nature ... frankly speaking.

Russian businessman: Well, listen ... in general, we ... in general, we [inaudible]. For your information, we kinda dealt with the issue with each other ...

Borodai: Uh-huh.

Russian businessman: ... by the fact that there is some third force that wants to quarrel us. But we will not allow that, because we need to work together, in one boat, and things like that.

Borodai: In some time we will set out ... So, all ... all the issues with him have been settled, did I get it right? By the way, what about our General...

Russian businessman: Who with? With the Armenian?

Borodai: No, no, no ... with ... err ... [inaudible].

Russian businessman: Aah ... of course.

Borodai: Uh-huh.

Russian businessman: Yeah, yeah.

Borodai: How is our General getting on? Is he moving or not?

Russian businessman: He ...

Borodai: Or is he still waiting for a war elephant?

Russian businessman: No, no ... today he ... he set out today.

Borodai: Has he set out? Yeah?

Russian businessman: [inaudible]. Yes, yes, yes. He [inaudible] with Igor.

Borodai: Yeah? He for some reason didn't [inaudible]. Don't know.

Russian businessman: [inaudible].

Borodai: [inaudible] ago. [inaudible].

Russian businessman: He left from there.

Borodai: Uh-huh. So, he is here, somewhere [inaudible].

Russian businessman: Well, I can't tell you that for sure, but he is no longer there. So, he will show up soon.

Borodai: Uh-huh. Yeah. I'd like to think so ... that he will show up soon.

Russian businessman: Well, alright. Okay. [inaudible].

Borodai: In some time ... it's just that we will soon be called for a meeting, right?

Russian businessman: Uh-huh.

Borodai: Which will take place at... so to speak, at ... behind the river.

Russian businessman: I know.

Borodai: You kinda also can come, you know.

Russian businessman: I know about the meeting. But thank God, they already have normal military commanders there.

Borodai: Uh -huh. Yeah?

Russian businessman: Frankly speaking, I would prefer not to take part in it. To avoid unnecessary, so to speak, awareness.

Borodai: I got it. It's just that I think you can take part not in the meeting itself, okay? But in some procedure taking place nearby. Did you get it?

Russian businessman: Well, may be.

Borodai: [inaudible] to talk to us as well.

Russian businessman: When will it be?

Borodai: I will let you know. It is likely to be Tuesday or Wednesday.

Russian businessman: Aah ... well, it is possible.

Borodai: Uh-huh. Something like that

Russian businessman: Okay. Bye.

Borodai: I would be [inaudible]. I am not suggesting ... the meeting itself, I am suggesting sitting a spell somewhere ... in addition, we'll find a place ... as you know.

Russian businessman: It's a good [inaudible].

Borodai: To sit, calmly sit a spell, have a talk.

Russian businessman: So, okay.

Borodai: That's the story.

Russian businessman: Agreed.

Borodai: Okay. Alright

Russian businessman: Hang in there.

Borodai: Yeah, we are hanging in here, we are hanging in here. Agreed. Alright Copied. Bye.

Russian businessman: Bye.

Borodai: Got it."

(q) 15 July 2014

(i) Afternoon: Sergey: "commander of the Southern District" will provide everything Aksyonov is lacking"

1560. The transcript read:

"B (unidentified person): So, listen. Aksyonov has just received an order.

Sergey: What did you say?

B: Aksyonov has just received an order.

Sergey: Yes.

B: ... [inaudible] call him urgently.

Sergey: Should I urgently give him a call?

B: Yes. Are you reading me not well?

Sergey: Yes. Reading you not well.

B: Give him a call now. There is a certain Serdyukov – a commander of the Southern District.

Sergey: He gave me his phone number in his office.

B: So, get everyone in contact, get them up on their feet. They promised to provide us with everything. Get out everything you need, take everything away.

Sergey: Everything according to the list?

B: Everything meant for disposal. Take it all.

Sergey: Oh, in other words, those of mine. Okay. What does Serdyukov have to do with this? He is a military man.

B: As I understood Serdyukov would give what Aksyonov lacked. Got it?

Sergey: Oleg[57], he is in Moscow.

B: They said: the commander of the Southern District.

Sergey: Well, I say he gave me his phone number: 'When you are in Moscow, everything you lack... request on my behalf ...' Well, okay. I'll find it out.

B: Not this way. Not this way. Wait. Don't do it this way. Firstly, you take away everything you see.

Sergey: Yes.

B: Everything that is going to be disposed, right?

Sergey: Yes.

B: Don't even whatsit... don't even think about being modest. Empty everything ... [inaudible]. As it will be turned into the metal scrap anyway. So, the next ...

Sergey: Yes.

B: Err ... Call Serdyukov and say that you are in the Crimea and that you need this, this and that. As this all will be conducted via ... [inaudible]

Sergey: Via ... via what place? Via the Crimea?

B: Via the Southern Military District.

Sergey: Via the Southern Military District... Okay. Well, that's okay. Okay. Bye."

(ii) Afternoon: "we have air defence guys", "give us that weapon"

1561. The report of 7 October 2019 commented on the context of the conversation as follows:

[57] Male name. Oleh (Ukr).

"In July 2014 the Ukraine army starts a successful offensive against the separatists with the use of heavy artillery and air support. In the conversation below an identified DPR separatist and an unidentified person talk about air raids by the Ukrainian army and their hope that Russia will help them with surface-to-air missiles."

1562. The relevant parts of the transcript read:

"Recipient: There's only one hope – Russia. [...] I wish they give us surface to air system.

Caller: That's what I'm telling. I wish they give you at least something. If you can't come, don't come. Give something, they will deal with it.

Recipient: [inaudible] We have air defence guys. We have everyone. Everyone was serving in the Soviet army. Give us that weapon. [...]"

(r) 16 July 2014

(i) 08:59:04: Borodai and Vladimir Ivanovich: "is it possible that our helicopters are carrying out raids?"

1563. The transcript read:

"[...]

Borodai: Tell me, is it possible that our helicopters are carrying out raids? Good morning. I beg your pardon.

Vladimir Ivanovich: Good morning

Borodai: So, is it possible that our helicopters are carrying out raids near Maryinka? Ours? [off to the side] Turn on the key. [...]

Voice in the background: Look, they've sent [phonetically] Giurza ..."

1564. The report commented:

"Vladimir Ivanovich's answer cannot be heard because the scrambler is switched on at that moment ..."

(ii) Morning: "Fiodorovich": "it has to be loaded, camouflaged and driven away"

1565. The transcript read:

"A (identified high-ranking 'LPR' separatist): Hello?

B (unidentified high-ranking 'LPR' separatist): Hello?

A: Yes, Fiodorovich! I'm listening.

B: Have you already got up?

A: Yes, I have. ...[inaudible]

B: What... what... what is the situation like?

A: Err... I'm just being reported.

B: Oh, you're just being reported. As soon as the reports are made give me a call.

A: Uh-huh...

B: And then whatsit... tell me... have you found this one? ...err...

A: I have arranged everything on the lowboy and a crane.

B: On, it'll be today, yes?

A: Yes-yes-yes. What time is it needed at?

B: Well, the sooner the better. It has to be loaded, camouflaged and driven away.

A: Got it. Well, I have arranged it for the evening. ...[inaudible] it... [inaudible] at/for around 5-6 o'clock/hours.

B: Well, for the evening. It's ok.

A: Well, not to be spotted and ...[inaudible] quickly."

(iii) Afternoon: Sergey and "Andrey Nikolayevich": "Comrade General" says that "another agency deals with this"

1566. The report of 16 December 2019 commented on this conversation as follows:

"In the afternoon of 16 July 2014 Sergey (A) has a conversation with an unidentified person (B) he addresses as 'Comrade General' and 'Andrey Nikolayevich'. The latter is the male patronymic of General SERDYUKOV. The unidentified person tells Sergey he spoke to AKSYONOV, and that 'another agency' deals with the issues they are discussing. The unknown person tells Sergey they are only fulfilling orders."

1567. The transcript read:

"Sergey: Wish you good health, Comrade General!

Andrey Nikolayevich: Good afternoon.

Sergey: Err ... Andrey Nikolayevich[58] this is ... this is Sergey[59] Vorobyov from Aksyonov. I gave you a call yesterday. This is Sergey.

Andrey Nikolayevich: I [...] everything ... I have told everything to Sergey Valeryevich.[60] He ... [inaudible]. Well ... That's why he said he would be there soon, negotiate it. As I am not solving these issues. Another agency deals with this. A very different one. That's the point.

Sergey: But you haven't seen the list yet.

Andrey Nikolayevich: I am repeating it once again: we are fulfilling orders only. When we... [inaudible] what is needed, and we ... and we allocate products according to the list.

Sergey: In ... in other words ...

Andrey Nikolayevich: it's defined by the other ...

Sergey: there was ... there was ...

Andrey Nikolayevich: ... [inaudible]

[58] Male name followed by male patronymic. Andriy Mykolayovych (Ukr).
[59] Male name. Serhiy (Ukr).
[60] Male name followed by male patronymic: Serhiy Valeriyovych (Ukr). These are the first names of Mr Aksyonov.

Sergey: Oh! I see. In other words there was no order received ... [inaudible]

Andrey Nikolayevich: None.

Sergey: Okay. I got it. I'll receive the call. Thank you."

(iv) Evening: Sergey and "Andrey Nikolayevich": an order from Shoygu

1568. The transcript read:

"Andrey Nikolayevich: How are you doing?

Sergey: Err, still in here. We have called your one three times. In short, he has already given an order to whatshisname ... They agreed on providing us [...] after receiving an order from the person beginning with 'Sh'. Do you know him?

Andrey Nikolayevich: No, I do not. Who is this?

Sergey: Well, Shoygu. Shoygu.

Andrey Nikolayevich: Uh-huh. And where? Where will they give it out?

Sergey: Where? In Rostov. Where else?

Andrey Nikolayevich: Because ... Listen, I have just dropped you the number, right?

Sergey: Uh-huh.

Andrey Nikolayevich: Have you read the message?

Sergey: Yes-yes. Who is this?

Andrey Nikolayevich: Dial him now. This is Face/Feis in Rostov.

Sergey: Uh-huh. Okay.

Andrey Nikolayevich: The one who was delegated ... who was delegated to do everything. But, as I understood, he has got fucking nothing serious there. I ... I said that you would give him a call soon.

Sergey: Uh-huh.

Andrey Nikolayevich: And ... by the items at least ... you'll realize what is available and what is not.

Sergey: I'll make a call. What about the means of transport?

Andrey Nikolayevich: Okay. Well, nothing for now."

(v) 19:09:20: Dubinskiy and Semenov: "if I can receive a Buk in the morning and send it over there, that'd be good"

1569. The transcript read:

"Dubinskiy:[61] Yes, Sanych[62], I'm all ears.

Aleksandr Semenov (a high-ranking 'DPR' separatist): Are you OK to talk, ...[inaudible] Nikolayevich?

[61] In the report the participants of this conversation are described as "two identified, high-ranking 'DPR' separatists". Their identities were subsequently revealed.
[62] A short and friendly-sounding form of Russian male patronymic, Aleksandrovich.

Dubinskiy: Yes, go ahead.

Semenov: I have two questions. We got a word that there's some heavy equipment of the Ukrys[63] moving in from the direction of Alekseyevka[64] and, reportedly, they have Grads[65], too...

Dubinskiy: Alekseyevka, where's that? Hold on a second.

Semenov: It's down there, Alekseyevka, look it up. There's heavy equipment and Grads moving, so [XX] kind of said that... He recommended that they dig in...

And look here, we can send over to you, to that area, our two mobile intensive care ambulances...

Dubinskiy: Got it.

Semenov: ... manned with doctors, so if there's a need, we can send them as reinforcement over to that area, at least to the area of Snegnoye [phonetically]...

Dubinskiy: Wait, form the direction of Alekseyevskoye[66] or Alekseyevka?

Semenov: Alekseyevskoye, Alekseyevskoye, oops, Alekseyev..

Dubinskiy: Aah... They're moving to, whatsit, Grigorovka[67]. They are gathering a force, because, you see, we've blocked their only way out of that pocket. That's it.

Semenov: I see, yes. But just in case, just for them to dig in, because they're, err, they're moving...

Dubinskiy: They're already digging in. I have my reconnaissance battalion there... well, of course that's not our objective. We took over Marinovka[68] and, err, the hills/Gorki today, alright? Now the infantry's getting seated in there. The most important thing now is that we... [...] to Moscow - ... that we shut up those two batteries in Grigorovka, you understand?

Semenov: Uh-huh.

Dubinskiy: Otherwise they'll [...] us... For it's their only way out of the pocket, you understand? I mean... they've become fucking impudent. Whoops! – and there we were, surrounding them, see? How come that and where they were supposed to break out to. And those who are there now, they have no ammo left. There in Grigorovka, they have less than one load of ammo left – for the self-propelled howitzers, I mean.

Semenov: Uh-huh.

Dubinskiy: Screw it, Sanych, I don't even know if my men will be able to hold there today or not. They start coming down on them with Grads, I'll be left without my reconnaissance battalion and the spetsnaz company. This shit is fucked up. Oh crap...

Semenov: And...

Dubinskiy: And there's nothing we can do about it... Now, Grads are something we can fucking bear with, but if Sushkas[69] strike in the morning... If I can receive a Buk in

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[63] i.e. Ukrainians.
[64] Ukrainian Oleksiivka.
[65] BM-21 Grad ("hail") is a Soviet-design truck-mounted 122 mm multiple rocket launcher.
[66] Ukrainian Oleksiivske.
[67] Ukrainian Hryhorivka.
[68] Ukrainian Marynivka.
[69] *Sushka* (a "cracknel") is Russian military slang for a Sukhoi jet.

the morning and send it over there, that'd be good. If not, things will go totally fucked up. I'm going there myself at night, so...

Semenov: Yourself, eh? So you're here for now, right?

Dubinskiy: Well, I, err... When you left, I had a two-hour nap and then I went there, we took over the hills there and Marinovka itself.

Semenov: Uh-huh.

Dubinskiy: Then I left. And after that the planes – the *Sushkas* – came back [phonetically]. They were attacking from 5 or 6 kilometers, because they couldn't even hear them...

Semenov: Dead right. I saw them flying in that direction all night long and [inaudible]...

Dubinskiy: That's it... They came down on them real hard.

Semenov: Real hard...

Dubinskiy: Yes. Yes, yes, yes.

Semenov: Well, look here, Nikolayevich[70], if you need [...], we'll send over to your area...

Dubinskiy: [off to the side:] If that's what I think, I'll shoot you down, [...]. If this is one of those thirty sets, I'll shoot you down, I'm serious. [back to phone:] Sanych, I need to deal with [distorted]...

Semenov: Uh-huh...

Dubinskiy: I'll call you back."

(s) 17 July 2014

(i) Morning: Dubinskiy: instructions from "Moscow", at the "top level"

1570. The transcript read:

"[...]

Dubinskiy: Did they stop ringing you?

B: [A], [inaudible] listen, the situation is like that. They called me.

Dubinskiy: Okay.

B: And this is what they said. I've seen [XX] yesterday. Are you aware of the decision he's made?

Dubinskiy: Yes, I am.

B: Well, today I've had a call from a man from Moscow who has told me: 'If you solve a problem with [XX] [inaudible] you go and talk, we're leaving you here with all the instruments and we'll send to him another men'. Plus also [inaudible] to you [inaudible] to help and send you some humanitarian aid and so on.

Dubinskiy: No, no, no, I already know that you don't need to go to [XX]. I already know all this system and situation. We need nothing from them. All the same, no one

[70] A patronymic (Ukrainian counterpart is Mykolayovych).

will send us anything. I already know this. I had a talk with Moscow yesterday. Pervyi[71] had a talk with Moscow too.

B: Uh-huh.

Dubinskiy: We've reached the top level.

B: Uh-huh.

Dubinskiy: The instruction is as follows. Well, so... 'Berkut'[72] group ostensibly exists no longer. It exists, but we call it, for example, 'Golub'[73] group. You got it, yes?

B: Uh-huh.

Dubinskiy: And they all should go to hell. So I told Muscovites, if they keep calling and pestering you, I will grip their balls, that's all."

(ii) 08:56:50: Sergey and Vladimir Ivanovich: equipment needs for mission from Crimea

1571. The report of 16 December 2019 commented on this conversation:

"... Sergey calls from Crimea and tells Vladimir lvanovich that the next day he will be flying to Rostov near the Ukrainian-Russian border with a team of seven men. From there, they will travel on. On Saturday they already must be at their destination, probably Eastern Ukraine. They need things for their mission.

...

Sergey tells Vladimir Ivanovich that he received his telephone number from Aksyonov, the leader in Crimea. He says Aksyonov had coordinated the plan with Bortnikov, the director of the FSB. But it is unclear who will deliver the required equipment to him. Other conversations around the same date indicate what Sergey needs: night vision equipment, camouflage uniforms, infrared viewers, gas masks, 'iron', ammunition and armoured vehicles."

1572. The transcript read:

"Vladimir Ivanovich: Good morning.

Sergey: Vladimir lvanovich, right?

Vladimir Ivanovich: Yes, this is him speaking. This is Vladimir lvanovich.

Sergey: Err ... Aksyonov gave me your phone number. He said, it was agreed with Bortnikov.

Vladimir Ivanovich: OK. How can I help you?

Sergey: My name is Sergey.

Vladimir Ivanovich: [inaudible]

[71] Comment in the official report of 7 October 2019: *Pervyi* is translated as "First Man" or "Number One" and is often used as a title/call sign for a person who is the first in the line of command within a given agency (most likely military or paramilitary) of which the speaker is a member.
[72] The name of special Ukrainian police force. English – Eagle.
[73] English – Pigeon.

Sergey: I'm from the Crimea [phonetically].

Vladimir Ivanovich: I see, Sergey.

Sergey: Err ... I'd rather not mention my last name.

Vladimir Ivanovich: Then don't.

Sergey: How can I hand over our wish list to you? We're flying to Rostov tomorrow. My men are ... I am from Simferopol, and my men are in Moscow. There's a list of things we need and a list of things we badly need. Err ... It's been kept being put off till ... err ... well ... till the bureaucratic red tape. What's the best and the most convenient way to ... Have you got Viber on this phone?

Vladimir Ivanovich: No, not on this phone. Let me see ... Best it should be done by paying a personal visit, as it were, rather than over the phone or by other means of communication.

Sergey: Speaking of the personal visit, where are you at the moment? In Moscow?

Vladimir Ivanovich: In Rostov.

Sergey: Oh, you are in Rostov!

Vladimir Ivanovich: Yes. I'll be in Moscow on Saturday.

Sergey: We'll be in Rostov tomorrow but the point is that on Saturday, we'll already have to be ... there. Err ... Can you please find a way to ... err ... to contact you somehow ... by email ... Look, it's not a matter of talking in codes any longer because ... err ... you see, we've already been controlling all around there. Yeah ... And the fact that some ...

Vladimir Ivanovich: [inaudible]

Sergey: There are ...

Vladimir Ivanovich: How many of you are there?

Sergey: There are seven of us. Seven men. The core team is seven men.

Vladimir Ivanovich: And those noncore?

Sergey: As for those noncore, whatever is provided later is fine. But that actually is ... That's further down the line.

Vladimir Ivanovich: OK.

Sergey: The important thing for us now is to ensure those seven get to the place with ... what is needed. Could you find a moment to ... How ...

Vladimir Ivanovich: [inaudible]

Sergey: Maybe through Viber? Or I can plainly text it to you. What would you say?

Vladimir Ivanovich: Alright... When do you plan to arrive?

Sergey: We plan to arrive tomorrow after five o'clock. We're in the middle of booking tickets. There's only one flight available tomorrow.

Vladimir Ivanovich: [inaudible]

Sergey: Yes.

Vladimir Ivanovich: OK ... Well, in fact, I was told what you needed ... OK, let's ... A ringtone or a tune is heard in the background.

Sergey: Have you got my list?

Vladimir Ivanovich: I haven't got your list. OK, let me sort it out and call you back.

Sergey: OK. Drop me a phone number with Viber please. We'll already have received stuff and got the mission accomplished by the time they unscramble that.

Vladimir Ivanovich: OK. OK."

(iii) 09:08:26: Dubinskiy and Chernykh: "where should we unload this beauty?"

1573. The report of 16 December 2019 contained the following comment on the context of this conversation:

"The next morning (17 July 2019) a Buk-TELAR was present in the DPR. Various DPR separatists, of both higher and lower rank, were involved in transporting and positioning the weapon in the vicinity of Snizhne and Pervomais'ke. At 09:08:26 that morning a conversation between an identified, lower-ranking DPR separatist ('ILD-B') and Sergey Nikolayevich DUBINSKIY, Igor GIRKIN's deputy commander, that the Buk had arrived. In the conversation ILD-B asks DUBINSKIY where he should unload and hide the 'beauty'. It is clear from the conversation that he is referring (in veiled language) to a Buk-M, or a Buk-TELAR. DUBINSKIY says that the Buk-TELAR does not have to be hidden but should be taken immediately to a place known to ILD-B. It emerges in the conversation that the Buk-TELAR is accompanied by a crew."

1574. The transcript read:

"Andrey Chernykh (Bibliothekar, lower-ranking 'DPR' separatist): [Speaking to the side] Guys, we need to stop, we need to stop.

[Voice in the background] C (unidentified): ... [inaudible]

Chernykh: [Speaking to the side] We need to stop. Let's stand in the left lane...

[inaudible], occupy his lane. ... [inaudible].

[Voice in the background] C: to the right, in the right one.

Chernykh: [Speaking to the side] Stand in the left one, in the left one, there. Why the fuck is he [...] to the right one?

[Voice in the background] C: Because I showed [...] to the right.

Dubinskiy: [Speaking to the phone] Yes, I'm listening, Buriatik[74]!

Chernykh: [Speaking to the phone] Hello, Nikolayevich.

Dubinskiy: Yes.

Chernykh: And where should we unload this beauty, Nikolayevich?

Dubinskiy: Which one? This one?

Chernykh: Yes, yes, the one I brought with me. I'm already in Donetsk.

[Voice in the background] D: Let's ... [inaudible]

Dubinskiy: The one I'm thinking about, yes? The one that is M?

Chernykh: Yes, yes, yes, yes. Buk.

[74] A nickname.

Dubinskiy: Oops, BM. Yes, yes, yes. I got it.

Chernykh: Buk. Buk, buk.

Dubinskiy: So, so, so... And is it on whatsit... a tractor unit?

Chernykh: Yes, it's on whatsit... it needs to be unloaded somewhere in order to hide it.

Dubinskiy: Is it with a crew?

Chernykh: Yes, it's with a crew.

Dubinskiy: You don't need to hide it anywhere. It will go over there now. Did you understand where I mean?

Chernykh: I understood. But they need at least [...] time so that they have a look at it.

Dubinskiy: [Speaking off to the side] A certain Dimitriyevich[75]...

[Voice in the background] E: ...give some weapons...

Dubinskiy: [Speaking off to the side] From whom?

[Voice in the background] E: ...[inaudible]

Chernykh: [Speaking on the phone] Hello-hello!

Dubinskiy: [Speaking off to the side]: And there?

[Voice in the background] E: We can... [inaudible] this.

Dubinskiy: [Speaking off to the side] Cripes! [To the phone] Wait, wait Bibliothekar[76]."

(iv) Morning: Dubinskiy and Chernykh: "it will go together with the Vostok tanks"

1575. The report of 16 December 2019 contained the following comment on this conversation:

"The JIT investigation assumes that, in veiled language, this conversation is also about the expected Buk-TELAR, which has crossed the border (the line) with the Russian Federation. IHD-A gives the order to bring the Buk-TELAR to the Vostok tanks."

1576. The transcript read:

"Chernykh: Hello?

Dubinskiy: Hello? Where are you now? Have you brought one...

Chernykh: Hello, Nikolayevich? Now I'm...

Dubinskiy: ...or two? Tell me.

Chernykh: No. One, one. Because they had an unclear situation there. They haven't brought our lowboy over here.

Dubinskiy: I got it.

[75] A male patronymic. Derives from Dmitry (Rus)/Dmytro (Ukr).
[76] A call sign/nickname. Literally means: "a librarian".

Chernykh: They got it unloaded and brought it over here in self-propelled mode.

Dubinskiy: Look, you don't whatsit... it. Did it come in self-propelled mode? Or on a lowboy?

Chernykh: It crossed, crossed the line.

Dubinskiy: Aaaah, and now you brought it in on a lowboy, yes?

Chernykh: Yes, yes, yes.

Dubinskiy: So, look. You don't whatsit... it anywhere. I'll say now where it should go. It will go together with the Vostok tanks. Is it clear? Yes? Hello?

Chernykh: Aha. Hello. I got it. I got it.

Dubinskiy: Just a moment. Keep, keep in touch. Uh-huh.

Chernykh: Ok. That's it. Aha."

(v) Morning: Dubinskiy and Kharchenko: "your task is – reserve plus security guarding of this thing which you'll drive"

1577. The report of 16 December 2019 commented on this conversation as follows:

"IHD-A tells IHD-B in veiled language that there is something behind 'Motel' and that IHD-B should call another separatist there. After that, IHD-B is asked to assemble a number of people and escort the 'thing' – the Buk-TELAR – to a location in the vicinity of Pervomaiske ('Pervomayskoye'). IHD-B is told to guard the Buk-TELAR in that region. The village of Pervomaiske ('Pervomayskoye') is around two kilometres from the eventual launch location Pervomaiskyi. Both villages are to the south of the village of Snizhne in Donetsk Oblast."

1578. The relevant extracts of the transcript read:

"Dubinskiy: [IHD-B]. Just listen to me attentively. So, now, behind the Motel ring road, call [XX], there will stay you know what? Yes?

Kharchenko: Yes.

[...]

Dubinskiy: You take there only from those who returned as many as you need for escort. One. You got it, yes?

Kharchenko: Aha.

Dubinskiy: You leave the rest here. One.

Kharchenko: Clear.

Dubinskiy: You go there, there is Pervomayskoye[77] nearby, check on the map. Hello.

Kharchenko: I got it.

Dubinskiy: You station yourself somewhere in that region, take yours there, take the ones who are left. And your task is – reserve plus security guarding of this thing which you'll drive. Did you get it?

[77] Ukrainian: Pervomaiske.

Kharchenko: I got it.

Dubinskiy: [XX] well get there. Go on, anything happens – call me.

Kharchenko: I got it.

Dubinskiy: Did you get it?

Kharchenko: Aha. That's it. Good. That's it.

[...]"

(vi) Morning: Dubinskiy and Pulatov: "your task is guarding of this Buk"

1579. The report of 16 December 2019 commented on the context of this conversation as follows:

"A short time later two identified, high-ranking DPR separatists ('IHD-A' and 'IHD-B') speak with each other on the telephone. IHD-A says that the three 'rhinos' from Vostok are meant for another (identified) separatist. From the context of all the conversations it appears that 'rhinos' probably refers to tanks. He also says that there is a BM – a BUK-M, i.e. the Buk-TELAR – on the way. IHD-B is told to escort and guard this BM, together with another separatist, on its way towards Pervomaiskyi and Pervomaiske."

1580. The transcript read:

"Dubinskiy: So, look. Pass on... what's it... to [XX] etc... to them...

Pulatov: [XX], etc are all near.

Dubinskiy: I got it. So there [inaudible] from Vostok went to them.

Pulatov: I didn't get it.

Dubinskiy: Three rhinos from Vostok went to them. Hello.

Pulatov: Yes. Yes, yes.

Dubinskiy: Nosed. Three units. Yes.

Pulatov: I got it. I've just talked to the first.

Dubinskiy: I got it. Now listen. Errr. You take whatsit. Wait for [XX]. [XX] is now driving this ... BM. Did you get it? Yes?

Pulatov: Yes.

Dubinskiy: Buk. Buk. Hello.

Pulatov: Yes. Yes. Yes. I got it. I know wooden ones. Yes.

Dubinskiy: I got it. So, you, [XX] and all ours find Pervomayka[78], near Pervomayskogo[79] in reserve you task is guarding of this Buk and organization of whatsit... Is it clear? Yes?

Pulatov: Yes.

Dubinskiy: So. Vostok Rhinos go to [XX]. Let them take a decision. Well, let...

[78] A slang term which refers to either Pervomaisk, Pervomaiske or Pervomaiskyi.
[79] A term that refers to either Pervomaiske or Pervomaiskyi.

Pulatov: Rhinos are for [XX], and I'll leave the previous ones for [XX].

Dubinskiy: Yes, yes. So.

Pulatov: Yes. That's how I decided.

Dubinskiy: And you, together with ours and [XX]. But send somebody to meet the rhinos... did you get it, hello, [B]?

Pulatov: Yes, yes. I'll organize everything now. I will first take my whatsit spitters to their position. There...

Dubinskiy: I got it. I got it. Then you take ours you know where to and your task is reserve and guarding of this B. You got it, yes?

Pulatov: Yes, yes, yes. Plus, I also keep a corridor so that we could have unhindered delivery of ...

Dubinskiy: I got it. That's it.

Pulatov: To [XX].

Dubinskiy: Go on. Bye."

(vii) 13:09:27: Kharchenko and Sharpov: the positioning of the Buk-TELAR

1581. The report of 16 December 2019 commented as follows:

"[A] lower-ranking, identified DPR separatist and a higher-ranking, identified DPR separatist ('IHD-A' and 'ILD-B') speak with each other on the telephone about a checkpoint which is apparently beyond Snizhne and before Stepanivka. IHD-A tells ILD-B to go to Snizhne. From the JIT investigation it is clear that, that morning, the two separatists were involved in transporting the Buk-TELAR which was then near Snizhne."

1582. The transcript read:

"Kharchenko: Yes, Oleg.

Oleg Sharpov: Yes, Lionia. Listen... whatsit... it turns to be the last checkpoint leaving Snizhne before Stepanivka... to the left... Is my sense of direction correct?

Kharchenko: You have to go rightwards in Stepanivka and across the field to this fucking whatsit... this fucking Snizhne?

Sharpov: Yes.

Kharchenko: So, go to Snizhne. I'll give you further directions there.

Sharpov: Got it. Ok. Pervomaiske turns to be at the first checkpoint if the explanations I had received were correct.

Kharchenko: So, that's it. We will meet there somewhere within these limits."

(viii) 13:27:50: Sergey and Vladimir Ivanovich: Surkov "is the one to assign our missions"

1583. The relevant parts of the transcript read:

"Sergey: [off to the side before the conversation starts]: Listen, does Nefiodov have the secure line like Golovkin does [phonetically]?

Vladimir Ivanovich: Speaking.

Sergey: Vladimir lvanovich?

Vladimir Ivanovich: Yes.

Sergey: I've just entered the office of our General who comes from Moscow. He's in Moscow. I called my supervisor and told him about the question you had asked me, and about what I was supposed to answer ...

Vladimir Ivanovich: [off to the side]: We'll proceed in a moment, Sasha. We'll proceed in a moment! [back to the phone]: Sorry, what did you say?

Sergey: I say, I told my supervisor, who is in Moscow at the moment, about the question you had asked me. You are an ultimate authority to help us, you see? And he told me – it can't be told over the phone, though – he said, 'If anything, let them contact Surkov personally. He is the one to assign our missions'.

Vladimir Ivanovich: Mmm, OK, I see.

Sergey: It's not that... err ... please don't get me wrong: I don't mean to be rude, but honestly, I just can't say this over the phone [inaudible].

Vladimir Ivanovich: That's OK. I can't say anything in relation to your list, either. Yeah. Because I have a directive pertaining to what should be provided to you. Simple as that.

Sergey: Excuse me, who gave you that directive?

Vladimir Ivanovich: My boss.

Sergey: Uh-huh ... OK. And what does ... err ... that directive imply?

Vladimir Ivanovich: That directive implies to item 3 in your list.

Sergey: Oh ... [the sound of paper crinkling] Item number 3?

Vladimir Ivanovich: Yes. Without anything. Just first two letters.

Sergey: One item and that's it?

Vladimir Ivanovich: Yes. One item. Moreover, only references under first two letters, none of the following.

Sergey: And nothing else at all?

Vladimir Ivanovich: That's all. Only that.

Sergey: Mmm ... OK. Bye.

Vladimir Ivanovich: Bye."

(ix) Afternoon: "Chernukhino people shot down a plane"

1584. The relevant parts of the transcript read:

"A (higher-ranking 'DPR' separatist): Yes, [B]

B (higher-ranking 'DPR' separatist): So, Chernukhino people shot down a plane. Pilots....

A: Who, who downed it?

B: From the Chernukhino checkpoint, the Cossacks that are stationed in Chernukhino.

A: Aha.

B: Will look for the parachutist somewhere around Rozsypnoye. Teams from Uglegorsk, Debaltsevo went there and my team from my Mogila will also go there. To search the fields.

A: Go on, look for him wherever you want. Find whatsit... this parachutist.

B: I got it, of course. We'll look for him.

A: Did he deplane?

B: I don't know for sure. I'll get to the Chernukhino checkpoint and find this out and call you back, [IDH-A]."

(x) Afternoon: "they shot down a plane"

1585. The relevant parts of the transcript read:

"A (high-ranking 'DPR' separatist): Hello, [B]!

B (high-ranking 'DPR' separatist): [A], tell me what: is there any progress with that two-hundredth[80]? What's going on?

A: Yes, they're already taking him to Crimea. Don't worry.

B: Aah, then it's OK, 'cos I've fucking set people on alert...

A: Just now they shot down a plane... The group of [XX], err... It crashed outside of Yenakiyevo[81]... They've gone to ...

B: Pilots, where are the pilots?

A: ... gone to search for the downed plane and to take pictures. There's smoke...

B: How many minutes ago?

A: About thirty minutes ago.

B: About half an hour, right? And what was it, another *sushka*[82]?

A: Yes, a goddamn *sushka*."

(xi) 17:42:43: Dubinskiy and Botsman: "We shot down a plane...We got Buk-M, you know"

1586. The report of 16 December 2019 commented on this conversation as follows:

"Later in the afternoon the separatists begin to realise that the downed aircraft is not a Ukrainian Sushka. In the afternoon of 17 July 2014 an identified, high-ranking DPR separatist ('IHD-A') was called by an unidentified, lower-ranking DPR separatist ('ULD-B'). As the conversation proceeds, it would seem that the two separatists are misunderstanding each other. ULD-B says that an aircraft was shot down near his

[80] Short from "Cargo 200", a military jargon for "killed in action/casualty". Here and elsewhere in this conversation, italicised words are used figuratively. If followed by remark "phonetically", italicised text represents what the translator reasonably believes was said.
[81] Ukrainian Yenakiieve or Yenakiyeve (different romanisations exist).
[82] *Sushka* (literally a "cracknel") is a slang term for a Sukhoi jet (Su).

position, and that he is going to look for the black boxes to hand them over to IHD-A. IHD-A asks what was shot down, and says 'we' have shot down an aircraft too, a Sushka with a Buk-M. It also emerges from the conversation that on the 17th, after the disaster, the fighting is still heavy. The Ukrainian armed forces are trying to fight their way out of the encirclement in which they find themselves, and the separatists are waiting for artillery fire from Russian territory."

1587. The transcript read:

"Dubinskiy: Yes, Botsman. It's not very convenient now.

Botsman: Hello.

Dubinskiy: Hello. Yes, Botsman. I'm listening to you.

Botsman: Hello, big brother, how are you?

Dubinskiy: I salute you. Not very good. We are in Marinovka now. So. Not very good, what can I say. Holding the ground, damn.

Botsman: Why is that?

Dubinskiy: And why do you think? They keep firing Grads at us. It's only now that we can have a little break. Damn.

Botsman: I got it. And a plane was shot down here, I'm going to get the boxes,

Dubinskiy: Err. Whatsit. Well...

Botsman: If need be, I'll hand them over to you, so that you handed them over further, what about that?

Dubinskiy: What was shot down?

Botsman: What are you saying?

Dubinskiy: I'll be back in town as early as in two hours, damn. I'm telling you I'm in Marinovka.

Botsman: I got it. I got it.

Dubinskiy: We shot down a plane, a plane, too, fucking *Sushka*[83]. Right above Saur Mogila. We got Buk-M, you know. Well, in about two hours I... when are you... how long will you stay in town, tell me?

Botsman: Now I am... I'll be in Gorlovka some, I don't know... I'll be searching for [inaudible] now, searching for the boxes. And then, after I'm finished I think I'll be heading home at once.

Dubinskiy: Aha, boxes... boxes for what? Ah, the boxes...

Botsman: Yeah, the black boxes.

Dubinskiy: I got it, I got it. Well, my people are also searching, although we're under fire, have just fucking stopped firing Grads at us...

Botsman: Did they blanket you with Grad badly?

Dubinskiy: Yes, of course. We're holding ground in Marinovka and they... here... it's the only way out of Lugansk region for them, fuck. You can imagine.

[83] *Sushka* is a military slang for Sukhoi plane.

Botsman: Are many of your men down?

Dubinskiy: Too many, errr.

Botsman: Cripes.

Dubinskiy: We gained... Yesterday my reconnaissance battalion gained Marinovka. Special forces company fucking gained Tri Gorki. We sat infantry there. We were holding on together with them. Then more infantry came. It's only in the morning when we left, the infantry was striken with Grads at all. We had to send reconnaissance battalion to Marinovka. And now they are fucking firing Grads at us again.

Botsman: I was in Lugansk tonight. I was in Lugansk tonight.

Dubinskiy: They are trying to shoot a way out of Zelenopolye and the only way out is through me, do you understand me? So, fucking... Yesterday we downed two Sushkas, today the second one, fuck. Thanks God Buk-M came today in the morning, so it got a little easier, but of course it's difficult. They plainly don't send in tanks or anything, they plainly have 5 Grad batteries firing and 3 batteries of self-propelled artillery weapon, fuck. In a brief, we're having fun here.

Botsman: Hold on. What can I tell you? If you need anything from me – call, I'll come to you.

Dubinskiy: No, no, thank you brother. In about two hours I'm going... it looks as if we have a period of inactivity here now. In about two hours I'm going to Donetsk because I need... three Gvozdikas arrived... I will take the Gvozdikas here, because it's fucking very difficult here now.

Botsman: Listen, maybe we should blanket them with Grad?

Dubinskiy: Well, the thing is that we have a Grad but we don't have an adjuster, fuck. It's the first reason. And the second is...

Botsman: Adjusters are our sore subject.

Dubinskiy: And the second thing is, we're waiting for Russia to fucking strike their positions from that side. They stood near the border and fucking strike our positions near Grigoryevka. That's how it goes. Well, when I'm in the city, I'll call you, ok?

Botsman: Go on, go on, I'll be waiting."

(xii) Afternoon: "it's definitely a civilian plane"

1588. The transcript read:

"B (high-ranking 'DPR' separatist): Yes [A].

A (high-ranking 'DPR' separatist): So, what's happening out there?

B: Briefly, damn, it's definitely a civilian plane. We haven't found any accurate data about the parachutists among the locals yet. I overviewed the local territory from a gob pile, as far as I could see. I don't see any parachutes. They couldn't have fucking hidden them so quickly.

A: I got it. And, whatsit, are there many people there?

B: Shitloads. Wreckage fell straight in yards. That's how it is.

A: What plane is it?

B: I haven't worked this out yet, because I wasn't near the major part. I'm just looking at the places where the first bodies started to fall. Well, it is about ... I suppose it is not a big airbus, it's up to about 100 seats. Maybe less.

A: And what's its name?

B: We haven't found a component which would give this information. I can't tell you. There are debris of internal brackets, seats, bodies.

A: It's clear. Is there any weapon there?

B: Nothing at all. Civilian stuff, medical scraps, towels, toilet paper...

A: Are there any documents?

B: Yes, the ones belonging to an Indonesian student from Thompson University. Fuck.

A: And is that it? Yes?

B: Uh-huh. That's what we found. And foreign passports were also found.

A: Where from and where to?

B: I haven't seen this yet. They were found by Debalstevo people. Told me on the phone. I'll get there, have a look and tell you."

(xiii) 21:32:39: Kharchenko and Gilazov: a fighter lost his crew

1589. The report of 16 December 2019 commented on this conversation as follows:

"That evening it emerged in a conversation between the high-ranking 'DPR' separatist KHARCHENKO and an identified, high-ranking 'DPR' separatist that one of the Buk-TELAR's crew members has become separated from the rest of the crew. At this point he is at a checkpoint. B[84] says that KHARCHENKO must pick up the 'fighter' and take him to Snizhne."

1590. The transcript read:

"Kharchenko: Yes, Ryazan.

Eduard Gilazov: Hello, commander. Have you already left, yes?

Kharchenko: Me? Yes. I have left for my task, you – for yours.

Gilazov: I got it. Within that very region or not?

Kharchenko: No. I'm not within that region. I'm to the other direction.

Gilazov: ...[inaudible] a fighter has got lost there from this one ... [inaudible] launcher. He has fucking lost his crew, fuck!

Kharchenko: What a launcher?

Gilazov: From a Buk.

Kharchenko: From a Buk?

Gilazov: Yes.

[84] His identity was later disclosed as Eduard Gilazov, call sign "Ryazan."

Kharchenko: And where is he, fuck?

Gilazov: Here he is standing at the checkpoint.

Kharchenko: Take him and bring in here, fuck, I'll be waiting for him in Snizhne near ... [inaudible].

Gilazov: Ok."

(xiv) 21:40:49: Kharchenko and Pulatov

1591. The transcript read:

"Kharchenko: 'Can you contact these fighters from this new box, can't you? Where have they fucking gone at all? And where have they driven to? [...] I've arrived in there and there is no one within the meeting point. [...] And they have lost their fucking fighter.

Pulatov: A fighter of mine?

Kharchenko: Their one! Their one!

Pulatov: And ... there is one their fighter with you, yes? [...] And there is none of them ... I'll try to contact him. I got you ... because I was failing to comprehend the information."

(t) 17/18 July 2014, night: Andrey Ivanovich: "they hadn't waited for any escort"

1592. The report of 16 December 2019 commented on this conversation as follows:

"In the night of 17-18 July 2014 two identified, high-ranking LPR separatists ('IHL-A' and 'IHL-B') spoke to each other on the telephone about a party that did not wait for an escort and left in the direction of Snizhne. The JIT investigation revealed that this probably refers to the DPR escort that left the Buk-TELAR on the border of Luhansk without waiting for the escort from the LPR. The DPR escort then went back to Snizhne. IHD-A is asked to inform a separatist about the location of the Buk-TELAR. However, he is told not to do this over the telephone."

1593. The transcript read:

"A (high-ranking 'LPR' separatist): Yes, Andrey Ivanovich!

B (high-ranking 'LPR' separatist): They are figuring it out among themselves now. I don't know all the 'whats' and 'hows'. But I hope the fact that the vehicle's make has been changed on move/ in the process couldn't cause such...

A: No-no. They said directly they hadn't waited for any escort.

B: They hadn't, yes?

A: Yes. 'We weren't waiting for the escort. We are heading to Snezhnoye[85]. Stand off for today' It's the way it was said.

B: Hell! I can't... I can't do anything. Let's wait for 10 minutes more?!

A: No-no. Don't mind. It's just.... It wasn't caused by the vehicle's make. It's for sure.

[85] Snizhne (Ukr).

B: And... everything is ok with our convoy, isn't it?

A: Well, we... Here I'm driving. The only thing is... err... the location: is our comrade aware of it or not? Or should I inform him?

B: Give him a hint what settlement... Because... The only thing – do not do it over the phone.

A: No, I'm not going to ... [inaudible]

B: It's... It's not far from the place we usually go to, but not exactly this place. It's better for you to stop and clarify where you are going to... [inaudible]

A: Yes. No. He has a map there... the map dd. 1983,

B: Well, he'll mention you the settlement area where it has to ...

A: Aha. Well, good.

B: Make a stop and clarify.

A: Yes-yes. He hasn't mentioned it yet. I got it. Good."

(u) 18 July 2014

(i) Morning: "the vehicle is in Russia"

1594. The report of 16 December 2019 explained the context of this conversation as follows:

"In the morning of 18 July 2014 there was confusion among a number of high-ranking DPR separatists about what had happened with the Buk-TELAR, and where it was now. A number of conversations then ensued between separatists who were involved with the transport. Eventually, it emerged that the Buk-TELAR had been taken across the border into Russia during the night.

Two identified, high-ranking DPR separatists ('IHD-A' and 'IHD-B') spoke with each other on the telephone on the morning of 18 July 2014. The JIT investigation has revealed that during the night IHD-B was involved in transporting the Buk-TELAR to the border between the DPR and the LPR. IHD-A asks why IHD-B returned that night. IHD-B says that the vehicle – the Buk-TELAR – was left at the crossroads, after which 'the lads' went on themselves. The vehicle went in the correct direction and arrived successfully. IHD-B says that an identified separatist who was involved with the transport was being called constantly and for that reason had turned off his phone. In response to IHD-A's remark that they do not know where the vehicle is now, IHD-B replies that it is in Russia."

1595. The transcript reads:

"B: Good morning, Nikolaevich!

A: Good morning, Lionia[86]. Yesterday it was just fucking hell, I have nothing to say,

B: What's up?

A: Where is whatsit... err... Why did your fucking comrade [XX] return yesterday, fuck, such incomprehensible movements... I don't know... what was going on yesterday? Tell me.

[86] A shortened form of a male name Leonid (Rus/Ukr).

B: They brought the vehicle up to the crossroad, left it there, the lads went on themselves.

A: Well.

B: So, the vehicle has left in the correct direction and arrived successfully. That's it.

A: I see...

B: There was strange incoming calls which began suddenly, from 10 persons...

A: Who were those 10?

B: Err.. There were different incoming calls to his phone from people who begun to introduce themselves... err... one and then the second, then the third, then the fourth... he told that he was pissed off... Later, Strelkov began to phone up...

A: So?

B: He introduced himself.

A: And he turned off his fucking telephone. Fucking shit... err... and we don't know at all where the vehicle is.

B: The vehicle is in Russia."

(ii) 07:44:57: Girkin and Dubinskiy: "the vehicle is in Russia for a long time"

1596. The report of 16 December 2019 explained the conversation as follows:

"A short time later, at 07:44:57, two identified, high-ranking DPR separatists spoke to each other on the telephone about the events of the night before. The vehicle – the Buk-TELAR – was already in Russia, according to IHD-A. IHD-C says that 'those ones' are certain that they did not encounter the separatists with the Buk-TELAR. He is probably referring to LPR separatists. There is confusion about what has happened with the TELAR. IHD-C says that they are going to sort it out right now."

1597. The transcript read:

"Girkin: My greetings, Sergey Nikolaevich!

Dubinskiy: My greetings, Comrade Colonel!

Girkin: As far as I know, you have been out...?

Dubinskiy: I have just returned in whatsit... everything was going well, there... eight different persons have called him, fuck! He handed over the vehicle, fucking shit! Different eight people are calling him, fuck! Because of that he switched off the fucking phone! And he wasn't taking it back, fucking shit!

Girkin: Err... so, why didn't you report me about that?

Dubinskiy: What did I have to report, fuck!? I just...

Girkin: Where...? Where is the vehicle now?

Dubinskiy: The vehicle is in Russia for a long time! He has handed it over at once, fucking shit, to those people who were meeting...

Girkin: To whom? To whom?

Dubinskiy: He handed over the vehicle...

Girkin: To whom?

Dubinskiy: ... to the people who were meeting, fuck... Then, the phone calls began! One and then the second, then the third, then the fourth, the fifth, the eighth, fuck! That is why the person switched off the fucking phone. He wasn't taking it/her back anywhere at all! There, on the crossroad, where it must happened, he handed over the vehicle to the people who were supposed to meet it.

Girkin: The point is that those ones... they are asserting that the vehicle... that they haven't met the, That they were not the ones...

Dubinskiy: What do you mean?! He handed over the vehicle to people... to our people on the crossroad, and it was led further on, fuck...

Girkin: To our people?

Dubinskiy: Yes, he handed it over to our men.

Girkin: We'll sort it out right now. Keep in touch!

Dubinskiy: The vehicle is there, a long time ago!

Girkin: If it is... err, if it is that one, if it is... all right... take a rest, I'm at the same condition as you are."

(iii) 08:01:35: Dubinskiy and Kharchenko: "they are already in Russia"

1598. The report of 16 December 2019 commented on this conversation as follows

"That same morning, two identified, high-ranking DPR separatists ('IHD-A' and 'IHD-B') spoke on the telephone about the situation. IHD-A asks IHD-B to come, together with another separatist, to where he is to explain what happened that night. IHD-A says that no one knows where the vehicle – the Buk-TELAR – is and that it has not been seen anywhere. The person they were supposed to meet has returned without the Buk-TELAR. IHD-B responds by saying that he has just been in contact with a separatist with the call sign 'Bibliothekar', who took the vehicle to Russia and is already on his way back with a new vehicle from Russia."

1599. The transcript read:

"Kharchenko: Yes, Nikolaevich?

Dubinskiy: Lion, you should take Leshyi, and come over to my place, fuck! There is no fucking vehicle, no one saw it, fuck! That one, which was supposed to meet [...], returned back without the vehicle, fuck. You know what I mean? Crap. Where? To whom? Which way did he bring [...]? Fucking disaster, you know...

Kharchenko: Bibliothekar... This is the group of people, that brought it/her in...

Dubinskiy: Right.

Kharchenko: ... on the lowboy... I have just made a contact with them, they are already in Russia, they carry a new vehicle from Russia.

Dubinskiy: Uh-huh... but that... err... He gave it to Bibliothekar, didn't he?

Kharchenko: Sure.

Dubinskiy: Now I got it."

(iv) 20:01:11: FSB or GRU

1600. The context to this call was explained in the report of 16 December 2019 as follows:

> "Several former fighters have told the JIT that the Russian security service FSB and the military intelligence service GRU were involved in the daily management of the DPR. One of the witnesses stated that DPR leaders regularly went to Moscow to consult with their contacts at the FSB and GRU.
>
> Intercepted phone calls also seem to show the involvement of Russian security services, working side by side in directing the DPR ..."

1601. The transcript read:

> "[...]
>
> Mongol: Is there anything we can talk about?
>
> Sherif: Yes, there is. Tell me if Spartak and Doe [phonetically] are alive.
>
> Mongol: Yes, they are alive and surrendered to the FSB agencies.
>
> Sherif: Alright.
>
> Mongol: Did you think I was going to torture or kill them?
>
> Sherif: No, I've just asked ...
>
> Mongol: Have you ever seen me torturing or killing anybody?
>
> Sherif: Wait...wait...No, you don't have it in your track record ... I'm just asking if they are alive.
>
> Mongol: Yes they are alive. Lara is also alive. They are surrendered to the local ... [inaudible]
>
> Sherif: Tell me, why the Morozovs? What was Moroz[87] killed for?
>
> Mongol: Who?
>
> Sherif: Moroz [inaudible]
>
> Mongol: What Moroz?
>
> Sherif: [It was] near the military unit where all of you show up: you, and Baranov ...
>
> Mongol: ... it's not that we show up there. It's the location of Dzerzhinsky Division, which is a structural unit...
>
> Sherif: What did they kill Mongol for? Oops ... What did they kill Moroz for?
>
> Mongol: What do you mean by saying 'they killed'? There was a patrol duty when unknown people opened fire without warning on it.
>
> Sherif: I got you. It turned out that idiot sticked his nose into it! Why did they need to shoot him at the chest though? And why did they blowout his brains as he lay dying? Do you see what I mean? I'm no fucking fool, you know. I've got a great deal of information. I know everything what's going on in this town.
>
> Mongol: I couldn't care less about your great deal of information.

[87] Moroz (literal meaning is frost) is a nickname derived from the last name Morozov.

Sherif: I got you. I got you.

Mongol: Anyway, I'm ... [inaudible] service of another country.

Sherif: I got you. I got you.

Mongol: I couldn't care less.

Sherif: I got you. Secondly, did you happen to take anything when you were seizing the National Bank?

Mongol: We took nothing.

Sherif: Haven't you taken 16 kilos [inaudible] ... 15 kilos of platinum?

Mongol: No. We've taken nothing!

Sherif: I've got the wire taps of your talks. I was given them to listen to.

Mongol: No problem. No problem [inaudible].

Sherif: Look, why are you preparing missions on Bes's elimination?

Mongol: We are not preparing anything of the kind.

Sherif: It means at present you are eliminating ...

Mongol: We are not preparing anything of the kind! Don't you ... Look, Sherif, if you are an agent you 100% must have some interesting information. Why are you talking shit now?

Sherif: 100% ... Ah, alright then! That is ... eliminating ... Alright then!

Mongol: I'm eliminating several other people; but have you got any information about the number of the raiding groups I eliminated?

Sherif: I ... I know ... It's just that I've been given the wire taps of your talks with Baranov.

Mongol: So what? Is there a phrase 'eliminate Bes'?

Sherif: There's even something cooler ...

Mongol: Tell me as an officer!

Sherif: There's something ... there is there's even something cooler ...

Mongol: Tell me as an officer ...

Sherif: Mongol. let's do it this way ...

Mongol: Listen, don't interrupt me!

Sherif: I have nothing against you ...

Mongol: Have I ever fought for the Ukrainians? Or what?

Sherif: I have nothing against you ... There's one thing I want to ask you about: the lives of Doe [phonetically] and Spartak must be spared. His wife is now being guarded intensively.

Mongol: I know ... I know [inaudible]

Sherif: She's being guarded really intensively. She's crying all the day long. Yes.

Mongol: Yes ... [inaudible]. Your bus is near the prosecutor's office.

Sherif: All the men who left your unit or were about to leave, have fallen from grace. Do you see what I mean?

Mongol: So?

Sherif: So what's the reason? All the men, who know about you and your business with Baranov, find themselves in the shit. Is that so? I'm only asking you one thing: leave them alone. Do leave them alone.

Mongol: Are you done yet?

Sherif: You know what ... I don't know where you have sprung of. It's four years now I've been in the business though. I used to harass the fascists. Then you have come about at some stage and got down to work I have no fucking idea about. As for damned Torez. I don't know what the fuck of reconnaissance I went to conduct! There were no Right Sector men. You buggers seized everything that had not been nailed there including the fucking Porsche. See what I mean? Typical highway robbers.

Mongol: Make an inquiry about us at your administration or Bezler's administration ...

Sherif: I've already made an inquiry ...

Mongol: ... or at GRU office, if you have an access of course ...

Sherif: I've already made an inquiry. Look, why did you take Doc into custody? Doc has stage 3 bowels cancer. He's all cut length and breadth. The man told me he wanted to do a good deed.

Mongol: If you are an agent you know perfectly well who was responsible for the mission to eliminate me, Baranov and Salat. Shall I say it aloud? Or shall I give you his statement to prove they didn't lay a finger on him?

Sherif: Say it aloud! Come say it aloud!

Mongol: It goes straight that you were responsible for that!

Sherif: Look, Mongol ... Hold on ...

Mongol: Yep.

Sherif: I swear by my family and my son's health, there was never any mention of that I

Mongol: So why has your boss called me to say ... [inaudible]

Sherif: I swear you son of a bitch, blindness and death take my son if I have ever been charged over that!

Mongol: Really?

Sherif: ... or if I've been directly involved in that. Do you believe me now or not?

Mongol: Well, I can believe you. But why did Doc say that? No one has laid a finger on him! He gave it straight during the interview. There is some footage ...

Sherif: I ... Let's discuss it if you want to ... Just hold on ... Here is the thing. About a month ago, my soldier reported to me what had been going on in Salat's commandant's office.

Mongol: I have no concern with Salat's commandant's office.

Sherif: No. Your name has turned up on every page.

Mongol: Alright...

Sherif: Now look. Do you know what I did? You may ask anyone (including Doc) to confirm. I said, 'Guys, those 50 something bloody pages you wrote are going to stay here forever. I pressed them to destroy the stuff completely.

Mongol: I got you. And now you listen to me!

Sherif: Do you want to know why? Do you know why?

Mongol: Listen! How can one talk to you if you ... [inaudible]

Sherif: I want you to let me finish! I'll tell you why. It's because I prefer to stay away from the inner showdown in case there is an outer enemy.

Mongol: I completely agree!

Sherif: I made them destroy that all. It stayed there forever. But I kicked Moroz off from the unit for orders breach two weeks ago. Moroz used to run his mouth about having got very close to you and Baranov. I didn't give a fuck when I was told he had been killed. Still, I decided to look into the matter a little together with my guys. So we did. I don't care what was going on but I've got the copious information. It's a week we've directly .... [inaudible] to Moscow and we get the orders. What I'm trying to say: may everyone stay alive [inaudible] in your basement.

Mongol: We get the orders from Moscow as well. It's the same with us.

Sherif: But it's FSB in your case? Right?

Mongol: Yes.

Sherif: And it's GRU in our case. That's the only difference.

Mongol: I know about it perfectly well.

Sherif: [inaudible] ... difference ... it's been a long time since I wanted to talk to you. I tried to reach you by phone but I couldn't get through. If we had started to talk earlier we would have found common ground long before. It's just you have a very slight idea of who I am.

Mongol: I know everything very well. And you know ...

Sherif: You know nothing so far.

Mongol: Look, Sherif, if you want to talk ..."

(v) 20 July 2014

(i) Afternoon: "Nikolay Fiodorovich": "Moscow" confirms seeing a convoy

1602. The transcript read:

"A (an identified high-ranking 'LPR' separatist): Yes, Nikolay Fiodorovich.

B (an unidentified high-ranking 'LPR' separatist): Well, has Moscow/Moskva confirmed the moving convoy?

A: Don't hear, don't hear.

B: I am saying about the confirmation of the convoy that is going in the direction of the airport... Moscow/Moskva has confirmed... they see it. Is it err... whatsit... *Ukrops*[88] convoy?

A: The convoy that is going in the direction of the airport? Yes.

B: And how did it go through?

A: Most likely through Sabovka[89]. I'll give the phone now... one moment, one second and I'll call you back."

(ii) Afternoon: "Nikolay Fiodorovich" and "Andrey Ivanovich": the convoy approaching an airfield

1603. The transcript read:

"C: Nikolay Fiodorovich, I am giving the handset to Andrey Ivanovich. Because it's impossible to catch signal here. I am giving, giving [...] now, one second.

B (an unidentified high-ranking 'LPR' separatist): Ok.

...

C is putting Andrey Ivanovich on the phone:

Andrey Ivanovich (an identified high-ranking 'LPR' separatist): Yes, Nikolay Fiodorovich.

B: So, the convoy is confirmed. Where the convoy can be from?

Andrey Ivanovich: I don't know where it is going from. It's from west, isn't it?

B: It's somehow going from west. From west. Fucking one and a half kilometres from the airdrome.

Andrey Ivanovich: From the airdrome?

B: Yes.

Andrey Ivanovich: It can't be one and a half kilometres from the airdrome because there is a populated locality there, there are positions there. Probably... I don't know. Will now try to do something. Unfortunately, we still don't have any signal. Hello.

B: Uh-huh. Yes, yes, yes.

Andrey Ivanovich: We are sitting with no signal. We've just had the power back on. My telephone is not working at all. Neither the first one, nor the second one. Now what... We'll try to clarify... the deputy will go now... I think we will be receiving information soon... our groups have left.

B: Uh-huh.

Andrey Ivanovich: Ok. Well, if they come in the airport, we will fight at the airport. What else can we do?

B: Ok. I got you.

Andrey Ivanovich: Yes. Well, we have no other options.

---

[88] A scornful short nickname given to Ukrainian Army soldiers by CNR/LNR and their supporters. Literally means "dill".
[89] Sabivka (Ukr.)

B: Uh-huh.

Andrey Ivanovich: That's it. I am passing the handset. Thank you.

B: Bye.

Andrey Ivanovich is putting C on the phone:

C: Yes, Nikolay [inaudible]. Is that it?

B: Yes, yes. We've had a talk."

(w) 21 July 2014, 17:32:10: handover of flight MH17's black boxes

1604. The context to this call was explained in the report of 16 March 2021 as follows:

> "Finally, the extent of the influence of the Russian Federation is confirmed by an intercepted telephone conversation... between Borodai, and an unidentified person calling with a Russian phone number (B), regarding the black boxes of Flight MH17. It follows from this intercepted telephone conversation that prior to this conversation, Borodai attempted twice to reach Surkov, but failed."

1605. The transcript read:

> "Borodai: Hello?
>
> B: Hello. Sorry. I didn't see your call.
>
> Borodai: Yeah. And damn [i.e. that you didn't see my call], that is very bad. I need to talk to the boss, urgently, as in totally urgently.
>
> B: Um...
>
> Borodai: Cause I've got one of the most principal decisions to make.
>
> B: [distorted]
>
> Borodai: Can you arrange that?
>
> B: I'll try. He is not in the office at the moment.
>
> Borodai: Fuck, this is beyond fucking urgent, do you understand?
>
> B: Uh-huh.
>
> Borodai: I can tell you openly what the issue is. I need to know who I should give the black boxes to. We have preliminary orders (to give them) to the ICAO experts, but they're not to be seen in Donetsk, and by the looks of it, they will never be. They're not coming here.
>
> B: Uh-huh.
>
> Borodai: Now the Malaysian side is willing to take up the black boxes, OK? There's a person in the rank of Deputy Defense Minister, if I'm not mistaken, who has direct contact with the Prime Minister.
>
> B: Uh-huh.
>
> Borodai: I spoke with the Malaysian Prime Minister. They have confirmed – They're willing to sign with us protocols for the handover of the bodies and the black boxes, to be passed on to the ICAO experts, and to work on them together. In general, it would be the same as–

B: [unintelligible] got to sealed them somehow.

Borodai: Of course. We will hand them over to them, with due coverage and pictures in the press, and we will sign an official handover document. It will become the first international instrument–

B: ...between–

Borodai: ...between the DPR and Malaysia!

B: Hold on a spell, I'll try to [unintelligible]...

Borodai: Accordingly, this is an extremely beneficial/advantageous scenario for us.

B: [unintelligible] I get that.

[...]"

(x) 23 July 2014, requests for Russian artillery support

(i) Morning: Girkin

1606. In the report the participants in this conversation were described as "two identified, high-ranking DPR separatists". In the recording of the conversation released by the SBU, participant C was identified as Mr Girkin.

1607. The transcript read:

"A (unidentified): Speaking.

B (high-ranking 'DPR' separatist): Have you just called, [XX]? This is [IHD-B].

A: Hullo

B: Hullo, this is [IHD-B].

A: Yes, I see.

B: Receive the information, because the secure line is always busy for some reason.

A: So, maybe if the secure line is needed I'll come in and tell him. [Girkin] has just been speaking on the phone.

B: Well, Ok, I'll call once again.

A: Wait, don't hang up the phone, I'm not far away from him.

[In the background:]

A: [IHD-B] says he can't get through to you via the secure line.

[Back to the telephone:]

Girkin: Speaking. Hullo.

B: Hello, Comrade colonel, can I call you via the secure line.

Girkin: No, it's out of service.

B: Roger.

Girkin: Describe the general situation with the consideration of this [...].

B: Errr, the exit from Hryhorivka, the last house on the right. There is bush there and a lot of personnel, Grads and other stuff is consolidated there. Err, they came here... they were here as long ago as yesterday and the reinforcement came only one hour ago.

Girkin: Uh-huh.

B: ... they are the ones that will be thrown to a gulley... Where we now want to occupy the terminal... We are going into the assault from Marynivka.

Girkin: Uh-huh.

B: That's how it is.

Girkin: I got you.

B: They also have equipment on the hill again. We burned a lot of equipment yesterday.

Girkin: Uh-huh.

B: And today they again have 3 tanks. 4 BMP's...

Girkin: Is the artillery active there now or not?

B: The artillery... we only have 60 last shells and that's it.

Girkin: I mean the Russian artillery.

B: No, no. That's why I'm asking to request support.

Girkin: I got you. Talk soon. Uh-huh."

(ii) Afternoon: Girkin

1608. The report of 16 December 2019 contained the following comment on this conversation:

"On the same day, in the afternoon of 23 July 2014, two identified, high-ranking DPR separatists ('IHD-A' and 'IHD-C') spoke to each other. IHD-A reports on the fighting and asks IHD-C to ask 'them' to provide artillery support on certain targets. IHD-C says that one of the targets is already being shelled, but IHD-A replies that 'they' missed. The JIT investigation revealed that 'them' and 'they' probably refer to the Russian artillery support. IHD-C says that he will try."

1609. The transcript read:

"A: [XX], this is [A]. I need to talk to Pervyi.

B: Now... [inaudible] That's urgent, right?

A: Yes, it's urgent.

B: Uh-huh.

[There is a knock on the door]

B: [to the side] [A] there [inaudible]

C (Girkin): Go ahead.

A: Good afternoon, [C]!

Girkin: Yes, greetings.

A: I need [them to] cover [with fire] high grounds 198.3 and 185, uh, err... [the area] between the summer camp and high ground 185. They have trenches there, and these motherfuckers are dug in pretty well. They got mortar batteries, and tanks, and Grads dug in there. Looks like they're running short of rounds...

Girkin: Uh-huh.

A: ...but still I can't get closer to them. I now have the entire village of Dubrovka[90]...

Girkin: Uh-huh.

A: ...so now I need them to shell high ground 198.3. That done, I'll go on and take it over.

Girkin: Uh-huh. 198.3, you think you can take it over?

A: Well, we'll see... if they shell it well, I'll go at it.

Girkin: Now, look here, I'll now try, err, to request a strike, err, and... – Look here, if... - I'll now make a condition: if they don't level 198.3 [to the ground] now, if they don't level to the ground everything around it... What [...] will you need? 200 by 200? Or more?

A: More. Some 500 by 500.

Girkin: 500 by 500, got it. Now, if they don't level it to the ground, if they don't simply level the place to the ground, then there's no sense in, err... then we'll fall back at night, because there will be no sense. You got me? I'll be badgering them now. But on the other hand, you must understand that...

A: And 18[x]... [C], I also need [them to] cover the area between 185 and the summer camp.

Girkin: I've already submitted this one, I've already submitted this one, I mean...

A: They missed! They aimed, err... they stroke a little bit closer.

Girkin: I got it... I got it, I'll make a try now. OK then, I'll speak to you later.

A: I'll speak to you later, [C].

Girkin: Uh-huh, later on."

(y) 31 July 2014, 00:56:38: Girkin: an order from Vladimir Ivanovich

1610. The report of 16 December 2019 commented on this conversation as follows:

"Girkin (C) receives a call from an unknown person (D). They have a conversation about the delivery of equipment and the role of Vladimir Ivanovich in this. Girkin says that Vladimir Ivanovich gives orders to him, but that Girkin commands his own people."

1611. The transcript read:

"B: This is Baloo. Where is Pervyi?

A: I'll give [...] in a moment. Just a second.

[...]

[90] Dibrovka (Rus.) / Dibrivka (Ukr.).

Girkin: [...] everything here, to our place[91]. Not to give anything to anybody. Everything that is going for us must be taken by us. [inaudible].

D: Good afternoon. Good afternoon.

Girkin: Yes.

D: So ... Igor lvanovich, err ... From Vladimir lvanovich ... I've brought this convoy ... I got the order to give two vehicles to Kozitsyn, and to give the rest to you.

Girkin: So, not to give anything to anybody ... to nobody ... to Kozitsyn. Thank you. I've always been munitioned ... for four months I've been munitioned ... Kozitsyn first ... and I've been munitioned last. I [...] nothing to Vladimir lvanovich ... So, I need equipment and people, people and equipment, weapons and munitions. None of my people will fulfil orders other than mine.

D: So, do you give the order to send everything to you?

Girkin: My order is ... everything accepted for me must move to my place. Everything accepted for me ... Vladimir ... Kozitsyn ...

D: Do you mean that despite Vladimir lvanovich set the task ... set the task for me ... I will now ...

Girkin: I ... I... Vladimir lvanovich himself has to give orders to me. But not to command my people over my head. My people will fulfil my orders.

D: Well wait... The task wasn't set to your people. The task was set to me. To the person who brought this convoy here. He set the task to me to give two vehicles ... I mean to give everything to you, but for two vehicles.

Girkin: What kind of vehicles?

D: Two vehicles with ... well with the things that ... with light [...] ... with light [...] ... with light hardware and its accessories. All the rest will go to your place.

Girkin: Do you mean that those are not the vehicles that had already been allotted to me?

D: Err ... I am not ready to tell you what had been allotted to you. I'm just saying that the things I brought... so ... two ... so two vehicles are going ... [inaudible] ... to give two vehicles to Kozitsyn ... the rest will go to you.

Girkin: I got it. In such ... I apparently misunderstood you. I thought that those are the vehicles that had initially been allotted to me. From that convoy. In such case you must fulfil the order that was given by Vladimir lvanovich. Of course.

D: So, please repeat this task to your subordinates.

Girkin: Yes. Give the handset to them.

D: Thank you.

[In the background:]

Voice 3: That's what I was saying: everything is fine.

Voice 4: Of course.

[91] In the Russian language "our place" may mean our home, office or any building/territory/institution/group of people one belongs to.

[...]

Girkin: Well, what can I say: let them continue munitioning those faggots that keep running away from a battlefield. Give two vehicles to them. Let them choke on them!

B: We fucking don't know what's in the vehicles.

Girkin: I also don't know what's in the vehicles.

B: Well, it means we lost everything. Well ... and ... ok. I got it."

(z) August 2014: Girkin's departure

(i) 13 August 2014, 00:28:31

1612. The report of 16 December 2019 contained the following comment on this conversation:

"In August 2014, not long after MH17 was shot down, the DPR 'Minister of Defence' Girkin announced his departure and told Borodai he 'was returning to the Staff'. Apparently, he returned to an organization he had worked for before."

1613. The transcript read:

"Borodai: This is Borodai is talking.

Girkin's assistant: Yes-yes!

Borodai: How is ... Is Ivanovich[92] somewhere by the side?

Girkin's assistant: Yes! I'm handing [...] over. [Speaking off to the side] Borodai.

Girkin: [Speaking to the side] Aha. [Speaking to the phone] Hello?!

Borodai: Hello?! Where are you?

Girkin: Well, I'm returning to the Staff.

Borodai: Are you returning to the Staff?

Girkin: Yes, I am. The whole concept is changing there. I mean, we are not rich cattle industry owners anymore, but poor street ... what's it ... beggars.

Borodai: Well, I just ... I just have got ...

Girkin: Well, go ahead! Come on!

Borodai: ... some information ... So, what are we doing? Are we going to the Staff?

Girkin: Yes-yes-yes! Go back to the Staff. We'll ... [inaudible] from the Staff ... [inaudible] want now. Bye!

Borodai: Ok then! That's it! Ok! We are going to the Staff! Uh-huh ...

Girkin: Uh-huh ... Yes.

Borodai: [Speaking to the side] As usual we are going ..."

(ii) August 2014: conversation between Girkin's assistant and a third party

1614. The transcript read:

[92] Igor Vsevolodovich Girkin uses the alias Igor *Ivanovich* Strelkov.

"[...]

Other person: All of us are upset. [...] The Commander has left [...] Will he come back? Where is he? How is he doing? They told he had already left for Russia.

Girkin's assistant: Well, yes, ... [inaudible] there. [...]"

(aa) December 2014: Dubinskiy and Rostov

1615. The report of 7 October 2019 contained the following comment on this conversation:

"An unidentified person asks [Dubinskiy] to hand over a package to some cadets in Rostov so they can deliver it to the person who needs to receive it. When they talk about the location where [Dubinskiy] has to deliver the package, [Dubinskiy] tells that it is near his brigade – the 22nd – and his apartment.

[...]

The 22nd most likely refers to the 22nd 'Spetsnaz' Brigade of the GRU."

1616. The transcript read:

"[...]

Other person: You'll then take it to Rostov and the cadets will take it, I mean, the children.

Dubinskiy: Do you mean the cadet corps?

Other person: The cadet corps! Yes! [...]

Dubinskiy: Is this our one which is in Stepnoye, Rassvet?

Other person: In Rassvet. Yes! [...]

Dubinskiy: It's right near my brigade, near the 22nd one. Just right there.

Other person: Yes-yes-yes! Yes-yes-yes! Right there! Will you be there ... drop in?

Dubinskiy: I have an apartment there, in the town.

Other person: [...] Well perfect. Just nearby. [...]"

(bb) 14 March 2015, 10:45:44: Kharchenko and "Andrey": resolving an issue with Russian authorities

1617. The report of 16 December 2019 contained the following comment on this conversation:

"Intercepted phone calls further show Surkov acting as a trouble-shooter for the DPR leaders. For instance in this conversation of the identified DPR military commander Leonid Kharchenko of 14 March 2015, Kharchenko speaks of an impending arrest of Sergey ('Nikolayevich') Dubinskiy. Dubinskiy is in trouble because he is thought to have entered the country illegally."

1618. The transcript reads:

"Andrey (based in Russia): Yes, hello.

Leonid Kharchenko: Hello. Good morning, Andrey.

Andrey: Good [...].

Kharchenko: Is it convenient to talk?

Andrey: Yes, yes. Of course.

Kharchenko: Uh-huh. Listen, Andrey, can you get the information regarding the situation with Nikolayevich.

Andrey: We talked ... err ... about him yesterday.

Kharchenko: Uh-huh. And?

Andrey: Yesterday I ... yesterday I called you ... there was no signal ... wanted to talk on Skype ... called you yesterday, the day before yesterday.

Kharchenko: Uh-huh.

Andrey: Well, they said through Strelkov, right? ... he dealt with the issue ... at least tried to ... so ...

Kharchenko: No.

Andrey: Because the command was to ... no ... I will tell you what actually ...

Kharchenko: Uh-huh.

Andrey: [...] in the offices think.

Kharchenko: Uh-huh.

Andrey: Dealt with [...] through Strelkov. Yesterday I talked to the Administration ...

Kharchenko: Uh-huh.

Andrey: of the President... Said that [...] was dealt with through Surkov. Surkov gave a command to Smirnov ... and Smirnov ... well, not a command ... Surkov asked Smirnov and he gave ... err ... the approval.

Kharchenko: Well, has the approval been given or not?

Andrey: As far as I know it’s all good.

Kharchenko: You ...

Andrey: Well, no ... it’s all good. Everybody understands that ... well ...

Kharchenko: I ... Andrey find out ...

Andrey: I can’t [inaudible]. What exactly? I can’t get it. It’s just that I need to understand ...

Kharchenko: What exactly ... here we are actually having the game now that he came in illegally and they want to arrest him. We need to get the information regarding this urgently.

Andrey: I will say in an hour.

Kharchenko: Ok. I am waiting for the call.

Andrey: Uh-huh.”

(cc) 2 June 2015, 14:02:13: Zaroshchenske

1619. The report of 16 December 2019 commented on the context of this conversation as follows:

> "On 2 June 2015 the Russian manufacturer of the Buk system, Almaz-Antey, held a press conference in which it was said that flight MH17 had been shot down by a Buk system of the Ukrainian armed forces, from Zaroshchenske.
>
> Following by this public announcement of an alternative launch location, an identified, high-ranking DPR separatist called an unknown separatist and asked him if the area around Zaroshchenske was in the hands of the Ukrainian armed forces ('them') or the separatists ('us') in the month of July, around the time of the downing of flight MH17. The unknown separatist says that he is 100% certain that it was under their (i.e. the separatists') control. When the aircraft crashed, they were on duty there. He says that it (the suggestion that the missile was launched from Zaroshchenske) is a lie."

1620. The transcript read:

> "A: Listen! Your help is needed!
>
> B: Go ahead!
>
> A: Err... Please, refresh your memory... The month – July, the Boeing's downing... do you remember?
>
> B: Yes-yes, I do!
>
> A: Err... there is some information appearing that the launch had been performed with an anti-aircraft defence system from the locality of Roshchino... Zaroshchino... being situated somewhere not far from Shakhtiorsk[93].
>
> B: Uh-huh.
>
> A: Was the territory mentioned under them or under us?
>
> B: Err...
>
> A: Zaroshchenskoye[94]...
>
> B: Oh, Zaroshchenskoye?!
>
> A: Yes.
>
> B: Zaroshchenskoye– Zaroshchenskoye– Zaroshchenskoye... It was our territory... No! It was the territory of ours!
>
> A: Was it our one for sure?!
>
> B: It was our territory for sure! Well, in case the *Ukrops*[95] happened to enter, they were never standing/deployed there densely/permanently... Zaroshchenskoye is just right over here, just close to us. Well, from the place I'm sitting at, it makes three kilometres.
>
> A: So, that's why it was a surprise for me!

[93] Shakhtarsk (Ukr.)
[94] Zaroschchenske (Ukr.)
[95] A derogatory way to address the Ukrainians.

B: ...well, from the centre... ...No! I'm giving you hundred percent it had not been downed from over there! As when it had been downed, we were at the place on duty! It's not...

A: I do remember this! [B], this is what I do remember! If this barrage had taken place there, everyone would have heard it, right?

B: Well, of course! A hundred percent it's not... [inaudible]

A: Uh-huh... Ok!

B: Even from the direction where it was falling down... where it was flying/falling past – it wasn't the direction the launch had taken place from! It's a lie!

A: Uh-huh... Ok! Thank you!"

H. Technical investigation into the downing of flight MH17

1. The duty to undertake a technical investigation

1621. The Netherlands ratified the Chicago Convention in 1947 and Ukraine and the Russian Federation deposited their notifications of adherence in 1992 and 1970 respectively.

1622. Annex 13 to the Chicago Convention, entitled "Aircraft Accident and Incident Investigations" ("Annex 13"), sets out the recommended procedure to be followed by Contracting States in their inquiries instituted in accordance with Article 26 of the Chicago Convention into accidents involving death or serious injury. It contains binding standards and non-binding recommended practices for aircraft accidents and incident investigations. Standard 3.1 prescribes that the sole objective of the investigation must be the prevention of accidents and incidents, and not apportioning blame or liability. Standard 5.4 prescribes the independence of the investigating authority and what the investigation should include.

1623. Annex 13 also regulates the involvement of various States in an investigation. The various standards set out in Annex 13 require the State of Registry, State of the Operator, State of Design and State of Manufacture of an aircraft to be notified by the State of Occurrence with a minimum of delay in the event of an accident or serious incident. Those States are required to provide the State of Occurrence with all relevant information available to them, and they are entitled to appoint an accredited representative to participate in the investigation. Other States do not have a right to participate in the investigation but may be requested to participate or provide information by the State conducting the investigation. States that provide information, facilities or experts upon such requests are entitled to appoint an accredited representative but the participation of such States may be limited.

2. Agreement that the Netherlands would carry out the technical investigation

1624. The Netherlands and Ukraine agreed a Memorandum of Understanding on 24 July 2014 concerning the Investigations Regarding the Accident of the Downing of Civilian Aircraft Malaysian Airlines Flight MH17, with a view to ensuring that the investigations regarding the accident of the downing of flight MH17 would be conducted with the maximum impartiality and objectivity that would meet the expectations of the international community. To that end, and taking into consideration that the overwhelming majority of the victims were citizens of the Netherlands, Ukraine agreed to delegate the investigation into the accident to the Netherlands through a legally binding agreement between the Ukrainian National Bureau for Accidents and Incidents Investigation with Civil Aircraft and the DSB.

1625. The Netherlands agreed to coordinate the investigation into the circumstances of the accident and to be responsible for the conduct of the investigation in line with the provisions of Chapter 5 of Annex 13 to the Chicago Convention. It also agreed to ensure the participation of other parties concerned, in particular Ukraine as the State of Occurrence, Malaysia as the State of Registry, the United States of America as the State of Manufacture and the ICAO. The participants agreed to make every effort to ensure that the implementation of the cooperation under the Memorandum of Understanding would be executed fairly and expeditiously, and to coordinate and to cooperate with related agencies in order to ensure the effective and efficient achievement of the objective of the cooperation.

1626. The DSB is governed by the Kingdom Act of 2 December 2004 on Instituting a Safety Investigation Board ("the DSB Act"). The DSB Act implements, amongst other things, the above-mentioned Annex 13 to the Chicago Convention. Pursuant to section 3 of the DSB Act, investigations conducted by the DSB are not aimed at establishing individual liability, blame or responsibility, but at establishing the probable cause of an accident. The DSB is an independent administrative body which operates independently from the Dutch Government.

3. DSB investigation and conclusions

(a) The investigation

1627. The technical investigation by the DSB focused on the following questions:

• What caused the crash of flight MH17?

• How and why were decisions made to use MH17's flight route?

• How is the decision-making process related to flying over conflict zones generally organised?

• What lessons can be learned from the investigation to improve flight safety and security?

1628. Ukraine (State of Occurrence); Malaysia (State of the Operator and State of Registry); United States of America (State of Design and Manufacture of the aeroplane); United Kingdom (State of Design and Manufacture of the engines); Australia (State that provided information on request – photographs of aeroplane wreckage parts at the crash area); and the Russian Federation (State that provided information on request – radar and communication data and information on weapon systems) participated in the investigation and appointed an Accredited Representative.

1629. Under OSCE escort, air accident investigators from Ukraine and Malaysia, the Australian Federal Police and journalists had access to the crash area in the days following the crash. The wreckage was photographed extensively and showed the locations mostly undisturbed. The information was shared with the DSB. Owing to the security situation around the crash site, the DSB was unable to start the collection and preservation of the wreckage directly after Ukraine had delegated the investigation to the Netherlands. It was not until 4 November 2014 that the DSB was able to visit the various locations where the wreckage was located, under the protection of the Dutch Ministry of Defence's Recovery Mission. From 16 November 2014, wreckage parts were collected for six days and transported to the Netherlands for the investigation and partial reconstruction of the aeroplane. It was necessary to cut some parts into smaller pieces for transport. It was not possible until 20 March 2015 to gain access to the site north-west of the village of Petropavlivka. Between 19 April and 2 May, pieces of wreckage that had been collected by local residents were recovered. Many pieces of the wreckage were not physically examined by the DSB until four months after the crash. During this period, some parts were removed and it was therefore not possible to retrieve all pieces of wreckage. Wherever possible, the photographs taken immediately after the crash were used in conjunction with the wreckage found.

1630. Belgium, Canada, Germany, Indonesia, Israel, Italy, New Zealand, the Philippines and Vietnam had a special interest in the investigation because they had lost citizens in the crash. Experts from those States were therefore invited to view the recovered wreckage parts.

1631. As part of the investigation, information was required and requested from a number of States. For example, the Russian Federation was requested to provide information regarding radar data and communication data and information on weapon systems. With respect to the requested surveillance radar data, the Russian Federation informed the DSB that it was unable to provide this radar data as it had not been saved. The Russian Federation provided a video recording of the radar screen, which showed combined primary (non-processed) and secondary (processed) surveillance radar data.

(b) The Cockpit Voice Recorder (CVR) and Flight Data Recorder (FDR)

1632. The CVR and FDR were not recovered from the wreckage site by investigators of the investigation team but by individuals unknown to the team. On 21 July 2014, they were handed over to a Malaysian official in Donetsk by representatives of the armed group controlling the area and were subsequently handed over to the DSB. The DSB requested that the United Kingdom's Air Accidents Investigation Branch ("AAIB") perform the data download from both the recorders At the AAIB's laboratory in the United Kingdom, an international team of air safety investigators examined the data contained within the recorders between 23 and 25 July 2014, in the presence of investigators from Germany, Malaysia, the Netherlands, Ukraine, the United Kingdom, the United States and the Interstate Aviation Committee. The ICAO was present as an observer. In August 2014 the Accredited Representatives from Ukraine and the Russian Federation also listened to the CVR data during meetings in The Hague with the DSB.

(c) Conclusions reached by the DSB

(i) Preliminary report: Crash involving Malaysia Airlines Boeing 777-200 flight MH17: Hrabove, Ukraine – 17 July 2014

1633. On 9 September 2014 the DSB published its preliminary report. The report provided an update of investigative steps taken to date and confirmed that no technical or operational issues had been found in respect of the aircraft or the crew before recordings had stopped on the two flight recorders at 13:20:03 GMT (14:20:03 local time). It explained that the damage observed in the forward section of the aircraft appeared to indicate that it had been penetrated by a large number of high-energy objects from outside. It was likely that this had resulted in a loss of structural integrity and had led to an in-flight break-up of the aircraft.

(ii) Draft final report, May/June 2015[96]

1634. In accordance with Standard 6.3 of Annex 13, the DSB sent its draft Final Report to the Accredited Representatives of the States participating in the investigation, including the Russian Federation, and invited their comments. The Russian Federation provided a number of comments, which are reproduced in Annex V to the final report.

(iii) Final report: Crash of Malaysia Airlines Boeing 777-200 flight MH17: Hrabove, Ukraine, 17 July 2014

1635. On 13 October 2015 the DSB published its final, 279-page report ("the DSB report"). As noted above, comments received on the earlier draft

[96] In their submissions, the respondent Government claimed that this draft final report was produced in July 2015.

and the responses to those comments were set out in Appendix V to the DSB report.

1636. The DSB's main conclusions regarding the causes of the crash are as follows:

> "b. At 13.20:03 hours (15.20:03 CET) a warhead detonated outside and above the left hand side of the cockpit of flight MH17. It was a 9N314M warhead carried on the 9M38-series of missiles as installed on the Buk surface-to-air missile system.
>
> c. Other scenarios that could have led to the disintegration of the aeroplane were considered, analysed and excluded based on the evidence available.
>
> d. The impact killed the three persons in the cockpit and caused structural damage to the forward part of the aeroplane leading to an in-flight break-up. The break-up resulted in a wreckage area of 50 square kilometres between the village of Petropavlivka and the town of Hrabove, Ukraine. All 298 occupants lost their lives."

1637. The DSB identified a number of findings that supported the conclusion reached as to the cause of the crash:

> "**2. Sound peak**
>
> The Cockpit Voice Recorder recorded a 2.3 millisecond sound peak. Signal triangulation showed that the noise originated from outside the aeroplane, starting from a position above the left hand side of the cockpit, propagating from front to aft.
>
> **3. No other aeroplanes**
>
> There was no evidence of other aircraft, civil or military, in the direct vicinity of flight MH17. According to radar data three other aeroplanes were in Sector 4 of Dnipropetrovsk Area Control Centre at the time of the crash, all commercial air transport category aeroplanes. Two were flying eastbound, one was flying westbound. All were under control of Dnipro Radar. At 13.20 (15.20 CET) the distance between the closest of these aeroplanes and flight MH17 was 33 km.
>
> **4. Cockpit damage and crew injuries**
>
> The damage observed on the forward fuselage and cockpit area of the aeroplane and the injuries of the flight crew and the cabin crew member in the cockpit indicated that there were multiple impacts from a large number of fragments from a point outside and above the left hand side of the cockpit. The pattern of damage observed to the forward fuselage and cockpit area of the aeroplane was not consistent with the damage that would be expected from any known failure mode of the aeroplane, its engines or systems.
>
> **5. Fragments from one location**
>
> The aeroplane was struck by a large number of small fragments with different shapes and sizes (cubic and in the form of a bow-tie) moving at high velocity. The direction of both the perforating and the non-perforating fragments originated from a single location outside left and above the cockpit. The fragments caused damage to the left hand side of the cockpit, the left engine intake ring and the left wing tip.
>
> **6. Fragmentation spray of pre-formed fragments**
>
> The objects that hit the aeroplane from the outside with high energy, as found in the aeroplane wreckage and the bodies of the crew in the cockpit, were made of unalloyed steel. Some of these showed evidence of having passed through the aeroplane's exterior

surface and/or cockpit windows. The objects found were consistent with pre-formed fragments. The location, shape and boundaries of the damage to the wreckage of flight MH17, the number and density of hits on the wreckage and the objects found with different shapes and sizes were consistent with a fragmentation spray pattern damage of pre-formed fragments in the 9N314M warhead carried on the 9M38-series of missiles as installed on the Buk surface-to-air missile system.

7. Missile parts

A number of larger objects found on the ground and a few fragments found in the aeroplane's wreckage were suspected to belong to a missile. Paint samples taken from these suspected missile parts found in the wreckage area match those found on foreign objects extracted from the aeroplane. The missile parts also had traces of a type of explosive (i.e. RDX) on them that is similar to the traces found on the wreckage.

8. Blast

Simulation of the blast after detonation of the 9N314M warhead revealed a shock wave near the cockpit. The simulation showed that the blast would cause structural damage to the aeroplane up to 12.5 metres from the point of detonation. This was consistent with the damage found on the aeroplane wreckage.

...

10.Weapon used

The aeroplane was struck by a 9N314M warhead as carried on a 9M38-series missile and launched by a Buk surface-to-air missile system. This conclusion is based on the combination of the following; the recorded sound peak, the damage pattern found on the wreckage caused by the blast and the impact of fragments, the bow-tie and cubic shaped fragments found in the cockpit and in the bodies of the crew members in the cockpit, the injuries sustained by three crew members in the cockpit, the analysis of the in-flight break-up, the analysis of the explosive residues and paint found and the size and distinct, bow-tie, shape of some of the fragments.

11. Missile flight paths

The area from which the possible flight paths of a 9N314M warhead carried on a 9M38-series missile as installed on the Buk surface-to-air missile system could have commenced measures about 320 square kilometres in the east of Ukraine. Further forensic research is required to determine the launch location. Such work falls outside the mandate of the Dutch Safety Board ..."

1638. As to its investigation into, and ultimate exclusion of, the possibility that flight MH17 had crashed for other reasons, the DSB explained:

"**10. Other weapons**

a. Air-to-air gunfire The high-energy object damage was not caused by an air-to-air gun or cannon because the number of the perforations was not consistent with gunfire, and because air-to-air gun/cannon fire does not produce fragments with the distinctive forms that were found in the wreckage and in the bodies of three of the crew members in the cockpit.

b. Air-to-air missile None of the air-to-air missiles in use in the region have the distinctly formed bow-tie shaped fragments in their warhead.

c. The aeroplane was not struck by more than one weapon considering the wreckage distribution, the damage patterns and the fact that only once source of damage was found.

11. Other scenarios

Other possible scenarios that could have led to the disintegration of the aeroplane were considered and analysed. These scenarios were an on-board fire or a fuel tank explosion, the detonation of an explosive device inside the aeroplane, lightning strike, and impact by a meteor or space debris re-entering the atmosphere. All of them were excluded based on the available evidence."

(d) ICAO

1639. On 28 October 2014, following the publication of the DSB's preliminary report, the ICAO Council adopted a resolution, the relevant part of which read:

"6. Supports the ongoing independent international investigation led by the Netherlands, designated by the State of Occurrence, working in coordination with ICAO, representatives of concerned States and organizations;

7. Instructs the Secretary General to facilitate the work of ICAO in supporting the independent international investigation, including as outlined in the United Nations Security Council Resolution 2166;

8. Calls on all States and actors in the region to provide all possible support to international investigators, including to provide unimpeded access to the crash site which will be important to assist with the continuation of a secure and safe independent international investigation into the loss of MH17;

9. Urges the Netherlands, supported by concerned States and organizations, to continue and finalize the independent international investigation;

10. Calls on all States to provide all possible assistance to other investigations related to the loss of MH17 which may be undertaken by relevant national and international authorities ..."

1640. The ICAO subsequently welcomed the DSB's final report.

I. The criminal investigation into the downing of flight MH17

1. The start of the investigation

1641. On 19 July 2014 the Dutch Public Prosecution Service ("the OM") started a criminal investigation into the downing of flight MH17. The OM took the lead in establishing international cooperation with other affected countries including Ukraine, Australia, Malaysia and Belgium.

1642. On 28 July 2014 the Netherlands and Ukraine signed an Agreement on the International Mission for Protection of Investigation, which entered into force on 1 August 2014. The agreement established a multinational International Mission for Protection of Investigation, led by the Netherlands, to facilitate the recovery of remains and the conduct of the investigation called for in United Nations Security Council Resolution 2166 of 21 July

2014, and other agreed activities. It was to consist of military and non-military personnel from the Netherlands and Australia and other States whose nationals had been on flight MH17 as appropriate. It would have freedom of movement within Ukraine to travel to areas relevant to the investigation of the aircraft crash and would maintain contact with all parties, including the SMM.

1643. On 7 August 2014 authorities from the Netherlands, Australia, Belgium and Ukraine signed an agreement to set up a joint investigation team ("JIT") to investigate the crash of flight MH17, with the participation of Malaysia and the EU's Agency for Criminal Justice Cooperation ("Eurojust"). The purpose of the JIT was to establish the facts, identify those responsible for the crash and to collect evidence which could be used in court. The OM was to coordinate the activities of the JIT. A press release announcing the creation of the JIT noted that it supported UN Security Council Resolution 2166's call for a full, thorough and independent international investigation into the incident.

2. Reports of the Dutch National Police, National Crime Squad

1644. The following is a summary of the official reports prepared by the Chief Inspector of the National Crime Squad of the Dutch National Police in his capacity as the coordinating team leader of the criminal investigation into the downing of flight MH17. According to these reports, the Chief Inspector's team which conducted the investigations described in these reports consisted of "investigators and experts with specific skills or knowledge, such as aviation experts, high-tech crime specialists and analysts. In addition, as and when necessary, use was made of experts sworn in by the examining magistrate". A member of staff of the Royal Netherlands Meteorological Institute (KNMI) had been appointed as an expert by the examining magistrate to assist in the investigations.

(a) Official report of 16 May 2018

1645. This report and its twelve annexes concerned the investigation into "the weapon that was used and its origin". The investigation established the following:

> "On the morning of 17 July 2014 a Buk TELAR was transported to eastern Ukraine on a red low-loader pulled by a white Volvo lorry. The route travelled by the Buk TELAR went from the small town of Sukhodilsk near the border with the Russian Federation to Donetsk, via Yenakiieve and Makeevka. In Donetsk, the Buk TELAR was handed over and then transported via Makeevka, Zuhres, Shakhtarsk and Torez to Snizhne. In Snizhne, the Buk TELAR was offloaded from the low-loader and driven under its own power to an agricultural field south of Snizhne and west of Pervomaiskyi. There, at 16.20 the Buk TELAR launched a missile and then drove back via Snizhne, Krasnyi Luch, Debaltseve and Luhansk to the Russian Federation. The investigation has also shown that the Buk TELAR is from the Russian Federation and that it returned to the Russian Federation in the night of 17-18 July 2014."

1646. That conclusion was based, first, on the analysis and verification of the contents of various messages, photographs and videos which had been obtained from open sources. The material and the steps taken to authenticate it were set out in annexes 1-9 to the report. It was also based on intercepted telephone calls provided by the Ukrainian authorities and associated metadata. This material and individuals identified from it were discussed in annexes 10-12 to the report.

(i) Official report concerning the transport route, on the basis of open sources (annex no. 1)

1647. This report listed a number of "online images and posts that relate to the events of 17 July 2014 in eastern Ukraine" in order to establish the route travelled by the Buk TELAR. These included messages, photos and videos posted on social media (Twitter, VKontakte and Facebook) on 17 July 2014 describing sightings of and showing an "anti-aircraft system" (referred to in various social media posts as a Buk TELAR, Smerch, Strela ADMS, Buk and BukM1-M2) in various locations in and around Donetsk, Makiivka, Shakhtarsk, Torez and Snizhne. The report described the steps taken by the investigation team to verify the posts. The report also referred to other open-source material, including media articles, which purportedly geolocated images, provided eyewitness accounts or otherwise analysed available material.

1648. Particular mention was made of a video apparently showing the Buk TELAR driving under its own power on a road south of Snizhne ("the Snizhne video"). The report also refers to Bellingcat's analysis of a satellite photograph published by the US Embassy in Kyiv on 22 July 2014, purporting to show a possible launch site in Snizhne. Bellingcat had agreed with the location of the launch site in the satellite image, although it had performed a more in-depth analysis of the image enabling it to conclude that the launch site indicated was actually south of Snizhne. The report noted:

> "The intersection of the lines drawn by Bellingcat is a very short distance southwest of the agricultural field that my investigation identified as the launch site on the basis of telecommunications, witness statements and satellite photos."

1649. The report further referred to the conclusion of an investigative journalist, in a video recorded on 22 July 2014, that the launch site was south of Snizhne. The journalist had followed open-source efforts to identify the launch site from photographs, which had led him to a field with a burnt patch consistent with the blowback from a rocket, south of Snizhne, from where he had filmed the video. The geolocation of the burnt patch shown in the video had been calculated by a blogger, and when those coordinates were entered into Yandex and Google Maps by the investigation team, they showed the same field identified by the investigation. This was also consistent with the journalist's description of the area.

1650. Finally, the report referred to an analysis by Netherlands Geomatics & Earth Observation BV ("NEO") of a smoke trail shown in photographs, thought to be the smoke trail of a Buk missile. NEO had concluded that the exact location of the possible launch site could not be determined on the basis of the photograph. However, the line of sight did transverse the field which had been identified as a possible launch site.

1651. On the basis of these findings, the following conclusion was reached by the investigation team:

> "[I]t has been concluded that on 17 July 2014 the Buk TELAR was transported from Sukhodilsk via Donetsk to Snizhne on a red low-loader pulled by a white Volvo lorry. In Snizhne the Buk TELAR was offloaded and then drove on, under its own power, to a field west of Pervomaiskyi. This route was confirmed by recorded phone conversations, cell tower locations and witnesses. The investigation also ascertained that the Buk TELAR that brought down flight MH17 launched a missile from an agricultural field south of Snizhne and west of Pervomaiskyi."

(ii) Official report on the Donetsk video (annex no. 2)

1652. This report concerned video footage "showing a white Volvo lorry and red semi-trailer carrying a Buk TELAR missile launcher parked in a lay-by on the Makeevka Highway in Donetsk".

1653. According to the report, on 25 July 2014 a photograph of a Buk TELAR on a red low-loader pulled by a white Volvo lorry had been published online by the magazine *Paris Match* ("the *Paris Match* photograph"). The investigation team had subsequently received an email with a link to a folder containing a video. They established that the *Paris Match* photograph was a screenshot from this video. The JIT had made the video public during its press conference on 28 September 2016 (see paragraph 1652 above).

1654. The report observed that the video was nineteen seconds long and that the date and time shown in it were 17 July 2014, 07:24:14; there was no information about a time zone. The video's file name gave the time as 10:23:54 and the date as 17 July 2014. The video's metadata also showed the GPS location which, according to Google Maps, was near a roundabout called "Motel" on the Makiivka Highway (H21).

1655. Using observable meteorological characteristics such as the length and angle of the sun's shadow and the amount and type of cloud cover, the KNMI expert had established that the video had been shot between 10.13 a.m. and 10.26 a.m. local Ukrainian summer time.

1656. The investigating team also noted that the video in question featured "a black minibus with a flashing blue light on the left side of the roof, a green UAZ-469 jeep, a white lorry and red flatbed carrying a Buk TELAR, and in addition a Toyota RAV4. The Buk TELAR was covered by camouflage netting. The white tip of one missile was visible through the camouflage netting". From the images the team established that it was a Buk TELAR.

1657. Finally, using Google Streetview, the investigation team also studied the location of the Buk TELAR in the video and established that the video footage had been recorded at a lay-by at the start of the Makiivka Highway (H21), in the direction of Makiivka. This location was about 250 metres north-east of the location shown in the video metadata.

1658. The following conclusion was therefore reached by the investigating team:

> "[T]he white Volvo lorry towing a Buk TELAR on a red low-loader was filmed on 17 July 2014, probably between 10:13 and 10:26, at a lay-by on the Makeevka Highway. This conclusion is confirmed by recorded telephone conversations and by cell tower locations and witnesses."

(iii) Official report on the Makiivka video (annex no. 3)

1659. This report concerned "a video showing a convoy in which a Buk missile launcher was visible" ("the Makeevka video"). The investigating team had received information on 12 May 2016 that the video had been uploaded to YouTube. On 17 May 2016 the uploader of the video had made available to the investigating team a link where the original video could be downloaded. A member of the team had downloaded and saved it.

1660. The investigation team had established that the convoy had been driving in an easterly direction and filmed from the dashcam of a moving vehicle. The report noted:

> "The convoy consisted of the following vehicles: a dark-coloured Peugeot 3008, a (light) grey/silver Toyota RAV4, a white Volvo lorry with red flatbed carrying a Buk TELAR, a green UAZ 469, a dark-coloured Volkswagen Transporter and a white Ssanyong Korando. From the images a member of my team has established that the object on the flatbed is a Buk TELAR."

1661. Although the date and the time displayed at the top of the frame showed "2 September 2012, 19:23:10", it was apparent from a combination of telecom data and witness statements that the date and time settings of the video were incorrect. It could also be seen that the tractor and low-loader combination was the same as the one shown in the videos and photos of Donetsk, Torez and Snizhne, which had been made or recorded on 17 July 2014. The investigation team subsequently published a satellite image from Geoserve which, according to open sources, showed a white Volvo lorry ad the Buk-TELAR in Makiivka. That image had been taken on 17 July 2014 at 11:08:24 local time. A team member had first localised the white lorry and low-loader carrying the Buk TELAR on the satellite image. The UAZ jeep, Volkswagen Transporter and white Ssangyong Korando also appeared to be identifiable on the satellite image. The next step was to calculate when the satellite image had most probably been taken by comparing the video with the image. The conclusion was that the satellite image had been taken within the period covered by the video. On the basis of this analysis it could be concluded that in all likelihood the vehicle fitted with the dashcam had passed

the white Volvo lorry towing the Buk-TELAR at 11:07:45 on 17 July 2014. This finding was supported by an examination of petrol and diesel prices on the website of a petrol station which could be seen in the video. Research showed that the prices that appeared in the video corresponded to the prices on the petrol station's website between 4 and 23 July 2014.

1662. The European Space Agency (ESA) had carried out its own investigation to compare the dashcam video and a GeoEye-1 satellite image taken on the morning of 17 July 2014 which showed a number of vehicles. It had first established where the dashcam video had been shot and had concluded that the satellite image and the dashcam video had been taken very close together in time. The ESA had been able to make estimates of the various other occurrences recorded in the dashcam video and determine the approximate speed of the dashcam vehicle. Comparing this with the location of the Volvo lorry in the satellite image, the ESA had concluded that the Volvo lorry had travelled about 600 metres from the point where the dashcam vehicle had passed the low-loader carrying the Buk to the point where the satellite image was taken.

1663. In the light of the foregoing, the investigating team reached the following conclusion:

> "[T]he white Volvo lorry towing a Buk TELAR on a red low-loader was filmed on Avtotransportna Street in Makeevka on 17 July 2014 at approximately 11:07 while moving in an easterly direction. This conclusion is confirmed by cell tower locations and witness statements."

(iv) Official report on the Torez photo (annex no. 4)

1664. This report concerned "a photograph taken in Torez of a Buk TELAR being towed on a red low-loader by a white lorry". The photograph had been published on the social media platform VKontakte on 17 July 2014 at 8.55 p.m. local Ukrainian time. Approximately two hours later, at 10.56 p.m. local Ukrainian time, a photograph of the Buk TELAR on the red low-loader had been posted on the same VKontakte page, but in this case the photo had been zoomed out and of better quality.

1665. Using Google Maps, the investigating team had established that the photograph had been taken at a petrol station in Torez. With reference to the shadows visible in various places in the photo, the KNMI expert had established that the photo had been taken at some point between 12.34 p.m. and 12.47 p.m. local time. However, other findings from the investigation including witness statements and cell tower locations suggested that the photograph had been taken slightly earlier, between 12 noon and 12.30 p.m. local time. The KNMI expert had also established that the cloud cover seen in the photograph was not inconsistent with the cloud analysis of satellite images.

1666. The following conclusion was reached by the investigating team:

> "[T]he white Volvo lorry towing a Buk TELAR on a red low-loader drove through Torez on 17 July 2014 in the early afternoon. This conclusion is confirmed by social media posts, cell tower locations and witness statements."

(v) Official report on the Snizhne photo (annex no. 5)

1667. This report concerned "a photo of a Buk-TELAR driving under its own power in the town of Snizhne".

1668. The photograph had been posted on Twitter on 17 July 2014 at around 2.27 p.m., showing "a building with a Buk TELAR in the background. As the Buk is not on a flatbed, it is reasonable to assume that it is travelling under its own power". The investigating team had established that the object in question was a Buk TELAR and that its location when the photograph was taken was near no. 13 Karapetyan Street in Snizhne. A wisp of smoke which could be seen in the photo suggested that "the Buk TELAR was in motion". As the rear of the vehicle was pointing to the west, there was "a strong suspicion that the Buk-TELAR in the photo was driving east along Karapetyan Street in Snizhne". The KNMI expert had concluded from the shadows clearly visible that the photograph had probably been taken between 1.08 p.m. and 1.33 p.m. local time, assuming that it had been taken on 17 July 2014.

1669. On this basis, the investigating team concluded:

> "The Buk TELAR was travelling east along Karapetyan Street in Snizhne on 17 July 2014, probably between 13:08 and 13:33 local Ukrainian time. This suspicion is confirmed by cell tower locations and witness statements."

(vi) Official report on the Snizhne video (annex no. 6)

1670. This report concerned a video file "showing a Buk TELAR travelling under its own power along Gagarina Street (the T0522 provincial road) to the south of Snizhne".

1671. The video footage had been secured by the investigating team from a website on 23 July 2014 and it displayed the file time stamp of 17 July 2014, 18:44:04 UTC, which was 21:44:04 local time. The team considered that this was possibly the date and time when the video had been posted to the website. Subsequently, on 4 July 2016 the investigating team had secured a higher-quality version of the same video from YouTube.

1672. Investigations had established that the GPS coordinates of the Buk in the video corresponded to a location on Gagarina Street (T0552 provincial highway) which ran directly south from the centre of Snizhne past the towns of Pervomaiske and Pervomaiskyi in the direction of Savur-Mohyla. According to Yandex, the location where the Buk TELAR had been filmed was roughly 950 metres from the location where it had been photographed earlier that afternoon in Snizhne.

1673. The KNMI had informed the investigating team that only the general direction of shadow could be observed in the video and that it was

impossible to determine the exact direction of the sun from the photo or on Google Earth since there were no points of reference to assist calculation or measurement. The KNMI had concluded that, if the recording had been made on 17 July 2014, it had been made between 1.12 p.m. and 1.57 p.m. local time. With regard to the cloud cover seen in the video, the KNMI had stated that due to overexposure, any clouds that might have been present could hardly be seen. From 12 seconds onwards in the video, formations in the sky indicative of cirrus cloud fields could be seen, which matched the cloud analysis made on the basis of satellite photos.

1674. The report concluded:

> "[O]n 17 July 2014 the Buk TELAR was travelling southwards along Gagarina Street in Snizhne, probably between 13:12 and 13:57 local Ukrainian time. This was confirmed by cell tower locations, social media postings and witness statements."

(vii) Official report on the video of the Buk in Luhansk of 18 July 2014 (annex no. 7)

1675. This report concerned a video file showing "a white lorry with a red flatbed travelling along the road ... carrying a tracked military vehicle".

1676. The report stated the following by way of introduction:

> "After flight MH17 was shot down, the Buk TELAR was moved and put under guard. Historical telecommunications data from a number of cell towers and the content of intercepted conversations show that a number of mobile phones travelled with the Buk TELAR. These were the same devices that had been with the Buk TELAR earlier in the morning and afternoon of 17 July 2014, when it was being transported from Donetsk to Snizhne and subsequently to the launch site."

1677. The investigating team had found a video file posted by the Ukrainian Minister of Internal Affairs, Arsen Avakov, on his Facebook account on 18 July 2014. This footage had allegedly been taken on the morning of 18 July 2014 with a Panasonic HC-V10 video camera. The investigating team had seized the camera and the memory card containing the relevant images on 22 December 2014. According to a range of online sources, including Bellingcat, the video had been shot at a junction in the city of Luhansk, near GPS coordinates 48.546, 39.262.

1678. A member of the investigating team with expertise in the fields of image comparison and weaponry had analysed the video. It showed a white Volvo lorry attached to a red low-loader carrying a Buk TELAR. Only three missiles could be seen on the Buk. A comparison of this lorry and low-loader combination with the combination seen on the video of 17 July 2014 had showed that the two combinations had the same external features.

1679. An online search had then been performed for other images in the neighbourhood of the presumed location that had been identified by other online sources. In this way, the identifying landmarks in the images on the memory card could be compared with images on Google Earth. This comparison had revealed that the Buk TELAR had indeed been transported

through the city of Luhansk, passing a junction whose GPS coordinates were 48.546, 39.262.

1680. The KNMI examination had revealed that if the video had been shot on 18 July 2014, it had probably been shot between 4.03 a.m. and 4.42 a.m. Furthermore, the weather conditions had corresponded to those prevailing on 18 July 2014 in Luhansk.

(viii) Official report concerning the launch site (annex no. 8)

1681. This report concerned the investigation "to establish the location from which the Buk TELAR launched the missile that downed flight MH17", in the context of which the investigating team had worked with the ESA and the KNMI expert.

1682. The investigators had examined satellite images obtained from Geoserve. The satellite images were of the field south of Snizhne which had been identified in open sources as a possible launch site, and the images had been taken on 16, 20 and 21 July 2014. No images had been taken on 17 July 2014, and the images of 18 and 19 July 2014 were unusable owing to cloud cover. Examination of the satellite images had revealed a significant difference in the landscape between the satellite images of 16 July and 21 July 2014. The image of 21 July 2014 showed a clearly visible dark patch in the field that was not visible on the image of 16 July 2014. An image analysis expert had then examined the images and had identified track marks from one or more tracked vehicles on the images of 16 and 20 July, running across several fields in the direction of the suspected launch site. A rough measurement indicated that the width of the marks made by these tracks was approximately 3 metres. The marks made by agricultural vehicles were usually no wider than 2.5 metres. The report continued:

> "The marks in question cannot, however, be attributed specifically to the TELAR, as the same chassis is also used for other Buk vehicles. The chassis of a Buk TELAR 9A310M1 has a width of 3.25 metres. Due to the caterpillar tracks, it leaves a characteristic mark on both paved and unpaved terrain."

1683. The report also recorded that in the satellite photograph of 20 July 2014, track marks were visible at the launch site that were not visible on the satellite photo of 16 July. According to the image analysis expert, those track marks could indicate back-and-forth movement by one or more vehicles. Given the location of the track marks in the dark patch, the expert had identified a suspected launch site. The expert had also pointed to a plough furrow around the dark patch to the right of which jagged marks could be seen. This could have been done to stop a possible fire.

1684. The hypothesis had accordingly been put to the KNMI that the field had been on fire. The KNMI had been asked about the timeframe that it would take for the pattern (scorch mark) seen in the images to form, given the weather conditions, such as wind direction. The investigators had proposed

three possible points of origin for the fire across different locations within the dark patch. The KNMI's analysis supported the hypothesis that a fire started on 17 July 2014 at the point identified by the image analysis expert could have caused the pattern seen in the image.

1685. The report also referred to the NEO's report, in which as well as analysing the smoke trail seen in a photograph the NEO had analysed the suspected launch site. The NEO had found, after examining satellite images, that the shape and colour of the analysed field on 21 July 2014 deviated from previous years and from surrounding fields. The NEO considered that the black patches in the northwest corner of the field were probably burn marks and that the dark line around the field was probably an "earth wall", which might have been built to stop a fire. On the basis of the line-of-sight analysis and scorch mark analysis, the NEO had considered it possible that the smoke trail came from the field identified as the suspected launch site.

1686. Finally, the ESA had also conducted a comparative investigation of the vegetation of the suspected launch site using the satellite images of 16 and 21 July 2014. It had identified the dark discoloration of the soil in the northwest part of the field and what appeared to be burnt vegetation in the west corner of the field. It had also noted that caterpillar tracks could be seen between the northern boundary of the field and the altered part of the field. It had concluded that the change in that section of the field was the result of it having been burnt. The report continued:

> "ESA indicated that there is no clear reason why a farmer would burn only part of a field and treat it differently from the rest. According to ESA no similar examples can be seen in other fields. Using chronologically successive satellite images, ESA described how the whole field changed, except the deviating part of the field. Historical satellite images of the field in question show that normally this part of the field is treated in the same way as the rest of the field."

1687. The ESA had thus concluded that an anomalous event had taken place in the north-west part of the field between 16 and 21 July 2014 which had caused significant deterioration of the soil, including burning. This anomalous event was consistent with a missile launch in the immediate vicinity.

1688. The report concluded:

> "Various sources conducted comparative investigations into the satellite images of 16, 20 and 21 July 2014. It was established that on the satellite photos of 20 and 21 July 2014 the agricultural field that lies south of Snizhne and west of Pervomaiskyi differs significantly from the way it looks on the satellite photo of 16 July 2014. The field appears to have been burnt and ploughed up in the meantime. An earth wall was built around part of the field, presumably to stop the fire. On the basis of this observation, it is suspected that the Buk TELAR launched a missile from this agricultural field on 17 July 2014 at approximately 16:20. This is confirmed by recorded phone conversations in which the town of Pervomaiskyi is mentioned, cell tower localisation of the phone numbers that travelled the same route as the Buk TELAR, and witness statements."

(ix) Official report on the photograph of the smoke trail (annex no. 9)

1689. This report concerned two photographs "of a smoke trail probably caused by the launching of a Buk missile at around 16:20 on 17 July 2014". On 17 July 2014, at 19:23:38 local time, a first photograph of the smoke trail had been posted to a Twitter account. The camera used to take the photo of the smoke trail and its memory card had been seized by a member of the investigating team on 12 August 2014. It had then emerged that another photograph of the smoke trail had been taken with the same camera. An examination of the metadata of the camera and memory card had revealed that the photographs referred had been taken at 16:25:48 and 16:25:41.

1690. On 20 August 2014 the Netherlands Forensic Institute (NFI) had examined the camera and memory card and had concluded that the photographs had been taken on 17 July 2014, at around 16:30 according to their time stamps. As regards the authenticity of the photographs, the report recoded the NFI's findings as follows:

> "The file names contain ascending numbers as would be expected in photos taken successively. When a photo is taken, the camera adds a time stamp to the file that corresponds to the current setting of the camera's clock. On the basis of the material supplied to it, the NFI was unable to determine whether the time to which the clock was set diverged from the actual date and time the photos were taken. Both the file names and the metadata belonging to the photo files can be modified. The NFI sees no means of investigating whether the file names and metadata were modified after the photos were taken by the source camera. In this context, it should be noted that the date and time of the ... photos ... are consistent with other findings such as cell tower locations and witness statements.
>
> With regard to the authenticity of the photos, the NFI concluded that it had found no indications that the photo files had been manipulated and that the NFI was unaware of any method for targeted manipulation of the image content of this type of photo file."

1691. The photographs had also been examined by the KNMI. On the basis of the second photograph (taken at 16:25:41), the KNMI had concluded that the smoke trail was neither a natural cloud formation nor the contrail of an aircraft flying at high altitude. The KNMI had further observed that the cloud cover in the photographs could indeed have been present on the afternoon of 17 July 2014, based on the analysis of cloud over in relevant satellite images for that date. It concluded that the photograph was not incompatible with the weather conditions and the position of the sun on 17 July 2014 at around 4.20 p.m. local time.

1692. The investigators established, moreover, that it was highly plausible that the photographs of the smoke trail had been taken from one of the apartment buildings to the north of Torez, looking in a south-easterly direction. This part of the investigation was based on witness statements, the location cited in the article written by Bellingcat entitled "Examining the MH17 launch smoke photographs", and a comparison of geographical landmarks in satellite photos with those in the photos showing the smoke trail.

1693. The report then discussed calculations by the Twitter user who had uploaded the photographs with regard to the location of the launch site. That presumed location, which the Twitter user had shared on 18 July 2014, was around 960 metres away from the location identified by Bellingcat in its later report. The field identified by Bellingcat had been established on the basis of a range of investigative findings, including witness statements, satellite images and telecommunications data, as the launch site of the missile which had downed flight MH17.

1694. The report concluded:

> "On the basis of the findings set out above, it is presumed that the smoke trail shown in the photos came from a missile. Shortly after flight MH17 was shot down, an image was posted online on @WowihaY's Twitter account determining the probable launch site on the basis of two lines. The calculations pointed to a location south of Snizhne. A second set of calculations posted on the same account shows the distance between this location and the one considered by the investigative collective Bellingcat to be the launch site. This is also the site considered by this investigation to be the place from which a Buk missile was fired, bringing down flight MH17 at approximately 16:20 on 17 July 2014. The location which @WowihaY's calculations identified is less than a kilometre from this launch site. The above is confirmed by recorded telephone conversations, reports from the National Forensic Investigation Team, reports from external research institutions, cell tower locations, witness statements and an official report describing the sight lines to the smoke trail that was seen by a number of witnesses."

(x) Official report concerning telecommunications (annex no.10)

1695. This report concerned the data relating to recorded telephone conversations. The Ukrainian authorities had provided the investigating team with access to data relating to recorded telephone conversations including historical cell traffic data pertaining to telephone numbers and cell towers and individual intercepted conversations.

1696. The report explained that the investigation team had reconstructed the route travelled by a Buk TELAR on 17 and 18 July 2014 in eastern Ukraine and that telephone intercepts had played an important role in that reconstruction and in identifying the persons who had been involved in its transport. The reconstruction of the route taken by the Buk TELAR had entailed combining various data sets. First, the contents of the recorded conversations had provided a good idea of the location of the persons who had in some way been involved in escorting and guarding the Buk TELAR. In addition, the traffic data for these conversations had given an indication of the location on 17 and 18 July 2014 of the persons involved. Lastly, images of the Buk TELAR found in open sources and on social media had formed an important third source for establishing the route.

1697. Steps had been taken to establish the validity of the telecommunications data provided. The report explained that these had included:

"• Comparing the data sets received. For instance, the cell tower data were compared with the traffic data of the various phone numbers, while the data and metadata of contacts between those phones were also compared. In addition, where possible, the content of various tapped conversations was compared with information from open sources. It follows that the quality and integrity of the material received from the Ukrainian authorities is equal to that of comparable material in criminal investigations in the Netherlands.

• Comparing foreign contacts, present in the historical traffic data provided by Ukraine, with contacts in the countries in question. With regard to instances of international contact between phone numbers, for the purpose of comparison the same data was also requested from other countries' providers. It became apparent that the information contained in the historical traffic data provided by the Ukrainian authorities matched the information present in the historical traffic data received from the foreign telecommunications companies.

• Investigating the operations of telecom surveillance centres in Ukraine. Comparing the historical data as received from the telecom providers show they match the data as provided by the Ukrainian telecom surveillance centre."

1698. The report concluded:

"[T]he investigation made frequent use of telecom data, which support other findings of the investigation such as witness statements, social media messages, open sources, external investigation reports and satellite images. The telecom data was validated by comparing data sets with each other and with foreign contacts; also, there were no signs of any manipulation."

(xi) Official report concerning the identification of Sergey Nikolaevich Dubinskiy (annex no. 11)

1699. This report concerned intercepted telephone calls and associated traffic data concerning two telephone numbers. On the basis of voice recognition by interpreters in the investigating team, it had been established that these numbers had always been used by the same person. On the basis of the traffic data, it had become apparent that on 16, 17 and 18 July 2014 both telephones had been at the same fixed location.

1700. The report explained in more detail how the identification had been carried out. Special attention had been given to names and other identifying details in conversations. The user of the two telephone numbers in question had referred to himself by a call sign or name, and had sometimes been referred to by the other person by a name, call sign or title, for example "Sergey Nikolaevich", "Khmuryi", "Colonel Petrovskiy, Deputy Minister of Defence", "Dubinskiy", "Dad", "Serezha". He had also referred to himself as "commanders' deputy for intelligence". These names had been used for Internet searches and had produced a hit on a social media forum for the profile of "Sergey Nikolaevich DUBINSKIY PETROVSKI". The SBU had also provided the investigation team with a Military Service Document which had contained additional identifying details and a photograph, which matched those found in the social media profile.

1701. They report referred to an interview with Mr Dubinskiy on 30 November 2014, published on a Russian news website, in which he had said that he had fought as a soldier in Afghanistan, in South Ossetia and in the two Chechen wars. The interview had described him as the "head of the state intelligence service of the People's Republic of Donetsk". In the interview, Mr Dubinskiy had said that the reconnaissance department had been located in Kramatorsk and that he had regularly gone to Slovyansk to report to "Strelkov" (Mr Girkin) and to coordinate activities".

1702. The information set out in the report, together with other material, had enabled the investigators to establish that the two telephone numbers were used by Mr Sergey Nikolayevich Dubinskiy, born in 1962 in Donetsk, Ukraine, who used the aliases/nicknames "Khmuryi" and "Petrovski".

(xii) Official report concerning the identification of Eduard Gilazov (annex no. 12)

1703. This report concerned the identification of a separatists and the telephone numbers associated with him. The report explained that in an intercepted telephone call made on 17 July 2014 at 21:32:39, a separatist had spoken to a person named "Ryazan". During the conversation mention had been made of a crew member of the Buk TELAR who had reported to Ryazan's checkpoint and had lost his "crew". The separatist had ordered Ryazan to bring the man to him.

1704. The name "Ryazan" had been regularly mentioned in other conversations listened to. This had enabled the team to identify further telephone numbers associated with "Ryazan" and to ascertain that some of the numbers had also been used by other people.

1705. Using the name "Ryazan", the team had found two videos on YouTube, both of which contained interviews with a man who, in addition to being called Ryazan, had also been called Eduard Gilazov. A further search of the name "Eduard Gilazov" had produced a profile on VKontakte which contained photographs of a man whose appearance matched that of the man in the video interviews. The profile also gave a date of birth in 1984. A third YouTube video showed a document that looked like his passport, which confirmed the date of birth on the VKontakte profile. That video had also provided new telephone numbers. By checking those numbers against the investigation data and by searching on the Internet, it had been confirmed that two further numbers had also been used by Ryazan. Using voice recognition by interpreters in the team, it had been established that the user of those numbers and the man speaking in the videos was the same person. The report noted that according to an online blog, Ryazan had died on 7 February 2018 in a Syrian hospital in Hama. This information had not been confirmed or validated.

1706. The information set out in the report had enabled the investigators to establish that Mr Eduard Gilazov, born in 1984, with the nickname/alias "Ryazan", had used five identified telephone numbers.

(b) Official report of 24 May 2018 concerning the comparative analysis of the Buk TELAR

1707. This report described the information contained in the video presented at the JIT's press conference of the same date to show that the Buk TELAR had come from the 53rd Anti-Aircraft Missile Brigade ("AAMB").

1708. The report explained that the investigating team had used the photos and videos from 17 and 18 July 2014 from Donetsk, Makiivka, Torez and Luhansk in order to identify specific characteristics of the Buk TELAR in question. They considered that, taken as a whole, this combination of characteristics had formed a "fingerprint" for the vehicle, which had then been compared to the characteristics visible on images of Buk TELAR vehicles that could be found online.

1709. First, the team had determined that the photos and videos shot in eastern Ukraine on 17 and 18 July 2014 had all depicted one and the same Buk TELAR. This conclusion was based on observed correspondences between specific markings on or associated with the Buk TELAR and a number of distinctive characteristics of the Volvo truck with the red low-loader on which the Buk TELAR had been transported.

1710. The report described the "fingerprint" of the Buk TELAR as comprising the following seven characteristics:

> "1. On the left side of the Buk TELAR, in the middle section: a white mark consisting of a circle with a cross in the middle. This is presumed to be a centre-of-gravity marking, which is applied on these types of vehicles when they are transported.
>
> 2. On the left side of the Buk TELAR, in the middle section: a white marking consisting of a series of characters, starting with an 'H' (the Cyrillic 'N') and followed by, at least, the numeral 2 (twice) and then two illegible digits. This mark is applied on these types of vehicle when they are transported by train and refers to the degree of overloading of the vehicle in relation to the wagon that it is on.
>
> 3. On the left side of the Buk TELAR, in the middle section: parts and contours of the tactical vehicle number. This number, which normally consists of 3 digits, indicates the position of the vehicle within the brigade.
>
> 4. On the left side of the Buk TELAR, on the rubber side skirt: a white spot.
>
> 5. On the right side of the undercarriage of the Buk TELAR: a combination of wheels, where all the wheels except the second one have spokes.
>
> 6. On the right side of the Buk TELAR, in the middle section: a space between the various parts of the rubber side skirt.
>
> 7. On the right side of the Buk TELAR, on the rubber side skirt: a white mark."

1711. This combination of characteristics had been found on only one other vehicle among all the images found online: a Buk TELAR which, on 23, 24 and 25 June 2014, had been part of a convoy of the 53rd AAMB from Kursk in the Russian Federation. This vehicle had displayed a tactical vehicle number starting with the numeral 3, followed by a numeral which had largely been erased, followed by the numeral 2 (referred to in the report as

"3X2"). The only difference between the Buk TELAR in Ukraine on 17 and 18 July 2014 and the "3X2" Buk TELAR in the Russian Federation in June was the presence of the tactical vehicle number. The investigating team explained:

> "The photos and video from Ukraine depict only traces of this number. But these traces are perfectly consistent with the marks from the tactical vehicle number, which are mostly legible in the footage of the '3X2' from the Russian Federation. It is common practice to remove or paint over a tactical vehicle number when a Buk TELAR is operationally deployed."

1712. Using photographs and videos of the June convoy comprising the Buk TELAR which had been posted online, the investigating team had compared number plates and other relevant characteristics of the vehicles in the convoy and performed an analysis of all visible characteristics of the surroundings. Objects seen in the photos and videos had perfectly matched objects in Google Streetview. In this way it had been possible to validate every location. The footage was then put in chronological order, enabling the following reconstruction of the convoy's route:

> "23 June 2014: Kursk – Nikolskoye – Troitskiy – Stary Oskol – Neznamovo – Gorodishche
>
> 24 June 2014: Raskhovets – Alexeyevka – Rossosh:
>
> 25 June 2014: Millerovo."

1713. The investigation had concluded that this convoy had been conducted by the 53rd AAMB on the basis of the following findings:

> "- The convoy was first filmed on 23 June 2014 on a road located not far from the base of the 53rd AAMB's base in Marshala Zhukova, near Kursk.
>
> - Soldiers who could be linked to the 53rd AAMB through open-source investigation posted messages during and about the convoy.
>
> - The photos and videos of the convoy show soldiers wearing the uniform of the 53nd AAMB.
>
> - Relatives of individuals in the convoy posted messages about their participation online.
>
> - A number of number plates that can be seen in the photos and videos of 24 June 2014 are present on vehicles that were found through open-source investigation of visual material of the 53rd AAMB's base."

(c) Official report of 7 October 2019 concerning aviation

1714. This report dealt with aviation on 17 July 2014. It described the commercial flights in the relevant airspace of Dnipropetrovsk around the time of the downing of flight MH17; the military flights in Ukrainian airspace on 17 July 2014; and the final phase of flight MH17 in the direction of the location of the Buk TELAR military missile installation.

1715. When flight MH17 had disappeared from the radar on 17 July 2014, there had been four other commercial aircraft in the same flight information region. The closest aircraft had been 35 kilometres from flight MH17. Its cockpit crew had been asked by Ukrainian air traffic control to look out for flight MH17 after it had disappeared from the radar. The crew had not observed the incident or seen the aircraft.

1716. The logbooks and flight plans from military flights conducted on 17 July 2014 by the Ukrainian Armed Forces, provided to the JIT by the Ukrainian authorities, had shown that there had been no military flights that day in the airspace of the Donetsk or Luhansk regions. The military flights that had taken place on 17 July 2014 had occurred a long way from the site of the disaster.

1717. The JIT's investigation had enabled flight MH17's flight path and its location when it had been struck by the missile to be established. At 13:14:50 UTC (16:14:50 local time) the aircraft had been flying at flight level FL330 (33,000 feet) and at that altitude it had found itself above an airspace sector in which a temporary altitude limit of FL320 (32,000 feet) had been set. At 13:19:56 UTC an instruction from air traffic control to fly directly to a navigation waypoint had been confirmed by the cockpit crew. Four seconds later, at 13:20:00 UTC, air traffic control had provided the crew of flight MH17 with the next waypoint but had received no response from the crew. The report stated:

> "During this final transmission, while flying at FL330 in GPS position 48.125421, 38.530992, the Boeing 777 was struck at 13:20:03 UTC by a military missile."

1718. It had been established in the investigation that when flight MH17 was downed, a military TELAR-type launch vehicle – part of the BUK weapon system – had been located in a field at the GPS position 47.97385 and 38.76326. This location was directly beneath the airway (airway L980) being followed by the aircraft at a distance of 26.5 kilometres to the south-east of the final GPS position of flight MH17.

1719. The report then described the final phase of MH17's flight and how it was intercepted from the ground, based on the data from the Flight Data Recorder and on the standard operating procedure for an autonomous TELAR. It explained that at 13:16:59 UTC, three minutes and four seconds before impact, the aircraft had been located 3.5 kilometres outside the boundaries of airway L980, at a distance of 70 kilometres from the Buk TELAR and within its lock-on area. From this range, the aircraft could have been selected as a target if the Buk TELAR commander had detected it as such. He would have then given the target's range and azimuth data to the first and second operators. If the target had been located, the "lock-on" button would have lit up. This allowed the radar to automatically track the target.

1720. The report explained that Buk TELARs were equipped with an "Identification Friend or Foe" ("IFF") system, to prevent them from attacking

friendly targets. The system emitted a specific code request that could be answered correctly only by friendly targets. Targets that failed to respond correctly or did not (or were unable to) respond at all would be identified as hostile. Buk TELARs were not equipped with a secondary civilian radar system that could request and receive transponder codes from passenger aircraft. In the case of flight MH17, after sending an IFF code request to the "target blip", the Buk TELAR commander would have received no response, leading him to identify it as hostile. The radar symbol on the screen would then have changed from two lines (neutral) into a single line (the symbol for an enemy).

1721. At that point the TELAR's crew had the option of identifying a "locked" target using audio and visual aids. Essentially, the TELAR commander could listen on headphones to the sound made by the target. The sound of an engine was a distinguishing characteristic. It was possible to distinguish between the sound of a rotor (helicopter), propeller or jet engine. The crew could also use an optical TV camera mounted on the TELAR to identify the target. Weather conditions permitting, the crew could see and track the target on a TV screen from up to 40 kilometres away. Having compared the characteristics and performance features of various military aircraft types to those of a Boeing 777-200 passenger aircraft, the investigating team had established that none of the military aircraft displayed similar performance-based, visual or audio characteristics to those of the Boeing 777-200.

1722. Another means of distinguishing whether a tracked target was a civilian aircraft or a military aircraft was by recognising flight behaviour. A military fighter aircraft operating over a conflict area would generally make abrupt manoeuvres in order to avoid being shot down. A passenger aircraft would generally fly along its flight path at a constant speed and altitude; any change of course would be extremely gradual.

1723. Moreover, a Boeing 777 passenger aircraft was not a difficult target as it had a large effective radar cross-section of at least 10 metres. An Su-25 fighter aircraft had an effective radar cross-section of 0.5-0.6 m. This difference could be seen in the size of the target blip on the TELAR's primary radar display: the Boeing 777 would have a large target blip whereas an Su-25 would have a small(er) target blip. The size and speed of the target blip could help identify the type of aircraft. However, it was extremely difficult for a radar operator to determine the size of an object on the basis of a single target blip: multiple target blips were needed in order to distinguish between large and small targets.

1724. The report noted that it was impossible to establish at what precise time and range flight MH17 had appeared on the Buk TELAR's radar screen. The exact moment the radar had been switched on and the initial observation of the target were key factors in the total response time and subsequent full or partial completion of the entire identification process.

1725. At 13:19:31 UTC the missile had been launched. At 13:20:03 UTC, at the point of interception calculated in advance by the TELAR, flight MH17 had been intercepted by the missile.

(d) Official report of 7 October 2019 on the Buk Surface-to-Air Missile System

1726. The purpose of this report was explained as follows:

> "to provide insight into the type and functioning of the weapon suspected to have been used to down flight MH17, namely a 9N314-M warhead carried by a 9M38 series missile, launched by a BUK-TELAR 9A310-series launch platform, also known as a BUK-TELAR.
>
> ... It is suspected that the aircraft was shot down by means of a ground-based military missile installation, referred to by the abbreviation TELAR (Transport Erector Launcher and Radar), generally operating as part of a larger weapon system named BUK ..."

1727. The report described the development of the Buk 9K37 system, a mobile air defence system introduced in the late 1970s in the former Soviet Union and which had subsequently seen several modifications. While the most salient feature of the Buk system was the TELAR, it was in fact a much larger launch system consisting of eleven vehicles that ran on tracks: one TAR (target acquisition radar), one CP (command post), three TELL (transporter erector launcher and loader) and six TELAR. Each vehicle within the system had its own type code supplemented with a version number if applicable; the TELAR type code was 9A310. Together, the tactical units formed a battalion, involving around 102 people, and supported by thirty-five vehicles responsible for transporting missiles, parts, tools and test equipment. It took approximately five minutes to make the system combat-ready from a tactical relocation. The system had a number of advantages, but according to the report, "[p]erhaps the system's biggest advantage is the TELAR's ability to operate independently of all other vehicles". The criminal investigation had found no indications that any other part of the BUK system beyond a TELAR had been used in the downing of flight MH17.

1728. On the basis of images of the specific TELAR identified as the launch weapon and the type of missile which, according to the criminal investigation, had been used to down flight MH17, the investigation team had determined that the TELAR used was one of three versions: the 9A310, the 9A310-M1 and the 9A310-M1-2. Although there were small differences between these three versions, these were difficult to distinguish in the available photographs. The investigation team had examined a 9A310-M1 TELAR in Ukraine, and it was therefore this version which was primarily described in the report.

1729. Chapter 4 of the report discussed the features of the TELAR in detail. The exterior characteristics were highlighted, with a focus on its distinctive radar system. The report explained the required conditions for the TELAR's deployment and the crew necessary. It set out the functioning of

the vehicle: how a target was selected and identified as hostile and how a missile was fired.

1730. Chapter 5 of the report discussed the missile and each of its segments. It examined the different missiles that could be used with the 9A310-TELAR, and how the warhead in each of these missiles was a distinguishing factor.

1731. Chapters 6 and 7 dealt in turn with the difference in practice between an autonomous TELAR and a TELAR that operated as part of a full BUK battalion. The standard operating procedure was described first: what successive steps were performed by the crew in order to launch a missile. The report then discussed the limitations of an autonomous TELAR in comparison with a full battalion.

(e) Official report of 7 October 2019 on the crew and two DPR separatist leaders

1732. The report explained:

> "Detectives in my team have examined various sources of information that relate to:
>
> • the (potential) country of origin of the crew that operated the BUK-TELAR that shot down flight MH17;
>
> • two DPR separatist leaders who have been involved in transporting, placing and guarding of the BUK-TELAR and seem to be state officials of the Russian Federation.
>
> This affidavit provides information from the JIT-investigation on these two subjects to this date. Per subject the information from the different data sources is presented in a chronological order."

1733. The report then set out transcripts of conversations of 8 June 2014 at 11:30:47 between Igor Girkin and Mikhail Sheremet and at 11:46:33 between Igor Girkin and Sergey Aksyonov. The report remarked:

> "a) with regard to Crimea it is important to notice that on 18 March 2014 an agreement was signed by the President of the Russian Federation (PUTIN), the Chairman of the State Council of the Republic of Crimea (KONSTANTINOV), the Prime Minister of the Republic of Crimea (AKSYONOV) and Chairman of the Coordinating Council for the establishment of the Sevastopol municipal administration (CHALY), on the accession of 'the Republic of Crimea' to the Russian Federation. On 20 March 2014 the State Duma ratified the agreement and one day later, on 21 March 2014, PUTIN signed federal constitutional laws formally admitting the Republic of Crimea (and the city of Sevastopol) to the Russian Federation.
>
> b) With regard to the relationship between GIRKIN and AKSYONOV it is relevant to know that GIRKIN states on 20 November 2014, in an interview with the Russian newspaper 'Zavtra' that:
>
> -he was an adviser to AKSYONOV in Crimea;
>
> -he was in command over a unit of the Crimean militia which carried out special combat missions;
>
> -AKSYONOV appointed him as adviser on the Northern territory/ Novorossiya issues and

Girkin started to work with delegates from Odessa, Nikolaev, Kharkov, Luhansk and Donetsk that frequently came to Crimea for help."

1734. The report reproduced conversations, which it considered concerned the Buk TELAR, intercepted on 15 July 2014 (afternoon) and 17 July 2014 (09:08:26, 21:32:39 and another conversation in the evening of that day). It continued:

"3. INDICATIONS THAT TWO DPR-SEPARATIST LEADERS SEEM TO BE STATE OFFICIALS OF THE RUSSIAN FEDERATION

There are indications that some of the senior separatist commanders in charge of military operations in Donbas have close ties to the Russian Federation and seem to be state officials of the Russian Federation. In the next paragraphs the relevant indications for two separatist leaders who have been involved in transporting, placing and guarding the BUK-TELAR, will be provided."

1735. The first separatist leader discussed was Mr Girkin, at the time still anonymised in the report. The report stated:

3.1. DPR separatist leader A

A is born in Moscow and has the Russian nationality. Since his return from Donbas in August 2014 he lives in the Russian Federation again.

A served in the Russian Armed Forces and the Federal Security Service of the Russian Federation (FSB). In a press conference in 2014, A states that he was part of the staff of the FSB until 2013.

In September 2014 A publicly wears a military uniform with several military ribbons, including one that is only issued by the FSB.

In several interviews A states that:

- he took part in the wars in Chechnya, Transnistria and Bosnia;

- he was in command over a unit of the Crimean militia which carried out special combat missions during the Russian annexation of Crimea.

With regard to Russian annexation of Crimea it is relevant to know that Russian president PUTIN, in an interview for the Russian documentary film 'Crimea: The way back home', announced that the decision to annex Crimea was taken in the night of 22/23 February 2014 and that he was personally orchestrating the operations of the Russian forces in Crimea. He gave orders and instructions to the Minister of Defense to deploy a special division of the Main Intelligence together with naval infantry forces and paratroopers.

On 17 April 2014 President PUTIN states in his Annual press conference 'Direct Line with Vladimir Putin' that:

'... in my conversations with my foreign colleagues I did not hide the fact that our goal was to ensure proper conditions for the people of Crimea to be able to freely express their will. And so we had to take the necessary measures in order to prevent the situation in Crimea unfolding the way it is now unfolding in southeastern Ukraine. ... Of course, the Russian servicemen did back the Crimean self-defence forces. They acted in a civil but a decisive and professional manner, as I've already said.'

In April 2014, after his time in Crimea, A goes to the Donbas region to help (organize) the DPR separatists. In May 2014 he joins the DPR in a leading position.

With regard to the formation of the DPR 'government' it is relevant to know that on 11 May 2014 the Donetsk and Luhansk regions organize a referendum to vote on their independency from the Ukraine. According to the organizers a large majority voted in favour of self-rule. The week after the referendum, government bodies were formed within the DPR and LPR. There are indications that the candidates for posts in the DPR 'government' had to be approved by state officials of the Russian Federation.

Indications that A receives orders from Moscow and reports to Moscow are found in several phone conversations:"

1736. The report then reproduced transcripts of conversations of 13 April 2014 (afternoon) between Mr Girkin and a Russian businessman named "Kostantin Valeryevich" and of another conversation of 17 July 2014 (morning), between Mr Dubinskiy and another separatist.

1737. The report then commented:

"It is apparent from intercepted phone calls that several separatists have encrypted/secure telephones (that cannot be wiretapped) via which they communicate when they share sensitive information. According to DPR separatist leader B (see below) these 'special phones' are delivered by the FSB."

1738. The report then reproduces the transcript of the conversation of 3 July 2014 (20:01:11) between Mr Dubinskiy and Mr Aleksandr Semenov concerning secure phones.

1739. The report set out intercepted conversations of August 2014 concerning Mr Girkin leaving Donbas.

1740. The report then turned to "DPR separatist leader B", now identified as Mr Dubinskiy:

"3.2. DPR separatist leader B

B is born in Donetsk, has the Russian nationality and according to several sources lives in the Russian Federation. B served in the Russian Armed Forces and, according to several sources, is supposed to have served in the Main Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU). In an interview that was published at the end of 2014, B states that he has over 30 years of service in the Soviet and Russian armies. According to his own statement he retired in April 2014.

In some of his intercepted phone calls indications are found of his supposed GRU background."

1741. In this context the report set out the transcript of Mr Dubinskiy's conversation of December 2014 concerning cadets in Rostov and noted:

"B took part, amongst others, in the wars in Afghanistan and Chechnya. In Chechnya he served together with DPR separatist leader A. This is confirmed by B in several interviews. In an interview that was published at the end of 2014, B states that after his retirement in April 2014, he got in contact with DPR separatist leader A and decided to go to Donbas to help (organize) the DPR separatists and become the deputy of A. He set up the intelligence department of the DPR. Indications that B has contact with officials in the Russian Federation and follows orders from Moscow are found in several phone conversations: ..."

1742. The report reproduced transcripts of Mr Dubinskiy's conversations of 4 and 17 July 2014 (morning) and concluded:

> "According to some sources, B left the Donbas region in the beginning of 2015. Indications for this are also found in intercepted phone conversations and 'cell phone' location information.
>
> Both separatist leaders state in interviews that they participated in the military conflict in Donbas as Russian volunteer. They decided themselves to protect and serve the local people in Donbas."

(f) Official report of 16 December 2019 concerning disclosed intercepted conversations

1743. The report explained:

> "The JIT investigation has made use of various types of information, including recorded telephone conversations. Some of these conversations have been made public by various parties at various times since the downing of flight MH17. Through its own website, the Ukrainian security service SBU has released a number of these recorded conversations, using the social media platform YouTube. In addition, several of these conversations informed the SBU's decision about whether to prosecute four separatists for involvement in terrorist activities. This decision was made public by means of a notice of suspicion. For its part, the JIT has released certain conversations in connection with its various appeals for witnesses. These conversations can be found on the JIT website and on YouTube.
>
> In a few cases the conversations were released in full, including the names of the participating separatists, the time and date when the conversation took place and the names of any other separatists that were mentioned. In most cases, however, only parts of the conversations were released; the names of the separatists concerned were anonymised, and/or the exact time of the conversation was omitted.
>
> This official report reproduces the content of these previously released, recorded telephone conversations. The recordings themselves were provided to the JIT by the Ukrainian authorities and then examined and translated by the JIT."

1744. As regards "direction from Russian territory", the report reproduced the transcripts of Mr Girkin's three conversations intercepted on 13 April 2014 (afternoon) (see paragraphs 1519-1524 above).

1745. In respect of a "request for anti-aircraft defence", the report set out conversations involving Mr Girkin, Mr Sheremet and Mr Aksyonov on 8 June 2014 (see paragraphs 1527-1530 above).

1746. The report then addressed "financial problems in the DPR", explaining:

> "On 11 July 2014 at 20:10:09, SURKOV, a staff member of the Presidential Administration of Russia, called BORODAI, who was then prime minister of the DPR. SURKOV says that he has had contact with 'the ones who are in charge of this whole military story', and that they have assured him that they are preparing something that will turn the tide. SURKOV then says that he wants BORODAI to take care of a number of matters in the DPR, including drawing up a list of what is needed (such as money or medicine), paying certain benefits or allowances and making a broadcast telling the population to ready themselves for the winter."

1747. The report reproduced the conversation between Borodai and Surkov on 11 July 2014 (20:10:09) (see paragraph 1554 above).

1748. In a subsequent section, the report set out the transcripts of numerous conversations concerning flight MH17 intercepted from 16 to 18 July 2015 and on 2 June 2015.

1749. The report then turned to examine "support from Russia" between 20 and 23 July 2014. It stated:

> "In the days after the downing of flight MH17 a number of calls were intercepted that show that Russia was supporting the separatists in gaining an overview of the warzone and with artillery fire."

1750. Finally, the report reproduced a conversation about the launch location of the Buk missile in June 2015.

(g) Official report of 16 December 2019 on Russian involvement

1751. This report explained:

> "Detectives in my team have examined various sources of information that relate to the involvement of subordinates of the Russian Federation in the downing of flight MH17.
>
> ...
>
> *1. PREVIOUSLY*
>
> On 19 June 2019, the Joint Investigation Team (JIT) announced that four defendants are to be prosecuted for their involvement in the downing of flight MH17 on 17 July 2014. The JIT further announced that the investigation continues and focuses on the crew of the BUK TELAR, and on individuals who were an important link in the decision-making process in the Russian Federation regarding the deployment of this BUK TELAR.
>
> The JIT released intercepted phone calls. These showed that leaders of the armed group 'Donetsk People's Republic' (DPR) maintained contact with Russian government officials about Russian military support. These leaders included Alexander Borodai, self-proclaimed 'prime minister', and Igor Girkin, self-proclaimed 'defence minister'. They communicated with Sergey Aksyonov, the Russian-appointed leader in Crimea and Vladislav Surkov, a high ranking official of the Russian government. These intercepted phone calls were shared earlier in two separate reports: *'procesverbaal inzake geopenbaarde tapgesprekken'* and *'official report on the crew and two DPR separatist leaders'*, both dated 7 October 2019.
>
> Recent analysis of witness statements and other information revealed that Russian influence on the DPR went beyond military support and that the ties between Russian officials and DPR-leaders appear closer. Below these conversations are summarized.
>
> *2. RUSSIAN INFLUENCE ON THE 'DONETSK PEOPLE'S REPUBLIC'.*
>
> In public interviews, DPR leaders stated that they were volunteers who were not directed by anyone. Igor Girkin said in an interview in 2017:
>
> *'No one has appointed or sent me.'*
>
> At a press conference on 10 July 2014 Borodai said:

'I would like to tell you that both Igor and I have been volunteers for a very long time. The volunteer movement is well developed in Russia.'

The JIT, however, has indications that they were in fact directed from within the Russian Federation. The JIT spoke with several witnesses who belonged to the DPR in the summer of 2014. These witnesses stated that the key figures of the armed group were directed from within the Russian Federation."

1752. The report then set out transcripts of conversations of Mr Borodai of 3 July 2014 (17:30:15), conversations of other separatists of 1 July (22:08:05) and 18 July 2014 (18:52:57) and transcripts of conversations in August 2014 about Mr Girkin's departure from the post of "DPR Minister of Defence". The report went on to say:

"In August 2014, Girkin and Borodai both left Eastern Ukraine for Moscow. In an interview in 2017, Girkin explained:

'Girkin: I was ordered to transfer command to Zakharchenko.

Q: And why do you think that he was chosen?

Girkin: Well, I don't know, he and Borodai went to meet with Surkov. And apparently he was chosen, that is for the formal head of command. And why and how this happened ... Surkov's choices are always shit.'

Apparently, Girkin was ordered to transfer command to Zakharchenko on Surkov's direction. Further sources, including interviews and press conferences, show that Zakharchenko did in fact take over command of the DPR.

In addition to regular telephones, DPR-members used secure means of communication. A number of these seem to be provided by the Russian Federation and, moreover, used by Russian top officials in their contact with the fighters."

1753. The report reproduced the intercepted conversation of 3 July 2014 at 20:01:11 between Mr Dubinskiy and Aleksandr Semenov (see paragraph 1551 above) concerning secure telephones and continued:

"The individuals who, according to Dubinskiy, had such a secure device all held important positions in the DPR. Among them are Girkin, who is referred to by his call sign Strelkov, DPR-leader Borodai. Aksyonov, the Crimea leader appointed by Russia, is also included in the group of individuals mentioned by Dubinskiy."

1754. The report then address various "areas of influence", beginning with "administration":

"In the previously shared report *'proces-verbaal inzake geopenbaarde tapgesprekken'* dated 7 October 2019, a conversation of 11 July 2014 was published between Borodai and the user of the first number from this batch, Vladislav Surkov, a high ranking government official of the Russian Federation. In the conversation, Borodai says that he urgently needs military support from Moscow. Other conversations indicate that Surkov's involvement did not end there."

1755. The report set out conversations between Mr Surkov and Mr Borodai on 3 July 2014 (20:28:19), between Mr Borodai's assistant and Denis Pushilin on 15 May 2014 (13:25:25) and between Leonid Kharchenko

and another person on 14 March 2015 (10:45:44) (see paragraph 1618 above). The next "area of influence" addressed was "finance"

> "Various sources, including witness statements, indicate that the self-proclaimed DPR government was financed by Russian beneficiaries. According to a high ranking DPR-member, nearly the entire DPR budget was paid by Russian funds."

1756. The report then set out a conversation on 12 July 2014 (evening) between Mr Borodai and a Russian businessman (see paragraph 1559 above). Finally, the report looks at the "military operations" "area of influence":

> "Several former DPR-members have testified to the JIT about the military influence from the Russian Federation. For example, a senior member said that local commanders discussed military matters with representatives of the Russian intelligence services in Moscow. Another witness has told about a DPR fighters' assembly camp in Rostov, Russia, Levoberezhnaya Street number 1.
>
> In the first half of July 2014, the DPR was engaged in heavy fighting with the Ukrainian armed forces. There are numerous phone calls with the Russian Federation about military operations. In a conversation with the user of the third number of the batch (*8563) Borodai talks about military support. Borodai addresses him as 'Vladimir lvanovich' and asks if it is possible for 'our' helicopters to carry out an attack near Maryinka."

1757. The report reproduced Mr Borodai's conversation with "Vladimir Ivanovich" (16 July 2014, 08:59:04) (see paragraph 1536 above), a series of calls from a certain Sergey from Crimea communicating with Vladimir Ivanovich and other individuals (conversations of 17 July 2014, 08:56:50 and 13:27:50, 15 July (afternoon) and 16 July 2014 (afternoon and evening)) (see paragraphs 1564, 1567, 1571 and 1583 above), Mr Girkin's (31 July 2014, 00:56:38) (see paragraph 1611 above) and other separatists' calls (16 June and 1 July 2014, afternoon) mentioning "Vladimir Ivanovich" as an important figure, and finally Vladimir Ivanovich's call of 17 June 2014 (afternoon) (see paragraph 1537 above).

1758. The report concluded:

> "As evidenced above, the JIT has information that indicates that the influence of the Russian Federation extended to administrative, financial and military matters in the DPR. Mutual contacts intensified in the first half of July 2014. There was almost daily telephone contact between the leadership of the DPR and their contacts in the Russian Federation. They spoke with leaders in Moscow, near the border with Ukraine and in Crimea. Communication mostly took place via secure telephones provided by the Russian security service.
>
> The indications for close ties between leaders of the DPR and Russian government officials raise questions about their possible involvement in the deployment of the BUK TELAR, which brought down flight MH17 on 17 July 2014. The BUK TELAR originating from the 53rd Anti-Aircraft Missile Brigade, a unit of the Russian armed forces from Kursk in the Russian Federation."

(h) Official report of 17 June 2020 concerning witness statements

1759. This report concerned two witnesses (X48 and M58) who claimed to have been present at the site where the missile had been fired.

1760. Witness X48 had been designated by the Dutch investigating judge as a "threatened witness" under the Dutch Code of Criminal Procedure and therefore witness X48's identity was withheld. Witness X48 had been interviewed by the Dutch investigating judge and had stated that on the afternoon of 17 July 2014, near a roadblock put up by the "DPR" on the road from Snizhne to Savur-Mohyla, X48 had seen a Buk being driven. Minutes later, X48 had heard and seen a missile being launched and had seen the field from which it had been launched catch fire. X48 had pointed out on a satellite image the location from which the missile had been launched. This was the same location as the one that had emerged from other sources in the investigation, namely a field south of Snizhne and west of Pervomaiskyi. X48 had stated that, after the launch of the missile, X48 had seen the Buk launcher being driven to the road and four soldiers in identical uniforms. According to X48, their uniform was khaki-coloured, with a helmet with "ears" on it. X48 had also stated that these soldiers looked different from those manning the roadblock.

1761. Witness M58 was a "protected witness": M58's name was mentioned in the case file but had not been disclosed to the public. When interviewed by the Dutch investigating judge, M58 had stated that in the summer of 2014 M58 had been operating as a Russian volunteer in a separatist unit in the "DPR". At the time flight MH17 had been downed, M58 had been at a crossroads south of Snizhne, in the vicinity of a Buk-TELAR at the moment a missile had been launched. Together with others, M58 had been given the task of guarding the site. M58 had also mentioned other fighters of the "DPR" who had been at the launch site and various details of that location. M58 had stated that Russian military personnel, whom the "DPR" fighters had said were from the FSB, had been with the Buk TELAR at the launch site. Those present had initially been pleased because they had been told that a military transport plane had been shot down. When the first people had returned from the crash site, M58 had heard them say that it had been a civilian aircraft.

(i) Official report of 23 June 2020 on the front lines of the conflict in eastern Ukraine

1762. This report examined the course of the conflict in June and July 2014 and considered in detail which party – Ukraine or the separatists – had controlled which part of the territory in eastern Ukraine. It was based on information in public sources and information obtained in the course of the criminal investigation.

1763. The report provided the following summary:

> "The conflict in eastern Ukraine appeared to begin relatively peacefully, with separatists occupying (strategic) government buildings in various towns and cities and establishing checkpoints in April 2014. In early May 2014, however, the first armed incidents occurred, partly as a result of the 'antiterrorist operation' conducted by the Ukrainian army. These incidents led to regular military confrontations focused mainly on the northeastern front, around Kramatorsk and Slavyansk. At the end of May there was also heavy fighting around the airport at Donetsk. Both parties deployed heavy military materiel, such as artillery and mortars. In addition, as from May the Ukrainian armed forces frequently deployed the air force. The fighting in the northeast continued into June 2014, and on 19 June a large-scale Ukrainian offensive was launched in order to retake the area. Also in June, the violence began on the southern front, the point to the south of Snizhne. At the start of June the separatists adopted Snizhne as their base of operations and attacked various border checkpoints. In this connection there were regular military confrontations between the separatists and Ukrainian units in the area surrounding Saur-Mogila. Strikingly, the separatists seemed to have increasingly heavy materiel, such as battle tanks, at their disposal. Nevertheless, the last ten days of June 2014 were relatively calm, thanks to a temporary ceasefire announced by the Ukrainian authorities.
>
> When the ceasefire ended at the beginning of July, the fighting resumed on both the northwestern and southern fronts. The Ukrainians rapidly launched a successful offensive on the northern front, taking territory including Kramatorsk and Slavyansk in a matter of days. At the same time, the fighting on the southern front intensified, with the Ukrainians trying to retake the Saur-Mogila hill from the separatists. In doing so they made use of heavy materiel, and the Ukrainian air force was frequently deployed. Around 15 July 2014, the separatists launched an offensive from Snizhne in order to create a corridor to the south to link up with the Russian border. This resulted in heavy fighting, and the corridor was indeed achieved in a short time, cutting off the Ukrainian units to the east of the corridor from those to the west."

1764. The report explained that three military fronts had emerged in the months following the start of the conflict. First, fighting had arisen in the area surrounding the city of Luhansk.

1765. Second, a front had developed on the north-western border of the area of the "DPR", around Slovyansk. The report said:

> "Slavyansk was the location of the headquarters of one of the separatists' military leaders, Igor Girkin (alias 'Strelkov'). Here he was allegedly accompanied by subordinate commanders, such as 'Motorola'. Strelkov was allegedly responsible for the cities of Slavyansk, Kramatorsk, Druzhkovka, Konstantinovka, Dzerzhyns'k and Debaltsevo. Debaltsevo was strategically important as various railway lines intersected there. It was therefore a key link between the two separatist areas, the Donetsk People's Republic (DPR) and the Luhansk People's Republic (LPR). According to the aforementioned Strelkov, Slavyansk was important as it served as a shield for Donetsk and was an outpost protecting the entire area controlled by the separatists. Cutting off Slavyansk was therefore one of the Ukrainians' military objectives with respect to this front. From there, the objective was to surround Donetsk.
>
> The cities of Horlivka and Yenakijeve were controlled by approximately 1,000 separatists, led by Igor Bezler."

1766. The third front had arisen in the south of the "DPR", which encompassed locations to the south-east, such as Snizhne, Pervomaisk and Dmytrivka. As to this front, the report said:

> "From a strategic military perspective, this was an important front because whichever party controlled this area also controlled the border checkpoints along the Russian border. For the separatists, this connection to Russia was important in terms of logistical supply lines. Breaking the connection was therefore a key military objective for the Ukrainians. The area was also important to the separatists because it linked the DPR with the LPR. Dmitrovka had a strategic location within this area, as three bridges over the Mius River were situated there, providing access to the eastern part of the DPR and LPR. A Ukrainian military breakthrough to the east in the direction of the aforementioned Debaltsevo would break up the corridor that linked the two areas.
>
> There are also several strategic heights in this area, including the hill Saur-Mogila, which, at 277 metres, is the highest and most important. The summit of the hill affords a view of the entire area covered by the third front, as well as the territory of the Russian Federation."

1767. The investigation team considered that in June and early July 2014, this area had been controlled by the "Vostok" and "Oplot" battalions. According to social media, the separatist leader "Prapor" had been in command of Savur-Mohyla on 1 July 2014. From 5 July 2014, these units had been reinforced by units under Mr Girkin's command.

1768. The report explained in some detail the fighting at the two fronts in the Donetsk region – the north-western and the southern fronts in June and July 2014 – and the changing control over territory. Its findings were noted in the report's summary.

1769. The report also examined the period from August to early September, observing:

> "Despite their seemingly precarious situation, in August the Ukrainian troops launched a strikingly successful offensive ... During this fighting a major increase of materiel on the separatist side was observed. On 23 August the Ukrainians launched a large-scale offensive at Ilovaisk, to the east of Donetsk. The next day, however, these troops came under heavy fire from separatist forces. During their retreat at the end of August the Ukrainians suffered enormous losses."

(j) Official report of 23 June 2020 on an intercepted telephone conversation of 17July 2014

1770. The report contained the transcript of the conversation between "high-ranking DPR separatists" on 17 July 2014 (afternoon) in which one of them stated: "it's definitely a civilian plane" (see paragraphs 1566 and 1567 above).

(k) Official report of 16 March 2021 regarding intercepted telephone conversations that underline the involvement of Russian Federation

1771. This report explained:

> "This affidavit provides additional intercepted telephone conversations from the JIT-investigation that underline the involvement of Russian Federation ...
>
> Borodai travelled frequently to Moscow. This is further confirmed by several intercepted telephone conversations that took place between 14-19 June 2014. In two intercepted telephone conversations that took place on 14 June 2014, it appears that

> Borodai is in Moscow (near the Presidential Administration). In an intercepted telephone conversation that took place that day at 15:08:19 local time, the following is discussed ...”

1772. It set out transcripts of Mr Borodai’s conversations intercepted on 14 June 2014 and on 26 June 2014 (23:23:57) (see paragraphs 1532 and 1540 above).

1773. After stating that “the separatists received their orders from the Russian Federation, and in turn, reported back to the Russian Federation”, the report set out transcripts of Mikhail Sheremet’s conversations intercepted on 23 June 2014 (15:22:54) and between unidentified separatists intercepted on 24 June 2014 (11:15:19, mentioning “orders from Moscow”) (see paragraphs 1538-1540 above).

1774. The report went on to state that “the Russian Federation had a decisive influence on the military strategy of the separatists”. It reproduced Mr Borodai’s conversations of 1 July 2014 (14:35:53) and 7 July 2014 (10:31:19) (see paragraphs 1544 and 1556 above). It continued:

> “The Russian Federation also provided support by the deployment of its own armed forces in the east of Ukraine. This is further confirmed by an intercepted telephone conversation that took place on 27 June 2014, at 19:52:39 local time, between Borodai and an unidentified separatist (B). The reference to the ‘Far East’ is understood to refer to the Russian Federation.”

1775. A transcript of that conversation was set out in the report. The report then sets out the transcript of Mr Borodai’s conversation intercepted on 21 July 2014 (17:32:10) concerning the black boxes of flight MH17 (see paragraph 1605 above).

3. Other material prepared in the context of the criminal proceedings

(a) Material from the Netherlands Forensic Institute (“the NFI”)

(i) About the NFI

1776. The NFI is an agency of the Netherlands’ Ministry of Justice and Security. Its core tasks, set out in Article 1 of the “Netherlands Forensic Institute (Tasks) Order” of the Minister of Security and Justice of 8 May 2012, are the following:

> “a. conducting independent forensic investigations of a predominantly technical, biomedical and scientific nature, and issuing a report of its findings;
>
> b. developing and implementing new investigation methods and techniques to advance knowledge in the field of forensic investigations;
>
> c. acting as a national or international knowledge and expertise centre in the field of forensic investigations.”

(ii) Relevant reports

(α) Additional report of the NFI on the "investigation into visual material in connection with the MH17 incident in Ukraine on 17 July 2014"

1777. This report of 17 October 2019 was prepared at the request of the National Crime Squad of the Dutch National Police and concerns the "Donetsk photo". The photograph in question had already been examined by the NFI and its conclusions had been set out in two previous reports dated 13 June 2019 and 23 September 2019. Subsequently, the KNMI had been asked to establish the time of the photograph; it had provided its conclusion in late September 2019. The NFI was asked:

> "Given the contents of the ... KNMI report, are there any indications that the image was manipulated at the bottom right, with particular reference to the white car and the black shadow line below it?"

1778. The NFI examined various aspects of the photograph, explaining its findings that there were no inconsistencies or suspicious "artefacts" (distortions) in respect of identified features in the photograph. It analysed the exposure of various objects and the direction of shadows to identify the position of the sun and ascertain whether the shadows were consistent with one another. It provided an explanation for an apparently anomalous shadow under a car. It noted that all of its observations and interpretations regarding the position of the sun and the shadows were consistent with the findings of the KNMI report. It concluded:

> "Given the consistency of the observations and the simple potential explanation for the position of the shadow under the car, there are no indications that the image has been manipulated."

(β) Report of 22 November 2019 of the NFI on the "Investigation into visual material in connection with the MH17 incident in Ukraine on 17 July 2014"

1779. This report set out the details and results of forensic examinations conducted by the NFI at the request of the Office of the Examining Magistrate. As to the reason for the report, it explained that material relied upon by the JIT in its press conference of 24 May 2018 to identify the Buk TELAR had been alleged by the Russian Federation at a press conference of 17 September 2018 to have been partially manipulated. The NFI had therefore been asked to answer a number of specific and detailed questions as well as the following, more general question:

> "**General question relating to the assessment of satellite image reliability:**
>
> Can it be established on the basis of a literature review whether error-level analysis is a reliable method for demonstrating manipulation of (satellite) images?"

1780. The report also summarised in detail the criticisms made by the Russian Federation at its press conference.

1781. The questions were examined by the NFI under four categories: investigation into image manipulation; investigation into metadata; investigation into the source camera; and investigation into the reliability of the error-level analysis method. The investigation into manipulation had been carried out by two investigators independently of each other. They had examined the photograph and video files for indications of the manipulations referred to in the questions formulated. The investigation into the source camera had already commenced but had not yet been completed. An examination had been conducted as regards the error-level analysis method and its use as an aid in an image manipulation investigation, and an assessment had been made of the reliability of the method, in particular for satellite images. The NFI set out its conclusions in respect of each of the files examined.

1782. As regards the "Donetsk photo", the NFI commented on its visual inspection of the photograph, noting that there were no obvious inconsistencies in the scene as a whole, that the lighting and shadows were consistent with one another, that there were no inconsistencies in reflections, focus, colour palette, lighting or visibility of details and that there were no suspicious artefacts at the points of transition between objects. It answered the questions asked as follows:

> "Questions to be investigated with regard to the photo file Фото БУК M.JPG from folder 1. Foto Donetsk from [AAHF3276NL]:
>
> 1. Are there any indications that the image of the Buk TELAR was pasted into another image (in which the background is visible)? No.
>
> 2. Are there any indications that the image of the van was pasted into another image (in which the background is visible)? No.
>
> 3. Are there any indications that the image of one or more of the following identifying characteristics of the Buk were manipulated?
>
> a. the white markings (or remains thereof) on the side: No.
>
> b. the number on the mudguard (H-2200): No.
>
> c. the camouflage net: No.
>
> d. the two white marks on the fifth door from the left (the door to the right of the door above the number on the mudguard (H2-200)): No.
>
> e. the edge of the rubber side skirt: No.
>
> 4. Make an overview of the metadata in the photo file Фото БУК M.JPG relating to the date, time, location and references to the camera model: Such metadata was not found in the file."

1783. As regards the "Donetsk video", the NFI expressly addressed the criticisms made at the Russian Federation press conference. It made a number of observations about the images and concluded that a perspective analysis of this visual material could not be used to support claims that the video file had been manipulated. It further commented on its visual inspection of the

images, noting that there were no obvious inconsistencies in the scene as a whole, that the several, rapid, significant changes in focus were consistent with the use of a camera with automatic focusing, that there were no inconsistencies in the focusing, reflections, shadows or degree of detail and that there were no suspicious artefacts at the points of transition between objects. It answered the questions asked as follows:

> "Questions to be investigated with regard to the video file VID_20140717_102354.mp4 in folder 2. Video Donetsk from [AAHF3276NL]:
>
> 1. Are there any indications, in light of the above claims by the RF or in any other sense, that the video has been manipulated?: No.
>
> *2.* On the basis of an analysis of the consistency of the perspective are there any indications that the images of the Buk TELAR and/or truck with the low-loader were pasted into the video images of the street?: No."

1784. In respect of the "Makiivka video", the NFI addressed the alleged inconsistencies in perspective identified during the Russian Federation's press conference of 17 September 2018. Again, it made a number of observations about the images and concluded that a perspective analysis of this visual material could not be used to support claims that the video file had been manipulated. It commented on its visual inspection of the video, noting that there were no clearly visible inconsistencies in the scene as a whole and rejecting, by reference to detailed explanations, specific criticisms made by the Russian Federation at its press conference.

1785. In the light of the foregoing, the NFI summarised its answers to the questions which had been put to it in respect of this video, as follows:

> "Questions to be investigated with regard to the video file DR192018.AVI in folder 4. Video Makeevka from [AAHF3276NL]:
>
> 1. Are there any indications, in light of the above claims by the RF or in any other sense, that the video has been manipulated?: No.
>
> 2. On the basis of an analysis of the consistency of the perspective are there any indications that the images of the Buk TELAR and/or truck with the low-loader were pasted into the video images of the street?: No.
>
> 3. Make an overview of the metadata in the video file DR192018.AVI relating to the date, time, location and references to the camera model used: Such metadata was not found in the file.
>
> 4. Is the dashboard camera [SIN AAHF3306NL] the source for the video file DR192018.AVI?: The source camera investigation has not yet been completed ..."

1786. As regards the "Luhansk video", the NFI again concluded, by reference to a number of detailed observations, that a perspective analysis of this visual material could not be used to support claims that the video file had been manipulated. It commented on its visual inspection of the video, noting that there were no obvious inconsistencies in the scene as a whole, that lighting and shadows were consistent with one another, that "movement parallax" was observed as expected, that there were no abnormal image

artefacts at points of transition between the truck and low-loader and objects in the foreground and background and that there were no inconsistencies in focus, colour palette, lighting or visibility of details. It answered the questions asked as follows:

> "Questions to be investigated with regard to video files S1000001.MP4 and Бойовики вивозять ракетний комплекс БУК до кордону із РФ (HD).mp4 in the folder 3. Video Luhansk from [AAHF3276NL]:
>
> 1. Are there any indications, in light of the above claims by the RF or in any other sense, that the video has been manipulated?: No.
>
> 2. On the basis of an analysis of the consistency of the perspective are there any indications that the images of the Buk TELAR and/or truck with the low-loader were pasted into the video images of the street?: No.
>
> 3. Make an overview of the metadata in the video files S1000001.MP4 and Бойовики вивозять ракетний комплекс БУК до кордону із РФ (HD).mp4 relating to the date, time, location and references to the camera model used:
>
> S1000001.MP4: In this file there were five instances of a Creation Date time stamp and five instances of a Modification Date time stamp, all with the value 2014-07-18 04:50:10. The text PANA and HC-V10 was also found, which refers to the make and model of the camera, i.e. a Panasonic HC-V10. No metadata was found relating to a location.
>
> Бойовики вивозять ракетний комплекс БУК до кордону із РФ (HD).mp4: In this file there were three instances of a Creation Date time stamp and five instances of a Modification Date time stamp, all with the value 2014-07-19 09:09:12. A reference to Google was also found, including the date 5-11-2011. No metadata was found relating to the location or references to the camera model.
>
> 4. Is the Panasonic video camera [SIN AAHM9009NL] the source of the video file S1000001.MP4?: The source camera investigation has not yet been completed ...
>
> 5. Is the Panasonic video camera [SIN AAHM9009NL] the source of the video file Бойовики вивозять ракетний комплекс БУК до кордону із РФ (HD).mp4?: The source camera investigation has not yet been completed ..."

1787. Finally, concerning the reliability of the error level analysis method in assessing satellite imagery, the report said:

> "*Reliability of images that have not been compressed with loss of image quality*
>
> The error level analysis (ELA) method can only be used for images that are saved using an image compression technique that involves loss of image data. In general, it is extremely uncommon when saving original satellite images to use image compression methods in which data is lost. If the original satellite images had been manipulated, the ELA method would therefore not be able to detect this.
>
> *Reliability in the case of compression with image quality loss*
>
> If a compressed version of an image has been manipulated and image data has been lost, an ELA could possibly make this manipulation visible. In this case, the reliability of the ELA method depends on the characteristics of the image in question and the interpretation of the ELA results by the investigator. False positive results can be caused by, for example, sharp contrasts in an image. False negative results can occur in the case of very small images, scaled images, low-quality images or images that have been

manipulated by a person who is extremely skilled in that field. Because the analysis is subjective, it will not be possible to draw a definitive conclusion without additional evidence from other research."

(b) Report of 23 August 2016 by the Director of National Intelligence of the US on "Assessment of MH17 Shoot Down, July, 17 2014"

1788. The applicant Dutch Government made available to the Court a memorandum prepared by the Director of Intelligence in the United States submitted to the National Prosecutor's Office in the Netherlands. It was prepared in response to a request for US intelligence related to the downing of flight MH17. The core conclusions of US intelligence set out in the memorandum were:

"MH-17 was downed by an SA-11 [Buk] surface-to-air missile launched from approximately six kilometres south of the town of Snizhne in Eastern Ukraine. Events on the ground at the crash site clearly demonstrated that separatists were in full control of the area.

- Russian-led separatist fighters, Russian military personnel, or a combination of the two operated the SA-11a; and

- The SA-11a that shot down Flight MH-17 almost certainly came from Russia.

This judgment is based on several factors, including the following:

- Over the month leading up to MH-17's downing, the U.S. Intelligence Community detected an increasing amount of heavy weaponry bound for separatist fighters crossing the border from Russia into Ukraine. The U.S. Intelligence Community also had information indicating that Russia was providing training to separatist fighters at a facility in southwest Russia, and this effort included training on air defense systems.

- Russian-led separatist fighters demonstrated proficiency with surface-to-air missile systems, downing more than a dozen aircraft in the months prior to the MH-17 tragedy, including two large transport aircraft.

- At the time that MH-17 dropped out of contact, the US Intelligence Community detected an SA-11 surface-to-air missile (SAM) launch from approximately six kilometres south of the town of Snizhne in Eastern Ukraine.

- Following the downing of the aircraft, the U.S. Intelligence Community conducted an initial review of publicly available ground photography of damage to the airframe and determined that the damage appears consistent with the penetration of rapidly moving objects, such as shrapnel from a SAM warhead.

- Intercepts of separatist communications posted on YouTube by the Ukrainian government indicate the separatists were in possession of an SA-11a system. Moreover, social media postings on July 18 show an SA-11a system travelling through the separatist-controlled areas of Torez and Snizhne, near the crash site and the assessed location of the SAM launch. From this location, the SA-11a has the range and altitude capability to have shot down flight MH-17.

-Shortly after the crash, separatists – including the self-proclaimed 'Defense Minister' of the Donetsk People's Republic Igor Strelkov – claimed responsibility on social media for shooting down a military transport plane.

- Further evidence is gleaned from an intercepted conversation that has been widely posted on the Internet, in which a known separatist leader tells another person that a separatist faction downed the aircraft. Audio data provided to the press by the Ukrainian security service was evaluated by the U.S. Intelligence Community analysts who assess them to be authentic.

- Videos posted on social media showed an SA-11a on a transporter travelling back to Russia. The video indicated the system was missing at least one missile, suggesting it had conducted a launch. We believe this video was shot in Luhansk, a logical route for a system returning to Russia to take.

Ukraine also operates SA-11a systems, but we are confident no Ukrainian air defence systems were within the range of the crash. Ukrainian forces at that time had not fired a single surface-to-air missile during the conflict.

We are highly confident that all of Ukraine's SA-11a launchers were in government control or out of range, and could not have possibly been responsible for the shoot down.

Russia has argued that a Ukrainian SU-25 fighter may have shot down the aircraft with an air-to-air missile. We judge that such an engagement would be implausible.

- The SU-25 is a ground attack aircraft and the only missiles it carries are short-range infrared-guided missiles. Ground photography is consistent with the expected damage from a surface-to-air missile, but does not correspond with what we would expect to see for an air-to-air missile, as Russia claims."

(c) Report by the European Space Agency "The use of Satellite Earth Observation Imagery in Support of the Dutch National Police Investigation of MH17: An analysis of priority areas of interest", 30 April 2017

1789. This report was produced in response to a request for technical support by the Dutch National Police. The report explained:

"• On the basis of the information requested, ESA experts iterated with Dutch Police representatives to match information that could be extracted from satellite imagery with information being sought by the Dutch investigation team

• Once the information content was agreed, the ESA team conducted an analysis of the availability of imagery that would support the generation of the information being sought. Where imagery were available over the area of interest and for the time periods selected, these images were then analysed by the ESA team. Where images were not available for the location and time period of interest, a further iteration was conducted on the basis of what information could be generated on the basis of the imagery actually available and the extent to which this information would be a useful contribution to the investigation

• In some cases, the analysis conducted by the ESA team did not provide the information sought but it was possible to extract other information (eg presence of targets of interest was not validated but features linked to these targets were detected). In these cases it was agreed to widen the scope of the analysis."

1790. The report analysed three potential launch sites identified by the criminal investigation team, including the field south of Snizhne. In respect of the latter, comparing images from 16 and 21 July 2014 the report noted:

> "There is an anomalous change in the north western part of the field. This includes a darkening of the soil. In addition, the vegetation at the western edge of the field appears to have been burnt. Finally there are sets of tracks between the path at the northern boundary of the field and the area of the field which has been modified.
>
> ...
>
> The modification to the part of the field is consistent with having been burnt but there is no clear motivation for a farmer to burn only part of a field and then treat this part differently from the rest of the field. All subsequent images show that this part of the field is treated separately from the rest of the field. The reason for this is not clear – there is no similar practice in other fields except for a small number of cases where the entire field has been set alight. As a first example the image below acquired on 26 July shows that the entire field has been modified except for this anomalous region.
>
> ...
>
> By 25 October 2014, the north western part of the field is regrowing ... However the modified part appears to be suffering from lower levels of vegetation growth consistent with some form of soil degradation."

1791. The ESA looked at older images of the field in order to determine whether its treatment seen from 21 July 2014 was anomalous. It noted that images from August 2013 and June 2014 showed that the entire field had been worked in a homogeneous manner. It concluded:

> "From this analysis it can be concluded that some anomalous event occurred in the North Western part of this field between 16 and 21 July 2014 and caused significant degradation to the soil including burning. This would be consistent with proximity to a missile launch."

1792. The ESA had also been asked to investigate the availability of suitable imagery and, if available, analyse the imagery to determine the presence/absence of Buk launchers and other features of interest for given locations and dates. It explained:

> "As was expected, the volume of available imagery was not very large so for many of the points of interest it was not possible to determine whether the targets of interest were present or not during the time period of interest.
>
> Even when imagery is available, it is important to emphasize that the satellite systems used for this analysis acquire imagery only during a limited part of the day (mornings). This is a major limitation when trying to verify the presence/absence of mobile assets. If the target of interest was detected in the satellite imagery then this is clearly significant. However it a target of interest is not detected, it does not mean that the target was not at the stated location on the day in question, only that it was not at the stated location for the few minutes that the location was being observed by a satellite."

1793. It concluded that of the various points of interest considered and for which imagery was available, in the majority of cases features with properties consistent with the targets of interest had been detected.

4. International cooperation in the criminal proceedings

(a) The prosecution of the suspects

1794. On 7 July 2017 the Netherlands and Ukraine signed an agreement on International Legal Cooperation regarding Crimes connected with the Downing of Malaysia Airlines Flight MH17 on 17 July 2014. The agreement regulated the circumstances in which the Netherlands would have competence to prosecute crimes to which the law of Ukraine was applicable and the modalities of the exercise of such competence.

1795. On 22 September 2017 the Governments of Australia, Belgium, Malaysia, the Netherlands and Ukraine signed a Memorandum of Understanding regarding political support for prosecuting the perpetrators of the downing of flight MH17 on 17 July 2014. They underlined that they were resolved to ensure that those responsible for the downing of flight MH17 were held to account and that all States cooperated fully with efforts to establish accountability, as demanded by UN Security Council resolution 2166 (2014). The Memorandum further noted that a prosecution in the Netherlands would satisfy the UN Security Council's aim of holding the perpetrators to account and underlined that the JIT partners had the utmost confidence in the quality, independence and impartiality of the Dutch judicial system. The Governments concluded that they therefore fully supported the national prosecution conducted in and by the Netherlands of those responsible for the downing of flight MH17. Such a prosecution would do justice to the interests of the next of kin of the victims, who would enjoy the right to express their views in the criminal proceedings. The countries represented in the JIT would remain closely involved at both operational and political level to ensure that justice was done and would keep the international community informed and engaged in relation to the prosecution. In particular, they would work jointly to ensure effective cooperation with their efforts to bring the perpetrators of the downing of flight MH17 to justice.

1796. On 22 January 2019 the Governments of Australia, Belgium, Malaysia, the Netherlands and Ukraine signed a Memorandum of Understanding regarding financial support for prosecuting the perpetrators of the downing of flight MH17 on 17 July 2014. It provided for the joint financing of the criminal proceedings in the Netherlands of those suspected of downing flight MH17.

(b) Mutual legal assistance requests

Correspondence

1797. The Dutch and respondent Governments have provided selected correspondence relating to mutual legal assistance requests made by the prosecuting authorities in the Netherlands to the authorities of the Russian

Federation. The exchange of correspondence submitted to the Court is set out below.

(α) OM letter of 7 December 2018

1798. By a letter of 7 December 2018, the Dutch prosecutor informed the Russian prosecutor that since 2014 her office had submitted various requests for legal assistance aimed at uncovering the truth with regard to the downing of flight MH17. Those requests had only been partially complied with. The letter summarised some of the requests made and replies received.

1799. It referred to the request of 15 October 2014 for material including original satellite images of the deployment of Buk and/or Buk M1 weapon systems by States other than the Russian Federation (referred to in the Russian Federation's response to a draft version of the DSB report – see Appendix V to the report), reiterated on 1 June 2016. Only copies of those images had been received to date.

1800. Next, it referred to the request of 15 October 2014 for primary radar images of the area around Luhansk/Donetsk for the period from 14 July to 18 July 2014 inclusive, and the relevant source data (for example, location, time, and so on) and additional request of 1 March 2017 for non-processed radar data for that period from the Ust-Donetsk and Buturinskoe radar stations or other radar stations that covered the area of Luhansk/Donetsk. In reply, only radar data from Ust-Donetsk radar station for a limited period (17 July, 4.02 p.m. - 4.32 p.m. local time) had been provided; no radar data from any other stations or for the rest of the period requested had been provided. The reply had indicated that data from the Ust-Donetsk station for the remaining period were of no relevance to the MH17 disaster and so there were no grounds for transferring the data.

1801. The letter further noted that in the request of 15 October 2014, the Russian authorities had been asked for any information relating to the circumstances of the crash of flight MH17 and any information relating to, or which could lead to, suspects.

1802. It also referred to the request of 7 March 2018 to provide written answers to questions about Mr Dubinskiy, Mr Tkachev, Mr Geranin and Mr Bezler and to provide any statements and/or interviews given by Mr Girkin, Mr Agapov and Mr Baturin and/or transcripts of interviews that might have been conducted with them. To date no response to this request had been received.

1803. The letter next referred to the requests of 6 April 2018 and 6 June 2018 in which a number of questions had been asked, with reference to visual material enclosed in the request, about a Buk TELAR which might have been connected with the downing of MH17. A response to that request had been refused on the ground that the visual material used by the JIT as evidence of the alleged presence of a Buk TELAR of the 53rd AAMB on the territory of the oblasts of Donetsk and Luhansk had supposedly been edited. The letter

recorded the position of the Russian Federation that there was no evidence that a Russian Buk TELAR had been present in eastern Ukraine on 17 July 2014 and consequently no reason to analyse the video material to determine whether the Buk TELAR shown belonged to the 53rd AAMB or address other related questions.

1804. The letter underlined the terms of UNSC resolution 2166 (2014) and continued:

> "I conclude that the above-mentioned requests for legal assistance have thus far not been complied with, or not complied with in full, by the authorities of the Russian Federation, and that none of the above-mentioned requests that have not yet been complied with have been refused on grounds recognised by [the conventions cited in the various requests for legal assistance]. In order for the criminal investigation into the crash of flight MH17 to proceed, it is important that the above-mentioned requests for legal assistance be complied with as soon as possible. You have an obligation to provide this information ..."

1805. The Dutch prosecutor therefore asked the Russian authorities to comply, within six weeks, with the requests summarised in the letter. The letter went on to set out, specifically and in detail, what was being requested. It reiterated the questions posed in respect of Mr Dubinskiy, Mr Tkachev, Mr Geranin and Mr Bezler in the request of 7 March 2018, as follows:

> "• whether you have any information about these individuals' whereabouts in the period from 6 July to 19 July inclusive;
>
> • whether these individuals were working for the Russian government, either officially or *de facto*, during the month of July 2014 (specifically the period from 16 to 18 July 2014, inclusive), either as permanent employees or in some other capacity, and if so, for what part of the Russian government and in what position or positions, and whether these individuals received instructions from the Russian government or whether their actions were directed by or under the control of said government;
>
> • whether they were paid in 2014 and/or 2015 by the Russian government and if so, how much they were paid and what these payments were for;
>
> • what telephone numbers they used in July 2014, to the knowledge of the Russian government;
>
> • whether the Russian government interviewed them or took statements from them, in any context, about the accusations in open sources alleging that they were involved in the crash of MH17. If this is the case, I would ask you to send me a transcript of these interviews and/or statements."

1806. As regards the requests of 6 April and 6 June 2018, the letter reiterated the questions posed as follows:

> "• whether the Buk-TELAR which can be seen in the images enclosed with the request for legal assistance of 6 April 2018 (taken in the Russian Federation on 23 and 24 June 2014) and which in those images bears a tactical vehicle number starting with a '3' and ending with a '2' belonged to or was in any way connected to the 53rd Anti-Aircraft Missile Brigade, ... or to any other part of the Russian Federation, during the period encompassing June and July 2014 or in any part of that period;
>
> • what the missing middle number is in the tactical vehicle number ...;

• where the above-mentioned Buk-TELAR was between 23 June 2014 and 23 July 2014, inclusive, and to what extent this Buk-TELAR was under the control of the government of the Russian Federation during this period;

• what individuals were responsible, in a leadership role, with regard to this Buk-TELAR in the period between 15 July 2014 and 19 July 2014, inclusive, and what individuals had comprised its crew during what period of time. In this connection I would ask you to explain to what extent these individuals received instructions from the government of the Russian Federation and/or were acting under the direction or control of the government of the Russian Federation;

• which company of the 53rd AAMB this Buk-TELAR is from ...;

• where the command vehicle and radar vehicle for this Buk-TELAR were on 17 July 2014 and what individuals comprised the crews of these vehicles."

(β) Reply of 16 January 2019 from the Office of the Prosecutor General of the Russian Federation

1807. The letter of 16 January 2019 confirmed that a total of four requests had been received from the Dutch authorities in 2018 (on 7 March, 6 April, 3 May and 6 June). It noted that replies to those requests had been sent on 17 September, 25 October and 20 December 2018. The letter stressed that the competent authorities of Russia had made a considerable effort to comply with those requests for legal assistance and had provided a considerable number of documents. It was therefore regrettable that there had been no assessment in the Dutch prosecutor's letter of material provided or any mention of how that material had been used. The letter further referred to the rejection of proposals to allow representatives of Russian law-enforcement agencies to join the JIT. The letter also asked for an explanation of the six-week deadline imposed, observing that the setting of a deadline did not comply with the mutual legal assistance convention and that two weeks had already elapsed before the letter had even been delivered. It concluded by informing the Dutch authorities that "your letter has been taken in hand".

1808. The Russian prosecutor confirmed in this letter that the Dutch prosecutor's letter had been taken in hand, and asked the Dutch prosecutor to clarify the questions and to inform him why a time-limit of six-weeks had been set "given that the above-mentioned circumstances make it impossible for us to give you a detailed answer within that time". The Russian prosecutor concluded his letter by stressing that the Russian side attached importance to an impartial investigation and was prepared to cooperate in any way possible with the investigation.

(γ) OM letter of 25 March 2019 from the Public Prosecutor of the Netherlands

1809. By a letter of 25 March 2019, the Dutch prosecutor confirmed that all documents received from the Russian authorities had been included in the investigation file. As to the rejection of the proposal for representatives of

Russia to join the JIT, the Russian authorities were referred to previous correspondence on the subject.

1810. As regards the deadline given, the letter referred to the fact that the requests reiterated in the December 2018 letter had been outstanding for some time. It underlined the importance of maintaining the momentum of the investigation and the interests of the next of kin in obtaining clarity.

1811. The letter concluded by reiterating the outstanding requests, namely: the request for satellite images; the request for primary radar data; and the requests for answers to questions about the Buk TELAR, based on visual material provided. As regards the latter, the letter noted that the relevant mutual legal assistance conventions did not provide for the prima facie assessment of evidence by the requested country; this could therefore not be a precondition for provision of the requested information. Moreover, the authenticity of the visual material had been confirmed by the JIT.

(δ) JIT Aide Memoire of 7 June 2019

1812. On 7 June 2019 the Governments of Australia, Belgium, Malaysia, the Netherlands and Ukraine delivered an *aide mémoire* on behalf of the OM to the Russian Federation. It referred to the various mutual legal assistance requests sent by the OM to the competent authorities of the Russian Federation. It continued:

> "The Governments of Australia, Belgium, Malaysia, the Netherlands, and Ukraine welcome the responses of the Russian Federation to some of the mutual legal assistance requests. However, the Netherlands Public Prosecution Service has informed the Dutch Government that a number of these requests have been answered incompletely or not at all. In its latest letter to the Prosecutor General's Office of the Russian Federation of 25 March 2019 ..., the Netherlands Public Prosecution Service has summarized the mutual legal assistance requests that remain outstanding, and requested the Russian Federation to carry out these outstanding requests. According to the Netherlands Public Prosecution Service, the Russian Federation has not done so to this date.
>
> The Governments of Australia, Belgium, Malaysia, the Netherlands, and Ukraine would like to recall United Nations Security Council Resolution 2166 (2014), affirmed in Resolution 2202 (2015), demanding all States to cooperate fully with efforts to establish accountability for the downing of Flight MH17.
>
> ...
>
> The Governments of Australia, Belgium, Malaysia, the Netherlands, and Ukraine would like to stress that a swift and complete execution of the outstanding mutual legal assistance requests by the Russian Federation is of importance for the criminal investigation into the downing of Flight MH17, which is aimed at achieving justice for the victims and their next of kin. Therefore, further to the letter of the Netherlands Public Prosecution Service of 25 March 2019, the Governments of Australia, Belgium, Malaysia, the Netherlands, and Ukraine call upon the Russian Federation to expediently execute the outstanding mutual legal assistance requests."

(ε) OM letter of 6 September 2019

1813. On 6 September 2019 the OM requested, under Article 16 of the European Convention on Extradition, the provisional arrest of Vladimir Borisovich Tsemakh.

1814. The letter explained that Mr Tsemakh was the subject of criminal proceedings in the Netherlands and that his arrest had been ordered on 30 August 2019. However, Mr Tsemakh was in detention in Ukraine and as a Ukrainian national could not, under Ukrainian legislation, be extradited. In view of information that the Russian authorities were seeking to exchange Mr Tsemakh for detained Ukrainian prisoners in Russia in the context of a prisoner exchange arrangement, it seemed that he would soon be under the control and supervision of the Russian authorities. As he was not a Russian national, his extradition to the Netherlands would at that point become possible. The Dutch authorities accordingly requested the Russian authorities to provisionally arrest him. The letter explained that at the time flight MH17 had been downed, Mr Tsemakh had been a separatist commander of an air defence unit and he was suspected of working closely together with others to get the Buk TELAR to the firing location with the aim of shooting down an aircraft, thereby committing criminal offences under Dutch law. The letter concluded that upon his provisional request, a formal extradition request would be made.

(στ) Letter of 10 September 2019 from the Ministry of Justice and Security of the Netherlands

1815. By a letter of 10 September 2019, the Ministry of Justice and Security enclosed the original provisional arrest request from the OM. The letter noted that shortly after Mr Tsemakh's arrival in the Russian Federation on 7 September 2019, the request for provisional arrest had been mentioned in Russian media. It observed that Mr Tsemakh did not have Russian nationality or residence and that he had resided in the Donetsk region of Ukraine before his detention. The letter concluded that there was a "substantial risk of flight" and asked for the request to be expedited.

(ζ) OM letter of 16 September 2019

1816. In its letter of 16 September 2019, the OM stressed the importance of the swift execution of the request for the provisional arrest of Mr Tsemakh. The letter reiterated the background to and reasons for the request and observed that Mr Tsemakh had been transferred to Russia on 7 September 2019. The letter underlined that the request for provisional arrest had been submitted via the INTERPOL National Central Bureau in Moscow in the morning of 7 September 2019 before Mr Tsemakh had left Ukraine. Receipt of the request had been confirmed shortly before Mr Tsemakh's arrival in Russia, while he was in the air in Russian airspace. On Monday 9 September

the request had again been brought to the attention of the Russian authorities. On Wednesday 11 September a reminder had been sent via the INTERPOL National Central Bureau in Moscow, with an additional request to keep Mr Tsemakh under surveillance in the event that he could not be immediately arrested. That reminder had further alerted the Russian authorities to a social media post by his daughter suggesting that he was planning to leave the Russian Federation and return to the Donetsk region imminently. On Thursday 12 September a further reminder had been given to the Russian authorities, once again addressing the "substantial flight risk". That evening, a Russian media article quoted Mr Tsemakh's daughter as saying that Russian State security services had told her not to disclose information on her father's whereabouts and his possible return to the Donetsk region.

1817. The letter concluded by noting that no response had been received to the request for provisional arrest since it had been sent on the morning of 7 September 2019. It referred to the Russian Federation's obligation to cooperate fully in the arrest of Mr Tsemakh and asked for urgent clarification of the position of the Russian Federation and the reasons for the delay in executing the request.

(η) Reply of 20 September 2019 from the Office of the Prosecutor General of the Russian Federation

1818. In its reply of 20 September 2019, the Office of the Prosecutor General indicated that it had received a copy of the original request on 9 September 2019 and a copy of the letter of 10 September on 12 September. It confirmed that the necessary information had been requested from the competent authorities of the Russian Federation, including the whereabouts of Mr Tsemakh.

1819. However, the original request had been submitted without an authenticated translation into Russian, as required by the applicable convention. Moreover, the letter stated that the information provided was insufficient to enable the request to be examined. The Dutch authorities were therefore invited to send certified copies of the ruling regarding Mr Tsemakh's arrest and incriminating materials with a detailed description of the criminal offences alleged, together with an indication of the place, time and circumstances of the offence, as well as the text of the applicable provisions of the Dutch Criminal Code.

(θ) Letter of 27 September 2019 from the Ministry of Justice and Security of the Netherlands

1820. In its letter, the Dutch Ministry of Justice and Security enclosed a letter from the OM dated 24 September 2019 and asked again that the request be expedited. It further asked for documents to be provided as evidence that appropriate steps had been taken. The enclosed letter of 24 September has not been submitted to the Court.

(ι) Reply of 17 October 2019 from the Office of the Prosecutor General of the Russian Federation

1821. The reply of 17 October 2019 confirmed the receipt on 2 October 2019 of the letter of 27 September. It noted that the reply, in contrast to the attachments, had been submitted without an authenticated Russian translation. The need for translation had already been pointed out in previous correspondence. Failure to provide it delayed the execution of urgent requests. The Prosecutor General's Office, moreover, reserved the right to return documents without examining them where authenticated translations had not been provided.

1822. As to the request for evidence that appropriate steps had been taken, the letter referred to the Russian authorities' previous letter of 20 September 2019, which had provided an "exhaustive answer to this query" as it had indicated that the necessary information had been requested from the competent authorities. It continued:

> "The Prosecutor General's Office of the Russian Federation has fulfilled its obligation provided for in the Convention, the evidence of which is our letter dated September 20, 2019."

1823. In view of the OM letter of 24 September 2019, the Prosecutor General's Office of the Russian Federation concluded that the decision to arrest Mr Tsemakh had been taken orally on 30 August 2019 and had been recorded in writing only on 24 September 2019, after the request for provisional arrest had been sent to Russia. The absence of a written decision to arrest Mr Tsemakh at the time was in breach of the European Convention on Extradition, which required the document to exist at the time of the submission of the request.

1824. Moreover, under Russian law, arrest and detention could only be carried out on the basis of a court decision. The Dutch authorities were therefore asked to provide further information, namely:

> "1) full text of Article 54 of the Criminal Procedure Code of the Netherlands, as well as other texts of other legal acts of the Netherlands governing the right of a prosecutor to impose a preventive measure on the form of taking into custody, including in an oral fashion, and the procedure of the imposition of this preventive measure;
>
> 2) clarification with reference to the legal acts of the Netherlands pertaining to what period of time the said preventive measure has been imposed on V.B. Tsemakh by the Prosecutor;
>
> 3) information [on] whether V.B. Tsemakh or his legal representatives have been notified of the imposition of the said preventive measure on him, as well as the existing suspicions against him
>
> 4) information [on] whether any documents are available to the competent authorities [of] the Netherlands concerning the fact that V.B. Tsemakh has evaded the participation in the investigation of the criminal case, whether he has been declared wanted by the law enforcement authorities of the Netherlands with regard to the existing suspicions in respect of him;

5) information [on] whether V.B. Tsemakh has been given an opportunity to exercise his rights provided for in Article of the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950."

1825. The letter concluded with the request that "all the said information and documents as well as supporting letters" be submitted with an authenticated translation into Russian.

(ια) Reply of 15 November 2019 from the Office of the Prosecutor General of the Russian Federation

1826. The letter of 15 November 2019 constituted the Russian authorities' final response to the OM's request of 6 September 2019 for the provisional arrest of Mr Tsemakh. The letter explained that "[a]t the present moment no information regarding the whereabouts of V.B. Tsemakh on the territory of the Russian Federation is available". As a result, the request could not be executed.

(ιβ) OM letter of 22 November 2019

1827. The OM referred to its previous letters of 7 December 2018 and 25 March 2019 and the fact that a number of its requests for mutual legal assistance had not been complied with, or had been complied with only in part. It further referred to its previous correspondence in respect of Mr Tsemakh and detailed the various steps taken to ensure that the request reached the competent authorities, as well as the publicly available information indicating that Mr Tsemakh had been within the sphere of influence of the Russian authorities after his return to Russia, and that they had known of his whereabouts. The OM noted that it had been asked by the Russian authorities on 20 September and 17 October 2019 to provide additional information about its request for provisional arrest, which the OM considered irrelevant to the request. However, on both occasions, the OM had assumed from the response that Mr Tsemakh had still been at a known location in the Russian Federation and that there were no impediments under the 1957 Convention to complying with the Dutch request. By letters of 24 September and 29 October 2019, the requested, albeit unnecessary, information had been provided.

1828. The letter than referred to a video interview with Mr Tsemakh, conducted by the Russian news service RIA Novosti, that had been aired on 1 November 2019. In the interview, Mr Tsemakh had stated that he was "here" in his "birthplace" in eastern Ukraine. Mr Tsemakh's lawyer had subsequently reportedly stated that Mr Tsemakh was willing to make a statement from his "fatherland Donbass" and that he could no longer return to the Russian Federation. The letter pointed out that the flight risk identified by the OM had thus come to pass. The letter continued:

"It was only on 19 November 2019 that I received a short message from the competent Russian authority, dated 15 November 2019, to the effect that 'at the present' there was

no longer any information 'regarding the whereabouts' of Mr Tsemakh. From that I concluded that Mr Tsemakh had indeed left the Russian Federation."

1829. The letter concluded:

"In these circumstances I must regrettably conclude that the competent Russian authority:

- did not wish to comply with my request for the provisional arrest of Mr Tsemakh in the Russian Federation, even though there were no impediments under the Convention to do[ing] so;

- deliberately allowed Mr Tsemakh to leave the Russian Federation and thus evade provisional arrest and extradition;

- and thus acted in contravention of:

• article 1 and 16 of the European Convention on Extradition; and

• article 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (*Romeo Castaño v. Belgium*, ECtHR, 9 July 2019)."

(c) Request to transfer the criminal proceedings to Russia

(i) Letter of 10 October 2019 from the Office of the Prosecutor General of the Russian Federation

1830. In its letter of 10 October 2019, the Prosecutor General's Office referred to the pending criminal trial in The Hague of three Russian nationals accused of involvement in the downing of flight MH17. It informed the Government of the Netherlands that the Russian Federation was willing to conduct a "comprehensive, complete and objective investigation in respect of the said Russian citizens in connection with their possible involvement in the said plane crash". It referred to the criminal liability imposed under Article 12 of the Criminal Code of the Russian Federation. It continued:

"In view of this, in accordance with Article 8 paragraph 'b' of the European Convention on the Transfer of Proceedings in Criminal Matters dated May 15, 1972, as well as in accordance with Point 11 of UN Security Council Resolution 2166 dated July 21, 2014, I kindly ask you to consider the issue of the transfer of the materials of the criminal case that is being handled by the competent authorities of the Kingdom of the Netherlands in respect of I.V. Girkin, S.N. Dubinskiy and O.Yu. Pulatov, or copies of the criminal case to the Prosecutor General's Office of the Russian Federation, in order to arrange further investigation thereof by the Russian investigative authorities in compliance with the laws of the Russian Federation.

The request for the transfer of the criminal proceedings stems from the interests of due administration of justice and establishment of the truth pertaining to the criminal case."

1831. It noted that on account of the defendants' Russian citizenship, they could not be extradited from Russia. In carrying out criminal proceedings, the Russian Federation was guided by the universally recognised principles and norms of international law, including the principle "*aut dedere aut judicare*"

(the duty to extradite or to prosecute) provided for in Article 6 of the 1957 European Convention on Extradition.

(ii) Letter of 10 December 2019 from the Ministry of Justice and Security of the Netherlands

1832. In its letter of 10 December 2019, the Dutch Government replied that transferring the criminal proceedings against was "not an option, since this would not be in the interest of the proper administration of justice".

1833. The letter noted that the OM had been coordinating the JIT's criminal investigation into the downing of flight MH17 for over five years. In 2016 the JIT countries had decided that the prosecution of suspects should take place in the Netherlands and had expressed their full confidence in the Dutch legal system. In view of this broad international support, it was not opportune to withdraw the cases that had been brought before the Dutch court and transfer them to the Russian Federation.

1834. Moreover, over the past five years the OM had regularly informed the large group of next of kin of the victims about the progress of the investigation, the prosecution and the rights they were entitled to in the Dutch criminal proceedings. This had generated a relationship of trust, which would be compromised if the criminal proceedings were transferred to another jurisdiction. Furthermore, the Netherlands would provide free legal aid for all next of kin, of all nationalities, by specialised and experienced Dutch lawyers. It was not clear that the Russian Federation would be able to offer the same guarantees.

1835. The letter further pointed out that Ukraine had transferred its competence to prosecute the suspects to the Netherlands. Were the Netherlands to discontinue its prosecution, competence would revert to Ukraine, which could lead to a new conflict of jurisdiction between Ukraine and the Russian Federation. There could also be a conflict of jurisdiction between other States affected by the downing of flight MH17 – which had expressed their support for a trial in the Netherlands – and the Russian Federation.

1836. It was also relevant that the cases had already been brought before the District Court of The Hague, which had planned several session days in 2020 and 2021 and was making further substantive preparations. Taking into account the international attention of the next of kin and the public for this case, special provisions had been made. Termination and transfer of proceedings would offset these preparations and delay the criminal proceedings.

1837. The letter concluded with a proposal that the possibility of transferring the implementation of sentences concerning the downing of flight MH17 be explored by the two parties.

(d) Official report of 1 July 2020 on mutual legal assistance

1838. In this report the OM summarised the requests for mutual legal assistance made by the Dutch authorities to the competent Russian authorities.

(i) Request of 15 October 2014

1839. On 15 October 2014 the OM had made a request referring to the Russian Ministry of Defence press conference of 21 July 2014 "where it had been suggested that flight MH17 had been shot down by a Ukrainian combat aircraft (a suggestion based on Russian radar data) or by a Ukrainian Buk missile system fired from a location to the south of Zaroshchenske (a suggestion based on Russian satellite data)". The request asked for the underlying information on which the press conference had been based, the original satellite data and primary radar data for the Luhansk/Donetsk region in the period from 14 to 18 July 2014 and any other information relating to the circumstances of the downing of flight MH17. On 9 April 2015, the OM had discussed this request in Moscow with the Russian Prosecutor General's Office. Four folders of documents, two hard drives, one USB stick and thirty-two DVDs filled with files had been handed over. Included in these items were a recording of the press conference of 21 July 2014 and a variety of information relating to the scenario that MH17 had been shot down by a Ukrainian combat aircraft and to the actions of Ukrainian troops in eastern Ukraine.

(α) Radar data

1840. As regards the request for radar data, the report stated the following:

> "Along with these items the Russian authorities provided a video recording of a monitor displaying a combination of primary and secondary radar data. These video images were consistent with those shown at the Russian press conference of 21 July 2014. During that press conference, the Russian Ministry of Defence referred to radar plots that were apparently visible shortly after flight MH17 was shot down. According to the Ministry, these plots were detected by two radar systems (in Ust-Donetsk and Buturinskaya) and could be attributed to a military aircraft. At the press conference the following statement was made: 'The object was consistently observed by radar stations at Ust-Donetsk and Buturinskaya over the course of four minutes. When requesting the characteristics of the aircraft that has recently appeared, an air traffic controller cannot obtain the parameters because in all likelihood the aircraft is not equipped with a secondary identification system, which is typical of military aircraft.'"

1841. The report noted that in May 2015, the Russian Federation had informed the DSB that no raw (unprocessed) primary data were available as they had "apparently not been saved". The report continued:

> "The criminal investigation of the footage of the radar images on the videos provided by Russia produced indications that those images had come from the permanent memory of the Ust-Donetsk radar system. This meant that the primary radar data had

indeed been saved. On 1 June 2016, the Public Prosecution Service therefore again requested this (unprocessed) primary radar data. This request was discussed during a second visit by the Dutch Public Prosecution Service to Moscow on 6 July 2016. During a subsequent video conference on 20 July 2016 the Russian authorities were unable to report any progress as yet in fulfilling this new request.

During a press conference on 26 September 2016 – two days before a press conference that the Joint Investigation Team (JIT) had announced – the Russian Ministry of Defence and the Russian arms manufacturer Almaz-Antey announced that the unprocessed primary radar data from the Ust-Donetsk radar system had been recovered. They now reported that the radar plots (referred to at the previous press conference of 21 July 2014) in the vicinity of flight MH17 were not from a military aircraft but from wreckage of MH17. In addition, they reported that the radar data did not contain any plots of a Buk missile. On 28 September 2016 – the same day as the JIT press conference – Almaz-Antey provided more detailed information about this radar data. It stated that a Buk missile fired from Pervomaiskyi should have been detected by the radar in Ust-Donetsk, while a Buk missile fired from Zaroshchenske would not necessarily have been detected given the missile's low radial velocity in relation to this radar. According to Almaz-Antey, since no Buk missile was detected by the radar, it was not possible that such a missile had been fired from Pervomaiskyi. This claim is disputed by the OVV and by two radar experts appointed by the examining magistrate in the criminal investigation."

1842. On 26 October 2016 the Russian authorities had provided the unprocessed primary radar data from the Ust-Donetsk system. The radar data concerned the time period between 13:02:00 and 13:32:00 UTC and were recorded in a Russian software program and not in the international standard format for consulting and exchanging radar data ("ASTERIX"). Reading the data therefore took a lot of time. Accordingly, on 1 March 2017 the Russian authorities had been asked to provide the data in ASTERIX format. After receiving two reminders, the Russian authorities had provided the data in a letter of 18 August 2017. The report continued:

"In reply to the request for legal assistance of 15 October 2014 concerning the provision of all available primary radar data for the period from 14 to 18 July 2014, the Russian authorities thus provided only half an hour's worth of primary data (13:02:00 to 13:32:00 UTC) from a civilian radar system (Ust-Donetsk).

By letter of 18 August 2017 the Russian Prosecutor General's Office refused to provide more than half an hour of the primary data, contending that the other unprocessed data was not relevant. For the Dutch investigation team this longer period was relevant to the assessment of the situation in the airspace (the presence of aircraft *prior* to the downing of flight MH17) and the detection capabilities of the radar system in Ust-Donetsk (for comparison with various data from the same system). To expedite the process, on 7 December 2018 [OM] ... offered to limit the requested period to 00:00 to 23.59 on 17 July 2014. At the time of concluding this official report the Russian Prosecutor General's Office had not provided any further primary radar data than the aforementioned half-hour period.

What is more, MH17's flight route over eastern Ukraine was also within range of Russian primary radar systems other than Ust-Donetsk alone. These most likely include not only civilian but also military radar systems. The Russian authorities have provided no data from these systems. The Dutch Public Prosecution Service specifically brought one of those systems, the civilian radar system in Buturinskaya, to the attention of the

Russian Prosecutor General's Office. After all, during the first press conference, on 21 July 2014, the Russian Ministry of Defence had itself stated that flight MH17 was flying within the detection range of this radar system. That radar's data was also relevant to the assessment of Almaz-Antey's contention that the alleged missile fired from Zaroshchenske was not detected by the Ust-Donetsk radar because of its low radial velocity in relation to that system. Given the anomalous position of the Buturinskaya system, the alleged Zaroshchenske missile could not have flown at a constant distance from that radar. This means its radial velocity must have been higher, and the alleged missile must – according to Almaz-Antey's reasoning – have been detectable. The viability of this theory could have been thoroughly tested on the basis of the radar data of the Buturinskaya system. In its request for legal assistance of 1 March 2017 the Dutch Public Prosecution Service asked for unprocessed primary data from this specific system.

After several reminders, the Russian authorities stated in a letter of 18 February 2020 that they did not possess unprocessed radar data from the Buturinskaya system. Under Russian law such data must be retained for a maximum of 30 days."

(β) Satellite images

1843. As regards the request for original satellite images, the report explained:

"In addition to radar data, the Dutch Public Prosecution Service also asked, in its request for legal assistance of 15 October 2014, for the original satellite images of Buk systems deployed by states other than the Russian Federation in the period from 14 to 18 July 2014. In this connection the Public Prosecution Service referred specifically to the presentation given by the Russian Ministry of Defence on 21 July 2014. During that press conference, satellite images of Ukrainian Buk systems were shown (in addition to radar data indicating the involvement of a Ukrainian combat aircraft).

The satellite images were of a Ukrainian base to the northwest of Donetsk and images of a field to the south of Zaroshchenske. According to the Russian Ministry of Defence's presentation, the photos of the base in Donetsk were taken on 14 and 17 July 2014. In the photo of 14 July a Ukrainian Buk TELAR system was visible; in the photo of 17 July, however, the system had apparently disappeared. At the press conference a satellite photo was then presented, purportedly showing two Ukrainian Buk systems in a field near near Zaroshchenske. This photo was allegedly taken on 17 July 2014. In a photo of the same location a day later, on 18 July 2014, these systems were no longer visible. The Russian Ministry of Defence was thus suggesting that a Ukrainian Buk system had been moved from Donetsk to Zaroshchenske, and then from that location had shot down flight MH17."

1844. In response to the request, the Russian authorities had provided low-resolution copies of the satellite photos. The report continued:

"The following emerged from the criminal investigation in relation to these copies:

A different satellite photo of the base to the northwest of Donetsk, taken on 17 July 2014 and provided by the European Space Agency (ESA), shows that the Buk TELAR that, according to the Russian Ministry of Defence, had disappeared on 17 July 2014 was still in the same location on that date. It also emerged that the Russian photos show trees and bushes around the base which, as other satellite photos show, were removed prior to 2 July 2014. It would thus appear that the satellite photos of the Donetsk base shown by the Russian Ministry of Defence were not taken on the dates that were

claimed. Investigation also showed that this base had been abandoned by the Ukrainian armed forces since early July 2014 and had been taken over by separatists. The Ukrainian armed forces left behind a number of vehicles, including a non-functional Buk TELAR. Investigators have established that the TELAR in question appeared in exactly the same place on several satellite images between 30 May 2014 and 3 September 2014. The rotatable upper section of the TELAR was at the same 45-degree angle in relation to the lower section of the vehicle in every photo.

The Russian satellite photos of 17 and 18 July 2014 showing the field to the south of Zaroshchenske were analysed in a similar way. A comparison of the Russian photo of 17 July 2014 with satellite photos of the same area from other sources reveals a number of inexplicable discrepancies. A Google Earth satellite photo of the area from 16 July 2014 shows that a field has been ploughed or otherwise disturbed. In the Russian photo, however, the same field appears untouched. Furthermore, there are no traces of a missile launch or a launch vehicle on satellite photos of this same area provided by ESA and Google and dated 21 July 2014, a few days after the missile was supposedly launched and the launch system removed. Yet a study of the Buk system has shown that a launch in a dry field can cause a fire and that the caterpillar treads on heavy launch vehicles will leave tracks on an unpaved surface. According to ESA, moreover, from 17 up to and including 21 July 2014, the area was almost completely overcast, and as a result no satellite images are available from that period of time. This is inconsistent with the clear image of an allegedly empty field, with no Buk system, which the Russian defence ministry claimed was taken on 18 July 2014. According to the Royal Netherlands Meteorological Institute this Russian photo of 18 July 2014 must have been taken on a different date, as there was heavy cloud cover on that day in the area to the south of Zaroshchenske."

1845. The report explained that since the low-resolution copies of the Russian satellite photos had provided no scope for detailed image analysis, the OM had made repeated requests (on 1 June 2016, 7 December 2018 and 25 March 2019) for the image files underlying the photos shown by the Russian Ministry of Defence on 21 July 2014. The report continued:

"By letter of 18 February 2020, shortly before the start of the criminal proceedings in the Netherlands on 9 March 2020, the Russian Prosecutor General's Office responded. According to the Office, the satellite photos of the area south of Zaroshchenske were not retained because on the satellite image of 17 July 2014 there was 80 to 90% cloud cover and on the image of 18 July 2014 more than 90% cloud cover. The Russian authorities stated that satellite images are not retained if there is more than 60% cloud cover. At the time of concluding this official report, no further information has been received regarding the satellite photos of the base to the northwest of Donetsk."

(γ) Statement by Mr Girkin

1846. In response to the October 2014 request, the Russian authorities had provided the official report of an interview conducted with Mr Girkin, who had been interviewed on 6 February 2015 as part of a Russian criminal case (no. 201/837072-14). According to the report, Mr Girkin had told the Russian authorities that on 17 July 2014, after flight MH17 was downed, he had been informed that his men had shot down an aircraft. The JIT had uncovered no information about any aircraft other than MH17 that had been shot down over eastern Ukraine that day.

1847. According to the OM report, the Russian interview report had revealed that Mr Girkin had already made witness statements previously as part of the Russian criminal case. On 7 March 2018 the OM had therefore requested a copy of all witness statements made by Mr Girkin with regard to the downing of flight MH17, including his other statements referred to in the Russian interview report. Following a repeat request, the Russian Prosecutor General's Office had replied that Mr Girkin had been interviewed on one previous occasion (5 February 2015), but that his statement had contained no information regarding flight MH17. According to the Prosecutor General's Office, Mr Girkin's statement had concerned only Ukrainian actions in the territory of the "DPR" and "LPR". The statement therefore had no connection with the subject of the Dutch investigation, and there was no reason to provide it.

(ii) Request of 7 March 2018

1848. The report referred to a request for legal assistance submitted on 7 March 2018 asking for information about four Russian nationals: Sergey Nikolayevich Dubinskiy, Nikolai Fedorovich Tkachev, Vasily Geranin and Igor Bezler. It explained that these four individuals had been linked in the media to the downing of flight MH17. This had prompted the request for information regarding the whereabouts of those individuals from 6 to 19 July 2014, the work they had done for the Russian government in the period from 16 to 18 July 2014, any payments made by the Russian government, and telephone numbers used by those individuals. In so far as the individuals in question had ever previously been interviewed by the Russian authorities in any procedure concerning their involvement in the downing of flight MH17, a copy of their statements had also been requested.

1849. Following a repeat request on 7 December 2018, the Russian Prosecutor General's Office had informed the OM on 20 December 2018 that "according to information provided previously by the Russian Federation, the Russian nationals Dubinskiy, Tkachev, Geranin and Bezler were not involved in the MH17 disaster. Providing detailed information about these individuals would therefore be a breach of public policy and Russian law". Since these individuals had not been interviewed by the Russian law enforcement authorities, no copies of interviews could be provided.

(iii) Requests of 6 April and 6 June 2018

1850. On 6 April and 6 June 2018, the OM made requests for legal assistance, asking for information about the origin and crew of the Buk TELAR that was visible in images recorded on 23 and 24 June 2014 in the Russian Federation. A number of specific questions had been asked.

1851. On 17 September 2018 the Russian Ministry of Defence had held a press conference during which it had stated that certain images of the TELAR recorded in eastern Ukraine on 17 and 18 July had been manipulated. Those claims had been submitted to visual image specialists at the NFI, who had found no indications of manipulation.

1852.On 25 October 2018 the Russian Prosecutor General's Office had responded to those requests for legal assistance, reiterating the claim that the images had been manipulated. The Russian Federation had stated that there was no evidence of the presence of a Russian Buk TELAR in the territory of the regions of Donetsk or Luhansk in July 2014. It had therefore concluded that there were no grounds for responding to the questions posed in the requests for legal assistance.

(iv) Request for provisional arrest of Mr Tsemakh

1853. The reports summarised the exchanges concerning the request for the provisional arrest of Mr Tsemakh.

1854. The report explained that on 12 December 2019 the spokesperson of the Russian Ministry of Foreign Affairs had expressed the assumption that, had Mr Tsemakh been handed over, the Netherlands would have extradited him back to Ukraine. The report clarified that this was "something which under article 15 of the European Convention on Extradition could have happened only with the permission of the Russian Federation". The report noted that the spokesperson had, moreover, stated that Dutch interviewers in Ukraine had exerted physical and psychological pressure on Mr Tsemakh, and were allegedly accessories to a crime against him. The report said:

> "This contention is not supported by the statements made by Tsemakh himself in the Russian media, and is disputed by the interviewers. These objections to Tsemakh's extradition to the Netherlands had not previously been raised by the Russian Prosecutor General's Office."

(v) Reminders

1855. The report listed the various reminders sent to the Russian Federation seeking outstanding information and reiterating the Russian Federation's treaty obligations to provide it.

1856. The report further referred to an interview given by Deputy Prosecutor General Vinnichenko to the Russian news agency RIA Novosti on 21 January 2019, explaining:

> "In this interview Vinnichenko stated that the Russian Prosecutor General's Office had been working together with the Netherlands for four years already, and that it had provided all the information that was available. Unlike the secretive approach of the JIT, he said, the Russian Prosecutor General's Office had opted for transparency, and made public the information it had provided. According to the Deputy Prosecutor General, the Netherlands was ignoring Russian documentary evidence that flight MH17 had been shot down by a Ukrainian missile. He alleged that the JIT was basing its

findings primarily on online videos, which Russian experts had determined to have been manipulated. Regarding information that Russian citizens were allegedly responsible for shooting down flight MH17, Vinnichenko said: 'What matters is that, to date, no real evidence of any Russian citizen's involvement in the Boeing tragedy has been provided. Therefore, there are no grounds for questioning any of our citizens as part of this case'."

(vi) Reciprocal requests

1857. Finally, the report referred to the requests made by the Russian Federation on 25 June 2015 for admission to the JIT and on 10 October 2019 for the transfer of the criminal proceedings to Russia.

1858. As regards admission to the JIT, the report states:

"On 9 September 2015, after consulting with the other members of the JIT, the [OM] explained that the JIT was composed of the states in which the crime had taken place and four states that had been directly affected by that crime. Bearing in mind the involvement of five different legal systems, time zones and languages, the JIT members had decided not to expand the Joint Investigation Team any further, in order to ensure the most effective approach possible. For this reason the JIT sought to pursue cooperation with the Russian Federation via regular legal assistance, in exactly the same way it did both with states that (like the Russian Federation) had not been affected by the crime in question and with states that (unlike the Russian Federation) had been affected. In this connection the legal assistance conventions applicable between the Netherlands and the Russian Federation posed no barrier, and so Russia's membership of the JIT was not necessary for this reason either. The Public Prosecution Service did propose scheduling an operational meeting between forensic experts, but this meeting never happened.

From the very beginning of the criminal investigation, furthermore, the Russian Federation had made clear that it saw no reason to suspect Russian citizens of involvement in the downing of flight MH17. Instead, Ukraine's armed forces were assumed to have been involved. If there were indeed no Russian suspects, as the Russians contended, then the Russian Federation would have *no connection whatsoever* to the crime, and thus no jurisdiction with respect to any criminal investigation. This resulted in the extraordinary situation in which the Russian Federation was asking to join a JIT that was investigating a crime which by Russia's own admission lay outside its jurisdiction."

5. JIT press conferences and witness appeals

(a) 28 September 2016

1859. On 28 September 2016 the JIT publicly presented the first results of the criminal investigation into the downing of flight MH17. The JIT representative explained that between 100 and 200 investigators and other experts had been working on the case. Over the preceding two years, dozens of containers with thousands of wreckage parts had been examined in detail. Of those parts, 1,448 had been processed in a databank as being relevant to the investigation. Sixty requests for legal assistance had been sent to more than twenty countries and reactions had been received to many of them. Twenty weapon systems had been examined; five billion Internet pages had

been recorded and assessed for their relevant content; half a million videos and photographs had been examined in detail and saved; and more than two hundred witnesses had been heard. Approximately 150,000 intercepted telephone calls had been listened to, summarised and assessed for their relevance and authenticity. More than 3,500 intercepted conversations had been selected and processed entirely, translated and analysed. All this work had been recorded in more than 6,000 official reports. The JIT representative underlined the importance of substantiating its conclusions with legal and convincing evidence.

1860. According to the JIT representative, sufficient evidence had been collected to identify the weapon used and where exactly that weapon had been launched. The evidence gathered to date could not be disclosed in its entirety, but the JIT had selected extracts to illustrate how the interim findings had been reached.

1861. The representative further explained that although one scenario had emerged as the most likely early on in the investigation, the JIT had nonetheless investigated a number of different scenarios in an impartial manner. Two scenarios, namely an accident caused by technical or human failure and a terrorist attack from inside the aircraft, had been quickly ruled out since the investigation had revealed no evidence to support those scenarios. Two scenarios had remained.

1862. The first was that flight MH17 had been shot down by another aircraft equipped with a weapon system. This scenario had ultimately been ruled out on the ground that if flight MH17 had been shot down by another aircraft, that aircraft would have appeared on radar images. The JIT had acquired sufficient and crucial radar images from Ukraine and the Russian Federation. It had also located a video file containing relevant primary radar data of the area which had been recorded by a mobile radar in Ukraine. The JIT also had evidence from witnesses such as the air traffic controllers on duty at the relevant time and an audio file of the conversations between the Ukrainian air traffic controllers. Those data, taken together, had enabled the JIT to conclude that there had been no other aircraft flying in the vicinity of flight MH17 that could have shot it down. In this connection, the Russian Federation had also mentioned recently that they had found ‘new’ primary radar images and, on the basis of those images, the Russian Federation had concluded that there had been no second airplane that could have shot down flight MH17.

1863. The final scenario was that flight MH17 had been shot down by a ground-based air defence system. This scenario was supported by a great deal of evidence which had allowed the JIT to conclude that this was indeed the cause of the crash. The representative then discussed a selection of this evidence and showed video material to support the conclusion reached.

1864. The context of the crash was explained by the JIT as follows:

> "In July 2014, heavy fighting was going on in the area southeast of Donetsk. The pro-Russian fighters were engaged in an offensive to force a passage to the border with the Russian Federation south of the conflict zone. During these fights, the Ukrainian army carried out many air strikes in order to stop this offensive. The pro-Russian fighters suffered greatly: there were many losses, both human and material. Intercepted telephone conversations show that during the days prior to 17 July, the pro-Russian fighters mentioned that they needed better air defence systems to defend themselves against these air strikes. In this respect, a BUK was discussed explicitly ...[A] BUK has a higher range than the air defence systems in use by the separatists at that moment, such as the Strela and Igla.
>
> This can be illustrated with several intercepted conversations between two Russian speaking persons, who are fighting on the side of the pro-Russian fighters. These conversations are relevant to the investigation and took place in the evening of 16 July and the early morning of 17 July 2014.
>
> The above shows that the pro-Russian fighters were in great need of a BUK air defence system and that it was actually delivered."

1865. The representative disclosed the JIT's conclusion that flight MH17 had been shot down on 17 July 2014 by a missile of the 9M38 series launched by a Buk TELAR. This had been established by extensive forensic research and arena tests, involving the detonation of a warhead and a complete missile in a prepared test environment. The results of those tests had been compared with other investigation data, including the different metal parts which had been found during the forensic investigation. The main purpose of the tests had been to calculate the trajectory of the missile and to compare the nature of the damage with the traces found at the crash site. The representative noted that the JIT's conclusion was consistent with the conclusion of the DSB.

1866. It was further announced by the JIT that the Buk TELAR had been brought into Ukraine from the territory of the Russian Federation and had subsequently been taken back to the Russian Federation. The investigating team had been able to accurately reconstruct a large part of the route which had been followed by the Buk TELAR and accompanying vehicles. Initially, this had been done mainly on the basis of intercepted telephone conversations and videos and photographs on social media. Following a call for witnesses in 2015, several witnesses had provided statements that they had seen the Buk TELAR driving by.

1867. The representative also explained that the JIT had investigated several possible launch locations, including two locations in the vicinity of the town of Zaroshchenske or Zaroshchenskoye. Among other locations, this area had been indicated by the Russian Ministry of Defence as being the launch site. It had also been mentioned that this area had allegedly been controlled by Ukraine. However, the investigation had shown that this had not been the launch location. It had further appeared from the investigation that the area in question had not been under Ukrainian control at the time but had rather been under separatist control. The representative referred to an intercepted telephone conversation between two separatists in June 2015, in

which one of the participants had said that Zaroshchenske had not been the launch site and that, at the time, Zaroshchenske had been controlled by separatists.

1868. In order to establish the exact location of the launch site, forensic, tactical and digital investigations had been conducted by the JIT in Ukraine, Belgium, Australia and the Netherlands. A team of specialists had visited the area in June 2015 and had collected ground samples at various possible launch sites. These samples had been examined in detail by the NFI. Network measurements had been carried out on the spot in order to determine the locations and range of telephone towers. All kinds of visual material had been evaluated and checked for authenticity. Witnesses had been interviewed by, among others, a Dutch investigating judge.

1869. The JIT had concluded that the location of the launch site was an agricultural field near Pervomaiskyi, which had at the time been under the control of separatists. This field was situated within the area from which the Dutch Safety Board had already concluded the missile must have been launched.

1870. That conclusion was supported by a report recently obtained a in response to a Dutch request for legal assistance from the United States, in which the US had presented its assessment of the information regarding the shooting down of flight MH17. That report could be used in court. The conclusion of the US authorities was that flight MH17 had been shot down by a Buk missile launched from a site about 6 kilometres south of the village of Snizhne in eastern Ukraine. This was consistent with the distance to the launch site identified by the JIT near Pervomaiskyi. The report indicated that the US authorities were sure that Ukrainian air defence systems could not have downed the flight and that an air-to-air scenario was impossible. The Dutch Military Intelligence Service (MIVD) and the Dutch National Public Prosecutor on Terrorism had been able to view the underlying confidential intelligence material and had confirmed that the material they had viewed supported the conclusions drawn.

1871. Finally, the ESA had also aided the investigation team extensively in the search for relevant images from satellites. It had obtained images from all relevant civilian satellites and the images had then been assessed by its experts. The conclusions drawn by the ESA had confirmed the conclusions of the investigation team with regard to the launch site.

1872. The representative concluded that an investigation was now under way into who had been involved in the delivery, security and removal of the Buk TELAR and the shooting down of flight MH17. Through intercepted telephone conversations and witness statements, the JIT had already been able to establish the identities of approximately 100 people who had played an active role in getting hold of the Buk TELAR and organising its transport to the launch location, as well as people who had played a facilitating or supporting role. The JIT reiterated its call for witnesses who could provide

information about the role that different people had played. It also posted a number of intercepted telephone conversations on its website and asked for information about the identities of participants in those conversations.

(b) 24 May 2018

1873. On 24 May 2018 the JIT presented its further findings at a press conference. It explained that investigations were continuing and were very complex; part of the information required – mostly of foreign military origin – was secret and obtaining that information took time. Moreover, the investigation area in eastern Ukraine was still inaccessible to the investigation team. Nevertheless, considerable steps had been taken lately in identifying those directly involved. The role of a large number of the one hundred individuals mentioned at the press conference of 28 September 2016 (see paragraph 1859 above) was now much clearer, although it could damage the investigation and the final legal proceedings if the JIT were to make clear to those responsible or involved how much it knew at this point.

1874. The JIT had carefully examined all available images from 17 and 18 July 2014 of the Buk TELAR and had found that that Buk TELAR had many unique features. On the basis of these, the JIT had been able to make a "fingerprint" of the Buk TELAR. After an extensive and labour-intensive comparative investigation involving many Buk TELARs, the JIT had come to the conclusion that the Buk TELAR that had shot down flight MH17 had come from the 53rd AAMB, or the 53rd Brigade from Kursk in the Russian Federation. The 53rd Brigade was a unit of the Russian armed forces. An anti-aircraft brigade was charged with defending the airspace against enemy targets.

1875. The JIT representative pointed out that the Bellingcat had reached the same conclusion. However, he emphasised that the JIT had carried out its own independent investigation and the conclusions drawn had to be based on legal and convincing evidence which would stand up in court. The collection of evidence and its validation had to be done carefully, which took a lot of time.

1876. The JIT showed several images that had been made along the route that a Buk TELAR of the 53rd AAMB had travelled on 23, 24 and 25 June 2014. The representative also explained a selection of the characteristics comprising the Buk TELAR's "fingerprint". The JIT had compared those images with the footage of 17 and 18 July 2014, and the "fingerprint" matched. The conclusions regarding the involvement of the 53rd AAMB were supported by other evidence, such as witness evidence.

1877. The finding that the Buk TELAR had originated from the 53rd AAMB was another significant step in the investigation and the JIT urgently appealed to anyone who could provide them with useful information. In particular, the JIT identified the following questions:

"- Who was part of the crew?

- What was the instruction given to them?

- Who was responsible for the operational deployment of this BUK TELAR on 17 July 2014?

- And finally: who can give us more information about procedures and responsible persons within this Brigade?"

1878. Further information was provided about the type of missile in question. The JIT representative explained that in parts of the plane wreckage, as well as in bodies of the victims and on the crash site, different parts of this type of missile had been found, secured by the JIT and carefully examined by forensic experts. For example, examinations had been conducted into the presence of explosive substances, the elemental composition of certain metal parts and analysis of paints. Pieces of debris and parts found on the crash site had been visually compared with reference material consisting of various Buk missiles available to the JIT. In addition, a missile had been detonated in a controlled environment so that comparisons could be made with parts of a detonated missile. All findings from that forensic investigation had confirmed the earlier conclusion of the JIT that flight MH17 had been shot down by a 9M38 series Buk missile.

1879. Specific information was provided about two parts of the 9M38 series BUK missile: the "venturi" (the exhaust of the missile) and the "casing" (the shell of the missile engine). A venturi and a casing had been found among the debris and the JIT had no doubt that they had originated from a 9M38 series BUK missile. The JIT showed two parts of these items on which there were handwritten numbers. They invited anyone who recognised the handwriting, had information about the numbers, knew someone who could explain what these numbers meant or knew to which unit the missile had been delivered to come forward.

1880. Finally, the JIT observed that the Russian authorities had not yet reported to the JIT that a BUK of the 53rd AAMB had been deployed in eastern Ukraine and that it had been used to shoot down flight MH17. On 15 October 2014 the JIT had asked the Russian authorities to provide, in line with UN Security Council resolution 2166, all information that might be relevant to the discovery of the truth. This public call for assistance was necessary since the JIT did not wish to reply exclusively on the Russian authorities for information.

(c) 19 June 2019

1881. On 19 June 2019 the JIT held another press conference. It announced that four suspects were to be prosecuted before the District Court of The Hague by the OM for their alleged involvement in the downing of flight MH17, with the trial set to begin on 9 March 2020. The defendants were Mr Igor Vsevolodovich Girkin, Mr Sergey Nikolayevich Dubinskiy,

Mr Oleg Yuldashevich Pulatov and Mr Leonid Volodymyrovych Kharchenko. The press release explained:

> "The Public Prosecution Service alleges the four cooperated to obtain and deploy the BUK TELAR at the firing location with the aim of shooting down an aircraft. For that reason they can also be held jointly accountable for downing flight MH17. Today the Public Prosecution Service will issue international arrest warrants and placed them on national and international Lists of Wanted Persons. This is why the full names of the suspects have been announced and their photos shown. Three of the suspects have Russian nationality, the fourth is Ukrainian. As the constitutions of both countries do not allow extradition of nationals, extradition will not be requested.
>
> Igor Girkin, also known as Strelkov or Perviy, is a former colonel of the FSB, the Russian Federal Security Service. On the 17th of July 2014, Girkin was Minister of Defence and commander of the army of the self-proclaimed Donetsk People's Republic. Flight MH17 was shot down from this area. As the highest military officer he maintained contact with the Russian Federation.
>
> Sergey Dubinskiy, nicknamed Khmuriy, is a former military officer of the GRU, the Russian military intelligence service. Dubinskiy was one of Girkin's deputies in 2014 and also head of the intelligence service of the self-proclaimed Donetsk People's Republic. He also maintained regular contact with officials in Russia.
>
> Oleg Pulatov, also known as Giurza, is a former military officer of the Russian Spetznaz-GRU, the special units of the Russian military intelligence service. In 2014, Pulatov was deputy head of the intelligence service of the self-proclaimed Donetsk People's Republic and one of the deputies of Dubinskiy.
>
> Leonid Kharchenko, also known as Krot, is the only Ukrainian suspect. He has no military background. He received his orders directly from Dubinskiy and in July 2014 he was commander of a combat unit in the Donetsk region. At that time, there was an armed conflict in that area between pro-Russian fighters and the Ukrainian armed forces.
>
> The Dutch Public Prosecution Service will summon the four suspects, in order to account for their role in bringing down flight MH17 in court. They will be prosecuted for:
>
> 1. causing the crash of flight MH17, resulting in the death of all persons on board, punishable pursuant to Article 168 of the Dutch Criminal Code.
>
> 2. the murder of the 298 persons on board of flight MH17, punishable pursuant to Article 289 of the Dutch Criminal Code."

1882. The JIT representative emphasised that the countries in the JIT, as well as other grieving nations (Canada, Germany, Indonesia, Italy, New Zealand, Romania, South Africa, the United States and the United Kingdom), had expressed their faith in the Dutch legal system at a recent meeting organised by EUROJUST.

1883. The JIT explained that the investigation would continue into others responsible for the downing of the flight. It would focus on the crew of the Buk TELAR and on persons who had been an important link in the decision-making in the Russian Federation on military support to eastern Ukraine in 2014. The JIT therefore called for witnesses who had more information about these persons and their roles to come forward.

1884. In this connection the JIT referred to an intercepted telephone conversation in which Mr Dubinskiy had asked on 17 July 2014 whether "it" had "come with a crew". According to the JIT, "it" referred to the Buk TELAR of the 53rd AAMB. On the basis of that conversation and other information, the JIT considered that it could be assumed that both the Buk TELAR and its crew had come from the Russian Federation. The JIT referred to a further intercepted telephone conversation, between Mr Kharchenko and "Ryazan", which had also taken place on 17 July 2014, in which "Ryazan" had called Mr Kharchenko "commander" and referred to a "fighter" from the BUK having "lost his crew" after flight MH17 had been downed. The JIT asked for any witnesses with information about who he was to come forward.

1885. The JIT also explained that many soldiers had been active on social media and the representative showed the transcripts of one chat involving a soldier ("M") of the 2nd battalion of the 53rd AAMB and "Anastasia". This soldier had been part of the convoy, including the Buk TELAR, that had departed on 23 June 2014 from the base of the 53rd AAMB in Kursk and headed towards Millerovo, in the Russian Federation. Relevant extracts of the chat are reproduced below:

> "M: We already have been at your place))) Well, we didn't reach Rostov, but we drove past Millerovo, Kamensk)))
>
> ...
>
> A: At which battalion did you serve?
>
> M: In the Second. On the way to Rostov cool guys from the Third drove with us so we went completely nuts
>
> A: What do you mean completely?
>
> M: Well right, this asshole first lieutenant XXX was in charge there ... it's too bad that those guys after Millerovo drove to another direction.
>
> A: Mmm... And where to?
>
> M: I won't tell, it is a very big secret. If somebody finds out, heads will roll, I can only give a hint.
>
> A: So, it is a state secret?
>
> M: Do you know the song They gave him an order – to the West ...
>
> A: You mean the blue-yellow or so? [three images of the Ukrainian flag]
>
> M: 'Well.. ... look, you are not only beautiful but also smart"

1886. According to the JIT, on the basis of this conversation it could be assumed that soldier M had been in the second battalion of the 53rd AAMB and travelled along with members of the 3rd battalion of the 53rd AAMB and a first lieutenant, whose identity was known to the JIT but not disclosed at the press conference. The JIT wanted to get in touch with the first lieutenant, who now was a captain.

1887. The JIT added that several photos taken in the summer of 2014 in a region close to eastern Ukraine, showing soldiers of the 53rd AAMB, had been posted on social media. It displayed a selection of those photos at its press conference. The JIT also had documents regarding the 53rd AAMB, indicating exactly which members had been present in mid-July 2014 in the area near the Ukrainian border. In addition, the JIT had information that the military convoy that had gone to Millerovo with six TELARs in June 2014 had returned by train to the base in Kursk with only five TELARs in September 2014. The JIT wanted to know whether any of the people in the photos had been in eastern Ukraine on 17 July 2014 and whether they had any knowledge about the Buk TELAR which had downed MH17 and its crew. The JIT was also looking for more information about who had sent them there.

1888. The JIT representative noted that in the months prior to 17 July 2014, the leadership of the self-proclaimed "Donetsk People's Republic" had requested military support from the Russian Federation on several occasions. These requests had been made by both "Prime Minister" Aleksander Borodai and Mr Girkin. Mr Girkin had been in contact with Mr Aksyonov, the Russian leader of Crimea. The JIT played the intercepted telephone conversations of 8 June 2014 between, first, Mr Girkin and Mr Aksyonov's assistant and, second, Mr Girkin and Mr Aksyonov (see paragraphs 1527-1530 above).

1889. The JIT also explained that in June and July 2014, Mr Girkin and Mr Borodai had been in frequent telephone contact with people in the Russian Federation. During that period Mr Borodai had also visited Moscow regularly. The JIT referred to the press conference in Donetsk on 10 July 2014 given by Mr Girkin and Mr Borodai, in which Mr Borodai had not been secretive about contact with the Russian Federation. The JIT played an intercepted telephone call between Mr Borodai and Mr Surkov on 11 July 2014, which the representative said showed that there had been talks about military support between the "Prime Minister" of the "DPR" and a senior government official of the Russian Federation. He noted that the anti-aircraft system that had been requested since June 2014 had actually been delivered after 11 July 2014. The JIT wanted to know who had been involved in the decision-making process in the Russian Federation: who had decided to send that particular Buk TELAR to Ukraine, who had selected the crew of the Buk TELAR, what assignment they had been given and who had given those orders.

(d) November 2019

1890. In November 2019 the JIT issued another appeal for witnesses. It explained that recent analysis of witness statements and other information had revealed that Russian influence on the "DPR" had gone beyond military support and that the ties between Russian officials and "DPR" leaders

appeared closer. The intensity of Russian influence was relevant to the investigation of further individuals involved in the downing of MH17.

1891. The JIT wanted to know more about who had given orders to Mr Borodai, Mr Girkin, other members of the "DPR" and the crew of the Buk TELAR in the summer of 2014. It sought witnesses who would be able to testify about these command lines and the role that Russian government officials might have had. The JIT released further intercepted conversations relevant to these questions.

1892. Concerning, first, "Russian influence on the 'Donetsk People's Republic'", the witness appeal summarised comments made by Mr Girkin and Mr Borodai in public interviews about the voluntary nature of their participation in eastern Ukraine. It continued:

> "The JIT, however, has indications that they were in fact directed from within the Russian Federation. The JIT spoke with several witnesses who belonged to the DPR in the summer of 2014. These witnesses stated that the key figures of the armed group were directed from within the Russian Federation.
>
> Their testimony is corroborated by telephone conversations, that were recorded at the time ..."

1893. The witness appeal noted that several former fighters had told the JIT that the FSB and the GRU were involved in the daily management of the DPR, and that this appeared to be confirmed by intercepted telephone calls (referring to the call summarised at paragraph 1601 above).

1894. The witness appeal further highlighted an intercepted conversation from August 2014, when Mr Girkin had announced his departure and told Mr Borodai that he "was returning to the Staff". It referred to an interview given by Mr Girkin in 2017 in which he had indicated that he had been ordered by Mr Surkov to transfer command to Mr Zakharchenko. It continued:

> "The JIT wants to know:
>
> Who gave orders to Girkin and Borodai in the summer of 2014? What was the role of members of the 'Staff' in this?
>
> Who gave Girkin the order to transfer his command to Zakharchenko?"

1895. Second, in respect of the "means of communication", the witness appeal explained that in addition to regular telephones, "DPR" members used secure means of communication. It stated that "[a] number of these seem to be provided by the Russian Federation and, moreover, used by Russian top officials in their contact with the fighters", noting:

> "The JIT has found indications that the security service FSB provided telephones that cannot be wiretapped. In a conversation of 3 July 2014, defendant Dubinskiy mentions which fighters have special phones and where they got those from ..."

1896. It referred to the intercepted call above and continued:

> "The individuals who, according to Dubinskiy, had such a secure device all held important positions in the DPR. Among them are defendant Girkin, who is referred to by his call sign Strelkov, DPR-leader Borodai. Aksyonov, the Crimea leader appointed by Russia, is also included in the group of individuals mentioned by Dubinskiy.
>
> In addition, key figures in the DPR regularly called with a 'batch' of telephone numbers in which the first set of nine digits is the same and only the last two digits differ. For further security, they seemed to be using a scrambler.
>
> Alexander Borodai, the 'prime minister' of the DPR, had a telephone number from that batch (79265318514) and in the period from June 2014 to mid-August 2014 called almost daily with three other numbers from the same batch: 79265318528, 79265318520 and 79265318563 ...
>
> The JIT wants to know:
>
> Who were the users of the telephone numbers of the batch starting with 792653185?"

1897. The witness appeal then looked specifically at different "areas of influence". As regards influence in the area of administration, the questions identified by the JIT were:

> "Was the appointment of DPR leadership controlled by Russian officials? Who exercised this control?
>
> Did Surkov have any involvement in the appointments or running of the DPR 'administration'?
>
> Who decided on the appointment of Antyufeyev?"

1898. As regards influence in the area of finance, the questions identified by the JIT were:

> "Who is the person ('Kolya') who had promised Borodai financial support?
>
> Who had to confirm this payment?
>
> Which further individuals in the Russian Federation were involved in providing financial support to the DPR?"

1899. As regards influence in the area of military operations, the questions identified by the JIT were:

> "Who is the mentioned Vladimir Ivanovich? What role did he have in the armed conflict in Eastern Ukraine in the summer of 2014?
>
> Did Surkov, Aksyonov, Shoygu and Bortnikov have a role in the planning and execution of military operations in the summer of 2014 in Eastern Ukraine?
>
> Were these individuals involved in the deployment of the BUK TELAR on 17 July 2014?"

1900. The witness appeal concluded:

> "As evidenced above, the JIT has information that indicates that the influence of the Russian Federation extended to administrative, financial and military matters in the DPR. Mutual contacts intensified in the first half of July 2014. There was almost daily telephone contact between the leadership of the DPR and their contacts in the Russian Federation. They spoke with leaders in Moscow, near the border with Ukraine and in

Crimea. Communication mostly took place via secure telephones provided by the Russian security service.

The indications for close ties between leaders of the DPR and Russian government officials raise questions about their possible involvement in the deployment of the BUK TELAR, which brought down flight MH17 on 17 July 2014. The BUK TELAR originating from the 53rd Anti-Aircraft Missile Brigade, a unit of the Russian armed forces from Kursk in the Russian Federation.

The JIT is looking for witnesses who can share information about those who controlled the DPR leadership in Donetsk and commanded the deployment of the BUK TELAR."

(e) 2 September 2021

1901. On 2 September 2021 the JIT issued a witness appeal addressed in particular to the inhabitants of Kursk, Russian Federation, the base of the 53rd AAMB. It asked for any additional information about who within the 53rd AAMB had taken the decision to send a Buk TELAR missile system to Ukraine, who had been part of the crew of the Buk TELAR, and on the basis of what information it had been decided to launch that Buk-missile. It also sought information on whether the missile launch had been caused by a fatal error, or defective material, or whether flight MH17 had been intentionally downed.

6. Documents relating to the trial

(a) The OM's oral submissions to the court

1902. Prosecution submissions to the trial court between 9 March and 26 June 2020 were submitted by the applicant Dutch Government and are briefly summarised below.

(i) Opening statement, 9 March 2020

1903. The OM explained the reason for the criminal prosecution as follows:

"First, the investigation shows that flight MH17 was not shot down during a military exercise or by armed forces who believed that they were defending their country from a perceived attack. The Buk-TELAR that downed flight MH17 should never have been in Ukraine, and it should never have fired a missile there, whether aimed at a civilian or military aircraft. This makes the assessment of this case fundamentally different from cases where errors of judgment during a legitimate military operation result in the loss of civilian life.

Second, the parties responsible for downing flight MH17 have taken no responsibility whatsoever for their actions. In other seemingly similar cases, sooner or later at least some degree of responsibility was accepted. This is crucial. It is important to be able to establish what actually happened. It is important to the next of kin that clarity be obtained and responsibility accepted. It is also important to prevent, as far as possible, similar tragedies from occurring in the future. An effective investigation, openness about the findings of that investigation, and – where possible – punishment of those

responsible are not merely a moral obligation to the families of the victims. They are also a legal obligation under international human rights conventions.

1904. After outlining the proceedings under way elsewhere in respect of the downing of flight MH17 – including the proceedings before this Court and the proceedings in the ICJ – the OM said:

> "... [A]ny decision by other countries to hold the Russian Federation responsible also does nothing to detract from the charges being brought in this courtroom against the four defendants. State responsibility is a separate matter from the criminal responsibility of individuals. Criminal offences are committed by individuals, and individuals must be held accountable for their crimes, even if they are acting as part of a larger whole and states may therefore also be culpable."

1905. The OM explained how it had reached the decision to prosecute the four individuals identified. In particular, it explained why certain individuals, some of whom had been identified in previous JIT appeals for information, had ultimately not been prosecuted. It confirmed that the investigation was continuing, focusing in particular on the crew members of the Buk TELAR that had been used and on the chain of command, even in the Russian Federation.

1906. The OM clarified that the defendants were charged with intentionally causing an aircraft to crash, resulting in the deaths of 298 passengers, and with the murder of those 298 victims. The charges arose out of the significant coordinating role they had played in the transportation and positioning of the Buk TELAR, and in its removal back to Russia. The OM continued:

> "It is perfectly conceivable that the true intention of these defendants was to shoot down an aircraft of the Ukrainian armed forces. Several items of evidence point to this scenario, including intercepted conversations the defendants had after the downing occurred. It is up to the court, of course, having fully considered the case file, to reach a judgment on this evidence. When drawing up the indictment we explicitly took account of this 'error scenario'. The offences with which the defendants are charged concern the prohibition on causing any aircraft to crash and on killing another person, regardless of the type of aircraft and regardless of the military or civilian status of that other person. In the Netherlands anyone who destroys a Royal Air Force fighter aircraft can also be prosecuted under article 168 of the Dutch Criminal Code, and for the murder of the pilot. The offences in the indictment are as applicable to the downing of a military aircraft as to the downing of a civilian aircraft. In principle, any error concerning the target makes no difference in respect of the proof that such offences were committed. That is why, in the Netherlands and in many other countries, people are convicted of murder if they happen to shoot dead a passer-by instead of their intended victim."

1907. Addressing directly the context of the conflict under way at the time of the downing and whether the defendants might benefit from combatant immunity, the OM said:

> "... The rules that apply in wartime and peacetime can be different: this is the doctrine of combatant immunity, according to which military personnel may participate in hostilities within the limits of international law. These different rules, however, apply only to regular military personnel acting under the authority of a state in a group that

respects international humanitarian law. Other people who commit acts of violence in an armed conflict are subject to the ordinary rules laid down in criminal law.

...

A mandate – or immunity – for deadly violence is only exceptionally provided. This does not take place in situations of chaos and lawlessness, but exclusively when using controlled and proportionate force. By 'controlled' we mean: regular soldiers who are recognizable as such, who fight under the responsibility of a state and in an organizational form which respects international humanitarian law. Groups that fight independently or do not respect the laws of armed conflict are therefore excluded. Like any other civilian, members of such armed groups are not allowed to use force. The ordinary criminal law applies to them just like anyone else. The same applies for soldiers who pretend to be ordinary civilians. This is also not allowed because it provokes reciprocal violence against real civilians. For this reason it is possible to punish soldiers for using violence when they conceal their status while doing so.

To date the defendants in this case have never asserted that in July 2014 they were regular military personnel acting on behalf of a state in Ukraine. Moreover, our investigation into the structure of their organization revealed that in the summer of 2014 the defendants' armed group did not comply with the requirements of international humanitarian law. This part of the investigation, for example, has provided much information about systematic and large scale violations of international humanitarian law by the DPR in 2014 and thereafter. It concerns thousands of cases of looting, abduction of civilians, torture, inhumane treatment, executions of civilians and prisoners of war, the laying of (prohibited) land mines and other violations of international humanitarian law.

Our preliminary conclusion is therefore that the suspects were not entitled to claim combatant immunity in July 2014 and that they had no right or excuse to use violence in Eastern Ukraine..."

(ii) Status of the investigation and position on the progress of the trial – part 1, 10 March 2020

1908. The OM explained to the court how the investigation had been conducted and how the evidence in the case file had been obtained and validated.

1909. As regards the intercept material, the OM said:

"[W]e validated Ukrainian telephone data by verifying the content, time and location data of conversations. This has been done by comparing it to data associated with the devices concerned and by comparing this information and to what we knew from other sources. On top of that, ... participants in the recorded conversations have been asked if they could confirm their authenticity. We succeeded in doing the latter in several cases. The JIT identified a number of participants in recorded conversations and interviewed them as witnesses. Various participants have confirmed (for example, in interviews) the authenticity of publicly released intercepted conversations which were publicly released.

In addition, telecom data was requested from telecom providers in other countries, like Spain and Poland, so as to compare them to the data received from telecom providers in Ukraine ... In this way we were able to ascertain whether information about international conversations in the Ukrainian telecom data was accurate. In 2015 Dutch specialists took network measurements in eastern Ukraine. This yielded information

about the locations of mobile phone masts in occupied territory, which could then be compared with data regarding these masts provided by Ukrainian authorities.

Our analysis of the intercepted conversations we received was broad by design, extending to conversations that were not directly relevant to the evidence. This made it possible to confirm many details in the conversations.

This in-depth validation of the telecom data provided by Ukraine was time-consuming, but the quantity of telecom data, broad analysis it was subjected to and the way the various pieces fell together, produced a solid foundation for the court's assessment of that data."

1910. As regards the visual material, the OM explained:

"The visual material that came to the attention of the investigation was also subjected to extensive validation. The case file contains various photos and videos of the Buk TELAR in eastern Ukraine and also several photos of a condensation trail in the sky, which was presumably made by the missile. This material was subjected to a thorough examination. To begin with, every effort was made to find the people who took these photos and videos and to interview them as witnesses. In some cases we were able to do so, and in other cases we were not. In some cases we were able to interview people who were present when the material was recorded or who were involved in disseminating the material and could thus explain its origins. If possible, the camera(s) in question (including the memory card) were seized and handed over to the Netherlands Forensic Institute (NFI) for study. Whenever it made sense to do so, the NFI examined the material to see if there were any indications that it had been manipulated.

Visual material was also shared with the Royal Netherlands Meteorological Institute (KNMI). An expert from the KNMI examined shadows, light and cloud cover in the images to determine whether the meteorological conditions shown in the photos and videos were consistent with weather conditions on 17 July 2014, and to estimate when they were taken.

The investigators themselves studied the material to determine where it must have been recorded. This was done by comparing what is shown in the images with what can be seen in open-source material, such as Google Streetview, or satellite images. Findings by other parties, such as the research collective Bellingcat, were always carefully verified through our own investigative processes. In all cases the investigation team itself determined the correct geolocation on the basis of its own material."

1911. The OM underlined that as well as testing the investigative results individually, the various sources of evidence had been compared with one another and described in the case file in a larger context. This had made it possible to identify relevant similarities and differences.

1912. The OM also explained that individual sources of evidence had been examined in the light of alternative scenarios, each positing a difference cause for the crash of flight MH17. The mutually exclusive scenarios examined were: an explosion inside the aircraft; an attack by a fighter aircraft (the "air-to-air" scenario); and a collision with a surface-to-air missile ("SAM"). The last of these scenarios was then subdivided into two possibilities: an attack by a Buk system; or an attack by another type of SAM.

With respect to the Buk scenario, various possible launch sites had been explored. The OM said:

> "Following more than five years of investigation into all these possibilities, only an attack by a Buk system was found to hold up. The Public Prosecution Service is satisfied that any alternatives to the Buk scenario can be ruled out."

1913. The OM then discussed the request by a number of witnesses to testify anonymously. It referred to cases in which various States had found there to be Russian government involvement, notably by the FSB or the GRU, in crimes including murder. It continued:

> "The JIT investigation has turned up clear indications that those same Russian security services, the FSB and GRU, are also closely involved in the armed conflict in Ukraine. The casefile contains intercepted phone conversations revealing various forms of involvement on the part of the GRU and FSB in the armed conflict in eastern Ukraine. The case file also contains several intercepted conversations from July 2014 in which members of armed groups in eastern Ukraine discuss having received 'the green light from Moscow to execute somebody' and 'an order from Moscow to shoot someone'. Witness M58 has stated that Russian military personnel, whom the DPR fighters said were from the FSB, were with the Buk TELAR at the launch site.
>
> There are other clear indications that Russian security services are actively attempting to disrupt efforts to establish the truth behind the shooting down of flight MH17. The British and Dutch authorities have determined that Russian GRU agents were involved in attempting to hack into the systems of the Malaysian investigative and prosecution authorities. Previously, it was determined that there had been attempts to hack into the Dutch Safety Board (OVV) during its investigation of the MH17 crash. Witness S28 stated that they (i.e. witness S28) were investigating the MH17 disaster from inside the Russian Federation, when their computer was seized. Witness 28 said that they were now wanted by the Russian security service FSB.
>
> Seen as a whole, this information casts a dark shadow over these proceedings. There are strong indications that the Russian government is very keen to thwart this investigation, and that it is not averse to deploying the Russian security services to do so ... The use of Russian security services to discover the identity of witnesses in this investigation is a real scenario. These agencies have the capabilities to intercept communications and monitor people's travel movements. These are capabilities that an ordinary criminal organisation simply does not have."

1914. The OM noted that proceedings against the Russian Federation were under way before the Court and indicated that it had "added documents from the Russian government to the case file. These include remarks concerning the nature of the armed conflict in eastern Ukraine and new claims about possible manipulation of evidence obtained in the criminal investigation".

1915. Finally, the OM summarised the positions of the defendants in so far as they were known. As regards Mr Pulatov, it said:

> "Yesterday we have heard from the defence counsel that Pulatov 'holds the view that he is in no way responsible for the downing of MH17' and that he 'had nothing to do with it'. This point of view covers everything yet says nothing. First, it is not a statement by Pulatov himself. Second, this statement by the defence completely leaves open what

exactly is contested: actual involvement or the criminal responsibility this entails? Does Pulatov challenge his actual involvement in the request and deployment of the Buk-TELAR; or does he acknowledge his involvement but no responsibility follows from shooting down MH17?"

1916. As regards Mr Girkin, the OM referred to his statement during an interview with the Russian authorities in February 2015 in which he had confirmed having been informed by a fellow separatist that an aircraft had been shot down by the separatists north of Snizhne at around 4.30 p.m. local time on 17 July 2014. The OM said:

> "So, here Girkin himself states to the Russian authorities that on 17 July 2014, about 10 minutes after flight MH17 was downed, he was informed that the air defence had shot down an aircraft. By now it is common knowledge that on the afternoon of 17 July 2014 only one aircraft was shot down in Ukraine. On 17 July 2014 no wreckage of a fighter aircraft was found. According to the radar data, there was no other aircraft in the vicinity of flight MH17. Given what is now known, this statement begs for an additional explanation about which aircraft is meant by Girkin. We hereby invite Girkin to provide this explanation."

1917. In respect of Mr Dubinskiy, the OM referred to an intercepted conversation of 27 September 2014 – thus, after the Ukrainian authorities had published conversations of Mr Dubinskiy in relation to the Buk TELAR – in which he had been told that he was "associated with the 'Boeing'". The OM continued:

> "Dubinskiy has responded to the announcement that he is associated with the Boeing as follows:
>
> 'When the toy was being moved around, got it. I mean the one, which was moved across the Republic's area. Yes. It really features my voice. But it does not mean that someone was shooting down.'
>
> It seems that Dubinskiy confirms that it is indeed his voice that can be heard in the conversations about the Buk. In these conversations, relating to the downing of MH17, he speaks about the 'toy' that was moved in his area. In an interview with the BBC in June 2019 Dubinsky has said that he, as the head of the counter espionage agency, was not charged with the transportation or use of the Buk weapon system. If Dubinsky wants to clarify ... these two statements which were made in relation to MH17, now is the time."

1918. Finally, as regards Mr Kharchenko, the OM referred to a video interview with him uploaded to the Internet in December 2019. It explained:

> "In his video interview Kharchenko states that in five years he never saw a Buk on the soil of the DPR. The case file contains objective forensic evidence that MH17 was downed with a Buk-missile from an area which was controlled by the DPR. Additionally, the file contains a large amount of intercepted telephone conversations and other telecom data from which it follows that Kharchenko was directly involved in the deployment of the Buk-system in the DPR area. This begs for an explanation. If Kharchenko can give this explanation on video, he should do that now."

(iii) Status of the investigation and position to the progress of the trial – part 2, 10 March 2020

1919. In these oral submissions to the court, the OM explained a number of applications it had made in respect of the further investigation. As regards the intercepted telephone conversations, the OM referred to specific accusations of manipulation made in a report by Mr Rosen published online. It explained that the investigation team had analysed that report and added it to the case file. The OM considered the following elements to be worthy of note:

> "Rosen investigated videos posted by the SBU on YouTube containing fragments of intercepted calls. In other words, this was not an investigation of the intercepted calls themselves. This leads for example to the – unsurprising – conclusion that the conversations in the YouTube videos had been edited. That conclusion is undoubtedly true, but it says nothing about the complete intercepted conversations that are contained in the case file and have been thoroughly investigated.
>
> Rosen writes that access to the original material – the intercepted calls – is necessary to be able to draw conclusions about its authenticity and that he does not have access to that material, but then goes on nevertheless to draw numerous conclusions about the authenticity of the conversation fragments. We cannot reconcile these assertions.
>
> Finally, Rosen labels at least one conversation as fake and inauthentic, but one of the participants has publicly confirmed that he took part in that conversation. This is a conversation of 17 July 2014 involving a certain Kozytsin. In an interview with a journalist from VICE News, the separatist Kozytsin acknowledged that he took part in that conversation and explained how, in his view, it should be interpreted."

1920. The OM concluded that the report provided no compelling reason to doubt the authenticity of the intercepted calls included in the investigation and no reason in Mr Rosen's report to apply for further investigation. It added that a specialist in forensic speech analysis from the NFI had informed the OM of ways to investigate the authenticity of intercepted conversations, referring to Mr Rosen's report as an example of how not to go about this task. The specialist had said:

> "A proper investigation of authenticity must be carried out on the basis of a specific manipulation hypothesis and, where possible, using the alleged original recordings. Rosen's report fails to comply with either principle. The report's findings therefore have no relevance to question whether the underlying intercepted conversations are authentic."

1921. The OM continued:

> "We enquired among specialists about how further investigation into disputed intercepted conversations could be carried out in a meaningful way. The following picture emerged. General accusations of manipulation – such as the contention that all intercepted calls have been falsified – cannot be meaningfully investigated. But specific and concrete information can. If such information comes to light, preferably as a result of a suspect adopting a specific position on an intercepted conversation attributed to them, there are various ways in which it could be investigated. Technical investigation of alleged anomalies or abnormalities, such as noises that can be heard or an alleged lack of background noise, can be carried out by forensic experts. More technical further

investigation into the authenticity of conversations could be conducted by having a Russian-speaking forensic audio specialist assess one or more conversations regarding issues such as possibly illogical sentence structure or word order in sentences that were spoken. An investigation of this kind could possibly be carried out in one of the Baltic states. We expect that Russian-speaking forensic audio specialists can be found there who can carry out expert investigation into this case with sufficient impartiality. Finally, it would be logical to also perform tactical investigation into the disputed conversations. This involves analysing, with reference to other information from the investigation, whether – in the light of the conversation's content – there is reason to believe that a conversation has been manipulated.

In short, we are not now applying for further investigation into the authenticity of intercepted conversations in the case file because we believe these conversations have been investigated sufficiently. At this time we see no information that is sufficiently specific and objective to cause us to doubt that authenticity. If nevertheless an intercepted conversation is disputed in a sufficiently specific manner, on the basis of a serious source, we will gladly express a view on what kind of meaningful investigation thereof can be performed. In order to facilitate the progress of these proceedings, we have already obtained information about how meaningful further investigation could be performed if the court should deem such investigation necessary. In view of the time such further investigation would be likely to take, it is important to decide on this matter as soon as possible. With this in mind, it is especially relevant to ascertain whether the defendants, and Pulatov in particular, dispute specific intercepted conversations."

1922. As regards the visual material, the OM clarified that the case file contained seven videos and three photographs of the Buk TELAR which had allegedly been taken on 17 and 18 July 2014. The OM again underlined that further investigation was only meaningful if there were sufficient and concrete indications that the images had been manipulated. It referred to claims by the Russian Ministry of Defence at a press conference on 17 September 2018 that a number of the images had been manipulated. It continued:

"The allegation of manipulation provided food for thought. With regard to a video of the TELAR in Luhansk, the Russian Ministry of Defence said on 21 July 2014 that the image was accurate, but that the recording had not been made in Luhansk but in Krasnoarmiysk, a town that was under the control of the Ukrainian armed forces. That assertion was based on an address that was, it was said, on an advertising sign. That address cannot be seen on the video itself. Geolocation techniques drawing on specific characteristics of the video revealed that the video had indeed been made in Luhansk and not, as claimed by the Russian authorities in their press conference, in Krasnoarmiysk. At the press conference held four years later the location of the recording was not discussed, and the claim was made that the images themselves had been manipulated.

This was not the first about-turn on the part of the Russian Ministry of Defence. On 21 July 2014 and 26 September 2016 it offered contradictory interpretations of the same radar plots: first it claimed that the reflections were from a Ukrainian fighter aircraft, and subsequently it said they were from debris from flight MH17. At the same press conference on 21 July 2014, the Russian Ministry of Defence also presented satellite photographs purportedly showing a Ukrainian Buk system that disappeared from view near Donetsk prior to 17 July 2014, reappeared on 17 July 2014 near Zaroshchenske and disappeared again a day later. In so doing it suggested that the missing Ukrainian

Buk system was responsible for downing flight MH17. Satellite images from the European Space Agency and Google Earth and meteorological investigation by the KNMI demonstrated that the Russian photographs could not have been taken on the dates claimed.

There was therefore every reason to be sceptical about the Ministry of Defence's latest allegations in 2018 that the images of the TELAR had been manipulated. Anyone who falsifies evidence and repeatedly produces contradictory versions of events cannot be considered the best source to evaluate the authenticity of other evidence. Nevertheless, these images and the Russian claim concerning them were referred to experts at the NFI. According to the NFI, there are no indications that the disputed images were manipulated."

1923. The OM explained that shortly before the hearing, it had leaned of new Russian accusations of manipulation made in the respondent Government's submissions of 31 December 2019 to the Court in the cases of *Ayley and Others v. Russia* (no. 25714/16) and *Angline and Others v. Russia* (no. 56328/18), both concerning the downing of flight MH17. The OM summarised the argument of the respondent Government in those submissions and explained:

"With the exception of a photograph and a video of a TELAR moving under its own power in Snizhne, these images had already been mentioned by the Russian Ministry of Defence and investigated specifically by the NFI. That investigation satisfactorily refuted the Russian claims. According to the NFI, there are no indications of manipulation. That leaves the photograph and the video of the TELAR in Snizhne. They had not been disputed before. Various comments are made about how the photograph was exhibited in a JIT presentation, but the statement does not explain why the image itself is allegedly a fake. Specific, alleged indications of manipulation are only mentioned in respect of the video in Snizhne.

We asked ourselves whether these claims warranted further investigation of the images. Specifically, we considered how far we should go in validating images, what further investigation into image manipulation would add to the investigation that has already been performed, and how seriously we can still take Russian accusations in the light of all the demonstrable untruths already propagated by the Russian authorities in recent years. Nevertheless, at this early stage of these proceedings we consider that it still makes sense to have this specific example of alleged image manipulation investigated by experts. If such an investigation begins promptly it need not hold up these proceedings."

1924. The OM then turned to the specific criticism made by the Russian Federation of the Snizhne video, observing:

"The Russian Federation's written statement in the ECtHR proceedings claims that a YouTube version of the video of the TELAR in Snizhne gives 16 July 2014 as its 'encoded date', i.e. one day before the downing of flight MH17 and the making of the other images of the TELAR. The Russian Federation argues that the encoded date can never be earlier than the date on which the video is actually uploaded, and consequently the video must already have been uploaded on 16 July 2014.

That does not tally with the findings of the investigation. We can point to other evidence from various sources of a TELAR moving under its own power through Snizhne on 17 July 2014. We are also curious as to why a video which – if the Russian

Federation is to be believed – was produced 'with a propaganda motive' on the part of the JIT was made on a date that is not consistent with the 'propaganda' message. At the same time, expert knowledge is needed to respond to the substance of this point concerning the encoded date. The NFI report referred to earlier does not address this new question. We would like this point also to be referred to an expert."

1925. The OM referred to and briefly summarised the evidence in the case file from a number of witnesses (in addition to M58 and X48, whose statements were discussed in an official report). The OM indicated the issues on which they wished to further question the witnesses concerned.

1926. The OM specifically addressed the issue of "disinformation", in the context of its discussion of the assessment of the merits phase of the trial. It said:

"After MH17 was shot down, a disinformation campaign began that continues to this day. Using open sources and intercepted telephone conversations we can pinpoint the start of that campaign very precisely. In the first few hours after the crash, what little information existed was still being shared without any kind of filtering. For instance, the pro-Russian television station LifeNews reported as follows on 17 July from 16.34, i.e. within 15 minutes of the crash:

'Rebels inform us that they have succeeded in downing another transport aircraft of the Ukrainian air force. This occurred above the city of Torez in the self-proclaimed Republic of Donetsk. This was around 5.00 Moscow time. An AN-26 was flying over the city. A missile suddenly penetrated the aircraft. An explosion followed and the aircraft began to fall. Black smoke could be seen in the air. The AN-26 fell down on the side of the mine and the residential areas. I would add that Torez is not far from the town of Snizhne and the Saur-Mogila hill. These areas are controlled by rebels.'

It can be noted that in this early media coverage important elements are mentioned that came to be established later on in the investigation: the involvement of the 'rebels', who apparently themselves claimed to journalists that they shot the aircraft down; the use of the missile; and the link with the area around Snizhne, which was controlled by the 'rebels'. Only the nature of the downed aircraft was incorrect.

There is more evidence in the case file that the DPR openly claimed to have shot down an aircraft shortly after the crash of MH17. For instance, a photographer who was in the area described in a World Press video interview how he was phoned by the press spokesperson of the separatists after the crash of MH17, who told him that they had shot down a military aircraft belonging to Ukraine. He received this phone call before it became known what type of aircraft had been shot down.

When it became clear in the following hours that the target hit was not a military aircraft but civilian flight MH17, the disinformation campaign started immediately. The pro-Russian television stations changed their reporting. On LifeNews, for example, by around six o'clock the claim by the 'rebels' and the eyewitnesses about the missile were gone entirely. Instead it was reported at 18.02 that MH17 had been shot down with an S-300 missile system belonging to the Ukrainian armed forces. Just under half an hour later, that version was replaced by the report that the Boeing had been shot down by a Ukrainian fighter aircraft, which was then in turn shot down by the 'people's army'.

A few days later, the Russian Ministry of Defence adopted this line of reporting, in a press conference in 21 July 2014 which we have referred to before. During that press conference the Ministry suggested two scenarios, saying on the one hand that MH17 may have been shot down by a Ukrainian fighter aircraft; and on the other hand pointing

to a Ukrainian Buk system. From then on, both scenarios were maintained by, among others, the Ministry of Defence, Buk manufacturer Almaz Antey, the Russian criminal investigation authority, the deputy Prosecutor General, the Minister of Foreign Affairs and the foreign ministry spokesperson. Until mid-2015, an attack by a Ukrainian fighter aircraft was the dominant scenario. Once the [DSB] published its draft and final report, however, the emphasis shifted to a Ukrainian Buk missile. Various interpretations were given as to what type of missile and what type of warhead were thought to have been used, and it was repeatedly asserted that the Russian armed forces no longer used those types. As of 26 September 2016, the scenario of a Ukrainian fighter aircraft faded into the background. That is the date on which it was announced that Russian radar data had been found, and that those radar images did not show a fighter aircraft. From then on, the Ukrainian Buk missile became the dominant scenario. This was confirmed in 2018 by the presentation of documents that allegedly show that the Buk missile responsible was delivered to a Soviet unit in Soviet Ukraine as early as 1986. According to the Russian Ministry of Defence, the missile remained there all that time. The same line was taken by the Russian deputy Prosecutor General in early 2019. He too pointed to the evidence of it being a Ukrainian missile. Nevertheless, the Russian Federation has continued to keep both options open: its response in the proceedings before the ECtHR only went as far as referring to the 'alleged shooting down of MH17 by a BUK missile'. To this very day, the Russian authorities have never taken a definitive position on what exactly they think happened on 17 July 2014."

1927. The OM submitted that the Russian narrative was aimed "solely at sowing doubt about the evidence pointing to a Russian Buk missile and at disqualifying the JIT's investigation". It noted that shortly before the hearing, a number of documents from the JIT's investigation had been made public on a website, one of which was part of an image report by the Australian Federal Police. The report discussed the metadata of four digital image files of the TELAR found on the Internet: two photos from *Paris Match* of a TELAR on a trailer behind a Volvo lorry in Donetsk, a photo of a TELAR on a trailer in Torez and a photo of a TELAR moving under its own power in Snizhne. The leaked part of this report mentioned that the metadata of these files "appear to have been manipulated", because the "modified" date of the files was earlier than the "created" date. That, the OM explained, was not a conclusion about actual manipulation because such differences could result from image files being re-saved, transmitted or uploaded. Indeed, the Australian investigators had said as much themselves. The OM further pointed out that a significant amount of investigation of the files concerned had occurred since the leaked report had been prepared back in 2015. In particular, the video from which the two *Paris Match* images had been taken had been secured and examined. The other two photographs in the report had also been subjected to more in-depth investigation which had revealed that they had been made public as early as 17 July 2014, which was earlier than the Australian report had been able to establish on the basis of the metadata. The photographs had also been validated by means of investigation by the KNMI, comparison with information on Google Streetview, witness statements and telecom data. In short, the Australian report had in any event been superseded by all the

validation that had taken place in the years since the report had been drawn up.

1928. Two official reports by the Netherlands Defence Intelligence and Security Service (MIVD) that provided information about the locations of Ukrainian and Russian Buk systems in the region where flight MH17 had been shot down had also been leaked. These reports referred to a previous report which clearly stated that this military information was limited to locations where "activity [involving Buk systems] has been observed over longer periods of time in June and July 2014". So the MIVD had not concluded that there had been no Russian Buk system present in eastern Ukraine on 17 July 2014, as suggested by the website which had leaked the documents. The MIVD report concerned only locations where Buk systems had been stationed for longer periods of time. Short operations, whereby a Buk system was delivered, used and removed immediately, fell outside the scope of the MIVD's observations, as described in the reports.

1929. The OM explained:

> "We have looked at how these documents could have been obtained. Only the Netherlands, Belgium, Australia and Malaysia had access to all the published documents. So far none of these four JIT states has been able to identify any leaks. There are indications, however, of previous attempts by the Russian GRU to hack the Malaysian police and attorney general's office ... Given these circumstances, we must take into account the possibility that the published documents were obtained following a successful GRU hacking operation in one of the four JIT countries mentioned above ...
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> The cynical disinformation campaign regarding the fate of flight MH17, which has gone on for more than five years now, places a heavy strain on many of the next of kin. As we already stressed in our opening statement, the next of kin of victims of serious offences deserve to receive clarity about what happened and who is responsible, at the earliest possible moment. Especially if government authorities are involved.
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> ...
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> For many next of kin such information it is an important step in the grieving process. Due to the large number of next of kin in this case, that information cannot be shared with them in a meeting with the Public Prosecutor; it has to be done at the public hearing, as soon as the proceedings will allow."

1930. The OM further referred to the importance of the next of kin having access to the case file in order to refute allegations of manipulation made by the Russian Federation in the context of their applications to the Court. It said:

> "We have already discussed the allegations that visual material was manipulated. The next of kin have contacted us, asking how they are meant to respond to these allegations if they have no access to the case file. The Public Prosecution Service is authorised to disclose criminal case information, but has been cautious in doing so, in the interest of due process. We hope that we do not have to disclose information until that information has been discussed at a public hearing. That way the court retains control of the case file. But the longer it takes before the consideration of the merits can begin, the more compelling the interests in other proceedings become. The next of kin will then have to be given the opportunity to refute any unjustified accusations of manipulation of visual

material before the ECtHR. They will have to be able to adduce information in those proceedings about the validation of intercepted telephone conversations and the results of the extensive forensic investigation. If such subjects cannot be discussed at the hearing in June, there is a reasonable chance that the Public Prosecution Service will have to consent to disclosing that information on the basis of requests by next of kin ...”

(iv) Opening statement and context of the investigation, 8 June 2020

1931. The OM explained that it would present over the coming days the investigation that had been carried out over the years since the downing of flight MH17. This was to enable a conclusion to be reached as to whether the investigation had been completed and whether the case was now ready to be heard. The OM would clarify the investigation of the various types of evidential sources, namely forensic evidence, telecommunications, witnesses, photographs and videos, digital sources radar data and satellite images.

(v) Statement on investigation of telecommunications, 8 June 2020

1932. The OM emphasised that the analysis and validation of telecommunications traffic in eastern Ukraine had been an important part of the investigation. Its oral submissions to the court have been summarised above (see “Intercept evidence”).

(vi) Statement on introduction to research sources and forensic investigation, 8 June 2020

1933. The OM explained that reiterated that the JIT had conducted various types of investigation and underlined:

“An important part of the investigation has always been to check the investigation results in order to verify or falsify them, i.e. to examine their authenticity and evidentiary value as effectively as possible.”

1934. This process, the OM explained, was referred to as “validation”. In its oral submissions, the OM set out in detail the ways in which the various types of evidence in the case file had been validated. It said:

“Firstly, we have validated the authenticity and reliability of the individual sources. In March we have already briefly explained how we did so with regard to telecom data as well as photo and video images.

Secondly, these separate findings were described in conjunction with other sources of evidence, such as forensic findings, witness statements and satellite data. These combined findings with regard to different sources of evidence can be found in the case file and the file describing the alternative scenarios. The background information is provided in the file describing the context of the case. In that way the results of the investigation can be compared and assessed.

Thirdly, we validated the reliability of the evidence by searching for alternative evidence. After all, for the assessment of the reliability of witness statements or telecom data about the firing of a Buk-missile from DPR controlled area it is relevant if evidence

can be found that the crash of MH17 was caused by something else. For that reason we have investigated the possibility of an explosion from within MH17 and an attack by a fighter jet. Several scenarios have, furthermore, been investigated. One alternative scenario is that MH17 was downed with a different ground-to-air missile than a Buk-missile. Another scenario which was investigated is – assuming that the Buk-scenario is correct – that a Buk-missile was fired from a location other than the location near Pervomaiskyi and/or by a different party to the armed conflict: the armed forces of Ukraine."

1935. The OM also outlined the questions which the forensic investigation had sought to answer and described the investigation carried out in order to answer these questions.

(vii) Statement on investigation of witnesses, 8 June 2020

1936. The OM explained how it had gone about finding witnesses and about the procedures followed in respect of threatened witnesses.

(viii) Statement on the investigation of photos and videos, 8 June 2020

1937. The statement explained what photographs and videos were in the case file and how they had been obtained.

(ix) Statement on investigation of digital sources, 8 June 2020

1938. The OM referred to the extensive material available online from private individuals and journalists which referred or appeared to relate to the downing of flight MH17. It explained:

"... As a result, the investigation team was confronted with a stream of public information which was disseminated via social media and news services. This meant that various choices had to be made.

First, it was decided to approach all material with an open mind. Because the investigation team was examining various scenarios, it was necessary to cast a wide net. Online publications about MH17 could not be simply set aside and were therefore secured.

Second, it was important to save and retain the information that had been obtained. After all, the enormous flow of new information from public sources could not all be translated and assessed immediately after its publication. Moreover, it only became apparent during the course of the investigation which information was relevant and which was not. For these reasons, information that was published on the internet generally had to be copied and saved for later translation and analysis.

Third, a dynamic approach was adopted, which involved making copies at various moments. After all, something posted online one moment could disappear or be modified the next. For example, various relevant social media messages that were posted soon after flight MH17 crashed were later deleted or modified ... This is why the investigation team had to repeatedly hit the pause button: snapshots had to be taken of potentially relevant pages.

Software programmes were used for this purpose. Pages were collected and copied using particular search terms. A narrower search was then conducted within the internet

pages that had been copied. In the first stage of the investigation, only public web pages, easily accessible to members of the public, were visited and secured. The online investigation did not go beyond those pages that an average user would consider public. To obtain access to relevant social media the investigation team would create a purely passive account on a site. This made it possible to access the public space of that social media site. In the first phase of the investigation a decision was made to initially refrain from using these accounts to gain access to smaller groups. At first, therefore, the collection of information posted online was limited to what was accessible to all, in some cases after investigators registered in the same way any individual member of the public could do."

1939. This process had yielded a great deal of relevant information, from eyewitness accounts and video and photographic material to statements by suspects and other persons involved. Investigators had subsequently conducted a more specific, in-depth search for information about individuals, making use of special investigative powers. Where necessary, permission had been requested from the examining magistrate. In this way, for example, access had been obtained to non-public areas of online forums.

(x) Statement on the investigation of radar data, 9 June 2020

1940. The OM explained how radar worked, what radar data were available in respect of the downing of flight MH17 and what radar data had been obtained. It also discussed in detail the reasons given by Ukraine and the Russian Federation for radar data requested but not provided.

1941. Finally, the OM made submissions to the court about the relevance of the radar data received, observing that there was now no dispute that the Russian primary radar data contained no detection of a combat aircraft or of a missile. As to the absence of a missile from the radar data, the OM highlighted the difference in opinion between the Russian Ministry of Defence and Almaz-Antey, on the one hand; and the two experts who had reviewed the data for the JIT and the DSB, on the other hand. The former argued that the absence of any missile from the radar data meant that there had been no missile. The latter argued that no such conclusion could be reached and provided several reasons which could explain the absence of the missile from the radar data. A combat aircraft, however, was far more likely to have been detected by a radar and its absence from the data allowed its presence to be ruled out; this was not disputed by the Russian Ministry of Defence or Almaz-Antey.

(xi) Statement on investigation of satellite data, 9 June 2020

1942. The OM described how satellites worked, highlighting that for technical and energy-efficiency reasons they did not provide an unlimited view of the surface of the earth at any given moment in time and that their recording view could be blocked by clouds.

1943. The OM explained the efforts made to obtain clear satellite images and other satellite data. The team had procured relevant images from Geoserve, a private enterprise, for 16, 20 and 21 July 2014; no images of the launch site were available for 17 July and the images of the launch site from 18 and 19 July were unusable because of cloud cover. It had subsequently procured a satellite photograph which had been published on Google Earth and was alleged to show Makiivka at the moment when the Buk TELAR was passing on 17 July 2014.

1944. The investigation team had subsequently sought the assistance of the ESA. Among other things, the ESA had been asked to examine, on the basis of satellite imagery, the potential launch locations and the route of the convoy in which the Buk-TELAR had been travelling both in eastern Ukraine (July 2014) and in the Russian Federation (June 2014).

1945. Finally, the team had sought relevant satellite data from other countries, including the United States. While no images had been obtained, the team had received in response "certain information", which was explained by the OM has follows:

> "The US has specific, military instruments for the detection of missile launches. The US' possession of early warning systems of this kind is known, but the way they work is classified. The day after MH17 was shot down, the then US president declared: 'Evidence indicates that the plane was shot down by a surface-to-air missile that was launched from an area that is controlled by Russian-backed separatists inside of Ukraine.' For state security reasons the specific method as to how the US made such a detection could not be divulged. However, a representative of the US Office of the Director of National Intelligence did issue a written statement, which observed among other things that:
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> 'At the time MH17 dropped out of contact, the US Intelligence Community detected [Public Prosecution Service's underlining] an SA-11 surface to air missile (SAM) launch from approximately six kilometers south of the town of Snizhne in Eastern Ukraine.'
>
> The Dutch National Public Prosecutor for Counterterrorism, Intelligence and Security Services was given the opportunity to check the accuracy of this statement against the underlying, secret sources. Dutch statute makes provision for an assessment under criminal law of information from the Dutch intelligence services that is classified as secret. By way of exception, the US authorities granted our colleague this opportunity. In the United States the National Public Prosecutor was given an intelligence briefing by several American officials and he was also granted access to various classified and unclassified documents, though not to all underlying research and metadata. According to the National Public Prosecutor, the secret sources he consulted support the written statement issued by the Office of the Director of National Intelligence."

1946. The Russian Federation, for its part, had supplied digital low-resolution copies of the satellite imagery shown at its press conference on 21 July 2014. Requests for the actual image files and for all other relevant satellite imagery, including images of the Luhansk and Donetsk regions in the period 14-18 July 2014, had yielded no results. In March 2020 the Russian

authorities had replied that the satellite imagery of the location in Zaroshchenske had not been retained.

(xii) Statement on alternative scenarios, 9 June 2020

1947. The OM referred to the early investigate steps taken by the Aviation Police and the conclusions of the DSB ruling out various accident scenarios. Various scenarios had subsequently been formulated by the JIT, on the basis of information from the investigation, and all had been explored simultaneously. The three scenarios were presented as follows:

> "First of all, investigators considered whether an explosion inside the aircraft could have caused MH17 to crash. Secondly, they considered whether MH17 had been brought down with an air-to-air weapon, i.e. the fighter aircraft scenario. Thirdly, they considered whether MH17 had been shot down with a surface-to-air weapon, such as a Buk missile. Within the framework of this third scenario – i.e. that MH17 was shot down by a weapon on the ground – various subsidiary scenarios were also investigated.
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> For example, investigators looked into whether a surface-to-air weapon other than a Buk had been used to down MH17. In the context of the Buk scenario, the team investigated not only a possible launch site in the vicinity of Pervomaiskyi but also several other possible launch sites. They also looked into whether there were indications that the Ukrainian armed forces had shot down MH17 using a missile."

1948. The OM explained that the JIT's investigation of various other scenarios had continued even after the forensic investigation had already produced concrete evidence that flight MH17 had been shot down by a Buk missile and intercepted telephone conversations had yielded key evidence about the use of a launch site in the vicinity of Pervomaiskyi. The OM then made detailed submissions about how the different scenarios had been formulated and investigated, detailing the reactions to the downing of flight MH17 and the evidence which had emerged subsequently.

(xiii) Statement on investigation into the main scenario, 9 June 2020

1949. The OM gave a detailed overview of the various issues that had examined within the framework of the "main scenario" that flight MH17 had been downed by a Buk missile fired from an agricultural field in the vicinity of Pervomaiskyi. These issues were: the initial reactions after flight MH17 had been shot down; the route to the launch site; the launch site; the route back to the Russian Federation; the origin of the TELAR; and the chain of events that had led to the downing of flight MH17.

(xiv) Statement on investigation of the weapon used, 10 June 2020

1950. The OM explained that in line with the main scenario that flight MH17 had been shot down by a Buk missile, the investigative team had conducted further investigation into this weapon. The purpose of this was to gather information against which other evidence could be tested, in order to

shed light on the workings of the Buk system. It had gathered information from various sources, dismantled Buk missiles, detonated Buk missiles in a test environment, and visually inspected and compiled photographs of TELARs. In its submissions, it explained in some detail the sources relied upon and the investigation carried out. The results of this investigation had helped to validate forensic evidence, witness statements and visual material in the case file.

(xv) OM submissions of 26 June 2020

1951. On 26 June 2020 the OM responded to the submissions of the defence concerning further investigative requests.

(b) Court rulings

(i) Interlocutory decisions

1952. The applicant Dutch Government submitted five decisions of the District Court of The Hague. Summaries of relevant extracts of two interlocutory decisions are set out below.

(α) Interlocutory decision of 3 July 2020 on requests and applications made by the defence, counsel for the next of kin, and the Public Prosecution Service (1)

1953. The court summarised the various requests for further investigation made. In assessing whether to grant the further investigative measures requested by the defence, it said:

> "The defence has asserted that the accused [Mr Pulatov] denies involvement in the offences charged. However, the court notes that the accused has not yet been specific in his denial ..."

1954. It observed that the investigative steps requested by the defence focused on whether alternatives to a Buk missile launch had been ruled out for good reason. It said:

> "If the defence wishes to adopt the position that an interpretation of the events other than the main scenario cannot be ruled out as the cause of the crash of flight MH17, the question arises as to whether that is, in fact, material to the defence, if the defence does not also contest the pillars underpinning the main scenario. The court is of the opinion that, for this reason, the pertinence of requests relating to alternative scenarios can only be assessed correctly, when all requests for investigation, and notably those relating to the main scenario, are known.
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> What is more, the defence's requests for investigation largely aim to establish whether an alternative interpretation of events may become plausible. As noted above, the accused has not yet made any concrete statements regarding the allegations against him. This means that the court cannot yet determine how granting the investigation requests relating to that alternative interpretation will further the ability of the accused to conduct a proper defence, given that it is not clear which parts of the allegations against him he contests or which alternative scenario the accused espouses. For this reason also, the

court is currently unable to assess the pertinence of a significant number of the requests. The court will therefore postpone taking a decision on those requests, until the defence has specified its other investigation requests ... and it becomes clear whether and, if so, which parts of the indictment the accused disputes, or what position he wishes to adopt with respect to it."

1955. As regards the requests for further investigation in respect of telecom data and intercepted conversations, the court similarly postponed its decision pending clarity as to Mr Pulatov's eventual position as to this evidence, observing:

"The court notes that to date the accused has not commented on whether the telephone numbers attributed to him by the Public Prosecution Service were indeed his, or on whether he in fact participated in the conversations for which the Public Prosecution Service believes this to be this the case. As a consequence, it also remains unclear whether the accused, if he was indeed party to the conversations, believes that his statements have been mistranslated or, for example, had a different meaning to what the Public Prosecution Service has assumed, in the context of other conversations not included in the case file. Finally, it is currently unknown whether the accused, if the phones were indeed his, believes they were incorrectly traced on 16 and 17 July 2014.

As long as the accused has not specifically commented on the intercepted conversations attributed to him personally, and it remains unclear whether, and if so, how he contests them, the court cannot assess which investigation steps are necessary for a proper defence to be conducted ..."

1956. The court granted the requests for investigation related directly to the main scenario, including the appointment of an expert to conduct further investigation into possible indications that video footage of the Buk TELAR had been manipulated and that it had been recorded prior to 16 July 2014.

(β) Interlocutory decision of 25 November 2020 "on requests and applications made by the defence, counsel for the next of kin, and the Public Prosecution Service (2)"

1957. In this interlocutory decision, which brought the pre-trial phase to a close, the trial court rendered its decisions on the outstanding requests for investigation. The decision recorded:

"In explaining the requests for investigation which it made in November 2020, the defence stated that defendant contends that flight MH17 was not downed by a BUK missile fired on his instructions or those of his subordinates. This means that additional investigation into the reliability of the available evidence is required in the interests of the defence and/or because it is necessary. The defence divided their requests for investigation into three categories:

(1) was MH17 shot down using a BUK missile?

(2) was the BUK missile fired from a farm field near Pervomaiskyi?

(3) did defendant participate in that act in a manner which renders him criminally liable?"

1958. Referring to the consultation of the defence legal team with Mr Pulatov in September 2020, the court noted:

> "As regards his activities around the time that flight MH17 crashed, defendant has stated that he was in the car at his command post and that the car began to move. He heard a sound reminiscent of a Strela-10, a kind of rustling. The sound he had heard was not from a BUK and the trail was very different too. The sound that he had heard was about 300 metres from him, geographically two kilometres northwest of Marinovka. Defendant jumped out of the car to find out why there had been a launch. He was informed by the command post that an airplane had crashed beyond Donetsk. Information from the radio reconnaissance unit indicated that many bodies had fallen from the sky. Defendant drove directly to Torez and to the village of Grabovo.
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> As the court understands it, defendant states that he can only speculate as to what happened to flight MH17, he himself does not know. Defendant has not put forward an alternative scenario, neither has he confirmed nor specifically denied the main scenario, with the exception of his alleged personal involvement therein."

1959. The court later reiterated its understanding of Mr Pulatov's position in the following way:

> "As stated above, the court understands that defendant claims that he was not involved in ordering, guarding, concealing or transporting a BUK missile to Pervomaiskyi, instructing its crew, firing a BUK missile or having one fired, and/or downing flight MH17. Defendant and his subordinates did not see a BUK in the area where he and his subordinates were engaged in military activity, nor did defendant observe what happened to flight MH17 on 17 July 2014. He has no direct knowledge of it. He too can only speculate about it."

1960. The court granted in part the defence's request to interview members of the 53rd AAMB, on the basis that the importance of investigating whether it was correct that members of the 53rd AAMB had been involved in transporting and firing a Buk missile that struck flight MH17 and, if so, under what circumstances, was "evident". It continued:

> "At the current stage of the investigation, the most obvious person to whom such questions could be put is Colonel [witness 12], who is said to have been in charge of the 53rd AAM Brigade at the time and overseen the brigade's operations in 2014. In the opinion of the court, the fact, underlined by the Public Prosecutor, that the Russian Federation has previously refused to provide information regarding this brigade in response to a request for mutual legal assistance does not suffice to conclude that this witness cannot be interviewed, or cannot be interviewed within an acceptable period of time. This response is not recent and, in this instance, does not relate to a request made on behalf of the Public Prosecution Service, but rather a request made on behalf of the defendant, a national of the Russian Federation.
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> In the court's opinion, there is insufficient interest to the defence in questioning the other persons in this regard ..."

1961. As regards intercepted telephone calls, the court noted:

> "The defence has requested that several persons who could explain how certain terms that come up in intercepted conversations are to be understood be interviewed as witnesses. These requests were prompted by defendant's explanation that when the word 'BUK' is used, it does not denote an actual BUK-TELAR. Rather that the term is used to mislead the enemy, who the separatists knew to be listening in. The defendant also asserts that certain other terms have wrongly been regarded by the Public

Prosecution Service as veiled terms for a BUK-TELAR. The defence wishes to put this to these witnesses."

1962. The court granted the defendant's request to interview Mr Girkin in this respect and rejected his requests to interview other witnesses on the grounds that the issues could be covered with Mr Girkin or that there was insufficient interest in the matters sought to be explored with the other witnesses.

1963. The court observed that the defence had also submitted several requests for investigation related to geolocating the telephone numbers attributed to the defendant, selection of intercepted conversations, recognition of the defendant's voice, translation of intercepted conversations and missing intercepted conversations. In respect of those requests, the court referred to the reasons it had given for postponing its consideration of these requests in its interlocutory decision of 3 July 2020 and continued:

"With respect to the intercepted conversations contained in the case file, defendant affirmed in the video statement referred to a number of times above that he was using several mobile telephones in the period around 17 July 2014. Some of those telephones had a secure connection and could not be intercepted. Less important conversations were not conducted on those telephones. One of the telephone numbers used by defendant ended in [number]. Defendant stated that he could always be reached on the telephone with that number. In intercepted conversations, 'misinformation' was disseminated to 'mislead' the opponent. If something was said about a BUK in the intercepted conversations, it had to be assumed that it was said to mislead the opponent. According to defendant, code words, such as box, toy and pencil, were also used in telephone conversations. A box denoted military equipment, a toy was a portable device, and pencils referred to manpower. Reports of those killed and injured were given using the codes 200 and 300. In the video recording shown in court, six intercepted conversations were played and commented upon by defendant. Defendant explained that in three conversations code words were used and that in two conversations misleading information was given. Defendant stated that he was not a participant in the sixth conversation. Defendant also explained that it was only really enlightening, when one considered everything as a whole, and that to achieve a good overview of matters one had to consider a number of files, one in conjunction with another.

The court notes that [defendant] has not disputed the reliability of the geolocation conducted based on the historical telecommunications data of the telephones said to be his. Moreover, the geolocation based on the transmission mast data of two telephone numbers attributed to defendant (including the telephone number ending in [number]) on 16 and 17 July 2014 is in line with defendant's statement about where he was on those two days. In addition, since the defence has not substantiated why the reliability of the geolocation analysis with respect to the telephone numbers attributed to persons other than defendant is doubtful, the court sees no interest to the defence in interviewing the reporting officers specified ...

Nor has [defendant] disputed that he used the telephone number ending in [number] attributed to him by the Public Prosecution Service. On the contrary, he stated that he used that telephone number constantly both in 2014 and in mid-2015, and that he could always be reached on that number. In mid-September 2020, defendant received from the Public Prosecution Service all audio files of the conversations intercepted in the

period between 1 June 2014 and 31 July 2014 involving one of the telephone numbers attributed to him. With respect to only one of those intercepted calls, namely that at 19:01:38 hours on 17 July 2014 does defendant state that he does not recognise himself as a participant. The court notes that the Public Prosecution Service has pointed out that, with respect to its content, the latter intercepted conversation is part of a series of several related intercepted conversations on the same subject. Moreover, defendant's personal case file refers ... to 15 conversations intercepted on 16, 17 and 18 July 2014 which are said to reveal his 'role in the downing of flight MH17'. Although they are not disputed at all by defendant, with the exception of the intercepted conversation referred to above, the court considers it necessary, and in the interests of efficiency, that additional investigation be done into whether defendant did actually conducted the intercepted conversations attributed to him, since defendant's involvement in the conduct charged by the Public Prosecution Service appears to be inferred to a significant degree from the content of the 15 intercepted conversations and from the link between defendant and the telephone number (ending in [number]) which he used. The intercepted conversations listed in his personal case file are the following:

- 16 July 2014 at 08:47:53 hours
- 16 July 2014 at 15:28:24 hours
- 16 July 2014 at 18:12:49 hours
- 16 July 2014 at 20:11:57 hours
- 17 July 2014 at 09:31:30 hours
- 17 July 2014 at 09:55:20 hours
- 17 July 2014 at 12:42:57 hours
- 17 July 2014 at 12:51:09 hours
- 17 July 2014 at 18:44:37 hours
- 17 July 2014 at 19:01:38 hours
- 17 July 2014 at 19:25:39 hours
- 17 July 2014 at 19:28:00 hours
- 17 July 2014 at 19:52:23 hours
- 17 July 2014 at 21:40:49 hours
- 18 July 2014 at 00:25:26 hours.

The court finds that *comparative speech analysis* or *automatic speaker comparison* has not been possible to date for lack of 'reference material', but that video footage of defendant is now available for such comparative analysis.

...

The other requests made by the defence, concerning the selection of intercepted conversations, translation of intercepted conversations, and missing intercepted conversations are rejected for lack of justification."

(ii) Judgment of the first instance court of The Hague of 17 November 2022

1964. On 17 November 2022, the first instance court handed down its judgment finding Mr Girkin, Mr Dubinskiy and Mr Kharchenko guilty on both charges. Mr Pulatov was acquitted.

(α) International armed conflict

1965. The court considered that there was an international armed conflict in eastern Ukraine at the relevant time, taking into account the Russian nationality and Russian military background of several of the "DPR" leaders at the time; the close ties between the "DPR" leaders and the Russian Federation; the evidence that the Russian Federation provided manpower, military equipment, funding and training to the separatists; the coordinating role played by the Russian Federation and instructions received from that State; and the direct participation of the Russian armed forces in conducting artillery strikes on targets in Ukraine. It concluded that despite the denials of the Russian authorities, it was clear from the case-file that the Russian Federation had financed for the "DPR", had supplied and trained men and had supplied weapons and other goods. It further found that the Russian Federation had a decisive influence on the filling of several high positions in the "DPR", including that of "Prime Minister" and "Minister of Defence" and a considerable influence on the "DPR" regime. The Russian Federation had therefore exercised overall control over the "DPR" from mid-May 2014 until at least the crash of flight MH17. The court relied on OSCE observations and the statements of other bodies, witness statements and intercepted telephone calls to support its conclusions.

(β) The representative of Almaz-Antey

1966. The court clarified that the term "experts" did not refer to those with knowledge of certain matters but to persons officially appointed as experts by the investigating judge after the latter had investigated both their professional expertise and their integrity, independence and impartiality. The investigating judge had established that the representative of Almaz-Antey had sufficient professional expertise but left the evaluation of his independence and impartiality to the first instance court. The investigating judge did not, therefore, appoint the Almaz-Antey representative as an "expert".

1967. The first instance court found that the substantive expertise of Almaz-Antey could not reasonably be in question since as the designer and producer of the missiles it would evidently be familiar with their properties. However, it concluded that Almaz-Antey could not be regarded as an independent and impartial expert in the case. First, it was a State-owned company affiliated with the Russian Federation whose authorities had wrongly denied having been involved in the conflict in eastern Ukraine. They had also denied any involvement in the downing of flight MH17 and had

repeatedly presented evidence that they claimed that the Ukrainian authorities were responsible. However, on several occasions that evidence had been found to have been falsified or clear traces of manipulation had been found. Second, Almaz-Antey itself had an interest in the outcome of the investigation since it had been sanctioned by the EU in connection with the downing of flight MH17.

(γ) The telecom and digital material

1968. The court noted that the JIT had enjoyed access to telecom and digital material. The court described briefly the steps taken to test the quality, integrity and authenticity of the telecom material provided by Ukraine (comprising intercepted telephone conversations and associated traffic and cell tower data). There was no trace of any manipulation whatsoever in respect of the intercept material and the court therefore concluded that it could be regarded as reliable and authentic. Similarly, the digital material (comprising photo and video material obtained from the SBU or witnesses or secured from the Internet) had been examined for authenticity, including by the NFI and the KNMI. No traces of manipulation had been found.

(δ) The cause of the crash

1969. The court considered it legally and conclusively proved that on 17 July 2014 flight MH17 had been shot down by a Buk missile fired from a Buk-TELAR in an agricultural field near Pervomaiskyi. It said that there was an abundance of evidence that justified this conclusion. It referred, first, to images of the smoke (or inversion) trail recorded in Torez minutes after the crash and went into great detail about the steps taken to secure, verify and validate that evidence. It referred, second, to the statements of “witness M58” a separatist fighter in the “DPR” who gave evidence that he was present at the launch site. It explained at length the process of validating M58’s evidence and the statements that could be relied upon and why. Third, the court referred to the satellite photographs showing the agricultural field designated by M58 and explained why they supported the conclusion that it must have been the launch site. Fourth, the court referred to the telecom data and videos, summarising the contents of the relevant telephone calls as regards the location of the Buk-TELAR and explaining how they matched up to the video footage of a Buk-TELAR in eastern Ukraine. It described in this context the steps taken to verify the authenticity of the video material. Fifth, the court referred to the Buk missile parts found in the wreckage and the bodies of the victims. It relied on arena tests to reject a defence challenge to the conclusion that the warhead used contained butterfly-shaped fragments, noting that the unsubstantiated assertions of Almaz-Antey could not call into question the reliability of the arena tests. The court said that each of these sources of evidence in itself constituted strong evidence for its conclusion as

to the cause of the crash. Taken together, the court concluded that no reasonable doubt was possible.

(ε) The situation in eastern Ukraine in July 2014

1970. The court reviewed the situation in eastern Ukraine in 2014. It noted that after the end of the unilateral ceasefire in June 2014, fighting had resumed on two fronts: in the north-east and in the south-east of Ukraine. In the north-east, in and around Slovyansk, Kostyantynivka and Kramatorsk, the Ukrainian army had successfully advanced and had driven the separatists south to Donetsk. In the south-east, in the vicinity of Snizhne, the Ukrainian army had tried to re-capture the strategically important Savur-Mohyla hill from the separatists and prevent them from opening and keeping open a corridor from Snizhne to Russian territory. This had led to long, heavy fighting in the vicinity of Savur-Mohyla and Snizhne from the beginning of July 2014, which also continued on 15, 16 and 17 July. This was also the area in which Pervomaiskyi was located and from where flight MH17 had been shot down. While the separatists had managed to maintain their positions and expand slightly, they had been suffering increasing losses as a result of continuous Ukrainian aerial bombardment. They were unable to respond effectively to this bombardment since they lacked an air force and appropriate equipment to carry out attacks on Ukrainian aircraft flying at altitudes above around 3,400 metres.

(στ) The role of each of the defendants

1971. The court was satisfied that each of the defendants had participated in the intercepted telephone conversations attributed to them using the telephone numbers attributed to them. It found it important to indicate that the downing of flight MH17 had taken place in the context of an armed conflict. It noted that the intercepted calls therefore concerned more issues around that conflict that demanded the attention of those involved. The intercepted calls showed many contacts between “DPR” and “LPR” fighters, demonstrating that those fighters knew each other and did things for each other. They further showed that the separatists had requested more military support from Russia, including air defence weapons with a trained crew since the separatists had no time to train. Having reviewed the content of the intercepted calls and video footage, the court concluded that on the night of 16 to 17 July 2014, “DPR” fighters had brought in a Buk-TELAR from the Russian Federation. The need for such anti-aircraft weaponry had existed for some time because of the heavy losses suffered by the separatists. The Buk-TELAR had immediately been transferred to the front-line near the corridor between Snizhne and the border with the Russian Federation and deployed in the afternoon of 17 July 2014 in “DPR”-occupied territory near Pervomaiskyi in their fight against the Ukrainian army. As a result of that

deployment, flight MH17 had been shot down. After it had become clear that the disaster had occurred because of the deployment of the Buk-TELAR, the latter had been quickly transported back to the Russian Federation in the hope that an international scandal would be prevented. The court discussed the general role of each defendant in that deployment.

1972. It then determined the legal interpretation of the defendants' conduct. Considering, first, intent and premeditation, the court noted that on account of the enormous destructive power of a Buk missile, as observed by the court itself during its site visit, the chances that the occupants of an aircraft would survive an attack were nil and that anyone who used such a specialised and expensive weapon like a Buk-TELAR would have been aware of this. The deployment of a Buk-TELAR required a well-trained crew and its firing did not take place by accident or on a whim but was very deliberate and well-considered according to a method of operation prescribed by technical requirements. The court therefore concluded that the firing of the missile at the target in question was intentional and involved premeditation. The consequences of the firing of the missile, namely the crash of the aircraft and the probable death of all those on broad, were clear.

1973. The court considered it completely implausible that a civilian aircraft had been deliberately downed. The evidence showed rather that the missile was launched in the belief that the target was a military aircraft. However, such an error did not detract from the intent and premeditation established. Regardless of whether the target was military or civilian, the criminal act of downing the aircraft and killing the occupants was inherent in the perpetrators' plan. It further observed that the defendants had not provided any arguments to support a conclusion that all possible precautions had been taken to prevent a mistake being made. Instead, a Buk-TELAR had been deployed without the Buk-TAR vehicle (see paragraph 1727 above) in a chaotic situation near the battle front in circumstances where there was still frequent civilian air traffic; the associated major risks had therefore apparently been accepted by all those involved.

1974. The court then assessed each of the defendants' contributions to the firing of the Buk missile. It reviewed the factual conduct of each of the defendants. It found that Mr Kharchenko and Mr Dubinskiy were co-perpetrators, in the classic sense, of the firing of the Buk missile and that Mr Girkin was a functional co-perpetrator. All three were found guilty of both charges and sentenced to life imprisonment.

(ζ) Compensation claims of the victims' relatives

1975. Considering the intense grief and suffering of the victims' relatives, as evidenced by their statements before the court and by psychological reports submitted, the court awarded them over sixteen million euros in moral damages, for which the three defendants found guilty were jointly and severally liable.

(η) Right to appeal

1976. The parties had 14 days to appeal the judgment. No information was made available to the Court on the date of the adoption of the decision as to whether any of the parties has lodged an appeal.

J. The intelligence investigation into the downing of flight MH17

1. Review Committee on the Intelligence and Security Services, Review report no. 43 in response to the crash of flight MH17, 8 April 2015

1977. The report explained that at the request of the Minster of the Interior and Kingdom Relations and the Minister of Defence of the Netherlands, the Review Committee on the Intelligence and Security Services ("the CTIVD") had conducted an investigation into the role of the AIVD and the MIVD in the decision-making regarding the safety of flight paths. The report was made available to the DSB on 10 April 2015 and made public on 13 October 2015.

1978. One aspect of the investigation was to examine what information the AIVD and the MIVD had possessed prior to the crash regarding the security of civil aeroplanes above eastern Ukraine and whether they had shared this knowledge with external parties. The CTIVD had access to all State secret material of the AIVD and MIVD and found:

> "The material available [to] the Services does not indicate any factors that point to a specific threat to civil aviation prior to the crash of flight MH17. The material available to the Services does not indicate that any one or more actors involved in the conflict in Eastern Ukraine displayed a combination of military resources, possibilities and intention to shoot down a civil aeroplane at cruising altitude, prior to the crash."

1979. The CTIVD provided an overview of the information relating to the security situation in eastern Ukraine in the possession of the AIVD and the MIVD prior to the crash of flight MH17. It noted that between 1 January and 17 July 2014, there had been no separate investigative assignment inside the MIVD focusing on Ukraine. An investigative team at the MIVD had been occupied with the Russian Federation. In general terms, its assignment had been to conduct research into the foreign, security and defence policies of the Russian Federation. This had also involved examining the proliferation of Russian weapons, military knowledge and technology. When in March 2014 the Ministry of Defence had issued the MIVD with a request to submit weekly reports on the crisis between Ukraine and the Russian Federation, there had been a slight shift in the focus of the investigation towards Russian military capacities and activities in the vicinity of Ukraine. To a lesser extent, attention had also been devoted to the Ukrainian armed forces and the pro-Russian separatists.

1980. The information gathered by the MIVD team had provided a more complete picture of Russian capacities than of those of the other two actors. The general impression with regard to anti-aircraft defence systems had been

that the Russian armed forces had possessed advanced systems that had been installed in the territory of the Russian Federation close to the border with Ukraine. These systems had sufficient range to be able to hit a civil aircraft at cruising altitude. According to the MIVD's information, the Ukrainian armed forces had mainly possessed outdated resources including, however, certain powerful anti-aircraft systems. A number of those systems had been located in the eastern part of the country.

1981. The MIVD's information had indicated that the separatists had been procuring an increasing number of weapons in the months prior to the crash. Since they had been attacked from the air by the Ukrainian armed forces, the separatists had tried to acquire anti-aircraft systems. On 29 June 2014 the separatists had captured a Ukrainian military base in Donetsk, where there had been Buk missile systems. During the course of July, however, several reliable sources had indicated that those systems were not operational.

1982. Since the beginning of the unrest in eastern Ukraine, the question had arisen whether the separatists had been receiving material support and training from the Russian Federation. Even though there had been information pointing to the fact that the separatists had been supplied with heavy weapons by the Russian Federation, there had been no indications that these were powerful anti-aircraft systems. Certain documents from the end of June 2014 had stated that material was being assembled at collection sites in the west of the Russian Federation to be subsequently supplied to the separatists. One document from a publicly accessible source, dated 14 July 2014, had stated that advanced anti-aircraft systems had also arrived at a collection point. However, according to this document, such systems had not (or had not yet) been delivered to the separatists.

1983. The MIVD's impression was that the separatists had been trained to use weapon systems, including MANPADS, in the Russian Federation. There had been no indications that they were being trained to use powerful anti-aircraft systems.

1984. Similarly, the AIVD had not had any information that indicated that the separatists possessed an operational, powerful anti-aircraft system such as a Buk system prior to the crash of flight MH17. In its investigative assignment, the AIVD team had focused on how the Russian Federation had exerted political influence on Ukraine, and on the conflict. This had also extended to the question whether the Russian Federation had been involved in the separatists' activities in eastern Ukraine. The AIVD team had gathered several pieces of intelligence that referred to the Russian Federation's involvement with the separatists with more or less certainty. The information had contained indications that the separatists (or some of them) had probably been under the control of the Russian Federation. There were also indications that the Russian Federation had provided the separatists with support in the form of manpower and weapons, including artillery, anti-tank weapons, tanks and MANPADS. The AIVD had had no indications that the Russian

Federation had provided the separatists with powerful anti-aircraft systems. The AIVD had also had indications that the separatists were being trained to use weapon systems, including MANPADS, in the Russian Federation but there were no indications that they were being trained to use powerful anti-aircraft systems.

1985. The CTIVD concluded, like the MIVD and the AIVD, that the available information did not reveal a specific threat to civil air traffic flying over the area.

2. MIVD correspondence

(a) MIVD letter of 24 June 2015

1986. This letter was sent by the Deputy Director of the MIVD to the National Prosecutor's Office on Counterterrorism and disclosed the locations of various 9K37M1 Buk-M1 systems in or around eastern Ukraine, together with their coordinates, in June and July 2014. The data were based on information considered to be "reliable".

(b) MIVD letter of 21 September 2016

1987. This letter was sent by the Director of the MIVD to the National Prosecutor's Office on Counterterrorism. It explained that the MIVD had examined whether 9A310M1 radar and launch vehicles (Buk-TELARs – see paragraphs 1726-1731 above) in the locations identified in the letter of 24 June 2015 could have been involved in the downing of flight MH17. The MIVD had also looked into the other ground-based air defence systems present in the region in July 2014 and capable, as far as operational deployability, specifications, performance and location went, of hitting flight MH17. It provided the relevant details of the systems, their locations and their firing ranges. It noted that the data showed that flight MH17 had been flying beyond the range of all identified and operational Ukrainian and Russian locations where 9K37M1 Buk M1 systems had been deployed. The letter continued:

> "In view of the locations of the systems identified and the speed with which these can be moved, as well as the nature, development and conflict and border zone of the fight against the separatists on 17 July 2014 it is unlikely that a 9A310M1 launch vehicle originating from the Ukrainian armed forces could have been moved in time for flight MH17 to come within its range and be hit.
>
> All operational Ukrainian S-300PS Volkhov-M6 identified were at least 250 kms away from the point where MH17 was hit. The S-300PS Volkhov-M6 system has a maximum range of 75kms. On this basis MIVD draws the conclusion that an S-300PS Volkhov-M6 system was not used for the downing of flight MH17.
>
> The only operational system identified with a range wide enough to shoot down flight MH17 concerned two Russian S-300PM2 Favorit systems near the Russian town of Rostov na Donu. With respect to these locations, the MIVD does not have (partner) information that would indicate the use of the 36N85 ... fire control radar for the

guidance and/or launch of a surface-to-air missile from the 48N6 series ... on 17 July 2014. These locations are in the immediate vicinity of large population centres and the launch of a missile would most likely have led to messages on *social media* or other public media. MIVD is not aware of such publications.

On this basis MIVD draws the conclusion that from these two Russian ground based air defence systems near Rostov na Dona no missile launch took place on 17 July 2014."

(c) MIVD letter of 21 September 2016

1988. This letter was sent by the Director of the MIVD to the National Prosecutor's Office on Counterterrorism and supplemented the Director's above letter of the same date. It assessed, on the basis of reliable sources and analyses, the deployability of the Buk TELAR present at the "location Donetsk", where a Ukrainian 9K37M1 Buk-M1 battalion had been regularly stationed prior to March 2014. It explained that when the battalion had left the "location Donetsk" it had removed five Buk TELARs and one Buk TELL. Two Buk TELLs and one Buk TELAR had been left behind.

1989. The letter stated that in the period around 17 July 2014, no activity had been observed of a 9S35 fire control radar that was mounted on a Buk-TELAR. At the moment flight MH17 had been hit, it had been out of range of the 9M38 series of anti-aircraft missiles of the 9K37M1 Buk-M1 system at the "location Donetsk". The MIVD explained that the Buk TELAR and the two Buk TELL vehicles present at the "location Donetsk" between 11 and 22 July 2014 had not been moved and that it was not possible from the "location Donetsk" to use those vehicles to launch an anti-aircraft missile from the 9M38 series and hit flight MH17. Moreover, the MIVD referred to photographs showing a Buk TELAR on which the electronics section to the rear of the turret was completely destroyed. The MIVD considered that the photograph showed that the Buk TELAR had been present at the "location Donetsk" from 11 to 22 July 2014.

K. Russian investigative material in respect of the downing of flight MH17

1. Witness statements

(a) Mr Luchinin, adviser in the Aviation Occurrence Investigation and Prevention Unit of the Flight Safety Inspection Department, Federal Air Transport Agency of the Ministry of Transport of the Russian Federation

1990. On 6 November 2019 Mr Valery Vladimirovich Luchinin, who had experience in "investigating aircraft accidents relating to mid-air break-ups caused by on-board explosions and works as an adviser of the Aviation Occurrence Investigation and Prevention Unit of the Flight Safety Inspection Department within the Federal Air Transport Agency (FATA) of the Ministry of Transport of the Russian Federation", made a statement concerning the technical investigation by the DSB regarding the downing of flight MH17.

1991. Mr Luchinin stated that he had been involved on work regarding the MH17 incident. In particular, he had been present at the meeting with DSB and Ukrainian representatives in Kyiv on 31 July 2014. At that meeting, he had provided the DSB with data from Russian radars.

1992. From 17 to 20 February 2015 Mr Luchinin had been present at another meeting with DSB representatives. He and his colleagues had been informed about the recovery of wreckage from the crash site. Some parts of the wreckage had not been recovered, for reasons that were not clearly explained. The DSB had reported on the analysis of the flight data recorder, radar data and other technical data indicating the position of flight MH17 at the time of the incident. Mr Luchinin had then visited the place where the aircraft wreckage was being stored. He had been given limited time to examine the wreckage.

1993. The DSB representatives had presented some fragments which, they said, had been found in the wreckage. One "remotely resembled a bow-tie". The fragment had been weighed in Mr Luchinin's presence and found to weigh 5.5 grams. No details had been provided by the DSB in response to a question as to where the fragment had been found. Mr Luchinin had not been involved in any discussion of the number of bow-tie fragments that had purportedly been found.

1994. The DSB representatives had put forward a hypothesis that flight MH17 had been shot down by a Buk missile launched from Snizhne. They had not provided any precise answers to questions about the basis for the hypothesis and had simply presented an animation purportedly showing how flight MH17 had been destroyed. The DSB had asked for ballistic information regarding Buk missiles and had invited the Russian delegation to engage an expert of Almaz-Antey. Mr Luchinin stated that he was "subsequently surprised how little use was made by the DSB of Almaz-Antey". Mr Luchinin's statement continued:

> "20. Detailed work was presented in the February meeting by the DSB on the flight data recorder with high quality analysis. That work contrasted to me with the superficial statements by the DSB representatives regarding a bow-tie fragment and a BUK missile.
>
> 21. Having seen the analysis of the pattern of damage on the wreckage and modelling of the missile flight path, it appeared to me that the DSB had formed a conclusion and was then looking for evidence to support that conclusion, rather than gathering evidence and then forming conclusions based on that evidence."

1995. The next meeting with the DSB had taken place in May 2015. Representatives of the Russian Ministry of Defence had been present at that meeting and had given two presentations. Representatives of Almaz-Antey had given a presentation in which they had criticised the DSB findings as to the missile flight path and the data used by the DSB regarding Buk missiles. Mr Luchinin said:

> "27. The Almaz-Antey and the Russian Ministry of Defence studies were conducted separately, but both concluded that the point of detonation of the warhead was different

> from that alleged by the DSB. This was significant in trying to work out the position of the launch site."

1996. Bow-tie-shaped fragments had also been the subject of some discussions. Mr Luchinin said that he thought that the Russian delegation had been shown a photograph said to be of another bow-tie shaped fragment. Again, no clear and well-reasoned response had been given to their questions as to where the fragments had been found and whether there were other such fragments. Mr Luchinin continued:

> "28. ... We were told that one had been found in thermal insulation in the cockpit and that there were bow-tie shaped holes, but the DSB was never able to demonstrate any examples of such holes. The aircraft parts shown to us for inspection had no bow-tie-shaped holes. The DSB representatives told us that approximately 65 fragments had been found and we saw various fragments on a table which were all labelled. No bow-tie fragments were included in the labelled items".

1997. In June 2015 he had received from the DSB a draft of its final report which included photographs of the bow-tie fragment seen in February and a further bow-tie fragment said to have been recovered from the body of a crew member.

1998. In August 2015, Mr Luchinin had participated in a further meeting with the DSB. He said that there had been "lots of discussions about the shapes of holes and how fragments may change their shape". The Russian delegation had "repeatedly" asked the DSB to show them the bow-tie holes but had not been shown. They had also raised questions about potential testing by the DSB of the chemical composition of the fragments that had been found, comparing them with those from Buk missiles since they had not been asked to provide material from Buk missiles to allow a comparison to be performed. Although they had been able to visit the reconstruction of the aircraft from the wreckage, only the Almaz-Antey representative had been permitted to take photographs with a camera provided to him which had been confiscated immediately afterwards. Despite repeated requests, the photographs he had taken had never been provided to the Russian delegation. The DSB had also presented a picture of missile fragments said to have been found among the wreckage, but refused to show the fragments to the Russian delegation.

1999. Mr Luchinin explained that he had been involved in the design of tests conducted by Almaz-Antey in October 2015. He had been present when the DSB had been invited to attend those tests and be involved in their design. It was not clear to him why the DSB had not accepted that invitation.

2000. Finally, Mr Luchinin stated that after the publication of the DSB's final report in October 2015, the Federal Agency for Air Transport of the Russian Federation ("FATA") had in a letter of January 2016 highlighted various facts relevant to that report, in particular information obtained after the October 2015 tests organised by Almaz-Antey. FATA had invited the DSB to reopen its investigation. The DSB's response dated 25 February 2016

had not "properly addressed the points we had raised" but had mainly referred back to the contents of its report.

(b) Mr Malyshevskiy, Chief of Staff for the lead engineer at JSC Concern VKO Almaz-Antey ("Almaz-Antey")

2001. On 7 November 2019 Mr Malyshevskiy made a statement. He explained that Almaz-Antey was the manufacturer of Buk missiles. He had worked at Almaz-Antey since 2011 and claimed to have substantial experience of testing of the Buk system.

2002. He explained that from about February 2015, a representative of Almaz-Antey had been invited to participate in discussions with the DSB and had obtained material from it. Mr Malyshevskiy had worked with the representative who had attended the February 2015 meeting. He summarised what he had been told by the representative as follows:

> "He told me that the issues discussed included where a bow-tie shaped fragment had been found and he was told orally by a representative of the Dutch Safety Board that it had been found in the thermal insulation in the right side of the cockpit but when doubts about the feasibility of that explanations were expressed he was told then that it had been found in official documentation in the cockpit. My colleague questioned whether that was the only bow-tie fragment found. He was told by a representative of the Dutch Safety Board that many such fragments had been found. The relevant fragment was weighed during those meetings in the presence of my colleague and had a mass of 5.5g. My colleague was also surprised it was so rusty."

2003. Mr Malyshevskiy had attended a second meeting with the DSB in May 2015. He said:

> "I also visited a forensic laboratory used by the Dutch Safety Board in The Hague. I saw about 20 fragments of projectiles. I was told that they had been found in MH17, and they were accompanied by paperwork which was I told indicated where the fragments had been found. However, I saw no bow-tie shaped fragments there. I have never been provided with such paperwork for any bow-tie shaped fragment or had access to any such paperwork."

2004. According to Mr Malyshevskiy, during subsequent meetings later that same month, the deputy head of the Russian aviation agency had asked the DSB representatives why they believed that the downing of flight MH17 had been caused by a BUK missile. The statement continued:

> "A representative of the DSB responded that they had found many bow-tie shaped fragments and holes. We asked to see them. However, they refused to show us any such fragments or any such holes. They said all the fragments and holes would be presented in a draft report. I also raised a question at this meeting as to the low weight of the alleged bow-tie fragment that had been presented at the meeting in February 2015."

2005. Mr Malyshevskiy went on to explain that he had also been involved in preparing mathematical models of the explosion. He claimed that many of the characteristics used by the DSB had been incorrect, which he said influenced the mathematical model of the dispersal of projectiles. He gave two examples:

> "1) The detonator of the warhead is located in the front section. However, the Dutch Safety Board proceeded on the basis that [it] is in the rear section.
>
> 2) A 9N314M warhead has a shape like a barrel with a convex curved shape ... However, the Dutch Safety Board proceeded on the basis that it is cylindrical."

2006. In June 2015 the Russian Federation had received a draft report by the DSB. Mr Malyshevskiy explained that the report had used the correct picture of the exterior of the warhead provided by Almaz-Antey but had not used the data it had provided. The report had also included images of fragments described as having a bow-tie shape and indicated their sizes. In July 2015, the DSB had asked Almaz-Antey for certain technical documentation before the data provided could be taken into account; that had been supplied later the same month.

2007. At an Almaz-Antey press conference of 2 June 2015, based on the information available as to bow-tie fragments, notably in the DSB report, Mr Malyshevskiy had given a presentation concluding that the relevant warhead was a 9N314M.

2008. He had subsequently conducted a test on a shield target, using the 9N314M missile. The results had included numerous bow-tie-shaped holes in the shields. Fragments collected had included thirty-nine bow-tie-shaped fragments which had weighed between 6.5 and 7.9 grams; their weight had been reduced from the original 8.1 grams because of the explosion and impact with the target.

2009. In August 2015 he had presented the results of the shield target test and raised a question as to why bow-tie-shaped holes had not been seen in the remnants of the MH17 aircraft. He had raised a number of other discrepancies concerning the size of the fragments found, the absence of chemical testing of the composition of the fragments and the number of holes found in the aircraft compared with the expected number based on modelling by the DSB. The DSB had suggested that the shape of an aircraft, compared to the shield tests might explain some of these discrepancies. Almaz-Antey had therefore decided to repeat the test using an aircraft. It had invited the DSB to participate in the design of the test and to observe the results.

2010. In October 2015 Almaz-Antey had performed the test without DSB participation. An IL86 aircraft had been used because it had a diameter practically identical to that of the MH17 aircraft (a Boeing 777-200) and had a higher ability to resist penetrating fragments than the Boeing. More than thirty bow-tie shaped holes had been produced, around twice as many holes as had been found in the MH17 remnants. The size of the area of impact had been three to four times larger than could be seen on the MH17 aircraft. There had been holes well behind the captain's window, whereas on the MH17 aircraft there had been no penetrating damage behind the captain's window and the damage observed had been due to ricochets. Many fragments had gone through the entire body of the IL86, whereas there had appeared to be only one exit hole on the MH17 aircraft. Finally, damage to the bulkheads

parallel to the exterior of the aircraft had been observed in relation to flight MH17 but not in the IL86. These observations suggested either that the DSB model as to the position and circumstances of the explosion had been incorrect, or that the warhead used had had fragments with less penetrating force than the 9N314M warhead.

2011. In his witness statement, Mr Malyshevskiy described the design of the IL86 test as follows:

> "We started our design of the experiment by adopting the modelling of the missile calculated by the Dutch Safety Board. We made adjustments to the orientation of the missile in our test due to the fact that the IL86 and missile in our test were not moving, having calculated the compensatory changes necessary due to those velocities. As part of the design of the experiment, we also considered the potential significance of the fact that our test would not be at the same altitude as the MH17 incident. However, the difference in air pressure involved would not be significant due to the proximity in the Dutch Safety Board's model of the explosion to MH17."

2012. Since the DSB final report had been published on 13 October 2015, Almaz-Antey had not had an opportunity to present its results to the DSB prior to publication.

2013. Mr Malyshevskiy further claimed that the "supposed existence of missile parts" had first been "revealed" in August 2015. Poor-quality pictures of the parts had been provided, but there had been no explanation of when or where they had been taken or by whom. The missile parts themselves had not been produced. Parts of a number had been visible in the photographs; Almaz-Antey had informed the DSB that if the numbers could be identified it could supply details of the missile. Details had finally been provided at the JIT press conference of 2 May 2018. Mr Malyshevskiy explained:

> "Using the manufacturer's numbers on the relevant missile parts, we located records that show that those parts were used in the manufacture of a specific 9M38 missile at the end of 1986. I have seen records from the Russian Ministry of Defence in relation to that missile showing that it was sent to a military unit which (I understand from comments by the Russian Ministry of Defence) was based in Ukraine. The relevant pages from the documents I have found, including the logbook and other technical documents, as well as documents confirming that the missile was delivered in December 1986, were demonstrated at the briefing of the Russian Ministry of Defence following the discovery of new data concerning the crash of Boeing 777 in the Donetsk Region."

2014. Mr Malyshevskiy stated that the 9N314M warhead could be carried on 9M38 missiles and on the more modern 9M38M1 missiles. He confirmed that it was technically possible that if a 9N314M warhead struck MH17, it could have been carried by a 9M38 missile. However, he pointed out two oddities: first, the damage to MH17 did not correspond to the impact pattern of a 9N314M warhead; and second, the missile engine fragment that had been reported to be found in the wreckage had had surprisingly little damage for one that had been used.

2015. Finally, Mr Malyshevskiy referred to inconsistencies as to the explosive traces reportedly found in the MH17 remnants. The DSB report had referred to traces of PETN on a few samples tested. However, the 9N314M warhead contained only TNT and RDX explosives.

(c) Mr Omarov, Chief Researcher in the Ministry of Defence of the Russian Federation

2016. On 12 March 2021 Mr Zakhar Galimzhanovich Omarov, who is specialised in the research of emergency and inoperative aviation equipment, including investigations of aircraft accidents and incidents, and works as Chief Researcher for "a research organisation" of the Ministry of Defence of the Russian Federation, made a statement concerning the technical investigation by the DSB regarding the downing of flight MH17.

2017. Mr Omarov stated, in general, that he did not believe that the DSB investigation had been undertaken properly or openly. More specifically, Mr Omarov was of the opinion that: (1) it was strange that some key pieces ("black" pieces of wreckage) had not been identified until after the draft report; (2) he had been shown a fragment, suggested to be a so-called bow-tie, which "did not fit the mass and dimension parameters of bow-tie shrapnel of a warhead of a Buk missile after penetrating through a metal obstacle", and which at a later visit was "nowhere to be seen"; and (3) the DSB had failed to establish the grade of steel from which the discovered fragments had been made, committing "a grave breach of aircraft accident investigation regulations [which] ... casts doubt upon the identification of the weapon". Mr Omarov furthermore criticised the DSB's sound analysis and the collection and presentation of explosive traces.

2018. Besides that, Mr Omarov stated that he had been (illegitimately) denied access to missile parts by the DSB, because of an ongoing criminal investigation, before concluding:

> "Investigation should be methodical, identifying and collecting all relevant physical evidence with a proper record of the provenance of each piece, and then analysing the overall physical evidence. The DSB did not do this. As a result, there is uncertainty about where important pieces of wreckage came from, where the missile parts came from, where penetrating fragments were found. Also, there was no proper coordinated analysis of all the available evidence."

(d) Mr Luchinin

2019. On 12 March 2021 Mr Luchinin made a further statement concerning the technical investigation by the DSB regarding the downing of flight MH17.

2020. Mr Luchinin indicated in the first place that he had read Mr Omarov's statement, concluding "that the conclusions he has drawn are impartial and reasonable".

2021. Furthermore, Mr Luchinin stated that: (1) he believed that the DSB specialists had been announcing and advancing unfounded conclusions since February, "which is contrary to para. 9.3.6 of the Manual on Accident and Incident Investigation", and that the DSB investigation had been biased; (2) he believed that the Buk missile parts "were either fake (are not related to the crash) or intentionally hidden in order to prevent us from exposing clear inconsistencies in the conclusions which were noted by Mr Omarov"; and (3) "the DSB pre-emptively made a reservation in the above agreement on the delegation of investigative authority that it was impossible to work with the pieces of wreckage and the flight data recorders at the accident site, which was inconsistent with Standard 5.4 of Annex 13 to the Chicago Convention".

2022. Lastly, Mr Luchinin concluded that he could not rule out that important traces on pieces of wreckage left unattended had been intentionally or negligently distorted or concealed from the experts and that proper investigation standards had not been followed by the DSB.

(e) Mr Yuriy Petrovich Yechkin, interviewed by a senior investigator of the Main Investigative Directorate of the Investigative Committee of the Russian Federation on 22 August 2018 in connection with the MH17 case

2023. Mr Yuriy Petrovich Yechkin stated that he had been working at the Dolgoprudniy Research and Production Enterprise since 1959. In 1988, he had taken the post of leading construction engineer.

2024. He explained that his enterprise had produced 9M38-type missiles for Buk TELARs. Those missiles had then been transferred to Quality Control Agency no. 4473 of the Ministry of Defence of the Russian Federation (*4473 Военное представительство Министерство Обороны Российской Федерации*). Number 9D1318869032 on the missile engine indicated that it had been produced by his enterprise in 1986. Mr Yechkin had then examined documents from the Military Staff of the Russian Federation shown to him by the investigator and concluded that missile elements nos. 9D1318869032 and 9D131.05.000N8.30.113 had been assembled and installed on engine no. 8869032, which had then been installed on a 9M38-missile type no. 8868720 with board no. 886847379 on 24 December 1986.

(f) Mr Sergey Sergeevich Khryakov, interviewed by a senior investigator of the Main Investigative Directorate of the Investigative Committee of the Russian Federation on 22 August 2018 in connection with the MH17 case

2025. Mr Sergey Sergeevich Khryakov stated that he had been working in Quality Control Agency no. 4473 of the Ministry of Defence of the Russian Federation since 2000. In 2015 he taken the post of head of the group[97].

2026. He explained that the Dolgoprudniy Research and Production Enterprise produced 9M38-type missiles for Buk TELARs and supplied them

[97] Apparently the head of the agency, but the document says "group".

to his agency, which then dispatched them to military units. That information was recorded in registrars archived by the Military Staff of the Russian Federation. The investigator had provided him with copies of several pages from the 1986 register. The witness explained that the document indicated that missile no. 8868720 with board no. 886847379 had been received by the agency on 28 December 1986. The next day, it had been dispatched to military unit no. 20152 by rail. The unit had received it on 19 May 1987.

(g) Mr Girkin, statement to the Russian authorities in February 2015 disclosed to the OM

2027. On 6 February 2015 Mr Girkin appears to have been questioned by the Russian authorities in respect of the downing of flight MH17 (see paragraphs 1846-1847 above). He confirmed that he had resided in Ukraine from 12 April to 15 August 2014 and had held the post of "minister of defence" and "commander-in-chief of the people's army of the Donetsk People's Republic" from 16 May to 12 August 2014. He also confirmed that he had used the alias Igor Strelkov. He explained:

> "My duties included coordinating the activities of the People's Army units, directing the combat activities of the People's Army, as well as forming the staff and apparatus of the Ministry of Defence of the Donetsk People's Republic."

2028. In his statement, he said the following:

> "On 17 July 2014, at about 16.30 Moscow time, the commander of a people's militia unit with the alias 'Kep' – currently the deputy Minister of Defence of the Donetsk People's Republic; I don't remember his personal details because we called each other by aliases – reported that the air defence had hit one of the two SU-25 aircraft of the Ukrainian air force. This occurred in the area to the north of the town of Snezhnoye. ... About an hour after the report concerning the SU-25 fighter aircraft being hit, that is about 17.30, I received a message from the city of Gorlovka, Ukraine, that an unknown aircraft had crashed in the immediate vicinity of the aforementioned city."

2. Press conferences of the Russian Federation regarding the downing of flight MH17

(a) 21 July 2014

2029. On 21 July 2014 the Russian Ministry of Defence held its first press conference concerning the downing of flight MH17. The Ministry stated that according to information from its General Staff, flight MH17 had deviated 14 kilometres from its assigned air corridor in the Donetsk Region. It had then started a manoeuvre to return to its route. At 5.23 p.m, before having reached the assigned air corridor, it had disappeared from radars.

2030. Three minutes earlier, in addition to three civilian flights passing nearby, a Sukhoi Su-25 jet aircraft belonging to the Ukrainian Air Force had been detected 3 to 5 kilometres from the flight. Such jet aircrafts were equipped with air-to-air missiles capable of destroying a target within that distance. Moreover, the airspace surrounding the incident was within reach

of three to four Buk missile systems belonging to the Ukrainian Armed Forces. The Ministry presented photographs of Buk systems taken from satellites and a video by the Rostov Aerial Centre of the Joint Air Traffic Management System. The Chief of Staff of the Air Force, Lieutenant General Igor Makushev, expressed doubts as to the credibility of the theory that flight MH17 had been shot down by a Russian Buk as he said that there was no credible evidence to support that theory. He also stated that Russia had not transferred Buk systems or any other equipment to separatists in Ukraine. He promised that the Ministry would submit all relevant data to European and Malaysian experts to ensure a thorough investigation into the incident.

(b) 26 September 2016

2031. On 26 September 2016 the Russian Ministry of Defence held a further press conference on the investigation into the downing of flight MH17. The deputy chief constructor of the "Utes-T" radar facility of the research and production company "Lianozovskiy Electromechanical Factory" (a part of Almaz-Antey) stated that Russian radars had not detected any flying objects around the flight except for two civilian aircraft. The chief of the Russian Radio-Technical Troops, Major General Andreiy Koban, stated that Russian radars would have detected a missile if it had been launched from the east of the crash site. Russian radars would not have been able to detect missiles launched from the south or the west of the crash. The Ministry alleged that Ukraine had at its disposal important information about the incident, because flight MH17 had been traced by Ukrainian radars, air defence systems and air traffic control officers. That information, the Ministry said, had not been disclosed to the international investigation which had therefore been following a false lead and had been manipulated by Ukraine.

2032. Two days later, on 28 September 2016, a special conference was held by Almaz-Antey, the manufacturer of the Buk systems. It criticised the JIT's conclusions regarding the site from which flight MH17 had been shot down. The criticism was based on an alleged modelling error, alleged to be the result of wrong data taken from US sources, related to the backward fragment cloud created by the explosion. The Almaz-Antey representative explained that they had carried out field simulations which had confirmed the deficiency of the modelling by the JIT. The correct modelling by Almaz-Antey demonstrated that the missile had been launched from the Zaroshchenske district of the Donetsk Region and not from the area around Pervomaiskyi. That conclusion was consistent with radar data, as no missile launch had been detected in the Pervomaiskyi district.

(c) 17 September 2018

2033. On 17 September 2018 another press conference was held by the Russian Ministry of Defence. The Ministry claimed to have identified, by reference to manufacturing records, the missile which had shot down flight MH17. The identification had been carried out on the basis of photographs of the missile wreckage made available by the JIT which contained numbers assigned to the missile elements by their manufacturer. Photographs of wreckages with numbers 616039, 9D131.05.000N8.30.113 and 9D1318869032 on them were demonstrated. The Ministry explained that those numbers indicated the type of the missile elements (9D131 stood for a missile engine and 9D131.05.000 stood for missile venturi), as well as their unique serial number (8869032 referred to the missile engine and N8.30.113 to the missile venturi). According to the Ministry, the records showed that the missile in question had been produced by the Dolgoprudniy Research and Production Enterprise in 1986 and that it had then been sent to military unit no. 20152, at the time located in Terebovlya, in the Ternopil Region of Ukraine.

2034. The Ministry disclosed various photographs to support its claims, including photographs of: (i) the cover of folder no. 1 of technical documents relating to product no. 8868720 (part II)"; (ii) the cover of folder no. 2 of technical documents relating to product no. 8868720; (iii) the inventory of technical documents from folder no. 2 relating to product 9D38 no. 8868720 which listed five documents including a passport for unit (*агрегат*) 9D131.05.000 for product no. 8.30.113; (iv) product 9D131 paper form 9D131.00.000 with serial number 8869032, allegedly related to the missile engine; (v) passport for element 9D131.05.000N8.30.113, allegedly related to the missile venturi; (vi) recovered original document no. 1, which listed twenty-three elements of product 9D131 no. 8869032; including "block C" no. 8.30.113 and stated that product 9D131 serial no. 8869032 had been assembled at manufacture A-7144; that document had been signed on 24 December 1986; (vii) recovered original document no. 1, containing information about the definitive assembly of product 9D131 with serial no. 8869032, which had been integrated into product 9M38 with serial no. 8868720; that document had also been signed on 24 December 1986; (viii) inventory of technical documents from folder no. 1 relating to product 9M38 with serial no. 8868720, which listed six documents, including a consolidated statement of the assembly and delivery of product 9M38 with serial no. 8868720; (ix) statement for the further assembly of product no. 8868720 which mentioned product no. 9D131.00.000 with serial no. 8869032 produced on 24 December 1986; the Ministry explained that the digit 8 referred to the manufacturer, the digits 86 referred to the year of production, and the digits 8720 were the unique serial number of the missile; (x) the cover of the declassified top-secret logbook of accepted products 9M38 which, according to the Ministry, contained records of receipts of

products from the Dolgoprudniy Research and Production Enterprise in 1986; and (xi) part of the page allegedly belonging to the above-mentioned logbook, which showed that product no. 8720 had been given military stock no. 847379 and that on 29 December 1986 it had been sent to military unit no. 20152 by rail and had been received by the unit on 19 May 1987. The Ministry also referred to statements of employees from the Dolgoprudniy Research and Production Enterprise which supported their finding. The Ministry said that military unit no. 20152 had later been renamed Anti-Aircraft Missile System Regiment no. 223, was located in Stryi, Ukraine, and had been deployed by the Ukrainian Armed Forces in Donbas. According to the Ministry, there was no information suggesting that the separatists of the "DPR" or "LPR" had seized the missile from the Ukrainian troops. On the contrary, Ukraine had stated that no missiles had been taken from its army by the separatists.

2035. The Russian Ministry of Defence also claimed that a video showing a Russian Buk in the territory of Ukraine was fake. They referred to conclusions by "top Russian experts" who had reviewed material presented by JIT and had concluded that key video evidence had been falsified. In particular, several videos of a truck carrying the Buk TELAR were shown and discussed. The Ministry pointed out, among other things, alleged inconsistencies in perspective, lighting, clarity of details and representation of the movement of different objects.

2036. The Ministry also presented and played an audio recording of a conversation between Ukrainian servicemen setting up a radar in 2016 near Odesa. During the conversation, one of the participants had said: "Take Levchuk and say, "Hey, if this keeps going on, we will f**k down another Malaysian Boeing, and everything will be f**king great!" Russian experts confirmed that the voice of the Ukrainian Colonel Ruslan Grinchik, who had commanded the 164th Radio-Technical Brigade (military unit A-1451) of the Ukraine Air Force, could be heard on the recording. According to the Ministry, his brigade had been deployed in the ATO Zone and had controlled the airspace in south-eastern regions of Ukraine in July 2014. According to the Ministry, the audio recording between him and another solder proved the involvement of the Ukrainian army in the downing of flight MH17.

2037. At the end of the briefing the Ministry showed trajectories of flights around Snizhne which had been detected by Russian radars. The Ministry criticised the JIT investigation for ignoring those data and for basing their conclusion on evidence that was not reliable.

L. State responsibility negotiations in respect of flight MH17

2038. In a joint diplomatic note of 25 May 2018 to the Russian Federation, the Netherlands and Australia invoked the responsibility of the Russian Federation for the downing of flight MH17. The relevant extracts of the note stated:

"An investigation into the causes of the downing of flight MH17 was carried out by the Dutch Safety Board (DSB), with information provided by Australia, Belgium, Malaysia, the Russian Federation, Ukraine and the United States. The report of the DSB has revealed that the aircraft was shot down with a missile launched from a BUK-installation from the territory of Ukraine in an area that was under the effective control of separatists. Subsequent investigations by the Joint Investigation Team (JIT) concluded the exact nature of the weapon used and the fact that this particular BUK-installation was brought into Ukraine from the territory of the Russian Federation and was taken back to its territory after its deployment against flight MH17. The JIT announced on 24 May 2018 its conclusion that the BUK-installation belonged to the Russian Federation Army's 53rd Anti-Aircraft Missile Brigade.

Based on these facts, Australia and the Kingdom of the Netherlands consider that the Russian Federation, through its role in the downing of flight MH17 on 17 July 2014, has breached several obligations under international law owed to Australia and the Kingdom of the Netherlands, in their own right and in the exercise of their right to protect individuals on board flight MH17.

These breaches of international law constitute internationally wrongful acts for which the Russian Federation bears responsibility. That responsibility gives rise to legal consequences for the Russian Federation to:

(a) Accept fully its responsibility for those internationally wrongful acts;

(b) Cease those acts forthwith;

(c) Provide Australia and the Kingdom of the Netherlands with appropriate assurances and guarantees of non-repetition of these internationally wrongful acts;

(d) Provide Australia and the Kingdom of the Netherlands full reparation for the injury caused by these internationally wrongful acts.

Australia and the Kingdom of the Netherlands request that the Russian Federation enter into negotiations with them in relation to these breaches of international law by the Russian Federation and the legal consequences that flow from them. Australia and the Kingdom of the Netherlands request a prompt response from the Russian Federation to this request."

2039. A joint press conference took place in Sydney on 29 March 2019 with the Minister for Foreign Affairs of Australia and the Minister of Foreign Affairs of the Netherlands. The Governments confirmed that a first iteration of State responsibility talks between Australia, the Netherlands and Russia had taken place in early March 2019.

M. Reports and statements on digital material

1. Expert report, undated

2040. An undated "expert report" by an anonymous author, submitted by the respondent Government, analyses five videos posted on social media allegedly showing the journey of the Buk TELAR to/from its launch site. Four of the videos purport to show the same scenes of the Buk TELAR travelling under its own power near Snizhne; the fifth purports to show the

Buk TELAR in Luhansk during its return to the Russian Federation. The report concludes:

> "2) In the videos considered above, I found there to be repeated problems when objects are passing in front of posts etc. This may be suspicious. In particular, the shortening of the Buk in the first video discussed above appears to be very strange and not consistent merely with compression artifacts. I cannot give a reasonable explanation of that appearance.
>
> 3) Social media cannot constitute a source of digital evidence in the form of photographs and videos since social media change and encode them on their own, particularly by lowering their resolution and even changing and encoding them with the passage of time since publication. Further, if photographs and videos have already been compressed at the time of publication and are repeatedly compressed by social media (in the case of YouTube, this means that they had been compressed at least three times by 2017), then they cannot be analysed for any traces of computer editing."

2. Final Report of 26 May 2019 (analysis of intercepted call)

2041. In this report entitled "MH17 Video and Audio Forensic Analysis", submitted by the respondent Government, Mr Akash Rosen prepared, at the request of Bonanza Media, an "expert" report on audio and video materials related to the MH17 case.

2042. The expert had examined two files published on YouTube: (i) "radio interception of conversations between militants, 'Boeing-777 plane crash.mp4'"; and (ii) "MH17 crash: leaked tape proven FAKE by audio analysis." The report noted that according to the YouTube channel, Video 1 ("SSU, Radio interception of conversations between terrorists, 'Boeing-777 plane crash'") had been published on 17 July 2014, but the encoded/created date was showing 1 November 2018 at 02:44:30 (UTC), which was four years and three months after the crash. Video 1, under "date modified" (in the YouTube header), was also showing "last modified on 1 November 2018". According to the report, this clearly meant that the video was not genuine and had been tampered with and could not be accepted as digital evidence to relied upon. As to the Video 2, "MH17 crash: leaked tape proven FAKE by audio analysis", the date of publication was 17 July 2014, and it had last been modified on 4 August 2014. The report concluded that this video was also considered not genuine.

2043. The report also analysed the audio in the videos. It indicated that in Video 1, there was no metadata showing any details of the audio tracks constituting the original source of the recorded audio tracks. Accordingly, the audio tracks in Video 1's audio stream could not be trusted, relied upon and or accepted as any kind of digital evidence. A forensic audio analysis of the main audio streams of Video 1 showed that there were a total of three separate audio files with five tracks of audio conversations between militants. Their quality was very low, and the original source of the intercepted audio remained unknown. The audio-recorded tracks in Video 1 were inconsistent in that some were mono-recorded audio and some were stereo-recorded

audio. This indicated that multiple sources of the audio track had been used for the Video 1 audio stream. Moreover, forensic analysis on the spectral and noise floor for those audio tracks showed that there were several anomalies.

3. Interim report of 20 August 2019

2044. An "interim report" by Mr Akash Rosen of 20 August 2019, submitted by the respondent Government, analysed a photograph used in two reports (by Bellingcat and by the Atlantic Council) of a purported Russian soldier (Mr Tarasov) in eastern Ukraine. The photograph shows the soldier sitting on a tank which in one version is marked with the number "758" in white and in the other version has no number. The report concluded:

> "It is clear from comparing the Atlantic Council and Bellingcat pictures that the pictures are not reliable. There are indications of digital creation or tampering in the area of the number/no number and in other more general ways. It is interesting that the differences between the pictures in the area of the number do not show up under standard forensic tests, which shows that sophisticated techniques have been used. It is also interesting that the clone stamping has been done using the soldier's boots which is strange and not something that a person would do. That may suggest the use of A.I. techniques."

4. Expert analysis report of 8 November 2019

2045. In an "expert analysis report" of 8 November 2019, submitted by the respondent Government, the Russian Federal Centre of Forensic Science of the Ministry of Justice of the Russian Federation analyses the following three sets of photographs:

1. a photograph of a serviceman of the Russian Armed Forces, Mr Tarasov, in the course of drills near the Rostov region in the Russian Federation, which in one version shows a number on the tank (Tarasov archive version) and in four other versions does not (three versions from the Tarasov archive and a Bellingcat version);
2. a photograph of a T-64 tank in the Luhansk region in eastern Ukraine which seems to have been modified in two other photographs (by UA Press and by the OSCE); and
3. a photograph which in one version shows three men standing in front of a T-90 tank (not in service with the Ukrainian Army) in eastern Ukraine (on the Peacemaker website and on Sergey Strutsinsky's social media page) and in another shows four men (Bellingcat version).

2046. The report concludes that none of the Tarasov photographs (photograph 1) are original images. The photographs that do not show the number on the tank "were modified in the area of materiel numbers, particularly the image objects were removed and the areas they occupied were filled in with images generated from adjacent areas of the image." The report furthermore concludes that the modified images were repeatedly coded,

making it impossible to establish what recording devices were used, where and when the recording took place and what software was used to modify the photo images.

2047. The report further states that both photographs of the T-64 tank (photograph 2) have indications of modification after the photograph was recorded. In particular:

> "- The size of the image of the window on the shorter side of the house that is visible between tree trunks is larger than that of any other window in this photo;
>
> - There is a 'gap' between the image of the turret of the tracked vehicle and that of the tree located in front of the road, and through this 'gap' one can see fragments of the window and the wall of the house located on the opposite side of the road and to the right side of the tree one can see an image similar to a gun (cannon) barrel but there is no turret-barrel connection in the image, and the beginning of the image of the cannon barrel overlaps the image of the third tree branch;
>
> - The people are unnaturally positioned given that they are standing on moving materiel;
>
> - Inconsistency between shadows cast by various objects and the single source of light (the sun) – the shadows of various objects are cast in different directions."

2048. The report concludes that that none of the versions of photograph 3 are authentic. It furthermore concludes that the graphic editor paint.net.4.0.9. was used to create the Bellingcat version of the photograph, presenting four men in front of a T-90 tank.

5. Expert report of 4 December 2020

2049. An "expert report" by Alexander Alexeevich Bobkov (serving as a reserve colonel of the Armed Forces of the Russian Federation), of 4 December 2020, submitted by the respondent Government, analyses ways to change imagery on Google Earth and Google Maps and in other publicly available resources. The report concludes:

> "2. Countries where satellite imagery is modified include South Korea, Sweden, Slovakia, France, Israel, the USA [and] Hungary. Israel is a country ANY image of which is modified under the law of the United States. This leads to edited images being used by all resources, including the global American ones (Google Earth, Google Maps) and Russian ones (Yandex Maps).
>
> 3. It is allowed by law to introduce changes into the original images of facilities/territories, which is done by the government authorities of the relevant countries (South Korea, the USA, Sweden, [and] possibly France and Israel) and controlled by the government authorities (the USA, Sweden, South Korea, and possibly France), the Armed Forces (Sweden) and possibly intelligence services (South Korea). Both the government authorities (the USA, Sweden and possibly France) and commercial organisations of such countries as the USA, South Korea, Russia [and] Slovakia, can introduce changes into the original images.
>
> 4. Facilities whose images were modified: military facilities/intelligence infrastructure facilities (South Korea, Sweden, Israel); State management facilities (the

USA); power engineering facilities (Hungary, France, the USA, Israel); territory of the State of Israel.

5. Main ways to modify (falsify) imagery in publicly available resources: (1) removal of details from imagery (Slovakia, Hungary, Israel, Hungary (*sic*)); (2) insertion of details into imagery (South Korea, Slovakia, Sweden, the USA; (3) degradation (coarsening) of image resolution in imagery (Israel, the USA, France); [and] (4) combination of the above-mentioned ways."

6. Expert report of 7 December 2020

2050. An "expert report" dated 7 December 2020, written by "a group of experts" and submitted by the respondent Government, analyses a video file in which a Buk surface-to-air missile system in Torez (Donetsk Region) is being transported shortly after the launch of the missile that downed flight MH-17.

2051. The report concludes, in short, that the video and its (several) versions, are fake, stating the following:

" 7.1. Uneven and artificial blurring // There are characteristic signs, which suggest with high probability that the video is fake.

7.2. Areas of objects under study where the contrast does not match // There are characteristic signs, which suggest with high probability that the video is fake.

7.3. Areas of objects under study where shadows do not match // There are characteristic signs which suggest with high probability that the video is fake.

7.4. Signs of superimposition of additional layers (decomposition of the image) // There are characteristic signs, which suggest with high probability that the video is fake.

7.5. Differences between the objects in various versions of the video // There are characteristic signs, which suggest with high probability that the video is fake."

7. Expert report of 10 March 2021

2052. An "expert report" by Alexander Andreevich Bobkov dated 10 March 2021, submitted by the respondent Government, analyses issues relating to NATO's satellite imagery capabilities, in particular in response to a tweet by the Ambassador of the United States of America in Ukraine which is said to show Russian military equipment in Ukraine, and "a line of seam in Google Earth images of Petropavlovka".

2053. The report concludes firstly that NATO's military satellites are capable of much higher resolution, down to 10-15 cm, thus considering that "the US Ambassador in Kiev and NATO did not produce satellite images that match NATO's capabilities". In the second place, regarding the "line or seam" in a Google Earth image of Petropavlivka, the report concludes:

"This does not seem to be tiling for the purpose of presentation of a large image in segments on the Google Earth Service. The reasons are as follows:

1. We do not see other similar lines corresponding to the dimensions of tiles;

2. I have noticed that on the Google Earth image for 9 June 2018, there are different colours on either side of the line. This is very odd and not consistent with the cutting of one image;

3. I have noticed that parts of the roofs of three building, including a porch, are missing around the line. This too is strange."

8. Expert report of 12 March 2021

2054. An "expert report" dated 12 March 2021, prepared by "a group of experts" and submitted by the respondent Government, analyses the so-called *Paris Match* video which shows a truck carrying the Buk launcher. The report concludes that "[e]xperts have found blurring in frames in the *Paris Match* video submitted for analysis. This blurring is similar to other video files that we have received and continue to examine." The report furthermore concludes that the video seems to have been manipulated, and that there are indications that the video was created by superimposing two videos. All in all, this leads to the following conclusions in the report:

"5.1. Uneven and artificial blurring // There are distinctive features that can be called fake with a high degree of certainty.

5.2. Artificial manipulations with frames in the video material // There are distinctive features that can be called fake with a high degree of certainty.

5.3. Signs of additional superimposed layers and perspective (image decomposition) // There are distinctive features that can be called fake with a high degree of certainty."

9. Expert report of 18 May 2021

2055. An "expert report" by Oleg Vladimirovich Rudenko (amongst other things, head of the Acoustics Department at the Lomonosov Moscow State University), Boris Ivanovich Goncharenko (PhD and senior research associate of the Acoustics Department of the Lomonosov Moscow State University) and Andrei Sergeevich Shurup (PhD and associate professor of the Acoustic Department of the Lomonosov Moscow State University) was submitted by the respondent Government. It analyses the applicability of the signal triangulation method used to determine the origin of the second sound peak recorded on the Cockpit Voice Recorder. The report concludes:

"We strongly disagree with the methodology applied by the DSB. First, the DSB failed to distinguish between a shockwave and a sound wave and shrapnel of the explosive device have supersonic speeds, and signals they create when destroying the fuselage are different in magnitude, different in directions of propagation, different in speed of propagation. Therefore, the microphones must have recorded the signals of the fuselage tearing apart and breaking down, which come from big area of fuselage with random amplitudes and not exactly determinable propagation speeds. In these ambiguous circumstances, it is meaningless to use the triangulation method.

In any event, it is unclear how the DSB experts could attempt triangulation method for reliable conclusion without sufficient understanding of the speed parameters of the signal and conditions of its propagation."

10. Expert report of 21 May 2021

2056. An "expert report" dated 21 May 2021, prepared by an "expert group" and submitted by the respondent Government, analyses a number of photographs and video files used as evidence by the Ukrainian and Dutch Governments in the proceedings before the Court. In particular, it analyses (1) a photograph of the "bridge piece" of the Boeing 777 (MH17) posted by Roman Olearchyk in Hrabove on Dailymotion and/or the *Financial Times*; (2) a photograph featuring a piece of wreckage presented by the *Herald Sun*; and (3) several photographs of the wreckage taken by Jeroen Akkermans of the Dutch television channel RTL as he joined the OSCE mission which was visiting Petropavlivka on 23 July 2014. The report concludes:

> "Based on the above analysis, we have had some questions regarding the submitted materials. The main conclusion is that the analysed videos contain signs of deliberate digital manipulation such as uneven blurring and signs of digital stabilisation. The photo materials we have examined yield dubious results of analyses of noise, image compression and brightness errors. Additional signs of digital manipulation include discrepancies we have found in the photographs and the videos, which are alleged to have been taken in one and the same place, such as the electricity pylons facing in different directions. In total, all signs of manipulations we have found cast doubts on all the materials we have analysed ... and, as a result, calls into question their admissibility as evidence."

2057. The report also draws conclusions regarding the authenticity of video materials from the Luhansk region, in particular various videos showing a truck with a Buk anti-aircraft-missile system moving away from the camera on an asphalt road. In that connection the report concludes that "more than half of all analysed video materials have a time tag inside containers that is earlier than YouTube's own time tag ... It is also worth mentioning that artefacts in the videos do not convince us that these are original videos that did not undergo any digital manipulation."

2058. Furthemore, the report critically examines a photograph presented in the DSB final report, concluding:

> "This image was apparently digitally manipulated – a person in the background is blurred and missing a right arm. A mistake appears to have been made as the photo material underwent manipulations since the blurring cannot have 'cut off' the arm."

2059. Lastly, the report criticises geotags in archived data and a photograph posted by the Atlantic Council in which a long convoy of armoured vehicles and soldiers of the Armed Forces are present. The report concludes that both the data and the photograph may have been manipulated.

11. Report dated 21 May 2021 on the materials submitted by the applicant Governments

2060. An "expert report" dated 21 May 2021, prepared by Konstantin Valentinovich Sivkov and submitted by the respondent Government, analyses the identification of weapons, military equipment and munitions ("WME")

and potential origins (sources) of WME as located in the territory of the "DPR" and "LPR".

2061. In particular, the report concerns the following WME: (i) MRO-A small rocket-propelled flamethrower; (ii) RShG-1 rocket-propelled assault grenade; (iii) RShG-2 rocket-propelled assault grenade; (iv) GP-34 under-barrel grenade launcher; (v) R-330Zh Zhitel jamming station; (vi) R-934UM jamming station/R-330M1P Diabazol jamming and suppression station; (vii) RB-636AM2 Svet-KU mobile system of radio control and information protection; (viii) BM-21 Grad MLRS; (ix) 2B26 Grad-K MLRS on a KamAZ-5350 chassis; and (x) a T-72 tank.

2062. The report concludes:

> "As far as I understand, Ukraine and the Netherlands are in fact alleging that any weapons found (especially those manufactured in the post-Soviet times) may have been supplied only by the Russian Federation. I find this approach to be erroneous. When analysing the origin of weapons and military equipment in Eastern Ukraine, the following possible sources should, at the very least be taken into account:
>
> 1. Seizure of weapons and military equipment from storages and military units in the Donetsk and Lugansk Regions. In the Soviet period, a large number of WME, including modernised samples, were supplied on a priority basis to the troops deployed along the western borders of the Soviet Union, including Ukraine. Moreover, in Ukraine itself, including its Donetsk and Lugansk Regions, there were plants that manufactures weapons and military equipment. ... Therefore, the weapons and equipment shown in the materials may have been seized by the militia from the units that used to be deployed in the Donetsk and Lugansk Regions or upgraded at local enterprises.
>
> 2. LPR/DPR's purchase of weapons from the UAF and manufacturers of WME in Ukraine. Seizure of weapons from the UAF. It is evident that the weapons also get to the LPR/DPR after being seized from the UAF units and national battalions operating in Donbass. ... Moreover, there have been many cases of soldiers and officers of the UAF passing to the side of the armed groups of the DPR and LPR. ... It should also be taken into account that corruption in the armed forces of Ukraine has been a subject of media reports many times, both prior to the military operations in the Donbass and after that. ... It is reasonable to suggest that the actual scale of corruption and illegal supply of WME in Ukraine exceeds that reported in the mass media. Even though the mass media publishes only sporadic data about the purchase of weapons by the LPR/DPR militia from the UAF, the volumes of trade between Ukrainian servicemen (manufacturers of WME) in the Donetsk and Lugansk People's Republic and third countries are not reliably known.
>
> 3. Purchase of weapons in the illegal market. Taking into account the volumes of supply of the Russian and similar Ukrainian weapons abroad (including to conflict areas), one can confidently say that many pieces of equipment, including heavy equipment, are available in the illegal market. ... One cannot ignore the fact that the photographs of certain WME and other conflict areas may have been digitally processed to be presented to the public 'in the Ukrainian context'.
>
> 4. Purchase of weapons and military equipment from third countries. The USSR and the Russian Federation as its successor state have been the largest suppliers of weapons in the world. ... Therefore, many samples of weapons and military equipment alleged to be in the LPR /DPR are in fact available or may have become available in Ukraine.

Such equipment can be subsequently photographed or filmed as purportedly found in or seized from the LPR/DPR.

5. Use of potential of Ukraine's military industrial complex to prove the presence of the Russian troops in Donbass. As I noted above, Ukraine has a rather developed military industrial complex which it inherited after the collapse of the USSR. ... Moreover, the Ukrainian military industrial complex has substantial technical possibilities for modernising equipment (at least some pieces) to the levels used by the Armed Forces of the Russian Federation. It is known that many pieces of heavy equipment have been upgraded in Ukraine. Even if Ukraine does not have technical capacities to modernise specific types of weapons, works may be carried out at Ukrainian factories that would at least make Ukrainian equipment look like the latest Russian equipment. This would explain, for example, some design features of the military equipment shown in the materials. Freely sold deactivated and demilitarised weapons may be used for that same purpose."

12. Statement by Eliot Higgins, Bellingcat

2063. Mr Higgins's statement, submitted by the applicant Ukrainian Government, concerned the so-called "Tarasov photograph" of a soldier seated on a tank which was used in reports by the Atlantic Council and by Bellingcat.

2064. Mr Higgins referred to the claims of the respondent Government made in the hearing on admissibility in the case of *Ukraine v. Russia (*re *Crimea)* (cited above), which he described as follows:

"In the video published of the hearing at 42:35 the following statement is made:

'If you go to page 7 [of a production of the respondent Government supplied to the Court] you have a picture of a soldier, Mr Tarasov. Supposedly from his social media, standing on one vehicle in a column of armoured vehicles, BTRs.

If you go to the next page, page 8, we have another version of the same picture.

One is the Atlantic Council, the other is Bellingcat, and I invite you to spot the difference.

The difference is that a number on a vehicle in the column has disappeared, and that's because Bellingcat likes to say that the Russian government removes numbers before military vehicles go into Ukraine.

If you look at the next page, page 9, you can see a close up, and on the right you have the soldier's boots whose sitting on the vehicle next to the number, and right beside them in the metal, the number has disappeared, and we can see that's been done by cloning the soldiers boots, and that tells us a number of things.

First, this is very sophisticated, this doesn't show up on the conventional computer forensic tests. So it's been done with artificial intelligence, but it's been done by a human being who perhaps wasn't so intelligent, and we see the propaganda.'"

2065. According to Mr Higgins, this claim "totally misrepresents the evidence presented, and the work of Bellingcat", for a number of reasons. First, the location of the photograph, as geolocated by Bellingcat, was inside Russia and not Ukraine. Second, both versions of the photograph had been uploaded by the soldier in the photographs to his social media profiles.

Archived copies of his pages were still available. The source photograph used by the Atlantic Council had been clearly explained in its report, where it was noted:

> "This photograph was posted to Tarasov's social media profiles on VKontakte, OK.ru, and Instagram. He deleted the photograph off of some of these services but reposted the image onto his VKontakte profile in December."

2066. Mr Higgins explained that although most of the live links no longer functioned, there were various archived versions for the December version of the photograph. In this archived version, the number was missing. It was clear from the archived version that the soldier himself had updated his profile picture with the edited image. Mr Higgins continued:

> "As it's clear both versions of the photograph were uploaded to his own social media profiles, and there's normal activity before and after they were uploaded excluding the possibility his social media pages were hijacked, we can only assume the soldier himself made the edit. We can only speculate to why, but the second version was uploaded at a time when there was increased interest in images published by Russian soldiers, and an increasing number of people writing about it, and he wouldn't be the only Russian soldier who uploaded images that were obscured."

2067. Mr Higgins concluded by noting that the purpose of the section of the Atlantic Council report and Bellingcat article cited was not to prove that Russian soldiers were painting over numbers. In the Atlantic Council report, he explained, the image was used to illustrate the presence of Russian forces on the border with Ukraine; in the Bellingcat report it had been used to demonstrate how the image had been geolocated. He stated:

> "What this certainly is not a demonstration of is images faked for Ukrainian propaganda. At no point has the Atlantic Council nor Bellingcat used these images in relation to claims of Russia painting over numbers of vehicles, and to imply otherwise is false and misleading."

N. Russian convoys

1. ICRC press statements

2068. The ICRC published information on its potential involvement in the transport and distribution of the first Russian convoy in August 2014 via news releases and interviews.

2069. In a news release issued on 11 August 2014 ("Ukraine: Urgent need for aid in east") it said:

> "In response to the latest initiative of the authorities of the Russian Federation to hand over humanitarian assistance to the ICRC in order to help people and areas affected by conflict in eastern Ukraine, the ICRC is ready to facilitate such an operation with the involvement, endorsement, and support of all sides concerned.
>
> Today the ICRC met with the Ukrainian and the Russian authorities and shared a document which specifies the manner in which such an operation could take place. This includes the agreement by all sides that the ICRC will be allowed to deliver the aid with

due respect for its fundamental working principles of neutrality, impartiality and independence.

The document also stipulates, among other matters, that prior to beginning of the operation, the ICRC should receive without undue delay from the authorities of the Russian Federation all necessary details concerning the aid, including the volume and type of items, and requirements for transport and storage. All parties must also guarantee the security of ICRC staff and vehicles, for the entire duration of the operation, in view of the fact that the organization does not accept armed escorts.

'The practical details of this operation need to be clarified before this initiative can move forward,' said [the ICRC's head of operations for Europe and Central Asia].

The ICRC is emphasizing that the parties to the conflict have an obligation to allow and facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need, which is impartial in character and conducted without any adverse distinction, subject to the right of control."

2070. In an interview of 12 August 2014, the ICRC Head of Operations for Europe and Central Asia explained that the ICRC had heard about the Russian initiative to send a first humanitarian aid convoy and noted that the Russian and Ukrainian authorities had agreed that such a convoy should be a possibility "provided that the ICRC could be on board". He continued:

"We said that we could be on board but that we needed to have some clarification first regarding modalities, practical steps that have to be implemented prior to launch[ing] such an operation. That's where we stand right now.

[T]o implement such an operation in a conflict-like environment we seriously need security guarantees, for example, and direct contact with all the parties; this is not settled yet. We need as well to know precisely what is inside the convoy, the size of this convoy and the various material that is going to be handed over."

2071. He noted that the convoy which had left Moscow that morning was composed of 280 trucks, which he described as "rather massive". He confirmed that the ICRC was in constant contact with both the Ukrainian and the Russian authorities, saying: "They know what our requirements are, we are waiting for their feedback."

2072. Relevant extracts of a news release published on 15 August 2014 ("Ukraine: Preparations under way for large-scale aid delivery"), read as follows:

"The International Committee of the Red Cross (ICRC) is deploying additional staff to Russia and Ukraine and scaling up logistics arrangements in readiness for the delivery of aid to conflict-hit eastern Ukraine.

The Ukrainian and Russian authorities have each separately dispatched a convoy carrying aid for eastern Ukraine, and have asked the ICRC to facilitate delivery. The two countries are still finalizing such practical details as inspection and clearance procedures for the Russian convoy and confirmation of the strictly humanitarian nature of the cargo.

'As and when agreement is reached, we plan to deliver this humanitarian aid to people affected by conflict in eastern Ukraine, health facilities and other welfare organizations,' said ... ICRC head of operations for Europe and Central Asia, speaking

from Kiev. 'People are struggling to cope with limited access to basic services such as water and electricity, so speed is of the essence.'

A five-person ICRC team is already present in the vicinity of the Russian convoy, which is currently parked in the Rostov region, and 15 more staff are on the way. Another ICRC team has deployed to Starobilsk, where a Ukrainian aid convoy of around 50 trucks arrived this morning.

'We still need assurances from all parties to the conflict that our staff will be allowed to perform their tasks safely and with due respect for our humanitarian principles. Given the complex logistics and security challenges involved, this aid operation will take some time and we call on the authorities of both countries to do all they can to resolve outstanding issues quickly,' added [the ICRC head of operations for Europe and Central Asia]."

2073. A news release published on 21 August 2014 ("Ukraine: Urgent need for aid in Lugansk") confirmed that a three-person team from the ICRC had gone to Luhansk to make arrangements for the delivery of Russian and Ukrainian aid convoys. The ICRC head of operations for Europe and Central Asia had travelled to Moscow for talks with senior officials on the convoy and the ICRC's wider humanitarian activities in eastern Ukraine. The News Release continued:

"The ICRC and the Ukrainian Red Cross have delivered part of the aid, consisting of perishable goods, donated by the Ukrainian authorities to a number of towns in eastern Ukraine, including Starobilsk, Lysychansk and Sievierodonetsk ...

The ICRC has taken all necessary administrative and preparatory steps for the passage of the Russian convoy – which remains at the border, still within Russia, pending customs checks – including sending additional staff to the area and receiving authorization from the Ukrainian authorities to clear the aid as humanitarian cargo after customs inspections. The organization is therefore ready to deliver the aid to Lugansk, provided both Russia and Ukraine agree on the strictly humanitarian nature of this convoy and provided assurances of safe passage are respected by the fighting parties. Under international humanitarian law, the parties to the conflict must respect and protect humanitarian relief personnel, in particular those legally displaying the red cross emblem."

2074. On 23 August 2914, in a news release ("Ukraine: Lugansk population in dire need"), the ICRC provided an update:

"The [ICRC] continues discussions with the representatives of the self-proclaimed Lugansk People's Republic about rapidly delivering aid donated by the Ukrainian authorities for the neediest in and around Lugansk. This is possible only if assurances of safe passage are respected by the parties to the conflict.

The local authorities started distributing aid received from Russia on 22 August. Despite continuous talks with all sides, the ICRC was unable to secure sufficient guarantees for safe passage and therefore could not accompany the convoy that delivered the aid. The organization is using its operational expertise to advise local authorities in drawing up distribution plans."

2075. On 19 September 2014, the ICRC published an article entitled "Ukraine: ICRC steps up aid amid fragile ceasefire" which read in relevant part as follows:

"'We remain in contact with the Ukrainian and Russian authorities on their humanitarian initiatives,' said ... [the] head of ICRC operations in Europe and Central Asia. 'So far, Ukraine and Russia have not reached a final agreement on the terms and conditions of a cross-border aid operation. In the absence of such agreements, we cannot facilitate the passage of convoys from Russia. However, we are continuing to advise on and facilitate the distribution of aid by the local authorities.'"

2076. An article entitled "Reaching the needy in eastern Ukraine with neutral and impartial aid", written in the style of a question-and-answer session with the head of ICRC operations in Europe and Central Asia, was published on 26 September 2014. The relevant extracts read:

"**The ICRC has been criticized for not facilitating the arrival of convoys from Russia. Why have we not been able to do so?**

From the start, I was in constant contact with the authorities in Kiev, Moscow and in eastern Ukraine about the convoys. The ICRC was willing to facilitate the arrival of convoys, but we could only do our work if the parties to the conflict agreed on our role and guaranteed the safety of our staff. Unfortunately, we did not have the necessary security guarantees for our team for the first convoy from Russia, and for subsequent convoys the Russian and Ukrainian authorities did not agree on procedures that would allow us to work.

We want humanitarian aid to reach those in need and all aid delivered to eastern Ukraine has been welcome, as it has helped alleviate shortages. However, agreement is needed at a political level for cross-border aid operations and it is not the role of the ICRC to broker such discussions. We remain ready to advise local authorities about distributing aid, if needed. We urge all sides to agree on ways to safely bring in much-needed aid to relieve the suffering of those who are struggling to cope or desperately need health care."

2. Correspondence

2077. The Russian Government provided correspondence with the Ukrainian authorities, the ICRC and various UN entities and individuals in respect of more than eighty convoys. The letters stated how many convoys were scheduled for the forthcoming period or the dates of scheduled convoys. They contained a brief description of the intended contents of the convoys.

2078. The case file also contains twenty-five letters from the President of the ICRC to the Minister of the Russian Federation for civil defence, emergencies and the elimination of the consequences of natural disasters. The letters are dated between 19 May 2015 and 20 December 2019. Each letter is in the same terms, acknowledging receipt of information concerning a humanitarian aid convoy and reiterating the high value placed by the ICRC on "any assistance that contributes to alleviating the plight of the population affected by the conflict in this region of Ukraine".

3. Information concerning the convoys

2079. The respondent Government provided a table showing information concerning convoys sent by Russia to eastern Ukraine. The table lists

ninety-six convoys sent to the Donetsk and Lugansk regions between 11 August 2014 and 19 December 2019. In respect of most of the convoys, their contents are summarily identified. The table reveals that each convoy in respect of which details were provided transported between 120 and 4700 tons of aid including food, medicine, books, paper, educational literature, school furniture, building materials, heaters, electric power stations, fuel, agricultural materials, and New Year and Christmas gifts.

4. Convoy border inspections

2080. The respondent Government provided a number of videos and photographs which they indicated showed border inspections of around forty convoys. The images show various individuals in camouflage or in uniform, identified by the respondent Government as Ukrainian and Russian border officials, appearing to open some trucks and look at their contents. A number of the trucks shown are marked with the words "Humanitarian aid from the Russian Federation" or the symbol of the Ministry of Emergency Situations of the Russian Federation. Some of the trucks in the images are closed; others have their back doors or rear tarpaulin open and show white bags, boxes or wooden beams inside the trucks. Some of the trucks appear to be empty. One photograph and one video, said to relate to the second convoy, show boxes being opened to reveal tinned products. The boxes remain closed in all the other photographs. In one photograph, said to concern the fourth convoy, a tanker truck is shown apparently carrying an inflammable liquid.

O. Material concerning the alleged abduction of three groups of children and accompanying adults

1. Material provided by the Russian Federation

(a) Witness statements

(i) L.N.Z. and L.P.O., tutors from the Snezhnoye orphanage, interviewed by an investigator of the Donetsk Investigation Department of the Investigative Committee of the Russian Federation in Donetsk on 13 June 2014

2081. The statements were almost identical in wording. The witnesses stated that that the transfer of sixteen children (fifteen minors and one adult) from the Snizhne orphanage had been planned on account of the risks to their personal safety created by the ongoing armed conflict in the Donetsk Region. It had been decided to transport them to the Korchaginets children's health camp in the village of Volovoye in the Dnipropetrovsk Region on 12 June 2014. An order to that effect had been issued by the mayor of Snizhne and given to the tutors. The Snizhne Town Department of Public Education had listed the tutors as people responsible for the children's health and lives. They had been given copies of identity documents and medical certificates for

those they were to accompany. The tutors had not been given powers of attorney.

2082. At around 8.50 a.m. on 12 June 2014, a bus with the children accompanied by the tutors left the orphanage. It was stopped at a "DPR" checkpoint around twenty minutes later. An officer without a firearm had entered the bus and had asked where it was going. He had then explained that it was too dangerous to take the children to the village of Volovoye and had suggested a different place. L.N.Z. had called the head of the Snizhne orphanage, who was the legal representative of the children, and she had in turn called her superiors.

2083. Almost an hour later, representatives of the Snizhne local authorities had arrived at the checkpoint. Having spoken with representatives of the "DPR", they had decided to transport the children to Crimea. A nurse had joined the children in the bus. A traffic police car and a car with representatives of the "DPR" had followed the bus.

2084. At around 1-2 p.m. the bus had passed the Ukrainian border checkpoint without being stopped. It had then been stopped at the Russian border checkpoint in the vicinity of Novoshakhtinsk, Rostov Region, Russia. Russian border control officers had inspected the documents presented by the witnesses and had let the bus into the country. None of the passengers had objected to entering Russia or had been subjected to any form of coercion. Once in Russia, the representatives of the Ministry of Emergency Situations of the Russian Federation had accompanied the children to a tent and given them dinner pending decision regarding their accommodation.

2085. At around 6 p.m. the witnesses and the children had been taken to the Donetsk recreational centre in the town of Donetsk, Rostov Region. The witnesses underlined that none of the children or accompanying adults had objected to entering Russia and that they had been under no physical or psychological pressure.

(ii) Four minors and one adult from the Snizhne orphanage, interviewed by an investigator of the Donetsk Investigation Department of the Investigative Committee of the Russian Federation in Donetsk on 13 June 2014

2086. The witnesses stated that on 12 June 2014, they had been expecting to be transported from the Snizhne orphanage to a health camp. The bus had departed at around 9 a.m. About twenty minutes later it had been stopped at a checkpoint at the outskirts of Snizhne. Two witnesses had observed six or eight armed men in camouflage trousers at the checkpoint. An unknown man had then entered the bus and had said that it was too dangerous to go to the health camp because of military activity in the area. Two witnesses stated that the man had been armed; one witness stated the opposite. Four witnesses said that the man had had a conversation with their tutors, and that thereafter it had been decided to go to a holiday camp in Crimea. One witness stated that the man had invited the bus to follow his car. None of the witnesses alleged

that there had been any pressure on them or on the tutors. A nurse had entered the bus to accompany the children. On the way to Crimea, the bus had followed a white car. One of the witnesses mentioned that a traffic police vehicle had accompanied the bus.

2087. Several hours later (between lunchtime and 4 p.m.) the bus had stopped at a border checkpoint. One of the witnesses said that it had stopped on the Ukrainian side of the border; one witness did not clearly specify which side of the border the bus had stopped; other witnesses said that the bus had stopped only at the Russian side of the border. All of the witnesses submitted that after a short check of the documents, the border control officers had allowed the bus to continue on its way. Once in Russia, the passengers had been met by uniformed personnel of the Russian Ministry of Emergency Situations, who had accompanied them to a tent camp. After thirty to forty minutes, they had been taken to the Donetsk recreational centre. None of the witnesses had experienced any form of coercion or had any complaints.

(b) Other documents

(i) Certificate on the transfer of children on 13 June 2014

2088. The certificate stated that a group of sixteen Ukrainian nationals from the Snizhne orphanage (fifteen minors and one adult) had been transferred by the mayor of Donetsk (Russia) to the Consul General of Ukraine in the city of Rostov-on-Don at 9 a.m. on 13 June 2014. The transfer had taken place in the presence of the head of the "Donetskiy" recreation centre and an official from the Rostov Regional Ombudsperson's Office. The certificate stated that the parties had no complaints against each other.

(ii) Certificate of acceptance of children on 13 August 2014

2089. The certificate stated that a group of eight minors, who were Ukrainian nationals, had been accepted by the Consul General of Ukraine in the city of Rostov-on-Don on 13 August 2014 for transfer from the municipal healthcare organisation "Central Town Hospital" of Donetsk (Russia) to Ukraine. It further stated that the Consul General of Ukraine in Rostov-on-Don had no complaints against the hospital.

(iii) Decision not to open a criminal case dated 18 September 2015

2090. On 18 September 2015, having conducted a pre-investigation inquiry into the transportation of sixteen Ukrainian nationals from the Snizhne orphanage to Russia, a senior investigator of the Main Investigative Directorate of the Investigative Committee of the Russian Federation decided not to open a criminal case into the incident.

2091. The decision stated that sixteen minors, Ukrainian nationals from the Snizhne orphanage, accompanied by their two tutors, had crossed the

Russian border at the Novoshakhtinsk border checkpoint in the Rostov Region on 12 June 2014.

2092. The minors, questioned in the presence of specialists in pedagogy and their tutors, had stated that on account of the ongoing military conflict, it had been decided to transport the children from the orphanage to the Korchaginets children's health camp in the village of Volovoye in the Dnipropetrovsk Region on 12 June 2014. Their bus had been stopped at a checkpoint located in the "DPR". A "DPR" representative had entered the bus and warned them of fighting on their road. He had explained that it was too dangerous to take the children to Volovoye and had suggested a different place. Representatives of the Snizhne local authorities had arrived at the checkpoint. Having spoken with the "DPR" representatives, they had decided to transport the children to Crimea. A nurse had joined the children in the bus. A traffic police car and a car with "DPR" representatives had followed the bus. After arrival at the Russian border, the tutors and the children had crossed into Russia. None of them had experienced any form of pressure. They had arrived in Russian territory voluntarily on account of the military conflict.

2093. The children had been examined by medical experts, who did not find any traces of violence on their bodies.

2094. The officers of the Novoshakhtinsk border checkpoint had also been questioned by the investigators. They had stated that on 12 June 2014, a bus with children accompanied by tutors had arrived at the checkpoint. The tutors had told them that they had been heading to a Ukrainian children's camp, but that militants had warned them of fighting at that area and had advised them to go to Russia. They had followed the advice without any coercion or pressure. The children had also been happy to go to a safe place.

2095. The decision finally observed that on 13 June 2014, the children had been transferred to the Consul General of Ukraine in Rostov-on-Don for their transfer to Ukraine. They had spent one day in Russia. They had been provided with food, housing, and medical assistance.

2096. The investigator concluded that the rights and freedoms of the children had not been violated. There was therefore no indication that any abduction, prohibited by the Criminal Code of Russia, had occurred.

2. Material provided by Ukraine

(a) Letter dated 8 August 2014 from the Dnipropetrovsk Regional Prosecutor's Office to the Government Agent before the Court

2097. The letter described the investigation into the transportation of a group of children from Snizhne to Russia on 12 June 2014, explaining the progress of investigation, the investigative steps taken (listing eleven of them, one being interviewing sixteen child witnesses). It enclosed a number of witness statements from the children in question.

2098. According to the letter, the investigation had established that the transportation of children from Snizhne to a summer camp in the Dnipropetrovsk region had been organised by the acting head of Snizhne town executive committee (mayor's office), Ms E.P., with the agreement of the Donetsk Regional State Administration.

2099. When the bus with the children had arrived at a "DPR" checkpoint, it had been stopped by armed men. A person wearing camouflage clothes named "Valeriy" had entered the bus and, on learning that the children were going to the Dnipropetrovsk region, had called his superiors in Donetsk and had stated that the bus would not go to the Dnipropetrovsk region, since it was dangerous for the children, and that he would himself take the children to Russia. He had ignored the accompanying tutors' protestations. One of the tutors had informed the orphanage director and she in turn had informed the town's executive committee. E.P. had then arrived to negotiate with the militants. They had refused her request to return the children to the orphanage. When she had tried to resolve the issue with Mr V. Purgin, a "DPR" figure in Donetsk, he had threatened her with physical harm and had refused to allow the children to leave for the Dnipropetrovsk region.

2100. According to the letter, ignoring the tutors' and the children's objections, the "DPR" representatives had taken away their documents and telephones. The bus had been told to follow the separatists' car (four men armed with AK machine guns) and had gone to the border with Russia which it crossed through the Dolzhanskyi crossing point. No representatives of the Ukrainian authorities had been present; the crossing point had been occupied by Cossacks and "LPR self-defence forces". When the bus had arrived at the Russian border post at Novoshakhtinsk, Ms T.S. (who had nine children under her care) had refused to enter Russia. She had remained in the bus and had later returned to Snizhne. The other children and two tutors had entered Russia.

2101. The witness statements enclosed with the letter indicated that the Snizhne orphanage's former residents had been interviewed as witnesses by an investigator of the Dnipropetrovsk regional prosecutor's office on 11, 24 and 25 July 2014 in the presence of tutors or social workers from the Dnipropetrovsk region (where the children had been placed upon their return from Russia).

2102. Mr O.A. (born in April 1996, in the Snizhne orphanage since 2007) stated that on the way to a summer camp in the Dnipropetrovsk region, the bus had been stopped at a "DPR" checkpoint manned by six armed men. One of them ("Valeriy") had entered the bus and, upon hearing that it was going to the Dnipropetrovsk region, had said to the two tutors that he would not let the bus pass through, saying, "Didn't you hear that a bus with children from Slovyansk disappeared?" One of the teachers had asked him to let the bus go back to the orphanage. He had refused. The tutors, via the orphanage director, had contacted the Snizhne education department. A car with four people

including a woman had arrived and the occupants had spoken with Valeriy. Then the woman "from the education department" had come to the bus and told the tutors; "Go, girls, everything will be fine." One of the tutors, Ms O., had asked where they were going and the woman had responded "Crimea". Ms O. had replied, "Please let us go back". The woman had responded: "Everything is fine, go". Afterwards, the woman had left and Valeriy had taken the children's mobile phones and the documents. The bus had gone to the Russian border through Krasnyi Luch in the Luhansk region, accompanied by a car with Valeriy and three men armed with machine guns in it. On the Ukrainian side of the border there had been no Ukrainian border guards but there were armed men who had looked like "self-defence forces". At the Novoshakhtinsk border post on the Russian side, Tatiana (a foster mother) had categorically refused to undergo Russian border control and demanded to be allowed to stay with her nine children in Ukraine. Valeriy had returned the documents and the children's phones to the tutors. He had negotiated and settled all formalities with the authorities. He had gone ahead (through the border) without border control and formalities. In Russia the children had been accommodated by the staff of the Russian Ministry of Emergency Situations. They had later been visited by Ukrainian representatives and taken back to Ukraine.

2103. Ms K.B. (born in January 2000, in the Snizhne orphanage since 2004) gave a similar statement. After the bus had been stopped at a checkpoint manned by five to seven armed men, Valeriy had told the tutors that he would not let the bus go in the direction of the Dnipropetrovsk region and would himself decide where to send the children, to a safe place. Valeriy had left the bus and spoken to somebody. After he had come back, he had told them that a nurse would be needed to accompany the children on the trip. Both tutors had started objecting to going anywhere but to the Dnipropetrovsk region and had asked Valeriy to either let them go or let them return to the orphanage. Valeriy had refused. He had allowed one tutor to call the orphanage director. Through her, representatives of the town executive committee had been informed of the situation and had arrived. Valeriy had spoken to them. Afterwards, a woman "from the education department" had come to the bus and said, "Go, everything will be fine". Ms O. had asked that the children be returned to the orphanage but they had not listened to her. Valeriy had taken away the documents and everybody's mobile phones. They had gone to the Russian border accompanied by a car with Valeriy and two or three men armed with machine guns. There had been no checks on the Ukrainian side of the border. On the Russian side Tatiana, the foster mother, had demanded that she and her children be taken back to Snizhne and Valeriy had let her go.

2104. Mr O.M. (born in October 1998, in the Snizhne orphanage until 12 June 2014) gave a statement describing the events in considerable detail, very similar to O.A.'s statement. He also said that the bus had been escorted

by a traffic police car only up to the checkpoint at the exit from "Snizhne", and had turned back once the bus had reached the checkpoint.

2105. The statements from other former residents of the Snizhne orphanage were less detailed but contained a largely similar description of the relevant events, namely that the bus had been stopped by armed men, that one of them had said that he would not let the bus go to the Dnipropetrovsk region or back to the orphanage and that, despite protests from the tutors, he had taken them to Russia after having taken away their documents and telephones (statements by Ms A.B. (born in 2004), Ms D.D. (born in 2006), Ms D.K. (born in 2006), Ms L.M. (born in 2002) and Ms O.B. (born in 2005)).

2106. Also enclosed with the letter were a number of interview records indicating that other children had refused to give statements (saying that they did not wish to revive painful memories) or indicating that because of their young age the children had been unable to answer questions.

(b) Letter dated August 2014 from the Prosecutor General's Office of Ukraine to the Government Agent before the Court concerning the investigations into the incidents of 12 June and 26 July 2014

2107. The letter explained that the investigation into the incident of 12 June was being conducted by the Dnipropetrovsk regional prosecutor's office and that the investigation into the incident of 26 July was being conducted by the Svativskyi district police department of the Luhansk Region. The latter had sent a request for information to "law-enforcement authorities in charge of the territory where the relevant events took place." Because of the ongoing "anti-terrorist operation" in the territory of the Donetsk and Luhansk region, the Prosecutor General's Office was unable to provide the documents requested by the Government Agent or inform her of the investigation steps taken.

P. Reports

1. "Ukraine: End Politically Motivated Abuses", Human Rights Watch, 28 April 2014

2108. In a news item published on 28 April 2014, Human Rights Watch reported on abuses documented by researchers in eastern Ukraine which had been committed by non-state actors in Slovyansk, Donetsk, Kharkiv, Kramatorsk and Konstantinivka.

2109. The article noted:

> "The situation was most acute in Sloviansk, where on April 25 armed militants kidnapped eight military observers with the Organization for Security and Cooperation in Europe (OSCE), together with five Ukrainian military escorts. One of the observers was released on April 27 on medical grounds. Others being unlawfully held include Serhiy Lefter, a 24-year old Ukrainian freelance journalist whose last contact with his family or friends was April 15; a computer programmer, Artem Deyneha; a deputy in

Sloviansk city council, Vadim Sukhonos; a journalist and Kiev-based Euromaidan activist, Irma Krat.

On April 20, anti-Kiev forces seized control of the Sloviansk television transmitter and forced off the air two local stations, CTV and CTV+, which were replaced with Russian channels. Two days later, armed men stopped and threatened at gunpoint local journalists who wanted to get their equipment from the transmitter building, searched their car and forced them to leave.

On April 16, 10 men, some armed, broke into the dormitory room of Roman Guba, 20, a journalist who is openly pro-united Ukraine in his reporting. They waited for him for an hour and left, taking his identity documents and computer and other equipment. Guba later left Sloviansk for safety reasons."

2. *"Rebel Forces Detain, Torture Civilians", Human Rights Watch, 28 August 2014*

2110. A Human Rights Watch news item, published on 28 August 2014, discussed allegations of detention and torture in the "DPR" and the "LPR". Their researchers in eastern Ukraine had documented a total of twenty cases in which rebel fighters had captured civilians, and had interviewed twelve people who said that their captors had beaten, kicked, stabbed or lacerated them, burned them with cigarettes or subjected them to mock executions. At least six had been used as hostages either for ransom or to exchange with captured insurgents held by the Ukrainian authorities.

2111. The researchers had also witnessed a "DPR" representative at the Donetsk SBU building on 17 August 2014 read a list of fifty-five detainees to a large group of local residents gathered there hoping to find their missing relatives. They reported that local people had confirmed to them that the separatists read out a list of civilian detainees every evening.

2112. Human Rights Watch had also examined lists of captives maintained by separatists in Slovyansk, found in the SBU building after Ukrainian forces had retaken the city, and three "death sentences" against civilians apparently issued by the Slovyansk separatists' summary war tribunal, two of which were marked "executed."

2113. The news item discloses some of the documented cases.

2114. Political activist Dmytro Kluger was arrested on 22 May 2014 together with activists Viktor Levchuk and Olha Klimenko. He described the interrogations and physical and psychological violence he suffered at the hands of the "DPR" in the basement of a SBU building in Donetsk. He told Human Rights Watch that he had been made to work for the "DPR" despite his poor physical condition caused by the severe beating. Eventually, on 27 May 2014, all three activists and a fourth person were exchanged for captured separatists.

2115. Anna Guz and her partner were arrested on 27 May 2014 in their home in Donetsk by armed men in military fatigues who said they were from the "DPR". They were held hostage for five days at a police building in Makiivka, in the Donetsk region. Ms Guz told Human Rights Watch that she

had been cut with a knife, beaten and threatened with gang rape, and subjected to a mock execution by slitting her neck by one man, while four other separatists (two women and two men) were watching.

2116. Three journalists, Serhiy Lefter (Ukrainian freelance journalist, detained from 15 April to 2 May 2014), Simon Ostrovsky (VICE News reporter, detained from 21 to 24 April 2014) and Pavel Kanygin (special correspondent for *Novaya Gazeta*, detained from 11 to 12 May 2014), had spoken to Human Rights Watch after their release. They all claimed to have been beaten.

2117. Serhiy Kosyak, an evangelical pastor from Donetsk, described to researchers how separatists had detained and tortured him and other religious activists. Mr Kosyak, who coordinated the "Prayer Marathons for peace and unity" in the centre of Donetsk, said that from April to August 214 separatists had taken twelve participants captive and held them at bases in Donetsk, Makiivka and other towns for periods ranging from several hours to several weeks. They had beaten and threatened them and subjected at least three to mock executions. At least four were released for ransom. Mr Kosyak himself had been taken on 24 May 2014 by "DPR" representatives, who shouted "This man is a troublemaker! He says that [the "DPR"] is sinful, that God disapproves of separatism! He's with the Right Sector!" He spent four hours in captivity, being beaten up with truncheons and hammers. On his release, he had a split lip, his left arm was fractured and his left side was all "black and blue".

2118. Mr Kosyak also gave an account of how armed insurgents had detained Alexander Khomchenko, whom they had mistaken for Mr Kosyak, on 8 August 2014. He told Human Rights Watch that Mr Khomchenko's body had been black and blue and that his face had been beaten to a pulp. His captors had staged his execution three times: twice they had shot above his head and the third time they had shot at him at point-blank range but the gun had not been loaded. Human Rights Watch researchers had examined photos of Mr Khomchenko taken two weeks after his release and confirmed that his entire upper body was still extensively bruised at that time.

2119. After the detention of Mr Khomchenko and two other religious activists who had been taken captive at the same time as him (Valeriy Yakubenko and Roksolana Shvaika), the Prayer Marathon participants had stopped conducting public sessions, convening them instead in secret places.

3. "Origin of the Separatists' Buk: A Bellingcat Investigation", Bellingcat, 8 November 2014

2120. On 8 November 2014 the Bellingcat investigation team published a report analysing evidence from open sources in order to establish the origin and movements of the Buk TELAR filmed and photographed in eastern Ukraine on 17 July 2014 that had been linked to the downing of flight MH17. The report is split into three sections. The first examined the open-source

evidence relating to the movements of the Buk in eastern Ukraine on 17 July 2014; the second presented evidence that the Buk filmed and photographed on 17 July 2014 had originated in Russia and had been part of a convoy headed towards the Ukrainian border in late June 2014; and the third looked at the activity of other vehicles from the same convoy, after 17 July 2014.

2121. As regards the movement of the Buk TELAR, the report explained that in the aftermath of the downing of flight MH17, photographs and videos had been posted on social media sites claiming to show a Buk close to the MH17 crash site. Using a variety of tools and techniques, the Bellingcat team had been able to establish the exact locations that these images were recorded and the approximate time of many of them. The team had thus mapped the route of the Buk-TELAR through separatist-controlled territory in eastern Ukraine on 17 July 2014. It found:

> "[T]here is undeniable evidence that separatists in Ukraine were in control of a Buk missile launcher on July 17th and transported it from Donetsk to Snizhne on a transporter. The Buk missile launcher was unloaded in Snizhne approximately three hours before the downing of MH17 and was later filmed minus one missile driving through separatist-controlled Luhansk.
>
> The Bellingcat MH17 investigation team also believes the same Buk was part of a convoy travelling from the 53rd Anti-Aircraft Missile Brigade in Kursk to near the Ukrainian border as part of a training exercise between 22 June and 25 July, with elements of the convoy separating from the main convoy at some point during that period, including the Buk missile launcher filmed in Ukraine on 17 July. There is strong evidence indicating that the Russian military provided separatists in eastern Ukraine with the Buk missile launcher filmed and photographed in eastern Ukraine on 17 July."

2122. The report presented the route of the Buk, using open-source material. On 25 July 2014 *Paris Match* had published a photograph of a Buk missile launcher being transported on a low-loader truck through Donetsk. It was established that the photograph had been taken at about 11 a.m. on 17 July 2014. A Twitter post of 17 July 2017 had reported a sighting of the Buk at the intersection of Shakhtostroiteley Boulevard and Ilych Avenue heading east in the direction of Makiivka, which supported the *Paris Match* findings.

2123. On 17 July 2017 a video had been uploaded to YouTube showing the Buk travelling through the town of Zuhres, approximately 36 kilometres east on the same road from the location of the *Paris Match* photograph. A tweet posted on 17 July 2014 at 12.41 p.m. Kyiv time had reported that three tanks and a Buk covered in netting had passed by Shakhtarsk, which was east of Zuhres and west of Torez, on the same road.

2124. In the evening of 17 July 2014, a photograph had been posted of the same Buk in Torez. Using shadows visible in the image, it was estimated that the photograph had been taken at approximately 12.30 p.m. that day. The location had been confirmed by other posts, including from international journalists present in the area at that time.

2125. On 17 July 2014, photographs posted on social media had shown a Buk TELAR moving under its own power in the town of Snizhne, heading south out of the town. The report noted:

> "The AP reported on 25 August that 'On July 17, AP reporters in the town of Snizhne saw a tracked launcher with four SA-11 surface-to-air missiles parked on a street. The bulky missile system is also known as a Buk M-1. Three hours later, people six miles (10 kilometers) west of Snizhne heard loud noises and then saw the wreckage and bodies from Malaysia Airlines Flight 17 fall from the sky.'"

2126. On 18 July 2014 a video had been posted online by the Ukrainian Ministry of Interior. It had shown the Buk missile launcher on the low-loader truck missing at least one missile (see paragraph 2518 above).

2127. The report further noted that the truck that had carried the Buk had been filmed transporting military vehicles in separatist-controlled areas on 6 August 2014 (in Makiivka, east of Donetsk) and on 26 August 2014 (in the presence of a woman who had appeared in previous separatist-filmed videos).

2128. As regards the June 2014 convoy, the report explained that in late June 2014, a convoy had left the 53rd AAMB near Kursk, Russia, and had travelled towards the Ukrainian border, officially as part of a training exercise. The team had collected sixteen videos posted on social media sites that showed the 53rd AAMB's convoy moving from Kursk to Millerovo between 23 and 25 June 2014. The most important feature of the convoy was the presence of the same Buk missile launcher filmed on 17 July 2014 travelling through separatist territory. The team referred to that Buk as "Buk 3x2" as the middle number appeared to have been worn off. Buk 3x2 had appeared in eight of the sixteen videos which showed the June 2014 convoy and the team had been able to match its features to those seen on Buk-TELAR filmed and photographed in Ukraine on 17 July 2014. It found that "because of these matches the vehicle seen in the convoy and travelling through separatists controlled territory on July 17 is the same vehicle".

2129. Finally, the report discussed a Russian military convoy filmed travelling through Russia on 19-20 July 2014. Using photographs, videos and other sources of information, the team had established that the convoy consisted of a number of transport vehicles carrying covered units, as well as two uncovered Buk systems. The team had also been able to establish the route the convoy had taken and to ascertain that the convoy had originated from the 53rd AAMB. At least one vehicle from the July convoy had also been spotted in the June convoy. Additionally, at least one Buk missile loader seen in the June convoy had been recorded on 20 July 2014 near separatist-controlled areas of the border, hundreds of kilometres away from the location where it had been recorded as part of the June convoy.

2130. The report concluded as follows:

> "... [A]t some point in late June vehicles that were part of the June 23rd convoy from the 53rd Anti-Aircraft Missile Brigade separated. Some of these vehicles returned to the 53rd Anti-Aircraft Missile Brigade base in Kursk and joined the July 19th convoy

from the base, while at least one other, a Buk missile loader, appears to have left the main convoy and towards the Ukrainian border, close to a separatist-held crossing. As yet, it has not been possible to establish when the June 23rd convoy returned to the 53rd Anti-Aircraft Missile Brigade base in Kursk, or how many units were in the convoy. However, it is clear that at least one Buk missile launcher (3×2) from the June 23rd convoy was inside separatist-controlled territory on July 17th, and 3 days later a video was uploaded showing that the Buk system loader unit was very close to the Ukrainian border. Considering the established time frames, logical routes, and photographic evidence, it is possible that this Buk missile launcher was part of the same June 23rd convoy as 'Buk 3×2' and supported it. However, it has not been possible to establish that relationship between the two vehicles."

4. *ARES Research Report No. 3, "Raising Red Flags: An Examination of Arms and Munitions in the Ongoing Conflict in Ukraine", November 2014*

2131. Armament Research Services ("ARES") is a specialist technical intelligence consultancy, offering expertise and analysis to a range of government and non-government entities in the arms and munitions field. It is an apolitical, policy-neutral organisation providing technical assessments to customers. Its report represented only an initial assessment of materiel documented in Ukraine. It relied primarily on publicly released material made available through mainstream media sources and social media platforms. This was supplemented by material collected directed by journalists, NGO workers and local sources on the ground.

2132. The report first examined the weapons which had been identified in eastern Ukraine. It noted several weapons documented in the possession of the pro-Russian separatists which were not known to be in service with the Ukrainian forces and had not been exported outside of Russia or only in limited quantities. As regards self-loading rifles, it said:

"Older and visibly worn AK variants predominate in separatist arsenals, including AKM, AKMS, AKS-74U rifles and older AK-74 variants ... This stands in contrast to the AK-74M rifles carried by the uniformed combatants, presumed to be Russian troops, in Crimea ...

In addition to the expected AK types, smaller numbers of AR-10 and AR-15 rifles have also been documented in service with pro-Russian separatists, in the form of the Ukrainian-made Zbroyar Z-10 and Z-15 .... These rifles are not standard military weapons but semi-automatic civilian sporting and recreational firearms. The presence of such weapons, and their customisation, likely reflects the involvement of civilian hobbyist shooters in the separatist movement rather than the foreign military or private military connection claimed by some commentators ... Soviet-era SKS semi-automatic rifles were also documented in the hands of pro-Russian separatists. These rifles ... first entered service in 1945.

SVD self-loading designated marksman rifles have seen service in eastern Ukraine, commonly being employed by both Ukrainian government forces and pro-Russian separatist units. Limited numbers of Tigr ... rifles – a derivative of the SVD, intended for the civilian market – have also been documented in service with separatist groups. In at least one case, later-production designated marksman rifles were documented in

the hands of a separatist group, notably two VSS rifles ... These Russian-produced weapons are analogous to those seen in the hands of presumed Russian forces during the annexation ... and are not known to be in the inventory of any Ukrainian security forces. Their appearance at this later stage of the conflict is noteworthy."

2133. Commenting on the light machine guns seen in eastern Ukraine, the report said:

"Light machine guns have been documented with great frequency, primarily the Kalashnikov-based RPK-74. Separatist groups, as well as Ukrainian National Guard units, have also employed the earlier RPK ... In some cases, pro-Russian separatist units have been documented employing the RPK-74 as their primary arms, with up to six combatants in an eight man squad being equipped with these weapons. Belt-fed machine guns, whilst observed less often than during Russian operations in Crimea, have also been documented on both sides, and include PK and PKM GPMGs, as well as RPD light machine guns. The latter has been documented primarily in the hands of separatist groups. At least two Russian-produced PKP 'Pecheneg' light machine guns have also been observed, ostensibly in eastern Ukraine ... These weapons are significant in that the PKP is not known to be in service with Ukrainian forces, and has only been exported outside of Russia in limited quantities."

2134. The report described the shotguns and bolt-action rifles identified:

"As in other internal conflicts, those without access to military weapons sometimes make use of sporting guns, including a wide variety of shotguns from aging break-open designs to modern semiautomatic models such as the Russian Saiga 12 or Turkish Akkar Altay types ... An Armscor Model 30 pump-action shotgun, produced in the Philippines, was also documented in service with pro-Russian separatists .... Bolt-action sporting rifles ... have also been observed, alongside vintage military rifles including models of the Mosin and Mauser types ... The Mosin M91 rifle was the standard issue Russian infantry rifle from 1891 until its replacement by the SKS in 1945. It is therefore not surprising that examples of both weapons would emerge in the hands of combatants under these circumstances ..."

2135. The report explained that handguns were not in themselves significant military weapons. It continued:

"However, like their larger counterparts, they can tell the observer something about the user, their organisation, and lines of procurement ... Russian designs dominate, as expected. The ubiquitous 'Makarov' PM, carried in a shoulder holster, even featured as a bizarre bridal accessory at a recent wedding between two pro-Russian separatists ... The larger and select-fire Russian Stechkin APS was originally designed as a personal defence weapon for vehicle, artillery, and RPG crews, but did not meet that requirement. It later saw use with Russian interior security forces, where it can still be found in use today. Igor 'Strelkov' Girkin ... has been pictured carrying an APS. Regardless of the specific source of this example, this is quite possibly a deliberate statement of his alleged military and law enforcement background."

2136. As regards light weapons, it said:

"The modern Russian ASVK anti-materiel rifle has also been documented in service with separatist forces in at least one case. The ASVK is ... capable of engaging targets at ranges in excess of 1000 m. The ASVK is a derivative of the earlier KSVK, ... which did not enter production until the late 1990s. The ASVK is much more recent; the Russian military has only introduced the ASVK in limited numbers, beginning less than two years ago, and is not known to have exported any of these rifles. The weapon is not

in the inventories of Ukrainian government forces, and has not otherwise been documented in the hands of a non-state armed group."

2137. The report observed that, while notably less common than in use with Russian troops in Crimea, underbarrel grenade launchers had also been documented in eastern Ukraine, in the hands of both Ukrainian government forces and separatist groups. Automatic grenade launchers were also in service with pro-Russian separatist groups and some AGS-17 AGLs, likely captured from Ukrainian government forces, had also been documented in service with separatist forces.

2138. In respect of portable anti-tank systems, the report said:

In contrast to the large numbers of single-shot, disposable anti-tank rocket launchers observed in Crimea, pro-Russian separatists operating in eastern Ukraine are more likely to be seen with the 'legacy' RPG-7 rocket-assisted recoilless weapon. Various RPG-7 projectiles have been documented in use, including PG-7, PG-7L, PG-7M, and PG-7S high explosive anti-tank (HEAT) rockets, OG-7 HE-FRAG projectiles, TBG-7 type thermobaric rockets6, and even a subcalibre training round. Unlike recent conflicts in the Middle East and North Africa, where PG-7 and other older rocket-assisted projectiles have proved the dominant type, the conflict in Ukraine has showcased the use of far greater quantities of more recent projectile types, including the PG-7M, PG-7S, and PG-7L. One example of an OG-7 projectile, reportedly recovered by Ukrainian troops from pro-Russian separatists, bears markings indicating it was produced in Russia in 2001. It is fitted with a GO-2 impact fuze, produced by the Degtyarev Plant (ZiD) located in Kovrov, Russia. Markings on the fuze indicate it was produced in 1992 ..."

2139. The report noted that RPG-18 and RPG-22 systems had also been acquired by pro-Russian separatists, as had a handful of RPG-26 rocket launchers. A photo published in July 2014 showed crates of RPG-18 rocket launchers with inventory paperwork indicating they had been stored in a Russian military facility as recently as June 2011. Another Russian light weapon system, the MRO-A disposable incendiary rocket launcher, had also been documented in eastern Ukraine. The report explained:

"The MRO-A launches a 74 mm rocket carrying a thermobaric warhead, designed to engage structures. This system is not known to have been exported outside of Russia, and its presence in the hands of pro-Russian separatists is striking."

2140. Commenting on anti-tank guided weapons, the report stated:

"Pro-Russian separatists have also been documented with sizable numbers of anti-tank guided weapons (ATGW) and associated missiles ...

One ATGW stands out from the others documented in eastern Ukraine. Whilst the 9K111, 9K114, and 9K115 systems are present in Ukrainian government stockpiles, the 9K135 Kornet ... is not. The Kornet ... is a comparatively modern ATGW, in service with Russian military forces. Kornet system components were found discarded on a battlefield near Starobesheve, in eastern Ukraine ... The Kornet system was identified on the basis of discarded missile tubes, bearing markings indicating they held 9M133 missiles with 9N156-1 tandem charge HEAT warheads. The markings also indicated that the missiles were produced in Russia in 2007 ... 9K135 systems have been exported

to several other states, including many in the Middle East and Africa, and have been documented in the hands of non-state armed groups in Gaza, Iraq, Libya, and Syria."

2141. The report noted that separatist forces were at an overwhelming disadvantage in terms of air power, which had made the acquisition of Man-Portable Air Defence Systems (MANPADS) and other anti-air systems a priority. It noted that the Soviet-era 9K38 Igla MANPADS were the most common model in the Ukrainian government arsenal and appeared to be the most common MANPADS in the hands of pro-Russian separatists. It continued:

> "ARES has previously documented the packaging for a 9M39 missile, fired from the 9K38 system, which was recovered from separatist fighters by Ukrainian government forces. Photos of the crate show paperwork indicating that it was previously stockpiled in a Russian military facility in Yeysk, Russia, with inventory markings indicating it was in storage there as recently as 12 April 2014."

2142. The report further observed that Polish PPZR Grom MANPADS had been captured from pro-Russian separatist forces. It explained that one of the few known foreign exports of the Grom was to Georgia, which was believed to have purchased thirty launchers and 100 Grom E2 missiles in 2007. The report noted that Russian forces were known to have captured some of these.

2143. In terms of small and medium calibre ammunition, the report noted that both sides to the conflict had ample supplies. It considered that separatist forces had most commonly acquired theirs though battlefield capture, with sizable quantities seized from Ukrainian government stockpiles throughout eastern Ukraine.

2144. In respect of main battle tanks (MBTs), the report noted:

> "Pro-Russian separatist forces have also employed a number of T-72 series MBTs. Alongside T-72B tanks, separatist forces have been documented operating T-72B Model 1989 tanks, which Russia is not known to have exported ... The T-72BA and T-72B3 variants have also been employed by separatists, with the presence of the T-72B3 being particularly noteworthy. With Kontakt-5 ERA, an upgraded fire control system, a ballistic computer and a modern thermal sight, the T-72B3 represents the latest T-72 model in Russian service. It was introduced in 2013, and is not known to have been exported ..."

2145. The report also commented on infantry fighting vehicles ("IFVs") identified in eastern Ukraine:

> "The most common IFV among both Ukrainian government and separatist forces appears to be the BMP-2, with no shortage of destroyed or captured examples. Among the many others, one notable model of IFV seen is the BTR-82AM. ... The BTR-82AM was only adopted into Russian service in early 2013. Russia is not known to have exported examples to any other country. To date, only separatist fighters have been documented in possession of this IFV."

2146. The report noted a self-propelled air defence system:

> "One other self-propelled air defence system may be in use in Ukraine. Photo 101, below, shows a 95Ya6 first-stage booster rocket from a 57E6 series surface-to-air missile, the primary armament for the 96K6 Pantsir-S1 ... air defence system ... The same 95Ya6 booster is believed to be in use with the 95Ya6-2M target missile system, and with ground-attack missiles for the Hermes air-to-surface and surface-to-surface guided missile systems. The Pantsir-S1 system is only known to have been exported in limited quantities, primarily to the Middle East. The Hermes system is only in service with Russian armed forces."

2147. As for other armoured vehicles, the report noted:

> "Battlefield surveillance radar vehicles have also been seen, with the 1RL232 Leopard and the 1RL239 Lynx being photographed under separatist control near Torez, east of Donetsk ... Unlike the 1RL232, the 1RL239 is particularly significant as it is not known to be in Ukrainian service."

2148. Discussing sources and mechanisms of supply, the report considered that despite the initial influx of readily identifiable foreign arms and munitions with Russian forces in Crimea, the majority of items documented during the conflict to date had originated within Ukraine. It considered that battlefield capture had played an integral role in the acquisition of arms and munitions by pro-Russian separatist forces:

> "Arms and munitions are seized from Ukrainian military bases, captured from routed units, or taken from police and civilian stockpiles. The vast quantities of arms and munitions in Ukrainian government stockpiles, and perhaps in unregistered stockpiles left over from the Soviet collapse, go a long way to explaining the relative scarcity of truly modern types in the hands of pro-Russian separatist forces.
>
> ...
>
> It appears that significant supplies of small and medium calibre ammunition were also sourced in this way ... An analysis of video footage, images, and samples collected during field research support the idea that the huge Soviet-era stockpiles in Ukraine itself have been exploited to arm both Ukrainian government and separatist forces."

2149. The report referred to the "widespread allegations of external support to pro-Russian separatist forces in eastern Ukraine", notably by Russia. It said that some of those accusations had proven "demonstrably false" while the veracity of others remained uncertain. It explained:

> "A number of items of particular note – so-called 'flag items' – have been documented in this report. Typically, these are items which were produced outside of Ukraine, and are not known to be in the inventories of the Ukrainian security forces. Table 7 lists arms and munitions ARES has identified as being of particular note for these reasons, whilst Table 8 lists armoured fighting vehicles documented in Ukraine, which were not known to be in the Ukrainian government's possession prior to the outbreak of hostilities."

2150. Table 7 listed a number of items including MANPADS, rocket launchers and an anti-tank guided weapon. The report summarised:

> "Images posted on the Russian VKontakte social network between August and October, and believed to have been taken in eastern Ukraine, showed a limited return to the use of the kind of contemporary Russian small arms and light weapons not seen

since the initial Crimean incursion. These included VSS designated marksman rifles, PKP Pecheneg light machine guns, and even a weapon not recorded during the Crimean incursion: the ASVK anti-materiel rifle (Pseush, n.d.). RPO-A and MRO-A incendiary weapons have both been documented with markings indicating comparatively recent Russian production (2002 and 2008, respectively). The MRO-A, in particular, is noteworthy as it is not known to be found outside of Russian military service.

Guided light weapons have also proven to be a point of interest in the examination of supply lines. In June, the Ukrainian Ministry of Foreign Affairs accused Russia of supplying man-portable air defence systems to the separatists based upon the discovery of an empty 9M39 missile transit case with documentation suggesting recent storage in a Russian military facility (Jenzen-Jones & Smallwood, 2014; M3C, 2014). It is also possible that the Polish PPZR Grom MANPADS discussed in this report could have come from a Russian source. The weapon had been fitted with a Russian-made gripstock to make it capable of firing, and markings on the missile launch tube indicate that it was produced in 2007, the same year that one of the few known foreign exports of the Grom took place (Jenzen-Jones, 2014c). Georgia is thought to have purchased 30 launchers and 100 GROM E2 missiles that were subsequently captured by Russian forces. Poland later accused Russia of planting material from this contract in Chechnya for political reasons (Gazeta.pl, 2008). An official tracing request was sent by ARES to the Polish and Ukrainian governments, as well as the manufacturers of the missile tube and gripstock. At the time of writing, no response has been received.

There is less evidence to suggest the supply of small and medium calibre ammunition from external sources. There are several explanations for this, but this is likely to be, primarily, a result of the significant ammunition stockpiles within Ukraine. Additionally, as other commentators have suggested, any intelligent attempt to supply small arms ammunition to pro-Russian separatist forces would be capable of matching the headstamps of ammunition smuggled into Ukraine with those which are already in circulation, or would be expected to form part of Ukraine's supplies (Chivers, 2014d). There is only one example of post-1991 ammunition produced outside of Ukraine documented in this report: 7.62 x 54R mm match-grade ammunition produced in the Russian Federation in 1994."

2151. Table 8 listed APCs, MBTs and other vehicles, mostly produced in the Russian Federation although one MBT had been produced in the Soviet Union:

"All of the vehicles listed in Table 8 ... were produced in the Russian Federation, after the fall of the Soviet Union. None of these were in the Ukrainian government inventory prior to the outbreak of hostilities. In addition to these vehicles, which may be visually distinguished from those expected to be in the possession of Ukrainian security forces, there have been allegations of external supply of older AFVs. At least one 9K51 system captured from separatists by Ukrainian security forces may have originated in Russia (Информационное Сопротивление, 2014). US and NATO officials released intelligence in mid-June which purported to document the crossing of Russian T-64 type MBTs, 9K51 MLRS, and other AFVs into Ukrainian territory (Gordon & Kramer, 2014). The Ukrainian Ministry of Defence later published images of a captured T-64BV main battle tank, which it claimed had come from Russian military stocks (de Larrinaga, 2014). Russia denied the allegations, calling them 'another fake piece of information' (BBC, 2014).

Whether or not directly supplied by foreign governments, some arms and munitions have certainly entered Ukraine from foreign states. On July 3, the Organized Crime and Corruption Reporting Project (OCCRP) reported that a Moldovan criminal figure, Ion

> Druta, had been involved in supplying the pro- Russian movement with SALW appropriated from Russian military. Druta spoke of being able to supply large quantities of AK type rifles. According to Druta, the weapons came from the Russian 14th Army, based in Transnistria (OCCRP, 2014). The undercover deal arranged by OCCRP reporters was rather more modest, however, consisting of an RPG-18 anti-tank system and a TT-33 pistol."

2152. In conclusion, the report explained that the recording and analysis of arms and munitions in conflict zones could provide a useful yardstick for the progress of a conflict. It noted that while the original protests in late 2013 and January 2014 had seen standard issue weapons in the hands of Ukrainian security forces, when Russian military units arrived in Crimea in March 2014, a shift had been apparent towards modern Russian military weapons rarely seen on the export market. It said that limited illicit importation had certainly taken place, noting that there was no legitimate civilian means of ingress for many of the arms produced outside of Ukraine documented in the report:

> "ARES has assessed that it is very likely that pro-Russian separatist forces have received some level of support from one or more external parties, however the level of state complicity in such activity remains unclear. Despite the presence of arms, munitions, and armoured vehicles designed, produced, and allegedly even sourced from Russia, there remains no direct evidence of Russian government complicity in the trafficking of arms into the area (Reuters, 2014c). The majority of arms and munitions documented in service with separatist forces have evidently been appropriated from the Ukrainian security forces and their installations within Ukraine ..."

5. *"Eastern Ukraine: A Dangerous Winter", International Crisis Group, 18 December 2014*

2153. The International Crisis Group (ICG) is an independent, non-profit, non-governmental organisation, with some 120 staff members on five continents, working through field-based analysis and high-level advocacy to prevent and resolve deadly conflict.

2154. Its December 2014 report was based on research conducted in Brussels, Kyiv, Dnipropetrovsk, Donetsk city and region and Moscow, including interviews conducted by ICG researchers with "DPR" leaders and militia members. It also referred to interviews with separatists reported in the media. It examined the capacity of the separatist leadership, their relationship with Moscow and their views of the future, analysing the Russian political, strategic, financial and military assistance to the separatists in east Ukraine. It noted:

> "After the Minsk agreement, Russian officials made it clear they held Kyiv responsible for rebuilding the war-damaged east. They warned the separatists that annexation of Crimea meant the eastern entities should not expect generous financial aid. When Donetsk and Luhansk held presidential and legislative elections on 2 November, Russia expressed its 'respect' for the outcome, but carefully avoided recognising them. 'Moscow does not really know what to do with us', said a DNR politician. 'They certainly do not want to recognise us, they will not let us join the Russian Federation, but they are providing military support. It's a little strange'."

2155. As regards the military assistance allegedly given by Russia to separatists, the report said:

> "Russian military assistance has been intermittently generous, separatist militia members say. The '*voentorg*' tap – slang for Russian military aid in all forms, derived from the name of Soviet-era military department stores – was turned on and off, based perhaps on Russia's level of satisfaction with the separatist leadership, or possibly to maintain a veneer of deniability. Russia has provided substantial amounts of heavy weaponry. The clearest sign of Russian assistance was the group of 1,200 fighters who returned last August after four months of training in Russia.
>
> Aid seems to at times be distributed on the basis of political loyalty. Zakharchenko's own military force, the Oplot (Stronghold) battalion, is extremely well-equipped; so is the Vostok (East) brigade, which many officials say is supported by the Russian Federal Security Service (FSB). By contrast more unruly units such as Alexei Mozgovoy's Prizrak (Ghost) brigade complained in November they had not even received food. Russian troops have intervened when Moscow felt the separatist enclaves were faced with mortal danger, but the Russian military has done nothing to turn the disparate militia forces into a real army. The result is a bewildering multiplicity of units: Cossacks; an Orthodox Christian unit, now in schism; military groups with names like Sparta or Somalia, and many others known only by the name of their commanders ..."

2156. The report discussed Mr Igor Strelkov's role, describing him as a "former colonel in the Federal Security Service (better known by its Russian initials FSB), with several tours in Chechnya and stints as a volunteer fighting in Bosnia and Transnistria in the 1990s". He was the most senior Russian officer to work on the ground in eastern Ukraine but had turned out to be "a major headache for separatist leaders and Moscow". He was increasingly described by the "DPR" leaders as a "deeply negative influence on the separatist revolt, who toward the end of his brief stay was 'insubordinate'". According to the report, he arrived in Donetsk from Crimea, together with fifty fighters seizing Slovyansk on 12 April and several nearby towns soon after. A senior "DPR" security officer told the ICG that his arrival had marked the "transition from demonstrations and building seizures to violence and disorder". A "DPR" official was quoted saying that Mr Strelkov had become increasingly critical of Moscow's "failure to intervene" and had planned to withdraw most of the troops defending Donetsk to the Russian border so as to precipitate a Russian intervention.

2157. The report noted that few "DPR" officials confirmed the presence of Russian troops but even fewer denied it. A senior official had admitted in an interview with the ICG that Russia had provided substantial amounts of weapons, regular military support and some training. However, he had claimed that the Russian military role was more nuanced than Ukraine and the West believed:

> "Like other leaders, he feels that Russia will not let DNR and LNR completely fail, but only intervenes militarily in crisis situations. 'Serious Russian involvement in our armed struggle has only taken place when we were faced with an imminent threat to our survival', he said."

2158. The report continued:

> "Other officials maintain that the largest numbers of Russian regular troops, mostly airborne, were deployed in Donetsk oblast during the Ilovaisk operation. They arrived in mid-August and were usually known, half in jest, as the 'holiday makers' – a reference to then-Prime Minister Zakharchenko's claim that several thousand Russian servicemen had spontaneously gone to Donetsk in their vacation time to fight alongside separatists, bringing all their equipment with them. The holiday makers were regular troops who had been ordered to remove personal insignia and identification marks, and had in some cases been required to hand over their mobile phones before being deployed to Donetsk.
>
> A separatist military official who said he had for a time liaised with the Russian military estimated their strength as that of roughly one brigade, probably 3,500-4,000. He claimed that a Russian force of this size could routinely be deployed in Donetsk oblast with very little advance notice. Other officials mentioned the presence of Russian advisers, both from the military and state security. There is considerable agreement that the standard of militia training and leadership is substantially lower than the Russian regulars, and that most militia units are no match even for the hastily trained Ukrainian army. Most fighting around the key city of Mariupol in the days following Ilovaisk was carried out by Russian troops, Strelkov later observed. Once they were withdrawn from the area, the Mariupol front became 'shaky', he added.

2159. The report further described an emerging "humanitarian crisis" in occupied areas:

> "In late November, Alexei Mozgovoy, a senior commander in Luhansk warned that the food situation near his home base in Luhansk was 'catastrophic'. Around the same time one of the separatists' main websites, Rusvesna, claimed that eighteen people in one village had died of starvation. A recent visitor to the Luhansk towns of Pervomaysk and Stakhanovsk reported lines of pensioners and disabled, who had not received pensions for the last six months, waiting to receive a quarter of a loaf of bread each. Most banks are not working, salaries, pensions and social benefits have not been paid for months.
>
> Elsewhere pensioners, single mothers and other vulnerable categories have received occasional payments from the separatist authorities. In early December, monthly pensions of about $60 were paid out, along with child benefits of half that amount in parts of Donetsk city. There is no indication, however, that such payments will be more than sporadic ...
>
> ...
>
> The speed with which signs of hardship are emerging will put pressure on both the separatists and Russia. If they do not receive aid, the separatists may be inclined to consider an all-or-nothing offensive, to try to seize land or pull the Russians deeper into the war. Moscow, on the other hand, is just realising the depth of its economic problems. It may be hard pressed to find money for the separatists even if it decides to change its policy."

6. *Analysis of photographs of a smoke trail, NEO and Delft University of Technology, 21 December 2014.*

2160. Radio Television Luxembourg (RTL) had obtained photographs of a smoke trail that had appeared shortly after flight MH17 was downed. It had

commission a report from Netherlands Geomatics & Earth Observation BV (NEO) and the Delft University of Technology into the possible launch site of the missile. NEO and Delft University of Technology had determined the location of the smoke trail and analysed burnt patches of ground in a field at the area of the suspected launch site. The report concluded:

> "On the basis of historical and recent satellite images, it can be concluded that the shape and colour of the field under analysis differs from both surrounding fields and from how it appeared in previous years. Landsat images from between 2003 and 2014 and Google Earth images from between 2010 and 2014 show a stable field which never previously had this shape.
>
> If we look at the high-resolution satellite photo of 21 July, it can be seen that crops in the surrounding fields are being harvested. The analysed field, however, shows no signs of a normal harvest; in all likelihood it was ploughed up. It is only in the most southern part of the field that a few traces of straw can be seen. The satellite photo also shows that there is scarcely any vegetation present. In the northwest corner, black patches are visible, and these are presumably scorch marks.
>
> Finally, it can be observed in the images that there is an earth wall around the entire field. This could have been built to ensure that the rest of the field, containing (dry) wheat, did not go up in flames.
>
> On the basis of the line-of-sight analysis performed above and the analysis of the burned areas, we believe it is possible that the smoke trail originated in this anomalous wheat field."

7. *"Religious Persecution in Eastern Ukraine and Crimea 2014", Mission Eurasia, 2014*

2161. Mission Eurasia trains, equips, and mobilises national Christian leaders throughout Eurasia and Israel who are engaging in evangelism, church-planting, holistic ministries, and church growth to transform their countries for Christ. In its report "Religious Persecution in Eastern Ukraine and Crimea 2014", Mission Eurasia provides statements from alleged victims of religious persecution in Ukraine. The report sets out its methodology, explaining that victims and witnesses were interviewed, and evidence was collected from victims. Interviews were only scheduled where victims were able to confirm that they had evidence of the alleged crimes and at least three witnesses who could confirm their accounts.

2162. The report states:

> "In April-September 2014, hundreds of believers were abducted in territories controlled by pro-Russian separatists in eastern Ukraine. These believers were abducted solely because they were not members of the Orthodox Church of the Moscow Patriarchate. We interviewed some of the believers who were abducted, and they all shared that they were tortured on religious grounds. Some of them were released, often in return for a ransom, but they all suffered various injuries from beatings, stab wounds, broken bones, dislocated joints, or burns from electric shocks. During this period, we also learned that four evangelical ministers were killed in Slavyansk. More than 40 believers are still listed as missing, and their fates remain unknown."

2163. The report further states that during that same period, fifty-four churches of various Christian denominations were taken over or destroyed in Crimea and eastern Ukraine. Several were burned to the ground. Large buildings belonging to Protestant churches and schools were also confiscated and used by separatists as barracks, warehouses and storage for weapons. Some buildings were transferred to the Orthodox clergy of the Moscow Patriarchate. For example, it was stated that on 9 July 2014, separatists had seized Donetsk Christian University and that on 13 August 2014, members of the "DPR" had taken over the worship hall of the Word of Life Church.

2164. The report includes statements concerning thirty-one victims of religious persecution, together with photographs showing injuries they sustained and details of eyewitnesses who can support their claims. The accounts concerning events in the Donetsk or Luhansk regions are summarised below.

(a) Sergey Kosyak

2165. Mr Kosyak worked as a pastor of an Evangelical church and organised the Prayer Marathon in Donetsk for the unity and integrity of Ukraine in 2014. He claimed that he had been held captive by "DPR" separatists in Donetsk on 24 May 2014 for about four or five hours and beaten. The statement says:

> "When they were beating Sergey, they screamed that he's a spy, not a pastor. That there is only one true faith, and that is Orthodoxy of the Moscow Patriarchate."

(b) Gennady Lysenko

2166. Mr Lysenko worked as a minister and volunteer in the Good News Church in Slovyansk, Donetsk region. He stated that he had been taken captive while he was evacuating people from Slovyansk while driving in a car with a red cross and the sign "evacuation of families with children" on it and taken to the basement of the SBU building. He claimed that he had been detained for three days and told that he was to be executed. The statement says:

> "During interrogation, they [his captors] would refer to certain decrees from the Stalin era and copy the behaviour of the NKVD (People's Commissariat of Internal Affairs) of the same period."

(c) Anatoly Onishchenko

2167. Mr Onishchenko worked as a pastor of the Living Water Church in Krasnyi Luch, Luhansk region. At the time of his testimony, he was a refugee in Kramatorsk. He stated that he had been arrested twice. The first time was in early July when he had expressed views which were not in agreement with pro-Russian sentiment at a public meeting in Krasnyi Luch. He was taken to "the Cossack leader who had come from Russia and captured the city" but

was subsequently released. His second arrest was in August 2014, when he was leading a service in his church. He was taken to the "captured building of the tax inspectors of Krasny Luch", this time not by Cossacks but by another group. He was beaten in captivity and when he asked why, was told that there was an order to shoot pastors like him from "any sects". Finally, his captors took him to an Orthodox priest to decide his fate. The statement says:

> "The priest told him that they, that is, Protestants and everyone who wasn't Orthodox of the Moscow church, were enemies and that this was a time of war. And he said it was bad that his sect wasn't fighting on their side (Moscow Patriarchate Orthodox). He also began to repeat again that Anatoly was an American Freemason. He also stressed that all churches except the Moscow Patriarchate are evil."

2168. He was finally released, his car was taken and he was given a day to leave Krasnyi Luch with his family.

(d) Alexey Demidovich

2169. Mr Demidovich was a bishop of the CBU and the Senior Pastor of the Good News Church in Slovyansk, Donetsk region. On 16 May 2014 he was detained in the SBU building and questioned about his religion and background for about seven hours. The statement says that his captors called him a sectarian, saying that the only correct church was the Orthodox Church of the Moscow Patriarchate. He was ultimately released with the apologies of the "People's Mayor of Slovyansk", Mr Ponomaryov.

(e) Viktor Cherniyavsky

2170. Mr Cherniyavsky was the minister of the Word of Life Church in Luhansk. He stated that he had been arrested on 2 August 2014 at a checkpoint and detained in the basement of the SBU building for twenty-five days. The statement says:

> "During his detainment, they brought a priest into the investigation office, who made a show of casting demons from Viktor, forcing him to kiss a cross. After hearing about his membership in the Word of Life Church, the priest ordered him to be emasculated (castrated). But nobody was willing to carry this out."

2171. He was beaten "with baseball bats, putting a helmet on him first, and seeing if they could break it", and tortured with electric shocks. The basement where he was detained had no ventilation of bathroom facilities. Detainees were allowed to use a toilet once a day and were fed porridge once a day which was slopped into a bucket that said "3rd floor toilet" on it. The statement says:

> "Every day during the interrogations they degraded him for belonging to the Protestants. They called him a Baptist. They said that Protestants were prohibited."

2172. While he was being detained, the separatists raided his church and questioned whoever they could.

(f) Viktor Kotsarenko

2173. Mr Kotsarenko was a pastor for the Word of Life Church in Pryvillya, Luhansk region. He stated that on 28 June 2014 he had been beaten by six separatists, resulting in a broken jaw, and had then been taken to an abandoned factory and left in a bomb shelter overnight. The following morning they had forced him to clean up the factory then interrogated him before returning with him to their barracks. He was released on 30 June 2014 after his relatives approached the commander of the separatists, a local man with whom they were acquainted. He went to see a doctor and a medical certificate attesting to his broken jaw was attached to his statement.

(g) Sergey Kulbaka

2174. Mr Kulbaka, or Father Tikhon, worked as a priest for the Ukrainian Greek Catholic Church and as the Secretary of the Inter-faith Council of Churches and Religious Organisations of Donetsk. He stated that he had been abducted on 4 July by armed separatists and detained. He claimed that he had not been given his medicine for his diabetes and that he had not been fed or kept hydrated properly, leading to severe stomach issues. His captors had threatened to kill him and fired an automatic gun right above his head. After a week of detention, he was taken to an "expert" familiar with religious issues. The statement says:

> "Father Tikhon, first of all, asked for his medicine back. But in response he was told: 'If you're not Orthodox, then God is not obligated to help you'. The 'expert' was sure that God acts only in the bosom of the Russian Orthodox Church, and all others are from Satan and must be destroyed. He proposed he become a priest of the Moscow Patriarchate ... Every day the 'expert' said that his failure to return to Orthodoxy was equivalent to suicide."

2175. On 15 July 2014 he was released.

(h) Alexandr Khomchenko

2176. Mr Khomchenko worked as a prison minister-chaplain and was an active participant in the Prayer Marathon in Donetsk. He was abducted along with two others during the Prayer Marathon on 8 August 2014 and taken to the SBU building. The statement says:

> "They asked why Aleksandr didn't go to the 'only true church' – the Orthodox Church of the Moscow Patriarchate. All this was carried out in an educated tone. After the interrogation, Aleksandr was taken to Makeyevka in the basement of the building, which was called the NKVD (the People's Commissariat for Internal Affairs). There were other militants there already. They immediately started beating him and torturing him.
>
> This went on for three days: by day, cultured conversation-questioning in the 'secret service' [building], and in the evening and night – tortures in the basement of the NKVD ... They put a gas mask on him, smothered him, then again beat him. They threatened him with an automatic, shot around his feet and head."

2177. He was released after four days.

(i) Oleksander Pohrebnyi

2178. Mr Pohrebnyi was a business owner and parishioner in the Protestant Church of Ukraine in Torez. He said that on 22 June 2014 he had been violently taken from his home in Shakhtarsk by "DPR" supporters. He was thrown into a van and beaten, with the captors asking repeatedly, "Why did you betray your faith? Why did you go from being Orthodox to being Protestant?" He said that the gunmen did not have Russian accents; "rather they sounded as if they were Chechen". His brother was also captured and they were tortured and threatened with execution. Mr Pohrebnyi was repeatedly asked why he had betrayed his Orthodox faith, and was called a "cult follower". The separatists took his money and car and eventually let him go.

(j) Oleg Shtein

2179. Mr Shtein worked as the vice-rector of the Donetsk Christian University. He said that on 9 June 2014 seven armed men had entered the central office of the Donetsk Christian University and given them twenty-four hours to vacate the university premises, as the building had been transferred to the "DPR" by decree of "deputy prime minister" Pushilin issued on the same day (appended to the report). Computers and documents belonging to the university were taken by the "DPR".

(k) Nikolai Kalininchenko

2180. Mr Kalininchenko worked as a pastor of the Word of Life church in Shakhtarsk. He stated that on 21 June 2014 armed "DPR" separatists had beaten him up in the church, shoved him into a car and then asked him for his home address. When he told them the address, they had not known the town, which had made him understand that they were not local. The separatists kept saying that, "no one should be here except Muslims and practitioners of Orthodoxy of the Moscow Patriarchate".

2181. After the abuse, on 22 June 2014 the witness and his wife had left town. The separatists returned the same evening and completely destroyed their flat. On the same day the church was turned into the "DPR" headquarters and displayed the "DPR" flag and the symbols of the Russian Orthodox Church

(l) Elena Velichko

2182. Ms Velichko was a parishioner of the Divine Transfiguration Church in Slovyansk and her husband was a church deacon. She had fled Slovyansk with their children after the town was seized by the separatists but her husband had stayed behind. She stated that on 26 June 2014, armed

separatists had turned up at the church, where the feast of the Holy Trinity was being celebrated, and abducted four parishioners including her husband. Their charred bodies were subsequently found in a communal grave after control of the city had been recovered by the Ukrainian armed forces on 6 July 2014. According to her, the murderers were representatives of the "Russian Orthodox Army".

(m) Natalya Bradarskaya

2183. Ms Bradarskaya was the wife of another of the parishioners who had been abducted from the Divine Transfiguration Church in Slovyansk and subsequently executed. According to her, the events took place on 8 June 2014 as she and her husband were leaving the church service. The following day she had tried to locate her husband in the occupied buildings. At the SBU building, a separatist reassured her that he would be fine and that they were "off somewhere digging trenches". The statement says:

> "On one day, she stopped a car with a militant that she recognized, and asked about her husband. She was taken to some chief at the SBU. At the SBU, they began to jeer at her, saying that all of them were from an American church, that they had sold out to the Americans and were spies. And generally they were all enemies."

2184. She stated that after the separatists had abandoned the city, she had found out what had happened to her husband:

> "They had taken all four outside town. There, they began to beat them up and torture them, as was confirmed by an examination of the bodies and the photographs shown to Natalya at the police station. Then they executed three of them; but Viktor took off running toward the river, and they shot him in the back. There were bullet wounds in his back. After the shooting, they blew up their car and tried to hide all traces of the execution. This was the conclusion written in the reports from the investigation carried out by the experts. There was also an eyewitness to the shooting who had been passing by and fleshed out the events."

(n) Yelisei Pronin

2185. Mr Pronin was pastor of the Revival Church in Pervomaisk, Luhansk region. He stated that on 26 April 2014 or thereabouts, he had met with Mr Nikolai Milyutin, then a local "people's mayor", at his church. Mr Milyutin had accused the church of being "American spies, saboteurs, vermin". On 3 May 2014 Mr Milyutin had called Mr Pronin and threatened to torch his church. His church had subsequently been repeatedly searched by separatists. Mr Milyutin continued to make threatening telephone calls. On 16 August 2014 the church was burned down by separatists.

(o) Gennady Kitaigora

2186. Mr Kitaigora worked as a pastor for the Word of Life church in Torez, Donetsk region. He stated that church ministers had begun receiving threats from "DPR" separatists in early May. The main separatist was Mr Ivan

Chaban, "a local thug". On 13 May he went to the "DPR" headquarters to ask why they were being threatened. He was told:

> "You're all sectarians, agents. There is only one true faith – Orthodoxy of the Moscow Patriarchate."

2187. Later that day, Mr Kotenko, "DPR" chief of staff in Torez, came to the church unarmed and inspected the premises. He left without any comments. However, the intimidation did not cease and around once a week Mr Chaban showed up with other separatists brandishing weapons. The statement says:

> "Tensions were significantly heightened beginning on June 15, when a large contingent of Russian Cossacks and the criminal group Oplot ... entered Torez. If before this the ["DPR"] leadership comprised local thugs and corrupt officials, militants with Russian, and, more specifically, Caucasian accents were now in power."

2188. On 19 June 2014, several militants burst into the church and demanded that Mr Kitaigora come to the church. According to the statement:

> "Upon arriving, Kitaigora was met by armed men that he had never seen before. They were armed with machine guns, wearing balaclavas and the insignia of the Russian Cossack Army.
>
> GK: 'Let's all go into my office and talk this over. I would like to know what's going on here and talk with the person in charge.'
>
> Militant No.1: 'We're in charge here. And we'll talk when we decide. Hand over the keys and clear out of here. This is not your building anymore. All of you here are American agents. There's only one true faith – Russian Orthodoxy.'
>
> Fighter No. 2 (with a Caucasian accent): 'And Islam!'"

(p) Muslim Mernik

2189. Mr Mernik worked as a pastor for the City of Faith Church in Snizhne, Donetsk region. He stated that armed separatists of the "DPR" had seized all the city buildings, as well as the police and prosecution buildings, on 13 April 2014. On 12 May 2014 a woman who introduced herself as a lawyer from the municipal executive committee turned up at a private house where the church community were meeting. She told them that their meetings were against the law since the executive board had not given its permission for them to take place. On 16 May separatists showed up at the church during a meeting, demanding to know what was going on. One of them said, "You're not Orthodox. You're some kind of sect. And in this town there will only be Orthodox Russian churches. We'll destroy the others". On 18 May armed separatists in military clothing turned up at the house where meetings were held and began writing down the registration plates of cars parked nearby. After that, they began following members of the church in their cars to find out where they lived. Almost the entire church congregation subsequently left for Kyiv for their safety. An elderly man who decided to remain stayed in the house where the meetings were held and he was found dead about one month

after the other had left town. After his body was removed, the separatists looted the house.

(q) Aleksey Ulyantsev

2190. Mr Ulyantsev worked at the Rock of Salvation Rehabilitation Centre in Donetsk. He stated that on 23 June 2014, around five or six armed separatists who said that they were from the "DPR" had entered the rehabilitation centre. They claimed to have received information that there was pro-Ukrainian propaganda at the centre. They examined the passports of all those present. Some conducted a search and others took telephones and car keys at gunpoint from those who had them. They said, "There will be one faith. We do not recognise what you believe in and all your movements. We – the Orthodox – will drive all of you away. Go dig trenches". The armed separatists subsequently occupied all of the centre's buildings. The separatists would not let Mr Ulyantsev take the eighty pigs and cows they had there, and they also took the money from the safe for themselves.

(r) Sergey Kazmenko

2191. Mr Kazmenko worked as an auxiliary bishop of the Word of Life Association and as pastor of the church in Olenivka, Donetsk region. He stated that he and his family had left Olenivka by 24 August 2014, having heard that the association's churches in Torez and Shakhtarsk had been seized by separatists and that parishioners had been abducted. On 25 August 2014, "DPR" gunmen had broken into the church and associated rehabilitation centre and seized them.

(s) Mikhail Reshetnikov

2192. Mr Reshetnikov was a minister in the Word of Life Church. On 14 March 2014 he began participating in the Prayer Marathon in Donetsk. A Ukrainian flag was displayed on the tent in which he was conducting his ministry. He began to receive threats immediately. On 14 May 2014 two separatists approached the tent. One spoke in Russian and the other spoke with a Chechen accent. They were holding iron bara and began to beat the ministers, saying that they had to be punished because of the flags that were hanging there. On 18 May 2014 two armed women dressed in military clothing approached the tent, swept things to the ground and told Mr Reshetnikov and his companions to "get out of here". On 24 May 2014, armed men in camouflage with "DPR" insignia approached the tent and said, "That's it, wrap this up right now, we're already sick of your flash mobs. And the Ukrainian flag will not be hung here." He pointed his gun at those in the tent. Then the separatists tore down the tent and threw it in the river, scattered everything else around the square and took the rechargeable battery and speakers with them.

(t) Anatoliy Karpenko

2193. Mr Karpenko was head of the Christian Charity Foundation. He stated that on 18 July 2014 he had been stopped by separatists on the Rovenky-Antratsyt-Kharkiv highway while helping evacuate twenty-seven people in a minibus. He told the separatists that he was from a Christian charity organisation and they abducted him and the driver, leaving the bus and its occupants in the road. He was taken to an unknown destination, where he was held in detention for twenty-four hours without food or water before being released.

(u) Sergey Levkovich

2194. Mr Levkovich was a member of the New Generation Church Rehabilitation Centre in Horlivka, Donetsk region. He stated that on 16 June 2014 twelve armed men in military uniforms with "DPR" insignia had burst into the rehabilitation centre. They had opened the safe and taken the money that was there. They demanded that the head of the centre, who was absent, be handed over to them. Mr Levkovich began to explain to the separatists and they examined his passport then, seeing that he was from western Ukraine, began to beat him. They then abducted him and handed him over to other separatists at the local police station, where he was kept in the basement. He saw pools of blood, but there were no other occupants. He was interrogated by four masked gunmen, who did not understand Russian well and spoke with Caucasian accents. They asked him about the other people at the centre and about his religious affiliation. They told him that he was in a cult and was being brainwashed, shouting that Russian Orthodoxy was the "true and correct faith" and threatening to shoot him for his faith. They showered blows on his head. He was not given food or water, and was left in the basement for the night. The next day he was fed, questioned again without being beaten and released.

(v) Yana Gulyaeva

2195. Ms Gulyaeva was a member of the Blessing of the Father Church and participated in the Prayer Marathon in Donetsk. She stated that she had been threatened regularly during the Prayer Marathon and gave two examples. On around 15 April 2014 a woman had rushed up to the tent and starting shouting that they were all sectarians and would burn in hell and telling them to get out. On around 4 May 2014 an angry man had approached them blaming them for a fire in a trade union building in Odesa on 2 May 2014, calling them sectarians and threatening then. On both occasions, the police tried to calm the individuals down.

(w) Petr Martyschenko

2196. Mr Martyschenko was a member of the Divine Assembly Church in Donetsk who participated in the Prayer Marathon in Donetsk. He stated that on 3 May 2014 two men had approached his tent. One was "a red-haired man with a Caucasian appearance", whose uniform revealed him to be "a Chechen, a Kadyrov militant", who spoke no Russian, and the other was a Chechen who spoke Russian well. They asked why they had not cleared out as they had been told, and then struck his son in the right eye and the jaw. When Mr Martyschenko tried to intervene, they hit him too. Then they left. According to one of his friends, the people who beat him up were militants from the "Russian Vostok battalion from intelligence". He said that afterwards, armed militants had started hunting for him. On 24 May 2014 he learned that they had destroyed his tent.

(x) Sergey Zhuravlev

2197. Mr Zhuravlev was a bishop at the Word of Life Church and a pastor in Rovenky, Luhansk region. On 5 May 2014 bands of local armed men and detachments of Cossacks from Russia took over the city. From 20 May he began to receive threats from a former member of his church who had aligned himself with the separatists. He therefore left Rovenky with his family. While he was away, armed separatists came to the church looking for him. They told the church caretaker that his entire church and those like it were sects that had to be eradicated and that the only true faith was Orthodoxy. On 20 August 2014, armed separatists dressed in camouflage came to the church saying that they needed accommodation and could occupy the building under martial law. They left after being told that there was nowhere to sleep in the church. On 29 August armed separatists returned and gave the caretakers a couple of days to leave before the church was seized. The caretakers were told that the building had been nationalised but the separatists refused to show any official papers or explain who they were.

(y) Aleksandr Reshetnik

2198. Mr Reshetnik was a minister at the Good News Church in Slovyansk. He stated that he had been abducted and detained in the police station by separatists on 3 July 2014. He had been fed and had not been mistreated. The following day he was interrogated by two men in military uniforms without insignia. They questioned him about his religion and said that he had "sold out to the Americans". On 5 July 2014 he was freed by someone who explained that the separatists had hastily abandoned the city.

(z) Tatiana Nosacheva

2199. Ms Nosacheva was a member of the Transfiguration of our Lord Church in Slovyansk. She went to the church on the evening of 10 June 2014

to spend the night there before an early evacuation the following morning. However, at 2 a.m. separatists had appeared at the church to check documents. The men were armed and dressed in camouflage uniforms. They took her and two others to an unknown destination and warned her that the city was under martial law and they would shoot to kill if she moved. They also said that the church members were sectarians and that their building would soon be seized. They were taken to a base outside the town and put in the basement. On 12 June they were taken to the SBU building and put in the cells in the basement. All the armed separatists in the building had an "Armed Forces of Russia" insignia on their uniforms. On 13 June she was interrogated and asked questions about her faith. She was released later that day.

(aa)Dmitriy Kuchmiev

2200. Mr Kuchmiev was a member of the House of Prayer for All Peoples Church of Evangelical Christian Baptists in Antratsyt, Luhansk region. On 8 September 2014 the church was seized by armed separatists of the "LPR". They pasted a piece of paper at the entrance which read, "This facility is under the protection of the 2nd battalion of Cossacks". They demanded the keys and the papers.

8. "Ukraine: Debaltseve's residents reaching breaking point", Amnesty International, February 2015

2201. On 3 February 2015 Amnesty International reported that the town of Debaltseve, a strategic railway junction and stronghold of the Ukrainian forces, had been under constant shelling by pro-Russian separatists attempting to take control in recent days. Amnesty International's research on the ground indicated that some of those attacks might have been indiscriminate. The report asserted that the only road out of town was being shelled constantly, which made the escape of the remaining civilians even more dangerous.

9. "Origin of Artillery Attacks on Ukrainian Military Positions in Eastern Ukraine Between 14 July 2014 and 8 August 2014", Bellingcat, 17 February 2015

2202. This report discussed the origin of artillery attacks on Ukrainian military positions between 14 July and 8 August 2014. It explained:

> "The pressure of sustained artillery attacks through early August led Ukrainian armed forces to lose control of hundreds of kilometers of border territory. Google Earth satellite images of eastern Ukraine from July, August, and September 2014 have enabled the Bellingcat investigation team to find evidence of these artillery attacks, determine their origin, and compare them with local sources.
>
> After reviewing and analyzing these satellite images as well as videos from social media, local media reports, and the shifting maps of the ongoing conflict, the Bellingcat

> investigation team has determined that there is compelling evidence that artillery attacks on Ukrainian territory and against Ukrainian armed forces originated from the territory of Russia."

2203. The report noted that by July 2014 the ATO had made significant territorial gains in eastern Ukraine, but that the situation had changed on 11 July 2014 with the "massive and unexpected artillery attack on units in the Zelenopillya region" that had killed thirty and wounded over one hundred soldiers. In the following weeks, Ukrainian units at the border had been subjected to dozens of artillery attacks, while a simultaneous separatist offensive had enabled the separatists to capture much of the Russian-Ukrainian border along with vast areas of the Donetsk and Luhansk regions.

2204. Using in-depth analysis of satellite imagery and social media sources, the investigation sought to clarify the origins of the artillery attacks against Ukrainian armed forces. It explained:

> "From the satellite imagery, the Bellingcat investigation team located artillery impact crater fields from artillery fire and conducted extensive analysis on a crater-by-crater basis. In the examination of each area, our team created a novel analysis method based on internationally-recognized 'on-the-ground' procedures to determine the trajectory of the artillery fire."

2205. The report investigated three artillery attack case studies: the attack on Amvrosiivka on 14 July 2014; attacks between Dolzhanskaya-Capital mine and the village of Panchenkove from 14 July to 8 August 2014; and the attack on Khmelnytskyi on 25 July 2014. The investigators' artillery crater analysis concluded that there had been a total of ten primary attack trajectories across all the case studies. From each of these attack trajectories a firing position had been identified. Nine were without any doubt within the territory of Russia, with three being within 400 to 800 metres of a military camp. The remaining firing position was in Ukraine, near Chervonopartyzansk, 1.2 kilometres south and 1.5 kilometres north of the border with Russia. The report concluded:

> "This study has provided compelling evidence that a series of artillery attacks on Ukrainian territory were conducted between 14 July and 8 August 2014 from firing positions within Russia. The first attack on 14 July 2014 originated from Russian territory near the Russian village of Seleznev and was directed towards positions of the Ukrainian armed forces south of the Ukrainian village of Amvrosiivka. Four attacks were conducted near Gukovo, Russia, on Ukrainian armed forces close to the Dolzhanskaya-Capital mine and the village of Panchenkove between 16 July and 8 August 2014. Two additional attacks were conducted on this area from Russian territory north of Gukovo. On 25 July 2014, an artillery attack was conducted on the positions of the Ukrainian 72nd Mechanized Brigade near Khmelnytskyi village, south of Sverdlovsk. These attacks also came from locations within Russia, specifically from a military base in Pavlovka and a position east of the village of Malyy."

10. "Russian Forces in Ukraine", Royal United Services Institute, March 2015

2206. The Royal United Services Institute (RUSI) is a United Kingdom based think-tank, specialised on military and security issues. In March 2015, RUSI published a paper called "Russian Forces in Ukraine", written by Dr Igor Sutyakin.

2207. The report noted that Russian artillery fire from Russian territory had targeted advancing Ukrainian troops on their own soil, from mid-July 2014 onwards. Direct intervention by Russian troops in combat roles had then followed in the middle of August, when the prospect of defeat of the separatist forces had become realistic. The presence of large numbers of Russian troops on Ukrainian sovereign territory had since become a more or less permanent feature of the conflict. The report also stated that the first phase of large-scale incursions by regular Russian troops had commenced on 11 August 2014 and had involved a substantial array of forces. Elements of some Russian reconnaissance and special operations units had operated on Ukrainian soil since 14 July (at the latest), comprising teams generated by six units.

2208. According to the report, Russian troops in Ukraine had numbered between 3,500 and 6,000-6,500 by the end of August 2014, according to different sources. That number had fluctuated, reaching approximately 10,000 at the peak of direct Russian involvement in the middle of December 2014. By the last week of February 2015, the overall figure of Russian troops in eastern Ukraine was estimated to be approximately 9,000 and had increased by at least 1,500-2,000 personnel since then. The report indicated that the Russian Ministry of Defence had kept sending reinforcements to the east of Ukraine even after the ceasefire had been signed in Minsk on 13 February 2015.

2209. The report included the following conclusion:

> "There is evidence of Russian troops present in eastern Ukraine – not only in a command role and to operate advanced equipment, but as coherent fighting formations too. Those forces deployed to Ukraine, on or near the border, and in Crimea represent a serious and direct threat to Ukraine. That is due to the numbers of these Russian forces, which nearly matches that of all of Kiev's available combat forces. Further, rebel forces more or less under Russian control number half the total of Russian troops. Hence, Kiev cannot generate or count on numerical superiority.
>
> The main strategic objective of Russian troops is to secure the continued existence of Russian-controlled 'republics' in eastern Ukraine. Yet Russia is having trouble sustaining its forces generated for the operation against Ukraine."

11. "Putin. War", Boris Nemtsov et al., May 2015

2210. Mr Boris Nemtsov was a Russian opposition politician who was murdered on 27 February 2015 in Moscow. Prior to his death he had been gathering material relating to the conflict in eastern Ukraine, from open and other sources, for a report he intended to publish. The material that he had

prepared, including handwritten notes and documentation, formed the basis for a report published after his death by colleagues, friends and others who worked together to complete the project. It was translated into English with the support of the Free Russian Foundation. The report presented a detailed account of the alleged Russian support provided to the separatists in eastern Ukraine. It began by looking at allegations that the Russian military was present in Donbas, claiming that "[p]roof of military intervention on the Russian side was provided by the statements of the leaders of the separatists, as well as by eyewitness accounts collected on the territory of the conflict". It referred to interviews by Mr Zakharchenko and Mr Girkin in which they had described the decisive role played by reinforcements from Russia. The report referred to the alleged "vacationers" – Russian soldiers and officers who fought in Donbas in the summer of 2014 while officially "on vacation", and continued:

> "It is important to note that members of the military who serve under contract in the Russian Armed Forces are directly prohibited from taking part in combat during vacation. The servicemen maintain their status while on break. In order to obtain leave, a serviceman 'must indicate in a report addressed to his commander the exact place where he will spend his vacation'. If the vacation is spent abroad, then the serviceman 'must obtain permission from the Defense Minister, his commander and the consent of the Federal Security Bureau (according to the Order by the Defense Ministry of July 31, 2006, #250 DCP)."

2211. As evidence of Russian troops in eastern Ukraine, the report referred to the capture by Ukrainian forces of Russian soldiers in eastern Ukraine. It cited, for example, the capture of soldiers from the 331st Guards Parachute Division (Kostroma) and the 98th Guards Airborne Division (Ivanovo) of the Airborne Troops of the Russian Armed Forces. It also referred to the group of four Russian servicemen detained near Ilovaisk in August 2014, who identified themselves as members of the 6th Separate Tank Brigade and the 31st Guards Air Assault Brigade. The report referred to testimony of captured soldiers in which they claimed that military equipment being sent to Donbas had their factory identification marks and registration plates removed and their insignia painted over to conceal the fact that they were the property of the Armed Forces of the Russian Federation. Four contract soldiers in the Russian army had further confirmed to a journalist that prior to being deployed in Donbas, soldiers in the Russian army had written letters of resignation so that, in the event of their detention or death, they would be identified as volunteers and not as professional soldiers.

2212. The report included the following allegation:

> "On February 13, 2015, it became known that the command of the 536th Fleet Independent Coastal Defense Missile Artillery Brigade Army Unit No. 10544, based in the Murmansk Region, intended to send contract soldiers to the east of Ukraine to perform combat assignments.
>
> This information was made available thanks to the publication of an audiotape of a speech given to servicemen by the zampolit [the officer in Russian army units

responsible for political education and morale - Trans.] of Army Unit 10544, Lt. Vyacheslav Okanev. The speech was secretly recorded on a tape recorder by one of the soldiers present. The conversation took place on the eve of the deployment of the Murmansk contractors to the Russian troops' base near the border with Ukraine.

'There may be a situation in which you will be deployed near the borders of Ukraine, then, once you are there, there may be combat assignments as well that could directly come up, and then you will follow combat orders. I can't exclude the possibility that you may cross into the territory of the Donetsk and Lugansk regions to provide direct help there,' explained the Lt. Col. Okanev to the servicemen.

'Yes, no one has officially declared war on anyone else. But we must provide help in all senses of the word,' the officer emphasized in his speech. Okanev also explained that since 'officially war has not been declared' there would be no guarantee of cash payments in the event of the death or wounding of Russian servicemen.

Lt. Col. Vyacheslav Okanev confirmed the authenticity of the audiotape in an interview with Gazeta.ru on February 13, 2015."

2213. The report referred to interviews given to media outlets by the Russian soldiers Dmitry Sapozhnikov and Dorzhi Batomunkuyev, fighting with the separatists in eastern Ukraine, in which they had spoken openly about the participation of the Russian armed forces in the conflict.

2214. The report also claimed that "volunteers" were recruited through military commissions and veterans' and Cossack organisations. These "volunteers" were sent in their individual capacity to Rostov-on-Don, in the region bordering Ukraine, where they received their deployment, combat assignment and equipment immediately before crossing the border. The "volunteers" were paid for their service with cash from Russian foundations which were allegedly funded with the active support of Russian Federation authorities. The report refers to evidence from one of the "recruiters", who claimed that one of the means of transporting "volunteers" into Ukraine was via "humanitarian convoys". It said:

"The collected testimonies confirm that a significant number of the Russian [citizen] fighters in the Donbass were sent to the territory of Ukraine in an organized fashion, were given relevant training and preparation, and received material compensation: the 'volunteers' themselves received cash compensation for participation in combat actions. This can be seen as evidence of a crime under Art. 359 of the Criminal Code of the Russian Federation. Current Russian legislation enables the identification of the so-called Russian [citizen] volunteers in the Donbass as mercenaries. The Criminal Code, in particular, states: 'A mercenary is defined as a person acting in the interests of receiving material compensation who is not a citizen of the state participating in the armed conflict or in military actions, who does not resident permanently on its territory, and who is not sent on the performance of official duties.'

In fact, Russian investigative bodies exclusively prosecute only those Russian citizens who take part in combat actions on the side of the Ukrainian forces ... President Vladimir Putin explained that 'people who perform their duty by the call of their heart' who take part in combat actions cannot be viewed as mercenaries."

2215. The report discussed the presence of Chechen soldiers in eastern Ukraine, saying the following:

"A visible role in the separatists' armed forces is played by the reinforcement coming to the territory of Ukraine from the Chechen Republic of the Russian Federation. These people are identified as supporters of Ramzan Kadyrov, president of Chechnya, and often come from law-enforcement agencies under his control.

...

The first group of the Kadyrovtsy [as such fighters are known] joined the separatist Vostok Battalion. Its commander Aleksandr Khodakovsky confirmed on June 1, 2014 that in the spring Chechens under his direction who had come from Russia battled Ukrainian troops. In fact, evidence of the presence of armed Chechen fighters on Ukrainian territory had appeared even earlier. For instance, on May 26, 2014, a video of a rally of DPR supporters in Donetsk was made public. A truck was parked on a square filled with two dozen people primarily of [North] Caucasian appearance who were armed with automatic rifles. In a conversation with a CNN correspondent, one of them stated: 'We are Kadyrovtsy.' When the journalist asked a follow-up question to clarify this, the man confirmed that he was from a Chechen law-enforcement agency.

...

The next massive reinforcement of Chechen fighters came to the Donbass in August 2014, when the Russian Army's large-scale operation began: its purpose was to halt the offensive of the armed forces of Ukraine against the separatists' positions.

On August 29th, 2014, a video taken by one of the Chechen fighters on the Russian-Ukrainian border on the eve of the invasion appeared. The video includes a conversation in Chechen in front of a convoy of tanks and other armor, in which the following is said: This is our convoy, you can't see the start, you can't see the end, and we have prepared for invasion.'

'Allah Akbar!' the fighter says on camera. 'Here are our Chechen guys. These tank drivers are Chechens.'"

2216. The report said that Mr Nemtsov had sent official enquiries to the FSB and the Investigative Committee of the Russian Federation demanding an investigation into the unlawful crossing of the border by armed persons, but no reply had been received. The report further referred to media interviews, videos and photographs, some of which it reproduced, which it said clearly demonstrated the presence of "Kadyrov's fighters" in Donbas. It went on to discuss the repatriation of the dead bodies of Russian citizens:

"For example, on June 2nd, 2014, photojournalist Maria Turchenkova published a report on the crossing of the Ukrainian-Russian border by a truck with the marking 'Cargo-200.' The truck was returning the bodies of 31 citizens of the Russian Federation to the Motherland – they had been killed in May during the storming of the Donetsk Airport. The Russian citizenship of the deceased was confirmed by Aleksandr Boroday, then head of the self-proclaimed DPR ...

Aside from the coffins, Turchenkova managed to photograph several notices from the Donetsk Regional Bureau of Forensic Medical Examination on the death of Russian citizens who bodies were transported across the border.

In particular, among those killed was Yury Fyodorovich Abrosimov, born 1982. The death of Sergei Broisovich Zhdanovich, born 1966, was also documented, who was known as a retired instructor at the Russian FSB's Center for Special Assignment, a

veteran of the wars in Afghanistan and Chechnya. Not long before he was killed in Donetsk, he went through preparation in a training camp in Rostov Region."

2217. It was claimed in the report that the Russian military authorities had declared the soldiers killed in Donbas as having died in training in the Rostov Region of Russia. The families of those killed in 2014 had received large amounts of financial compensation and signed non-disclosure agreements. The report identified cases of particular soldiers it claimed had been killed on Ukrainian territory. The soldiers identified served in the 31st Separate Guards Airborne Assault Brigade, the 98th Guards Airborne Division, the 76th Guards Airborne Assault Division, the 7th Guards Airborne Assault Division, the 106th Guards Division of the Airborne Troops, the 21st Motorised Brigade, the 9th Motorised Brigade and the 17th and 18th Motorised Brigades (from Chechnya). The report said:

> "Lev Shlossberg [a deputy in the local legislature in Pskov] sent a deputies' inquiry on September 16, 2014 to the Main Military Prosecutor's Office of the Russian Federation in which he asked questions about the fate of the servicemen of the 76th Pskov Division of the Airborne Troops. In his inquiry, Shlossberg named 12 cases of paratroopers for whom the facts of their deaths and burials were established precisely, but not the reasons or circumstances
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> ... In reply, the Main Military Prosecutor's Office reported to Shlossberg that the circumstances of the death of the servicemen were established, they were killed outside of the place of permanent deployment, and that no violations of the law by the military prosecutor's agencies were found. The response further stated that the families of those killed had received social benefits, and that the disclosure of other requested information was impossible, since it constituted a state secret."

2218. Mr Nemtsov had also written to the Prosecutor General of the Russian Federation asking that the killing of Russian Federation servicemen on the territory of Ukraine be investigated, and referring to various media reports supporting the fact that such killings had taken place. He was murdered a month later and no reply was received.

2219. The report examined the weapons and other military equipment used by the separatists. It noted that their identification was complicated by the fact that both the Russian and Ukrainian military mainly used old Soviet-style weapons and equipment. However, the report set out evidence which, it said, showed that weapons had been supplied by the Russian Federation to separatists in eastern Ukraine. It noted a reference in the Minsk Protocol to the parties' agreement to withdraw from the line of contact artillery systems of a calibre higher than 100mm, "in particular [the] Tornado-G ... Tornado-U ... Tornado- S" MLRS. The report said:

> "In signing these documents, representatives of the Russian government essentially officially acknowledged the fact of sending military armor into Ukrainian territory. The issue here is that the unified volley-fire system of the Tornado (the letters 'G,' 'S,' and 'U' indicate that a specific modification has a caliber corresponding to the MLRS – the Grad, Smerch, and Uragan) are designed in Russia and are not delivered to any other foreign state. Furthermore, according to open sources, in 2012, only the MLRS Tornado

> G was accepted into the armament of the Russian Army. The Tornado-S mentioned in the second Minsk agreements likely exists only in the form of experimental designs. And this weapon not only ended up in the hands of the separatists, but was also incorporated into an international agreement concluded by Vladimir Putin."

2220. The report further alleged that the "nature and intensity" of the combat meant that there was no other possibility but that the separatists were constantly supplied with ammunition from Russia:

> "Igor Girkin ... stated that in February [2015], during the completion of the Debaltsevo operation, one of the 'fire divisions' of the separatists used up about 150 tons of ammunition a day. To transport such a volume requires approximately 50 trucks. This is confirmed by the standards for expenditures of ammunition. For example, one Grad system fires 36 rockets, each of which weighs 56.5 kilograms. Thus, one common weight of ammunition for one volley consists of more than 2 tons. Usually one escort truck takes one-and-a-half reserve ammunitions.
>
> It is a similar situation with the ammunition for tanks. The weight of one round for a tank is a little more than a ton. In the event of intensive combat (as took place in the area of Debaltsevo in early 2015), such a round is expended in one day."

2221. The report described various weapons which it claimed had been manufactured in Russia and had either never been exported to other States, or had never been exported to States which bordered Ukraine. Such material could only have arrived in Donbas by crossing the Russian-Ukrainian border.

2222. The downing of flight MH17 was also discussed in the report. It referred to news reports and claims on Facebook by Mr Girkin that the "DPR" militia had downed a plane near Torez. It further claimed that the different versions of the cause of the crash that had begun to circulate in the Russian media were intended to create a "smokescreen" around the investigation and cover up the involvement of the separatists. The report said:

> "Four days after the shooting down of MH17, Russian television's Channel One broadcast the General Staff's version of the story that the Boeing was downed by an Ukrainian battle plane, a SU-25.This hypothesis was refuted by Vadim Lukashevich, an expert on the effectiveness of aviation systems: 'The SU-25 is a battle plane, and the ideology of this machine is work on the ground, direct support of troops on the field of battle. To shoot down a plane at the elevation of 11,000 with an SU-25 is simply not serious...in my view that is not untenable. Furthermore, I would like to meet those eyewitnesses who saw from the ground a plane that was 15-20 meters in size, located at an elevation of 11,000 meters, and unfailingly determined its type.'
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> ... According to the creator of the SU-25 plane, a battle plane could attack a Boeing at an elevation of 3,000-4,000 meters, but an SU-25 is not capable of shooting down a plane flying at an elevation of 10,500 meters.
>
> Mikhail Leontyev, the odious Kremlin propagandist, sounded one more high-profile 'version.' On the program Odnako (However) on Channel One on November 14th, he announced that he had a 'sensational photo' in his possession that had supposedly been taken by a foreign spy satellite in the last seconds of the flight of the Malaysian Boeing 777 over Ukraine. This photo, in Leontyev's opinion, confirmed that the Boeing was shot down by a MiG-29 jet fighter that was following it.

Many Russian media outlets printed the photo. But the photo turned out to be a forgery ..."

2223. In a chapter entitled "Who Rules the Donbass", the report claimed that the "DPR" and "LPR" were under the external management of "official Moscow" and that key decisions depended upon Russian bureaucrats and political consultants. It explained that after the referendums of 11 May 2014, the key position of head of the "DPR Council of Ministers" had been taken by Mr Borodai, a Russian citizen, while the analogous "LPR" position had been taken by another Russian citizen, Mr Marat Bashirov, "a political consultant who collaborated with the Russian government". According to the report, Mr Girkin confirmed in an interview in January 2015 that he had left the "DPR" leadership in August 2014 as a result of "pressure from the Kremlin", saying:

> "I cannot say that I left voluntarily – I was threatened that the deliveries from Russia would stop, and without the deliveries, it would be impossible to fight. At the Kremlin, a policy oriented toward peace talks prevailed, and for that they need compliant people. But I displayed no compliance and therefore didn't meet their requirements. Thus, I was forced to leave my post."

2224. Mr Girkin also allegedly said that the "curator" for Donbas was Mr Surkov. It referred to an account of the February 2015 Minsk negotiations given by *Kommersant* journalist, Mr Andrei Kolesnikov, who had been present:

> "It seemed a trivial matter remained: we had to get an endorsement of the 'Complex of Measures' from Aleksandr Zakharchenko and Igor Plotnitsky, leaders of the DPR and LPR, who were waiting just for that moment in the DipService Hall, where at that time the Contact Group was meeting. With that aim, Vladislav Surkov, aide to the president of Russia headed to the DipService Hall. I saw how he came out of the negotiations room and headed to the exit. At that moment it was still not clear where he was going, but it was already clear that events were beginning to unfold with growing speed ... And here the president of Ukraine came out of the negotiating room ... He was very dissatisfied with something.
>
> Later we learned why: Aleksandr Zakharchenko and Igor Plotnitsky categorically refused to put their signatures on the document. Aside from everything else, their signatures could mean their political (and not only political) death. But what can I say: all participants in the process were taking risks with this document ... It was a complete collapse of the negotiations. Fourteen hours of time demonstratively wasted in vain. At 10:40, Vladislav Surkov returned from the Palace of Independence and walked up to the third floor, where Vladimir Putin was located at the time. In a little while, Francois Hollande and Angela Merkel also went upstairs. They learned about the decision of the militia leaders ... So what happened there on the third floor? I was able to reconstruct these events. According to Kommersant's information, Vladimir Putin told his colleagues that they had to explain to Aleksandr Zakharchenko and Igor Plotnitsky why they were wrong. 'I can not pressure them,' he said several times. But then what was all this? Angela Merkel proposed explaining everything to the leaders of the DPR and LPR with reference to the meeting of the EU Council of Ministers opening in Brussels. She said that the militiamen had to be informed: they had one-and-a-half hours of time. After that time, the leaders of France and Germany would leave and never return again,

and no further negotiations would be possible. The Russian leader also had to confirm this as well. So he confirmed it ... Then they waited. Vladimir Putin went out and once again came into the negotiating room, with two minutes were left before the ultimatum expired. He said that he had called Vladislav Surkov and announced: 'They have signed everything.'"

12. *"Routes, Destinations, and Involvement of the 2nd and 147th Automobile Battalions in the June and July 2014 Buk Convoys", Bellingcat, May 2015*

2225. In this report, the Bellingcat investigation team tracked the movement of Russian military vehicles near the Ukrainian border. They presented detailed evidence of the involvement of the 2nd and 147th Automobile Battalions in the transport of military equipment through Russia, including the Buk missile launcher filmed and photographed in Ukraine on 17 July 2014, linked to the downing of flight MH17.

2226. The conclusions of the report read as follows:

"1. The 2nd Automobile Battalion of the 69th Separate Logistics Brigade (Unit 11385), headquartered in Novosmolinskiy (near Mulino), was involved in transporting military equipment to several areas along the Ukraine-Russia border.

2. The 2nd Automobile Battalion of the 69th Separate Logistics Brigade, especially Subunit 2 (11385-2) located in Kalininets, was involved in transporting Buk systems to several areas along the Ukraine-Russia border, including the June and July 2014 Buk convoys.

3. The 147th Automobile Battalion (Unit 83466), located in Moscow, was involved in transporting Buk missile launcher 232 (in the 23-25 June convoy) to Millerovo near the border with Ukraine and transporting other military vehicles to the border area near Donetsk, Russia.

4. The 2nd Automobile Battalion (Unit 11385) and/or the 147th Automobile Battalion (Unit 83466) were/was involved in transporting the Buk related to the downing of MH17, Buk 3×2 (in the 23-25 June convoy).

5. Dmitry Z, the driver of truck 6902 HH 50, which hauled Buk 232 in the 23-25 June convoy, did not transport Buk 3×2 to the border (he transported other vehicles to the border area during his last ride with his truck just before the end of his service). However, he might possibly know who did, considering that driver was behind him in the convoy with Buk 3×2. And, looking at the connections the drivers have on VK, it seems that the drivers of the Buk convoys may know each other.

6. There are four possible drivers that could have transported Buk 3×2 to Millerovo in the 23-25 June convoy (and probably later to Donetsk, near the border of Ukraine, too):

(a) Vladimir P, standing next to trailer XP 4679 50 on 26 July 2014 ...

(b) The driver that posted a picture of truck 4267 AH 50 on 16 October 2014 in his album ...

(c) The driver that posted a picture of truck 4267 AH 50 on 28 July 2014 in his album ...

(d) The driver that posted a picture of truck 4267 AH 50 on 12 December 2013 on Dmitry Z's VK profile wall ...

7. The 23-25 June Buk convoy went to the Millerovo military airbase, and from there the Buk missile launchers were moved to several different locations along the border. Buk 3×2 was transported via the M4 highway to Donetsk, Russia and subsequently crossed the border through a field south of Severniy during the night of 16 to 17 July. After the downing of MH17, the same Buk missile launcher crossed the border again at the same location in the early morning of 18 July 2014.

8. The 19-21 July Buk convoy went to a military camp southwest of Kamensk-Shakhtinsky, and from there the Buk missile launchers were moved to several different locations along the border."

13. "Russia's Path(s) to War", Bellingcat, 21 September 2015

2227. The objective of this report, authored by Klement Anders, was to assess the border area in the conflict zone in eastern Ukraine and identify border crossings that could be associated with the Russian army. It relied on satellite imagery. It explained in its introduction:

> "The period spanning July to September 2014 served as a turning point in the war and was characterized by intense fighting. Toward the end of July and in early August, the forces opposing Ukraine in the country's east seemed to be on the retreat, losing large swathes of territory that they had formerly controlled. Beginning in the middle of August, however, the situation changed, and by the end of August and early September, the Ukrainian army had lost major battles and, subsequently, control over large parts of Eastern Ukraine."

2228. For the purpose of the analysis presented in the report, the border area was divided into five zones where cross-border traffic had been identified: Donetsk (Russia), Dovzhanskyi, Kuybyshevo, Krasnodarovskiy, and Maksimov. The analysis concentrated primarily on the period between July and September 2014: after that point the separatists had gained control of the entire border in the conflict area, which would have facilitated border crossings through official checkpoints and reduced evidence of irregular crossings in fields which were visible in satellite imagery. The report looked in detail at the evidence of border crossings in the five areas identified, which included satellite imagery from different providers showing evidence of the use of dirt tracks across the border, scorch marks consistent with the launching of artillery and the presence of military camps, and social media posts by Russian soldiers geotagged in the area.

2229. Summarising its findings, the report says:

> "Using satellite imagery, this report's assessment of the border area in the conflict zone shows that there are at least 60 tracks crossing the border. Four to five border crossings are of a scale not seen along the border before, and roughly two dozen are assessed as being closely related to the Russian army. Two different types of border crossings were identified: tracks crossing the border to launch attacks from inside Ukraine and tracks crossing the border to enter Ukraine and reach – in most cases – an unknown target inside Ukraine. New tracks were documented for July, August, and

September 2014, the months that saw the most intense fighting along the border last summer. The key findings and results of this report include:

- A description of approximately 30 of the visible border crossings and the close relationship – both in place and time – between all major border crossings and major battles in the border area of Eastern Ukraine.
- New visual evidence documenting the border crossings, including military vehicles and equipment stationed along the border and large groups of military hardware traveling on paths clearly related to border crossings.
- An assessment establishing or strengthening (as the case may be) the links between the border crossings and Russia's armed forces through the documentation of Russian bases via satellite imagery and/or photographs uploaded to social media by Russian soldiers."

2230. The report discussed the evidence of border crossings during the different phases of the conflict in the summer of 2014. As regards the period from July to mid-August 2014, it noted:

> "It is possible to identify cross-border attacks on Ukrainian positions originating from Russia throughout this period. There is also evidence visible in satellite imagery indicating cross-border traffic in the conflict area. This is especially true for the Donetsk (Russia) area, which exhibits numerous new tracks crossing the border in the 8 August 2014 imagery that were not visible in the 15 May 2014 imagery or shows other signs indicating military usage. Furthermore, there is additional evidence demonstrating Russian participation. Russian soldiers crossed the border to fight inside Ukraine in the first half of August, as documented by photographs showing them in both, Russia and Ukraine as well as their reported deaths in the fighting near Snizhne on 13 August 2014. Moreover, Western journalists saw and reported Russians troops caught in the act of crossing the Russian-Ukrainian border in the Donetsk (Russia) area. Reuters journalists also found evidence of a weapons delivery from the Russian military to Russian forces in Ukraine."

2231. As regards the period from late August to early September 2014, the report said:

> "The satellite imagery presented above documents the increased number of cross-border tracks associated with the Russian army. Tellingly, new tracks crossing the border could be identified near all major hot spots in the border area during this phase of the conflict, encompassing the areas of Donetsk (Russia), Krasnodarovskiy, and Maksimov."

2232. On the basis of the satellite imagery and the analysis of the alleged border crossings in the different phases of the conflict in the summer of 2014, the report argued that all major Ukrainian losses in the border area during that period were related to the Russian army:

> "It was the Russian army whose actions caused the Ukrainians to lose control of the border area in the Luhansk region. It was the Russian army that attacked Ukrainian troops, delivered reinforcements, and, in doing so, actively hindered and effectively stopped Ukraine's offensive in early August. Moreover, it was the Russian army itself that altered the course of the war by defeating the Ukrainian army in major battles at the end of August through early September 2014."

2233. The report concluded:

> "The cross-border attacks ... prove that Russia's Armed Forces participated in the hostilities during this period. In the later phase of the fighting in summer 2014, it has been proven that Russia's Armed Forces participated in the fighting inside Ukraine and decisively changed the course of the war."

14. "Surviving hell - testimonies of victims on places of illegal detention in Donbas", 25 September 2015

2234. This report was published in the framework of the project "Monitoring Human Rights on the Occupied Territories of Ukraine (Crimea, Luhansk and Donetsk Regions)" implemented by the Coalition of Public Organizations and Initiatives "Justice for Peace in Donbas" in cooperation with the Ukrainian Parliament Commissioner for Human Rights with the support of the Helsinki Foundation for Human Rights (Warsaw). It examines the phenomenon of illegal detention based on the data collected through interviews with former detainees of illegal detention facilities in eastern Ukraine, as well as other information from open sources.

2235. The report indicated that pro-Russian illegal armed groups had committed crimes by detaining people illegally with no punishment, investigation or even prospects of an inquiry. The victims had no remedy against these criminal acts and impunity had caused increases in the scale of crime; the practice of arbitrary detention had become an inherent feature for territories outside the control of Ukrainian authorities.

2236. According to the report, by 22 July 2015 there had been 2,763 persons released from places of detention in the "DPR" and "LPR" and the authors identified sixty-one places of detention by either an address or a detailed description provided by former detainees. The information collected suggested that the separatists used the premises of law-enforcement agencies, administrative buildings of local authorities, military enlistment offices and military bases, offices, private residences, hotels and dormitories, public catering enterprises, industrial enterprises and several other auxiliary buildings, such as hangars, cages or vehicle sheds, as places of detention. Almost half of the detainees had stayed in basements, and many of them had been held in places that lacked even minimum conditions for accommodation. In reality, the only premises in conformity with the standards of detention were cells of temporary holding facilities of internal affairs bodies and remand prisons of the state prison service – in other words, specialised facilities for the lengthy accommodation of detainees. Most of the detainees had been held in terrible conditions.

2237. The study reported that deprivation of liberty in the territory controlled by the separatists occurred with no respect for any legal system. In addition to abusive use of force and cruelty, there was absolute neglect of the procedural guarantees enshrined both in the national legislation, and in international legal norms. In particular, grounds for apprehension were not explained; there were no formal records of apprehension; there were no

records of first interrogations; detainees were not advised on their rights and obligations; detainees did not receive explanations on the nature of the suspicion or accusation; third parties were not informed about the detention of civilians and captured Ukrainian military personnel and members of volunteer battalions; access to a lawyer was not guaranteed; and there was no judicial review of the grounds, duration and lawfulness of detention.

2238. The report explained that militants of separatist armed groups manifested particular cruelty during illegal detention of civilians. Detained persons were subjected to lengthy beatings with the use of hands, feet and gunstocks with blows to all body parts, including the head. They were handcuffed, tied with ropes or rubber straps and had bags put over their heads and several methods of torture and cruel treatment were used. There was in fact a widespread practice of torture and cruel treatment. The report concluded that these were systemic and large-scale phenomena proving the existence of a deliberate policy of torture and ill-treatment of detainees. Based on the testimonies of the victims, the report gave a detailed account of such practices, which included assaults; the use of pneumatic weapons; suffocation; the use of water and electricity; mock executions; threats, humiliations and psychological pressure; sleep deprivation; food and water deprivation; human trafficking; and forced labour.

2239. The report emphasised that in the majority of cases, the capture of members of the Ukrainian military and volunteers followed military confrontations, with the direct involvement of the armed forces of the Russian Federation. According to former detainees, the capture of most of the anti-terrorist operation personnel was carried out by Russian military forces. However, in the majority of cases, military personnel of the Russian Federation delegated the power to decide on further detention to the separatist armed groups of the “DPR” and “LPR”.

15. “Hiding in Plain Sight”, Atlantic Council, October 2015

2240. The Atlantic Council describes itself as a non-partisan organisation that galvanises US leadership and engagement in the world, in partnership with allies and partners, to shape solutions to global challenges. Its report was the result of an Atlantic Council Working Group launched to examine direct Russian military involvement in Ukraine. The information documented in the report draws on open-source data using social media forensics and geolocation, discussions in March 2015 with senior Ukrainian civilian and military officials in Kyiv, investigative journalists and a fact-finding mission to eastern Ukraine.

2241. The report examined how the conflict began, saying:

> “In Ukraine’s eastern Donbas region, ‘little green men’ appeared in the guise of local ‘separatists.’ While the Kremlin and its sprawling media apparatus maintains that the turmoil in the Donbas is a civil war, Russian leadership was evident from the beginning. For example, the proclaimed President of the ‘Donetsk People’s Republic’ in the spring

> of 2014 was Aleksander Borodai, a Russian political consultant from Moscow, and his Defence Minister was Igor Girkin, a Federal Security Service (FSB) Colonel also known as 'Strelkov.'
>
> Buying into its own propaganda, the Kremlin believed that providing leadership, money, and weapons would be enough to spark a local rebellion against Kyiv in the Donbas. But the locals did not rise to the task: numerous intercepts from Girkin-Strelkov made clear that he asked Moscow to send more and more 'volunteers' to sustain the rebellion ...

2242. The report argued that it was not until the downing of flight MH17 in July 2014 that western media and governments had begun to take a serious look at Russia's military involvement in the conflict. Subsequent economic sanctions imposed had

> "... taken a considerable toll on the Russian economy ,[but] they have not deterred Russia from continuing to supply troops and weapons to eastern Ukraine. The supply of more and more sophisticated weapons did not impede Ukraine's counteroffensive operations through July and into August. Neither did the firing of sophisticated artillery from Russian territory into Ukraine stop Kyiv's advance. By mid-August, Kyiv was on the verge of encircling Moscow's ever smaller enclaves in Donetsk and Luhansk. At that point, the Kremlin decided to send in approximately four thousand regular army troops. In a couple of weeks of fierce fighting, the Russian army soundly defeated Ukrainian forces and forced a retreat."

2243. This "sharp Russian escalation" had, according to the report, prompted additional sanctions from the EU and had given impetus to the Minsk negotiations. However, despite the ceasefire agreed, the Russian Federation had continued to send heavy weapons into eastern Ukraine and had conducted a military operation to seize Donetsk Airport from Ukrainian forces, an objective achieved in December 2014. In January 2015, "Russian-led forces" had renewed offensive action aimed at taking the railway hub of Debaltseve, which had led to a second Minsk ceasefire in February 2015. The report said:

> "The terms of the second agreement were much more favorable to Moscow than to Kyiv, despite the fact that Moscow's violations of the original Minsk ceasefire enabled it to take over five hundred square kilometers of additional Ukrainian territory.
>
> Moscow's agents immediately broke the second ceasefire in order to gain Debaltseve: the ceasefire went into effect February 15, and Debaltseve was taken on February 18. After that, fighting quieted down and Moscow used this lull to bring in more arms."

2244. It said that as of March 2015, experts had estimated that there were some 12,000 Russian military personnel in eastern Ukraine and some 50,000 Russian troops stationed in camps along the border.

2245. Using geolocation methods and satellite imaging, the report found that Russia had supplied materials, including heavy weapons, to the separatist forces in eastern Ukraine, including the Buk surface-to-air missile system that had shot down flight MH17. It described and explained two specific cases where the same pieces of uniquely identifiable Russian military equipment had been filmed both in Russia and in Ukraine. It further claimed that a

number of Russian manufactured arms and munitions not used by the Ukrainian military had appeared in the hands of separatist groups, including shoulder-launched surface-to-air missiles, various types of rocket launchers, anti-tank guided missiles, landmines and various small arms. In many cases, it contended, these were also operated by trained Russian military forces:

> "as in the case of the T-72B tanks used by members of the 5th Tank Battalion who departed from the Kuzminsky border camp in Russia in mid-February of 2015 to engage in the Battle of Debaltseve."

2246. The report also found that Russian training camps had been set up along the Ukrainian border just days after the annexation of Crimea, and that these served as launching points for Russian weapons and soldiers to cross into Ukraine. These camps were "the staging ground for Russian military equipment transported into Ukraine, soon to join the separatist arsenal, and for Russian soldiers mobilized across Russia to cross into Ukraine". The report explained that satellite images showed the "rapid establishment and expansion" of these training sites, mostly in the Rostov and Belgorod regions of Russia with clear passage into separatist-held territory. It said:

> "They house thousands of Russian soldiers and pieces of military equipment, including equipment and arms that later appear in Ukraine. From these camps, hundreds of Russian troops have travelled in large convoys into eastern Ukraine. In addition to the satellite images, details of Russian troop deployments on the Ukrainian border can be gleaned from accounts of Russian soldiers who were injured or killed in Donbas and their families."

2247. It gave the example of the Kuzminsky camp, 46 kilometres from the Ukrainian border, which had not existed before 2014. It had become the site for hundreds of military vehicles, including tanks from the 5th Tank Brigade from Ulan-Ude, stationed in Siberia, which had been deployed to the Kuzminsky camp in October and November 2014.

2248. The report referred to the "undeniable" presence of Russian soldiers in eastern Ukraine. It referred to the details uncovered by journalists regarding Russian soldiers who had died or suffered serious injury in Ukraine. Their reports, it noted, included not only eyewitness accounts and photographs of Russian soldiers in Ukraine but also interviews with the grief-stricken parents. The report said:

> "Russian soldiers enter Ukraine from nearby border camps. As described in numerous interviews with Russian soldiers who have fought in Ukraine, commanders will order soldiers to conceal the identifying features of military vehicles, remove insignia from uniforms, and finally travel across the border to join separatist forces in eastern Ukraine. There are also reports of Russian soldiers quitting the Russian army out of fear of being sent to fight in Ukraine under pressure from commanding officers."

2249. The report listed a number of incidents which it said had been confirmed by independent media outlets, including the deaths of soldiers from the 76th Guards Air Assault Division of Pskov and the 18th Motorised Infantry Brigade, unit 27777, in August 2014. It reported in detail on the

evidence which revealed that Mr Bato Dambayev, a Russian soldier from the 37th Motorised Infantry Brigade from Kyakhta, Buryatia, had passed through the Kuzminsky training camp before being deployed to Debaltseve in February 2015.

2250. The report further claimed that during key offensives, Russia had provided artillery cover from Russian territory for the separatists in eastern Ukraine. It noted that the Ukrainian authorities had reported more than 120 artillery attacks from Russia between 9 July and 5 September 2014. Despite denials from the Russian Federation, "with a combination of satellite data, crater analysis, and open-source materials, one can establish that many of these attacks originated in Russia and not in the separatist controlled areas of Ukraine". The report explained how attack trajectories and origin could be determined from satellite imagery of impact craters and identified Gukovo, in Russia, as one launch site using this method. It noted that a Russian journalist had subsequently spoken to locals in Gukovo and they had confirmed that artillery attacks had been launched from a field there. When the journalist visited the field, he saw clear signs of military activity including large numbers of endcaps from artillery rockets.

2251. A casebook at the end of the report provides more details of the various elements in the report, including information concerning alleged Russian equipment spotted in Ukraine, additional military training camps, soldier profiles and specific artillery attacks near Amvrosiivka on 14 July 2014 and near Sverdlovsk on 25 July 2014.

16. "The Burning Road to Mariupol: Attacks from Russia during the Novoazovs'k Offensive of August 2014", Bellingcat, 3 December 2015

2252. This report investigated Russian involvement in the attacks leading up to and during the assault on Novoazovsk on 23-27 August 2014. Using open-source video, photos and satellite imagery from July and August 2014, it presented evidence of several instances of what it called "direct Russian involvement in the conflict in this area". After setting out and discussing the evidence in some detail, it summarised its conclusions as follows:

> "An MLRS attack (attack A) and a separate self-propelled artillery attack (attack B) were shown to have come from Russia on 23 August. Satellite imagery evidence of another MLRS attack on Ukrainian checkpoints coming within 1 km of the Russian-Ukraine border was presented, along with vehicle tracks leading back across the border (attack D). A potential firing position for mortar attacks on Novoazovs'k BCP was found on satellite imagery (attack C).
>
> Satellite imagery of vehicle tracks through fields and the evidence of battle in the area of Markyne/Shcherbak (north of Novoazovs'k) support military and media reports that an armored force from Russia crossed the border between Markyne/Shcherbak on 25 August 2014 and engaged Ukrainian forces to the east of Novoazovs'k (attack E).

Open source evidence from 26 August shows that MLRS and artillery attacks were launched on targets on the outskirts of Novoazovs'k, striking roads, a hospital, residential areas and a cemetery (attacks F, G and H). It could not be determined whether these attacks came from Ukrainian or Russian territory.

Finally, it was shown that two T-72B tanks and one 2s19 Msta-S self-propelled howitzer was transported from Russia into Ukraine: videos and photos of vehicles in Novoazovs'k shortly after its capture were compared with truck convoys transporting armor within Russia in July / August 2014. Further photos from autumn / winter 2014 show the presence of several T-72B tanks in or close to Novoazovs'k.

Open source evidence has shown that attacks on Ukrainian forces around Novoazovs'k came from Russia, and that vehicles used in the conflict in the area were transported from Russia ..."

17. Information Note about the aggression of Russia in east and south Ukraine (March-September 2014), publication date unknown

2253. This document was written by Dmytro Tymchuk, Yuri Karin and Konstantin Mashovec, who are all part of the "Information Resistance" group and authors of a book about the events in eastern Ukraine. They are or have been in the Ukrainian army and are military journalists. Dmytro Tymchuk is also a member of the Ukrainian parliament. The document was based on information from sources of the "Information Resistance" group in the zone of military operations in the Donbas and in the uniformed services, authors' personal communication with the direct participants in the events in Crimea and Donbas, their personal experience of military operations, analysis of the official announcements from Ukraine's uniformed services (Anti-Terrorist Centre of the SBU, General Staff of the Armed Forces and so on), and analysis of open-source intelligence data (notably from social networks). It described events with regard to the conflict in eastern Ukraine. It gave a detailed account of what happened on a day-to-day basis between March and September 2014. Besides this, it gave an overview of the tanks and weapons that had been used in 2014 and 2015. Below is a summary of the events and armoury that concern the alleged Russian involvement.

2254. On 14 March 2014 a group of armed persons, including the Russian citizen Arseniy Pavlov, also known as "Motorola", attacked the premises of pro-Ukrainian organizations on Rimarskaya Street in Kharkiv.

2255. On 16 March 2014 Mr Pavlov participated in an action near the Russian consulate in Kharkiv, which was recorded on video.

2256. On 16 March 2014 the Russian army gathered at the borders. In particular, in the direction of the Donetsk and Luhansk regions there were two groups of the Armed Forces of Russia with a total number of 7,600 military personnel, about 50 tanks, about 320 armoured combat vehicles, up to 80 artillery systems, about 40 battleplanes and 20 attack helicopters. In the direction of Slobidsky (opposite the Kharkiv region) there were three tactical groups consisting of one group of the Armed Forces with a total of 4,300 military personnel. In the northern direction (opposite the

Chernihiv and Sumy regions) there were two groups of the Russian Armed Forces with a total of 8,000 military personnel, about 170 tanks, 520 armoured combat vehicles, about 120 artillery systems, 40 battleplanes and about 20 attack helicopters.

2257. On 6 April 2014 the premises of the Donetsk Regional State Administration were captured. Russian fighters boasted in videos that they had participated in this event.

2258. On 7 April 2014 the SBU and employees of the State Border Guard Service detained a GRU serviceman (military unit number 13204) at the Krasna Talivka border point.

2259. At the beginning of April 2014 the "Information Resistance" group received and disseminated information concerning the formation of a corridor on the border for entry to the territory of Donbas through the territory of the Russian Federation of five Russian Army Special Forces units and three groups of militants recruited in Crimea. The total amount of persons in these groups exceeded 2,500 people.

2260. Later on, it became clear that the following divisions were being deployed by the Russian Federation:

- the Kantemirovsky division in the Bryansk region;
- the Taman division in the Kursk region;
- the 98th Airborne Division in Taganrog;
- the tactical groups of the Southern and Western Military Districts, as well as the 15th Battalion of the Motorised Infantry Brigade of the Central Military Districts in Rostov-on-Don;
- paratroopers from Pskov and Tula, concentrated at the military training grounds near Belgorod; and
- the Black Sea Fleet.

2261. The distribution of troops and their concentration in certain directions was, in addition to troops concentrated in Crimea and Transdniestria, as follows:

- in the direction of Polissya: two groups of in total 12,000 people, 80 tanks, 320 armoured combat vehicles, 60 artillery systems, 60 battleplanes and 40 strike helicopters;
- in the direction of Donetsk: two groups of in total 12,000 people, 73 tanks, 280 armoured combat vehicles, 60 artillery systems, 65 battleplanes and 30 strike helicopters;
- in Rostov-on-Don: troops of in total 11 000 people, 160 tanks, 230 combat armoured vehicles and 150 artillery systems.

In Transdniestria there were 2,400 Russian soldiers and, in complete combat readiness, up to 15,000 Transdniestrian servicemen, 60 armoured vehicles, 120 artillery systems, 80 MLRS and 6 helicopters.

2262. On 10 May 2014, used containers of RPG-26 launches with the number 254-1-93 were found at the military positions of the separatists near

Slovyansk and Kramatorsk. Ukraine had never been armed with such weapons.

2263. On 6 June 2014 an observation aircraft of the Ukrainian Air Forces was destroyed, shot down by a Russian Verba MANPAD 9KZZS with a 9M336 missile. The Verba was not exported for use by other countries.

2264. On 12 June 2014 a column passed through the border from the Russian side with trucks, armoured vehicles and T-64BK tanks. The column moved to Donetsk in the middle of the day, without disguising itself. Pictures of movement of the column appeared on social networks.

2265. On 13 June 2014 a rocket system was captured by Ukrainian troops. The documents that were found in the car had seals on them of a military unit of the Russian Federation Army, namely the 18th Separate Guards Motorised Infantry Brigade of the Armed Forces of Russia (part of the 58th Army of the Southern Military District of Russia). In particular, a notebook of the commander of the crew, signed by the head of the headquarters of the Jet Artillery Division of the Guard, Captain D. Afanasyev, was found. Furthermore, ammunition of the ground-to-ground rocket systems had markings and numbers that had never been used in the Ukrainian army.

2266. At the same time, training centres created for the preparation of militants and mercenaries in Russia began to prepare people with a wide range of military specialties: saboteurs, miners, MANPAD operators, tankers, gunners and others. The main camps were set up, in particular, in the Rostov region in Russia (based at the 22nd Brigade of the Special Forces of the GRU) and in Balashikha near Moscow (FSB).

2267. On 11 July 2014, Russian troops shelled Ukrainian soldiers from the 79th and 24th Separate Divisions with Grad rocket systems near Zelenopillya.

2268. On 16 July 2014 a Ukrainian Su-25 aircraft was shot down in the Amvrosiivka district by a Russian MiG-29 fighter from the 19th Fighter Aircraft Regiment of the 1st Mixed Aviation Division of the 4th Commandment of the Air Force of the Russian Federation. The Ukrainian intelligence service had made records of the aiming of a Russian fighter at a Ukrainian plane, by the aviation control command of the Armed Forces of Russia.

2269. In August 2014 an increase in the number of mercenaries from the former Russian law-enforcement agencies was recorded. The mercenaries were recruited in various cities of the Russian Federation, were retrained in a training centre in the Yaroslavl region in Russia and from there their groups were sent to the territory of Ukraine.

2270. From 23 August 2014, when it became clear that the ATO was nearing a successful end for Ukraine, tactical groups of Russian troops began to enter the territory of Donbas. This invasion was supported by massive artillery strikes from Russian territory and concerned eight battalion tactical groups of the Armed Forces of Russia: four in the direction of Luhansk and

four in the direction of Donetsk. In the direction of Luhansk this concerned mixed tactical groups from various units of the Western and Southern Military Districts. In general, the group of armed forces of the Russian Federation was made up of 6,000 people, 70 tanks, 270 armoured vehicles, 90 artillery systems and 85 MLRS.

2271. Several kinds of tanks and artillery had been seen in Ukraine being used by the separatists and Russian soldiers. The following types of vehicles and weapons were in the possession of the Russians and most of them were not owned by the Ukrainian army.

2272. In the beginning, the tanks that were used were mainly T-64 tanks with various modifications. Those tanks were also used by the Ukrainian army. Later on, T-72 tanks and their variants T-72BA and T-72BZ appeared in Donbas in large numbers. These tanks were not exported out of Russia to be used by other countries. They were first used in the fighting in the Starobesheve-Komsomolsk-Ilovaisk area in August 2014 and were massively used in the area of Debaltseve in the winter and spring 2015 battles involving the military 5th Panzer Brigade and the Kantemirovsky Panzer Division of the Armed Forces of the Russian Federation. Furthermore, tanks of the type T-90 were seen. Those tanks were not used by the Ukrainian army and had first been noted in the battles for Ilovaisk in the summer of 2014. Other weapons that had been used were the Tornado MLRS (Tornado-G and Tornado-S) and new ammunition for the 152 mm “Msta-C” and “Msta-B” guns. There were no similar models to those weapons in Ukraine. In February 2015 the militants had used these to shell the Ukrainian-controlled territories of Kramatorsk and a local airport. The 9K51M MLRS was also used. The use of that MRLS system had been recorded several times by the Ukrainian military in the Luhansk area during shelling of their advanced positions (among witnesses were the coordinators of the “Information Resistance” group, while they were visiting Ukrainian troops near the village of Novotoshkivske in the Luhansk region).

2273. In addition to tanks and artillery, other Russian-developed systems were used, namely offensive armoured vehicles, radio intelligence units (including artillery intelligence), COMJAM systems and UAVs. One such development involved the armoured personnel carrier APC-80A. The first time the use of this vehicle had been recorded was during the battles in the Novosvitlivka district, south of Luhansk, where Ukrainian soldiers had managed to destroy two units of armoured personnel carriers of that kind. Armoured vehicles were used as an intelligence vehicle, with equipment for the launch of light UAVs was installed on them. In addition, BPM-97 APCs were widely used by special units of the FSB and its border guard units.

2274. With regard to anti-aircraft defence, several systems were used: primarily, a modernised Tor-M1 system. An SUV unit of this type of self-propelled anti-aircraft weapon system had been destroyed by the Ukrainian military in the area between Yenakiieve and Horlivka in the

summer-autumn battles of 2014. The new 9M331 missiles, the modernised complex Tor-M1-2, the air defence system Pantsir-C1 (a Russian self-propelled land-based missile system) and the Zoopark-1M radar system were also used. In the area of radio intelligence and radio-electronic warfare, the use by the militants of the latest Russian systems was repeatedly recorded. In Donbas, a near-intelligence station of the Fara type, belonging to the family of Russian portable continuous radar, had been recorded. There were three modifications of that radar system, including the SDR-3 Fara-1 (or SDR-5). A photograph of this radar had been distributed by separatists in the domestic and foreign mass media. These systems were exclusively Russian.

2275. The use of one of the newest complexes of radio intelligence called Leer-2 had also been recorded, as had a drone of the Orlan-Y type. UAVs of this kind had been repeatedly noted and destroyed by the Ukrainian Armed Forces in the ATO zone. It was established that the Orlan-Y drone was Russian, because the name of the manufacturer, ParAAvis, a Moscow company, was indicated on the main parachute. On 24 June 2015 a Ukrainian border guard had shot down a Russian Zastava drone. Russian UAVs were still being used in Donbas.

18. "Russia and the Separatists in Eastern Ukraine", International Crisis Group, February 2016

2276. The ICG's February 2016 report was based on research conducted in Kyiv, Dnipropetrovsk, Krasnoarmiisk, Kurakhove and Moscow and during five visits to separatist-controlled areas of Donetsk city and region since July 2014. The reports also relied on public statements given to the press by separatist leaders. It focused on recent political changes in the entities, their relations with Moscow and the nature of Russia's presence and control. The relevant part of the overview states:

> "Despite repeated expressions of support for the Minsk process and recognition of Ukraine's sovereignty over the separatist Donetsk and Luhansk People's Republics (DNR, LNR), Moscow's policy in Ukraine's east looks more likely to strengthen those entities than prepare for the dismantlement the Minsk agreement envisages ...
>
> ...
>
> After showing little interest in building political institutions in the DNR and LNR or enthusiasm for funding social policies, Moscow has begun in the past four or five months to bankroll pensions, social benefits and salaries to local officials and the separatist military forces. If consistently maintained, this will cost it over $1 billion a year, a substantial sum for the Russian treasury in straitened economic times.
>
> Some observers in Donetsk are persuaded the measures are increasingly clear signs Moscow has decided to transform the crisis into a frozen conflict ...
>
> Rather more persuasively, some seasoned observers of Moscow's tactics in the east, including senior separatist officials, suggest that the Kremlin is probably considering several options, from freezing the conflict while keeping Minsk alive, to dropping the entities at a convenient time. It may also be waiting to see how other global agendas

with potential for cooperation between Russia and the West – Syria, for example, and counter-terrorism – are developing.

...

Meanwhile, in addition to the many troops Russia retains on its side of the border who can deploy quickly throughout the DNR and LNR, separatist sources and Western officials say, it has a number of units inside the entities. One of the most useful steps Moscow could take to demonstrate its willingness to help resolve the conflict would be to quietly withdraw those units ...

Another important step for Russia would be to reduce military supplies to the entities. Cuts in fuel, lubricants and ammunition for artillery and other heavy weapons would gradually diminish their forces' mobility and effectiveness. As Russia still denies providing such items, this could be done with minimal publicity or face loss ...

Until there is a clearly positive change in the core Russian approach, the international community needs to build its policy toward Moscow over eastern Ukraine on the assumption that anything, including more serious fighting, is possible. For now, this may seem highly unlikely. Russia is embroiled in Syria, the Donbas has been banished from its media, and the economy is under great strain, due in part to sanctions, in part to low oil prices. But large Russian units have already fought twice in Ukraine, once (February 2015) even during peace talks. Moscow could resort to such means again should the lower-cost, lower-visibility approach of supporting the entities in a protracted conflict fail ..."

2277. The report referred to rapid Russian policy changes in the "DPR" and the "LPR", starting in September 2015 which, it said, signalled an "abrupt, not fully explained modification of tactics". It pointed to revisions in the "DPR" leadership and the replacement of the majority of Russian advisers ("*kurators*"), who ensured on the ground daily that both entities' leaders toed Moscow's line, frequently – it was alleged – with FSB officers. The report said:

"Without explanation, Moscow began to provide money for pensions, other social payments and government and military salaries – something Russian officials had previously intimated it could not afford. There are indications Russia, though it insists it is not a party to the conflict and has minimal involvement in the east, feels need for a tighter grip on the entities as it considers options."

2278. The report explained some of the key changes:

"In September, Andrei Purgin, speaker of the de facto parliament and second-ranking DNR official, was removed from office and briefly imprisoned by the Donetsk state security ministry (MGB). He was replaced by Denis Pushilin, a politician known for unquestioning loyalty to Moscow. The influential national security secretary, Alexander Khodakovsky, a subtle political strategist with reputedly good Moscow contacts, dropped prudently out of sight. Foreign journalists and international aid organisations increasingly find access to both entities limited. Local residents whose work often brought them into contact with foreigners were warned it was 'time to choose a side'. Médecins sans Frontières (MSF) was told in September it could no longer work in Luhansk, and this was extended in October to Donetsk. The DNR accused it of violations from misuse of psychotropic drugs to espionage.

After ignoring internal DNR political dynamics since the beginning of the war, Moscow seems to have thrown its weight behind the top leaders of both entities, despite

their ambiguous standing among many separatists, and marginalised other leaders. It is now pushing for creation of two political parties in the DNR, both tightly linked to Donetsk's separatist leadership, so unlikely to differ in much but name. One, Oplot Donbasa, will probably be headed by Alexander Zakharchenko, the de facto president, the other, Donetskaya Respublika, by Pushilin ..."

2279. According to the report, "DPR" sources had said that Russian military aid continued to flow. As for economic aid, the report said:

"It is politically and socially significant that the entities can now at last pay pensions, government salaries and social benefits with some degree of regularity. In December, the DNR reported that over 640,000 were receiving monthly pensions and that the number of recipients of child and family allowances and similar payments had reached 110,000. Neither entity had previously done much to create an administrative system that could deliver such benefits. The DNR in particular admitted that it lacked the skills and administrators. The civilian structures of both entities are dwarfed in influence and attention by their military and security institutions ...

The money for salaries and social payments came from Moscow. Previously, it had been loath to spend much on the entities, which it clearly viewed as dispensable instruments. Separatist officials had been told that Russia would intervene in the event of a mortal military threat to them or a major humanitarian crisis. Otherwise, support would be limited. The change indicates either that Moscow fears a deeply embarrassing humanitarian crisis – which has not been hinted at in media or official reporting from the region – or is preparing to consolidate its position in the entities for a significant length of time. In either case, the cost is considerable: approximately $40 million a month for DNR pensioners alone. If over 410,000 LNR pensioners are added, the total exceeds $700 million a year. Social benefit payments were due to reach some $3.5 million in December for about 110,000 DNR recipients. Government salaries are not known, but Moscow's total outlay in pensions, allowances and state salaries is likely to exceed $1 billion a year in the east."

2280. Discussing the relationship between Moscow and the separatist entities, the report noted that the armed groups' dependence on Russia for weapons, equipment, clothing and military support had "acted as a strong deterrent against challenging the Moscow line". It said:

"DNR and LNR leaders admit their role is very circumscribed. This is especially so on Minsk, from whose decision-making process Moscow completely excludes them, controlling, a senior DNR official said, 'every phrase, every comma'. A top figure has long maintained his entity's interests and Moscow's overlap at best 60 per cent of the time. Moscow is playing a long game, he explained: sometimes the small separatist islets are helpful, sometimes a distraction. Informed Moscow observers agree. Only two DNR leaders, Zakharchenko and Purgin, exert even modest influence on Russian decisions. The others 'handle technical issues', a DNR leader said a few weeks before the latter was purged. Pushilin, the new parliament speaker, has little political experience but is seen as an unquestioning implementer of Russian policy.

While publicly sticking to the line that Moscow's political and military influence over the entities is minimal, DNR leaders privately admit their total dependence. Khodakovsky, the DNR security council secretary, recently came close to admitting this publicly. The leadership, he said, is constantly trying to balance the desires of the population and of 'the top political powers', by which he meant Russia. In the same interview, he said Russian 'material support' is 70 per cent of the DNR budget, 'and I am not talking here about aid in weaponry or manpower. That theme is totally taboo'.

Many observers and officials believe at least 90 per cent is a more realistic figure, with local taxes making up the rest. Russia provides everything, another leader said, expressing frustration at the public's lack of appreciation. 'They don't realise who is providing gas for heating, fuel for vehicles, money for basic goods. How do they think we got through last winter and will survive this one?'"

2281. The report also addressed the level of Russian military support to the separatist entities. On this subject, it said:

"Russian troops are the key to LNR and DNR survival. Moscow 'may not have as many troops here as Ukraine says, but they can move very fast and decisively', a senior DNR security official remarked. Donetsk officials say that, in addition to those along the Russian side of the border, units capable of responding swiftly to any sign of military emergency are positioned around Donetsk city and other parts of the oblast and have almost certainly taken part in armed clashes with Ukrainian forces at least twice since the February 2015 ceasefire.

Following Putin's December acknowledgement of a very limited Russian military presence in the east, one of the best informed pro-separatist activists and bloggers, Alexander Zhuchkovsky, broke the code of silence on the Russian presence and laid out succinctly the regular army's central role:

'It is a given that the prime ministers and defence ministers of LNR/DNR take no key [military] decisions. The command of military corps, military intelligence, planning, supply of troops with ammunition and fuel are all in the hands of "the people who decide certain questions", as Putin would say ... and one should also understand that hundreds of these people – career military and intelligence officers (including high-ranking ones) risk their lives, and many have already died.'

The largely poorly-led and disciplined DNR/LNR militias have been reorganised by Russian officers and subsumed into a formal military structure. From the battalion level up, Russian officers now command the separatist units, with former local commanders sometimes acting as deputies. As a result of the reorganisation, major DNR players like Zakharchenko and Khodakovsky have lost control over most of their large, well-armed personal forces. Some local leaders say that since reorganisation, even their access to former military units is limited. A politician and brigade commander told a recent visitor he had difficulty travelling to the front line: Russians were in command, and access was 'complicated'."

2282. The report explained the system of "*kurators*" in eastern Ukraine:

"Since the collapse of the USSR relations with the former Soviet republics, including Ukraine, have mostly been managed by the presidential administration, not the foreign ministry. As noted, power is largely exercised through the *kurators*. These were probably first deployed in the summer of 2014, around the time of, or shortly after, the first major Russian military incursion at Ilovaisk.

The main political *kurator* throughout has been Vladislav Surkov, a Putin foreign affairs aide, ex-deputy head of the presidential administration and deputy prime minister and responsible for policies to counter 'coloured revolutions' ... His name surfaced early in connection with eastern Ukraine. In June 2014, the Russian citizen and first DNR prime minister, Alexander Boroday, called him 'our man in the Kremlin'. He was actively involved in negotiations that led to both the September 2014 and February 2015 Minsk agreements.

Access to the Kremlin leadership is arguably Moscow's most import means of control over the separatist leaders, along with its military and economic support. Senior

officials consult regularly in the capital, most at least monthly; in tense times, they can be there for weeks. There is, however, no indication that any separatist leader has met with anyone at the highest levels. Surkov is their most senior contact."

19. "MH17: Potential Suspects and Witnesses from the 53rd Anti-Aircraft Missile Brigade", Bellingcat, 23 February 2016

2283. The report presented information regarding the Russian brigade that Bellingcat believed had provided, and possibly operated, the Buk-M1 missile launcher that had downed the MH17 flight. The report noted that there was no direct evidence indicating whether Russian or separatist soldiers had operated the Buk 3x2 when it was in Ukraine. However, considering the complexity of the Buk-M1 system, it considered it most likely that the Russian military had not transferred a Buk missile launcher to separatist commanders without some guidance or a Russian crew. In the likely case that the Buk 3x2 had come with a Russian crew, it was almost certain that they were from the 53rd Anti-Aircraft Missile Brigade, which had been deployed at the border throughout the summer of 2014.

2284. The report reiterated that the Bellingcat investigations indicated that the Buk-M1 system that had most likely downed MH17 had been the Russian Buk 3x2 and reiterated the details, present in all footage of the Buk which identified it:

- H-2200 mark on the left side (a load-bearing code used in railways, and extremely common on Russian equipment, with only a few examples of it seen on Ukrainian tanks and none on Buks);
- cross hair symbol (gravity mark) next to H-2200, meant for stabilising while loading onto railways;
- Visible unit designation, with a likely "3", an obscured middle digit, and a fairly clear "2";
- distinct marks on the hull and side skirt;
- side-skirt damage pattern;
- a distinct white mark on the right side skirt, visible in the 18 July Luhansk video and a 23 June video in Alexeyevka, Russia; the same white mark was visible on the other side skirt below the H-2200 mark.

2285. The report provided a description of the 53rd Anti-Aircraft Missile Brigade, its role within the Russian military and its structure, including the unit designations of Buk-M1 systems within the brigade.

2286. The Bellingcat investigation team identified soldiers of the 53rd Anti-Aircraft Missile Brigade by using photographs of badges, patches, emblems and other symbols visible on their uniforms, as well as flags and other distinguishing objects in order to determine in which unit a soldier had been or was currently serving. The unit patch – visible on the right arm sleeve of the uniform – was unique to the 53rd Anti-Aircraft Missile Brigade, displaying a cannon intersected diagonally by three arrows, a medieval crown in the middle, and two flails on the side.

2287. The report further reiterated the findings of previous Bellingcat reports, "Origin of the Separatists' Buk" (see paragraph 2120 above) and "Tracking the Trailers: Investigation of MH17 Buk's Russian Convoy" (see paragraph 2396 above), which had described the movements of two Russian convoys originating from the military base of the 53rd Anti-Aircraft Missile Brigade in Marshala Zhukova and which, in June and July 2014, had headed respectively towards Millerovo and to an area southwest of Kamensk-Shakhtinsky, both towns close to the Ukrainian border, east of Luhansk, on the Russian side.

2288. The report expressed the view that the 23-25 June 2014 Buk convoy had been the one carrying the Buk launcher in question. On the basis of the composition of the convoy and the number and type of vehicles, as they had been filmed progressing through Russia towards the Ukrainian border, the Bellingcat investigators concluded that the average estimated number of soldiers transported by the convoy was 107.

2289. As for the 19-21 July 2014 Buk convoy, the conclusion read as follows:

> "While it may seem remarkable that this convoy was on its way to the border just two days after the downing of MH17, there is no relation between this convoy and the downing. It is also noteworthy that most of the vehicles were covered with tarps; not a single Buk was covered in the 23-25 June 2014 convoy. It is also unusual that not all of the Buk-M1 missile launchers were covered with a tarp, as it might be expected that either all or none of the Buks would be covered."

2290. The report examined the photographs published on 16 August 2014 by Reuters. The photographs featured several military vehicles transporting Buk-M1 missile containers. The Bellingcat investigation determined that the photographs had been taken near Kamensk-Shakhtinsky on the M21 road south-west of the town, that they belonged to the 53rd Anti-Aircraft Missile Brigade (based on the two visible registration plates) and that they had been transporting 9M38M1 missiles for a Buk-M1 or Buk-M1-2 missile launcher. In that connection, it was reiterated in the report that Almaz-Antey had claimed those missiles had not been in production since 1999 and that all 9M38M1 missiles had been passed on to international clients. Those statements, the report reiterated, had since been proven wrong by the Bellingcat investigators, who had found numerous recent images and videos of those missiles still being in use by the Russian military.

2291. The report recounted the deployment of the 53rd Anti-Aircraft Missile Brigade in the summer of 2014. It was noted that "in the autumn of 2015, Google updated its satellite imagery for the rural area southwest of Millerovo. Before that update, most of the area was covered by imagery from May 2014, but the updated imagery of September 2014 revealed several remarkable details. An area with military vehicles is visible between two parts of a small forest near a village named Duby. A close view into the imagery reveals at least one vehicle that resembles a Buk missile launcher, as the

visible vehicle seems to have a rotated upper component. More military equipment is visible in the same area, as well as a small military convoy." In that connection, it was reiterated that the location where a Ukrainian AN-26 had been shot down and crashed on 14 July 2014 (near the village Davydo-Mykilske, very close to the Russia-Ukraine border) was just 16 kilometres from the military camp near Duby.

2292. The Bellingcat investigation further relied on an intercepted conversation between two separatists who had hinted at the fact that the Buk-M1 had crossed the border between Russia and Ukraine under its own power.

2293. The investigation team presented information (notably press articles and testimonies of locals, photographs of the soldiers and their social media presence, and conversations on a Russian forum between mothers and wives of soldiers) indicating that the crew of the Buk missile launcher "resembled Russian soldiers and spoke Russian with a Moscow accent". They had also found indications that the Russian soldiers had been present near the Ukrainian border, and near Millerovo. The investigators examined the photographs and drew conclusions concerning the soldiers' presence at the Ukrainian border and possible involvement in the downing of MH17.

2294. Using the same methods and public documents, the Bellingcat investigation team identified the commanders of the 53rd Anti-Aircraft Missile Brigade and compiled a hierarchical scheme of the command structure in the Russian army from the President of the Russian Federation and the Ministry of Defence of Russia to the level of Buk unit commanders in the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade. The conclusion reads as follows:

> "Although it is likely that the head officials of Ministry of Defense did not explicitly decide to send a Buk missile launcher to Ukraine, the decision to send military equipment (with or without crew) from the Air Defense Forces to Ukraine was likely made at a very high level and, therefore, the Russian Ministry of Defense bears the main responsibility for the downing of MH17, in the likely case that Russia's Buk 3x2 missile launcher was the weapon used.
>
> This responsibility is shared with separatist leaders of the Donetsk People's Republic and (to a lesser extent) the Luhansk People's Republic. The leaders of these self-proclaimed republics are outside of the scope of this report, since they did not serve in the 53rd Anti-Aircraft Missile Brigade or (officially) in the Russian army in 2014."

2295. The general conclusions of the report are summarised in the following terms:

> "• In 2014, the 53rd Anti-Aircraft Missile Brigade consisted of three battalions, each of them divided into three batteries. A complete Buk system of a battalion in the 53rd Brigade consisted of six Buk missile launchers, three Buk missile loaders, one Snow Drift radar, and one command vehicle. Each battery of the 53rd Brigade consisted of two Buk missile launchers and one Buk missile loader.
>
> • The 23-25 June 2014 Buk convoy transported Buk vehicles, other military vehicles, and soldiers/officers of the 2nd Battalion. Some of the vehicles were replaced by

3rd Battalion or unknown Buk vehicles. The destination of that convoy was the Millerovo military airbase; units of the convoy were subsequently transported to a rural area to the west and southwest of Millerovo, near the Russia-Ukraine border.

• The 19-21 July 2014 Buk convoy transported Buk vehicles, other military vehicles, and soldiers/officers of the 1st Battalion. The destination of that convoy was a rural area southwest of Kamensk-Shakhtinsky – likely a military camp in that area – near the Russia-Ukraine border.

• The soldiers of the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2013 were not involved in the 23-25 June 2014 Buk convoy and were not deployed to the Rostov Oblast in the summer of 2014, since their service ended late 2013 or early 2014. However, some of these soldiers may have signed up as contract soldiers after their military service was fulfilled.

• The soldiers of the 3rd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 were not involved in the 23-25 June 2014 Buk convoy. In 2014, none of them posted a picture of a convoy, a training camp, or an area similar to the border area in the Rostov Oblast.

• Soldiers of the 2nd Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 took part in the 23-25 June 2014 Buk convoy and were deployed in an area west and southwest of Millerovo in the Rostov Oblast in the summer of 2014. Many soldiers of the 2nd Battalion posted images of the convoy or of themselves in a rural area. Image captions sometime mention a border area or the images have geotags in the Rostov Oblast. These soldiers stayed for almost three months (from June to September 2014) in the border area of the Rostov Oblast. Among these soldiers, it is possible that one or two contract soldiers or reservists were part of the crew of Buk 3x2, which very likely downed MH17.

• Soldiers of the 1st Battalion of the 53rd Anti-Aircraft Missile Brigade who were in military service in 2014 took part in the 19-21 July 2014 Buk convoy and were deployed in an area southwest of Kamensk-Shakhtinsky in the Rostov Oblast in July and August 2014. Afterward, part of the convoy was transported to Kapustin Yar, a training area near the Russia-Kazakhstan border.

• A Buk crew usually consists of two soldiers (an operator and a driver) and two officers (a sergeant and a lieutenant). The lieutenant is the detachment commander who makes the decision to fire a missile, as this officer is the only commissioned officer.

• The 2nd Battalion of the 53rd Brigade had six missile launchers and three missile loaders in 2014. These nine vehicles were commanded by detachment commanders (lieutenants). Bellingcat has identified ten lieutenants who were detachment commanders of Buk missile launchers, Buk missile loaders, and a Buk Snow Drift Radar in 2014. From some of these lieutenants, connections can likely be made to a specific missile launcher or loader.

• Buk 222 was replaced in the 23-25 June 2014 Buk convoy by Buk 3x2. If Russian officers and soldiers were part of the Buk 3x2 crew, it is very likely that the officers and soldiers who usually operate Buk 222 were part of the Buk 3x2 crew, but there is no direct evidence to support this conclusion.

• Three battery commanders of the 2nd Battalion of the 53rd Brigade (Aleksey K., Rafael A. and Dmitry K.) were very likely serving in 2014, but it is not known which batteries they commanded. One of these commanders was photographed together with 2nd Battalion lieutenants in a rural area. This photograph was uploaded on 21 July 2014 and indicates their likely presence in the Rostov Oblast in July 2014.

• The battalion commander of the 2nd Battalion of the 53rd Brigade was very likely Dmitry T. in 2014. This commander was likely responsible for the transport of 2nd Battalion vehicles in the 23-25 June 2014 Buk convoy to the Rostov Oblast, including Buk 3x2. If the Buk crew consisted of Russian soldiers and officers, they were likely selected by Dmitry T. and/or the 53rd Brigade commander Sergey Borisovich Muchkaev. If that is the case, then he knows the identities of the soldiers and/or officers who operated Buk 3x2.

• The brigade commander of the 53rd Brigade in 2014 has been identified by Censor.net and Bellingcat as Sergey Borisovich Muchkaev. Since he was the highest-ranking commander of the 53rd Brigade, it was most likely his decision to replace the 2nd Battalion Buk missile launcher 222 with the 3rd Battalion Buk missile launcher 3x2, and to send Buk 3x2 to the Rostov Oblast, where it was subsequently transported to Ukraine. If the Buk crew consisted of Russian soldiers and officers, Muchkaev was responsible for selecting and transporting Buk 3x2. He and/or Dmitry T. were likely responsible for selecting the crew of Buk 3x2.

• The commander of the Air Defense of the 20th Army in 2014 was Aleksey Yuryevich Zolotov, and the commander of the 20th Army was Alexander Pavlovich Lapin until 8 July 2014, after which it was Alexander Yuryevich Chaiko. The commander of the Air Defense of the Western Military District in 2014 was Andrey Anatolyevich Kokhanov, the commander of the Western Military District in 2014 was Anatoliy Alekseyevich Sidorov in 2014, and the Chief of Staff or First Deputy Commander of the Western Military District in 2014 was Viktor Borisovich Astapov beginning on 21 June 2014. The commander of the Air Defense overall in 2014 was Alexander Petrovich Leonov, and the commander of the Ground Forces overall in 2014 was Oleg Leonydovich Salyukov. It is likely that the decision to send a Buk-M1 system to the Rostov Oblast and a Buk missile launcher to Ukraine was made at the level of the Air Defense of the 20th Army, the Air Defense of the Western Military District, or the overall Air Defense. It is unclear at exactly which level the decision was made and by which commander (s).

• The decision to send military equipment to the Russia-Ukraine border and to Ukraine was made at an even higher level – the level of the Ministry of Defense of Russia, where the top positions in 2014 were fulfilled by First Deputy Minister Arkady Viktotovich Bakhin, First Deputy Minister Valery Vasilevich Gerasimov, Minister Sergey Kuzhugetovich Shoygu, and President of the Russian Federation Vladimir Vladimirovich Putin. Consistent with the probable conclusion that the Russian Buk missile launcher 3x2 downed MH17, the Ministry of Defense bears the main responsibility for the MH17 tragedy, shared with the military commanders and leaders of the self-proclaimed Donetsk and Luhansk People's Republics."

20. "Russian Military Units That Fought in Ukraine in February-September 2014", InformNapalm, 2016

2296. InformNapalm is an international volunteer community that emerged in March 2014 "as a response to Russian military aggression in Ukraine". It involves a diverse team of journalists, open-source investigators, analysts, military experts, translators and IT engineers from Ukraine, Georgia, the United States, the EU, Syria, South Africa and other countries.

2297. This report provided an overview of the alleged involvement of various factions of the Russian Armed Forces and law-enforcement agencies on the territory of Ukraine between February and September 2014. It dealt

only with the military servicemen of the Russian Armed Forces participating in the war against Ukraine who were on active duty, with the knowledge and on the orders of their command. Relying on a variety of sources, including publicly available databases, media reports, satellite imagery and social media content, the report claimed that Russian regular troops had been present in Donetsk as of April 2014 (the 11th Separate Engineer Brigade in Snizhne), and in Luhansk as of June 2014 (the 61st Marine Brigade of the Northern Fleet in Luhansk).

2298. The report states that InformNapalm had found evidence of the participation of servicemen from seventy-five Russian military units, as well as other intelligence and law enforcement agencies. Their participation included the involvement of police special force operatives from the Chechen Republic in the first battle at Donetsk airport on 26 May 2014, cross-border shelling and anti-aircraft support to militant separatists in the summer of 2014 and the involvement of battalion tactical groups in Luhansk in August 2014, including surrounding the forces of the ATO under Ilovaisk.

2299. The report noted that the involvement of the various Russian troops was often conducted under the guise of military exercises. It claimed that the so-called 12th Reserve Command of the Southern Military District of the Russian Ministry of Defence of Novocherkassk in Rostov region served as cover for the deployment of Russian military servicemen to Ukraine.

21. "Weaponry of the Russian Federation in the War against Ukraine", InformNapalm, November 2016

2300. The report summarised items of Russian military equipment identified as being present and/or used in operations in Ukraine during the conflict. It relied on photographs, video footage, satellite images and other public sources. In total, the report identified thirty-three types of Russian military equipment in the possession of anti-government forces in the conflict zone in the Donbas region. It claimed that the majority of the equipment identified had never been supplied to Ukraine and that some of it had only entered into use by the Russian Army after the start of the hostilities in Donbas. It further stated that the operation and maintenance of this equipment required professional Russian Army personnel.

2301. In at least four instances, the investigation identified equipment as belonging to or being operated by specific units of the Russian Military (GAZ-233014 Tigr infantry mobility vehicle belonging to the 136th Motorised Rifle Brigade of the 58th Army of the Southern Military District of the Russian Federation, BTR-82A armoured personnel carrier, belonging to the 18th Motorised Rifle Brigade of the Russian Armed Forces, T-72B main battle tank operated by the 5th Armoured Brigade of the Eastern Military District of Russia, and T-72BA main battle tank operated by the 6th Armoured Brigade of the Russian Armed Forces). In one instance, the investigation identified the use of vehicles of the same type as those used by

the Russian military in Georgia in 2009 (KAMAZ-43269 Vystrel infantry mobility vehicle).

2302. The equipment identified included infantry mobility vehicles; armoured personnel carriers; main battle tanks; military trucks; multiple launch rocket systems; battlefield surveillance radars; tactical surface-to-air missile and gun systems; radio stations; command vehicles; EW systems for radio jamming and airwave monitoring; and unmanned aerial vehicles (drones).

22. "Putin's Undeclared War: Summer 2014 – Russian Artillery Strikes against Ukraine", Bellingcat, 21 December 2016

2303. This report attempted to document "the full scale of the Russian artillery attacks against Ukraine in summer 2014" using satellite imagery to manually identify firing positions or attack sites in Ukraine and Russia around the border area. It identified 305 potential firing positions and 518 artillery crater attack sites. It explained how it had approached the evaluation of these sites and in particular how it had determined the aiming trajectory of firing positions and the trajectory of attack sites. It noted that a conservative analytical approach had been used to ensure that locations without strong evidence supporting them were not assessed as being involved in cross-border attacks.

2304. The report stated that artillery attacks by the Russian armed forces had begun in early July 2014 and had increased in frequency and scale into August and September 2014. They could be found in the entire border area of the conflict zone in Donbas. Cross-border artillery attacks had preceded the separatists' offensive operations south of Ilovaisk and east of Mariupol.

2305. In total, artillery units of the Russian Armed Forces had launched attacks against Ukraine on at least 149 separate occasions. Of these, 137 attacks had been launched from inside Russian territory; the remainder had been launched from sites in Ukraine within 2 kilometres of the border. Another 130 locations were judged likely to have been used as artillery positions. Moreover, 408 attack sites inside Ukraine within range of Russian artillery systems had a trajectory crossing the Ukrainian-Russian border. The report said that, in total, thousands of artillery projectiles had been fired by the Russian military at targets inside Ukraine in the summer of 2014. Because of the conservative approach adopted, these numbers represented the estimates of lower bounds for the real numbers; the real number of attacks was most likely considerably higher. This showed the scale of the artillery support given to the separatists by the Russian Federation in the summer of 2014.

2306. The report concluded with some "case studies", which gave a brief overview of some "noteworthy artillery attacks" identified through the report's analysis. Readers were also invited to access an interactive map to

see for themselves the locations of all of the firing positions and artillery target sites discussed in the report.

23. "MH17 – Drivers of the Russian June and July 2014 Buk Convoy Trucks", Bellingcat, 5 June 2017

2307. This report followed on from Bellingcat's report of 13 May 2015 about the June and July 2014 convoy in the Russian Federation transporting the Buk TELAR responsible for downing flight MH17 ("Buk 332"). This 2017 report focused on the drivers of the convoy trucks and, in particular, the truck that had transported the TELAR. It relied on open-source material.

2308. The following conclusions were reached:

> "• The 69th Separate Logistics Brigade (unit 11385) was involved in transporting Buk unit vehicles to several areas along the Ukraine-Russia border in the 23-25 June and 19-21 July 2014 Buk convoys. Soldier-drivers of the 1st Automobile Battalion of this unit (subunit 11385-2), located in Kalininets, were drivers of the trucks in the 23-25 June 2014 Buk convoy. A different group of soldier-drivers from the same subunit was possibly involved in the 19-21 July 2014 Buk convoy ...
>
> • Soldier-driver Dmitry Z. transported Buk missile launcher 232 in the 23-25 June 2014 Buk convoy. Other soldier-drivers who were almost certainly involved in the transport of Buk unit vehicles in the 23-25 June 2014 Buk convoy are: Vasily R., Emin V., Mikhail Z., Alexander B., Nikita M. and Alexey R ...
>
> ...
>
> • No definitive conclusion can be made as to the driver of truck '4267 AH 50' in the 23-25 June 2014 Buk convoy, which transported Buk 332. A few soldier-drivers uploaded photographs where truck '4267 AH 50' is visible, among them Mikhail Z., who almost certainly was a driver in the 23-25 June 2014 Buk convoy.
>
> • No conclusion can be made regarding which truck transported Buk 332 to the Russia-Ukraine border, very likely in the night of 16 to 17 July 2014, or which driver was involved. Almost all of the soldier-drivers who were involved in the June 2014 Buk convoy officially ended their military service in the end of June or early July 2014, although the social network profiles of Mikhail Z., Alexander B. and two other soldier drivers do not clarify when they returned home after military service.
>
> • A different group of soldier-drivers from unit 11385-2 was in a military camp in eastern Millerovo in July 2014. This group of drivers, unlike the group of drivers of the 23-25 June 2014 Buk convoy, was involved in the transport of military equipment from Voronezh to Mityaskanskaya on 19 June 2014, before their arrival in Millerovo. It's possible that some of these drivers were involved in the 19-21 July 2014 Buk convoy, as a few soldier-drivers of this group were drivers of trucks in the July 2014 Buk convoy."

*24. "PMC as an instrument of Russian aggression", Security and Cooperation in Ukraine (*Безпека та взаємодія в Україні*), 2017*

2309. Security and Cooperation in Ukraine is a Ukrainian NGO. Its report, based on publicly available material, concluded that there had been considerable involvement of private military companies ("PMCs") in the

Ukraine conflicts as of 2014, that those PMCs had been created on the territory of Russia, and that their purpose had been to create an illusion that the conflicts in Donetsk and Luhansk were civil wars. The report provided specific details about the PMCs it alleged had been present in eastern Ukraine and where they had been present, explaining how its conclusions had been reached on the basis of publicly available evidence.

25. "Units of the Irregular Armed Forces of the Russian Federation on the territory of Ukraine Part 1", Security and Cooperation in Ukraine, 2017

2310. The report compiled almost 500 pages of information on the activities of the separatist forces in Donetsk and Luhansk in spring to autumn 2014. It was based on open-source documents, statements, speeches, archive material, material from the mass media, posts from official social networks, blogs and microblogs. The report explained that all the information gathered had been verified and validated by reference to other sources.

2311. The report described the different militias in the "DPR" and in the "LPR" and explained their origins and their specific involvement in various events. It also discussed the backgrounds of some of the key separatists. It claimed that in the early years, the armed forces of the "DPR" had consisted of three groups of active participants: former employees of Ukrainian agencies such as Berkut and the SSU; local residents who had voluntarily joined the militia; and foreign volunteers and mercenaries. It provided extensive information about the background and involvement in the early stages of the conflict of persons including Mr Gubarev, Mr Pushilin, Mr Girkin, Mr Borodai, Mr Dubinskiy, Mr Bezler, Mr Khodakovsky, Mr Zakharchenko, Mr Pavlov, Mr Tolstykh, Mr Bolotov, Mr Mozgovoy and Mr Plotnitsky.

2312. According to the report, on 17 April 2014 separatists under Mr Girkin had taken control of the television tower on Mount Karachun in the Slovyansk region, the broadcast of Ukrainian channels had stopped and Russian television programmes had been broadcast instead. The Ukrainian army had recovered control of the television tower on 3 May 2014.

2313. On 18 April 2014 the "people's mayor" of Slovyansk, Mr Ponomaryov, had announced that the activities of such political parties as Svoboda, UDAR, and Batkivshchyna were banned in the town.

2314. In particular, the report claimed that on 26 April 2014 Mr Girkin had taken over the command of all the militias in the Donetsk region and on 12 May 2014 had declared himself the "Supreme Commander" of the "DPR" armed forces.

2315. The report claimed that Mr Bezler had resigned on 28 October 2014 and that his armed group had become the Third Separate Motorised Rifle Brigade of the 1st Army Corps.

26. "The Cossacks as a Tool of Aggression of the Russian Federation Part 1", Security and Cooperation in Ukraine, 2017

2316. The 175-page report described the involvement of Cossack forces in the hostilities in Donetsk and Luhansk in the spring to autumn of 2014 and was prepared using information available from public sources. It outlined in detail the manner and extent of support and recognition which the Cossack forces received from the Russian authorities and gave an overview of key members of the Cossack forces involved in Ukraine. These included Mr Kosityn and Mr Alexander Mozgayev ("Babay") of the "Terek Wolf Sotnia" group.

2317. The report set out a chronology of events for the time period covered. It stated that on 22 April 2014, Cossack representatives, together with local inhabitants, had seized and occupied administrative buildings in Kramatorsk. From March 2014 a group of Terek Cossacks going by the name of "Wolf Sotnia" had worked on sabotage and intelligence in Crimea and Donetsk, including the occupation of Kramatorsk, Slovyansk and Stakhanov, alongside recruited agents, FSB and GRU servicemen and local separatists. A number of pictures showing members of the Terek Cossacks in Donbas were provided, including pictures of Terek Cossacks present in Kramatorsk on 5 May 2014. On 11 May 2014, Cossack forces had been located in the Luhansk region and controlled operations in the district administration's building.

2318. The report concluded that Cossack units had been employed as irregular units of the Russian armed forces in the hostilities in eastern Ukraine, with at least eight Cossack units present on Ukrainian territory from April 2014. Some were formed from local people, but most were under the command of Russian citizens. It noted that Cossack units had participated in armed attacks on Ukrainian military units not only with small arms but also with heavy weapons, including artillery. It further found the Cossack forces to have been responsible for the destruction of infrastructure and property, as well as the deaths of numerous Ukrainian civilians and personnel of the Ukrainian armed forces and other security forces.

27. "Military servicemen and mercenaries of Russia in Donbas Part 1", Security and Cooperation in Ukraine, 2017

2319. This report runs to almost 250 pages. It provides an overview of military servicemen and mercenaries present on Ukrainian territory between August and December 2014, who accessed the territory from Russian territory. Using a compilation of public access materials, particularly from social media, the report established the presence of a number of Russian soldiers on Ukrainian territory. It set out the open-source material and explained how conclusions had been reached for a number of Russian soldiers allegedly in Donbas during the period covered in the report. The report

concluded that servicemen and mercenaries who were citizens of the Russian Federation had arrived from Russia from spring 2014 through controlled and uncontrolled checkpoints on the Russian-Ukrainian border. They had come to support the "DPR" and "LPR" and provide them with various types of assistance and services, including direct involvement in the activities of armed separatists.

28. Report, InformNapalm and Prometheus, 2018

2320. The report was prepared at the request of the applicant Ukrainian Government by InformNapalm and a Ukrainian NGO, "Security Environment Research Centre Prometheus", for submission to the Court in the present proceedings. It discusses Russian involvement in initiating and continuing the conflict in eastern Ukraine. Identification of servicemen of the Russian armed forces and military equipment was based in particular on open databases of individuals and organisations, public information on weapons and other military equipment and structure of the Russian armed forces, press conferences, official announcements, social networks, videos posted on the Internet, satellite photos, images from drones, intercept material, evidence from detainees and information from insiders.

2321. According to the report, prior to 2014 the Russian authorities had worked to create a pro-Russian environment in Ukraine, including through controlled media, pro-Russian political parties, priests of the Ukrainian Orthodox Church, the Russian Cossack movement, and the creation of public organisations in Donetsk, Luhansk and Rostov (Russia). After the hostilities had begun, on 17 April 2014, President Putin stated that Kharkiv, Donetsk, Luhansk, Kherson, Mykolaiv and Odesa were not actually Ukrainian but rather part of "Novorossiya" and had mistakenly been included in Ukraine by the Bolsheviks.

2322. The report stated that military servicemen of the armed forces of Russia had appeared in Donbass in spring 2014. It claimed that references to "training" and the "12th command reserve of the Southern Military District of the Ministry" were covers for the deployment of regular Russian troops to Ukrainian territory. It alleged that the activation of the pro-Russian forces had begun on 6-7 April 2014, with the taking over of administrative buildings by separatists and the declarations of the "Donetsk People's Republic". In Luhansk, separatist forces had seized the regional administration of the Ukrainian Security Service and issued an ultimatum to the authorities. On 12 April 2014, separatist forces under the leadership of Mr Girkin had captured the authorities of the city of Slovyansk, as well as capturing settlements to the north of Donetsk: Chervonyi Lyman, Svyatohirsk, Kramatorsk and Druzhkivka. While in Slovyansk, Mr Girkin had taken over the role of the commander of all armed units of the "DPR". New conscripts had been recruited in Moscow, Voronezh and Bryansk, from where they had been transported to Shakhty (in the Rostov region of Russia) and from there

to Ukraine to take part in the hostilities. After the battle for Donetsk airport on 26 May 2014, representatives of the Special Forces of the Ministry of Internal Affairs of the Chechen Republic of the Russian Federation had been amongst the dead.

2323. The report recounted a number of other military engagements of separatist armed forces, including the movements of Girkin-led forces in Donetsk in spring/summer 2014; the support of the separatist forces by artillery cover from Russian territory; the mass transfer of regular armies with armoured vehicles from Russia in late July 2014; the provision of Russian reinforcements of separatist militants in the Donetsk ridge cities in August 2014; the successful attack and overpowering by Russian hybrid troops on 24 August 2014 of ATO forces in Amvrosiivka and Starobesheve (Donetsk); and the major participation of Russian battalion task groups (motorised rifle, airborne and tank formations) in conflicts in August 2014, particularly in Luhansk.

29. "OSCE drone downed after it spotted Russian military movement by night in Ukraine", Kharkiv Human Rights Protection Group, 29 October 2018

2324. The Kharhiv Human Rights Protection Group ("KHRPG") is an organisation active in the field of human rights aimed at providing assistance to individuals whose rights have been infringed and carrying out investigations into cases of human rights violation; developing human rights education and promoting legal awareness; and providing and improving monitoring and analysis of the human rights situation in Ukraine. It began as the human rights protection wing of the Kharkiv office of "Memorial", a Russian NGO, from 1988 and was registered as a legal entity in 1992.

2325. In its October 2018 report, the KHRPG identified recent SMM reports which referred to convoys of trucks spotted by SMM drones in Ukraine near the Russian Federation border, and to the jamming or the downing of the SMM's drones. The KHRPG report said:

> "There is no good reason for convoys of Russian trucks and other vehicles to travel by night on dirt roads near the unguarded border with the Russian Federation unless they have something to hide. Given that the two occasions where jamming was serious (10 October, 27 October) occurred after the UAV spotted major items of military hardware, there is every reason to assume that Russia is transporting other weapons of war to a country which it claims to not be at war with."

2326. After having set out the observations in the SMM reports for 7 August 2018, 4-5 September 2018, 9-10 October 2018, 10 October 2018, 11-12 October 2018, 16-17 October 2018 and 27 October 2018, the KHRPG report concluded:

> "There is no reason to believe that these are Russia's only secret and almost certainly military movements to and from Ukrainian territory.

Ukraine lost control of a vast expanse of the border between Russia and Ukraine during the summer of 2014. It was this uncontrolled border that made it possible to bring the BUK missile launcher that downed Malaysian airliner MH17 into militant-controlled territory in July 2014, as well as tanks, military personnel, mercenaries and arms. It is all of this border that needs to be monitored, but it is that that Russia and the militants are opposing.

Back in July 2014, Russia agreed to an OSCE Observer Mission at the border, but severely restricted its mandate to only the Russian Checkpoints Gukovo and [Russian] Donetsk. This mission has 20 civilian monitors, including the Chief Observer, who boast on their website of operating on a shift basis to ensure 24-hour cover. This is all very well, and they doubtless monitor the area within their scope very well – all 40 metres of the Ukrainian-Russian border ...”

2327. The report also referred to the “steady flow of so-called ‘humanitarian convoys’ from Russia which neither OSCE SMM monitors, nor Ukrainian officials are permitted to see”. It referred to an incident on 24 May 2018 when “SMM observers were aggressively prevented from viewing the 75th such ‘convoy’ even though it was asserted that this contained only children’s food and rescue equipment”. It continued:

“On 31 May Charge d’Affaires Harry Kamian from the US Mission to OSCE pointed out that they ‘have no idea what is actually inside these supposed humanitarian aid convoys, because the Russian Federation will not let the Observer Mission or the SMM inspect them or watch them unload. We do know, however, that these so-called aid trucks did not unload at any hospital, school, NGO, or UN warehouse. Rather, they were unloaded at a compound the SMM reported as used by Russia-led forces. Armed men in military uniforms guarded its perimeter and prevented the SMM monitors from seeing the cargo or speaking with anyone on site’.

2328. The report said that only the first “humanitarian convoy” attracted international attention. It explained:

“The 280 trucks in August 2014 were supposed to be checked near Kharkiv and reloaded onto International Red Cross trucks. Instead the trucks suddenly changed direction entering the Luhansk oblast through the militant-controlled border.

It should therefore not be of any surprise that foreign journalists discovered that many of the trucks they were shown appeared either half or almost totally empty. Some of their contents may have been quietly removed en route, or the entire exercise was aimed at exhausting international interest so that the subsequent convoys could pass virtually unnoticed.

The ‘convoy’ may possibly have always had near empty loads and been intended as a decoy. Around this time, a Polish TV correspondent was filming a seemingly endless succession of Russian military trucks with men, armed personnel carriers, artillery and anti-aircraft weapons moving towards a part of the Russian-Ukrainian border not under Ukrainian government control.

The footage from 18 August 2014, and the days around this, is still available and well-worth close scrutiny, especially given the sudden unexpected turn in the fighting near Ilovaisk towards the end of August 2014 ...”

30. "New convoy of Russian military trucks caught entering Ukraine by night", Kharkiv Human Rights Protection Group, 7 June 2019

2329. In its June 2019 report the KHRPG referred to further military convoys that had been identified travelling between Russia and Ukraine. It noted:

> "Another convoy of military trucks has been spotted near the Russian Federation's border with non-government-controlled Donbas. Since the trucks were travelling by night on an unpaved road where there is no official border crossing, it seems safe to conclude that the trucks themselves, as well as what they were carrying, were not supposed to be seen ..."

2330. The KHRPG referred to the SMM spot report of 4 June 2019, which recounted two recent night-time sightings in the separatist-controlled Luhansk region near the border with the Russian Federation. It said:

> "There is nothing at all abstract about such sightings. Each month brings new deaths of Ukrainian soldiers from enemy fire, with the weaponry often highly sophisticated. It is likely that Russia is using convoys travelling by night and trying to elude detection to bring weapons of death to Donbas.
>
> It is not only the fact that these are night convoys travelling on dirt roads that indicate that they are supposed to go unobserved. There have been several occasions where jamming of the drone coincided with such sightings, and on one occasion, a drone was shot down."

31. "Rebels without a Cause: Russia's Proxies in Eastern Ukraine", International Crisis Group, 16 July 2019

2331. As was the case in its previous reports, the ICG's July 2019 report was based on ICG interviews conducted in Crimea, Donetsk and Moscow with rebels, Russian fighters, former and current Russian officials, and *de facto* republic officials, as well as analysis of public statements and other open sources. It analysed the evolving relationship between Moscow and its proxies in eastern Ukraine since the early days of the crisis and explored how Moscow's objectives had gradually diverged from those of the separatists.

2332. The report referred to the start of the conflict in eastern Ukraine as "a grassroots movement, albeit one that Moscow inspired and then aggressively exploited". The report explained:

> "In the early months of 2014, Novorossiya proponents developed a scenario that in many ways mimicked Russia's annexation of Crimea – albeit without the large-scale Russian military presence. Local militias in Donetsk, Luhansk, Kharkiv, Dniepropetrovsk, Odessa, Zaporozhye and other parts of Donbas would seize government buildings and then, supported by undercover Russian forces, hold a referendum to demonstrate popular backing for either independence or unification with Russia.
>
> In March and April 2014, encouraged by the enthusiasm in Russia, Donbas activists moved from street protests to more direct action. Copying what Maidan activists had done in western Ukraine, they seized government buildings in Donetsk, Luhansk and Kharkiv, and tried to do the same in other eastern cities. They declared the

independence of ‘people’s republics’, which they assumed Moscow would rapidly recognise, and called referenda on joining Russia, which they scheduled for 11 May.

But the Kremlin’s policy toward eastern Ukraine proved neither coherent nor consistent. An expert connected to the Ministry of Foreign Affairs described a split within government elites between ‘doves’ who doubted that the Crimea scenario would work in Donbas and ‘hawks’ who believed that Russia could count on local mobilisation to help oust Ukrainian forces and then annex as many as six eastern Ukrainian regions. Russian leaders officially said nothing. Absent clear guidance, government advisers and businessmen appear to have acted on their own initiative, without much effort to work together. One such businessman was Konstantin Malofeyev, who allegedly financed the first leaders of the nascent ‘people’s republics’ in Donbas. Meanwhile, increasing numbers of Russian irregulars, encouraged by state propaganda and what they regarded as the government’s tacit approval, made their way to Ukraine.

The chief backer of annexation appears to have been Kremlin adviser Sergey Glazyev, an outspoken champion of Novorossiya ... Evidence, including telephone conversations intercepted and recorded by Ukrainian intelligence, suggests that he gave direct instructions to the lead organisers of the Donbas uprisings, and talked of financial and military support pending the insurgents’ success ...”

2333. The report referred to the “rising stakes” for Russia with the launch of Ukraine’s ATO in April 2014 and the imposition of financial sanctions by other western States. It said that “the Kremlin began to distance itself from the movement it had inspired” as the separatists failed to take hold and retain territory across the south-eastern regions of Ukraine. It said:

“Moscow’s change of heart meant that it would not recognise the statelets. Annexing them was also out of the question. But neither was Moscow ready to hand them back to Ukraine. Moreover, in Donbas, Moscow’s clients and ordinary citizens feared that return to the Ukrainian fold would lead to violent reprisals, a potentially self-fulfilling prophecy. Moscow’s support, which remained unacknowledged (as Russia insisted that it was not a party to the conflict), thus aimed to help the statelets hang on to the territories they had gained in the near term. In the longer term, it sought to lay the groundwork for the D/LPR’s future reintegration into Ukraine with greater autonomy or special status sufficient to permit continuing influence over Kyiv’s policy choices.

Officially, Moscow would not acknowledge backtracking on a policy it never admitted to supporting in the first place. But even in public statements, the change was visible. Starting in late 2014, mentions of Novorossiya by Putin or other state officials started to disappear ...

Reflecting its shifting calculus, Moscow reportedly eased out the leaders, Ukrainian and Russian, who had led the initial fight with figures it found more manageable. One of the first out was Strelkov. On 14 August 2014, Russian state media reported that the DPR’s leadership had let the commander go at his own request. But a former Kremlin official suggested that Moscow had grown frustrated with Strelkov’s activities and his increasingly strident calls for more intervention from Moscow. ‘He went over there and started this mess ... and now we are cleaning it up’. A fellow Russian combatant told Crisis Group that the Kremlin pressured Strelkov to leave Donbas in exchange for a promise that Moscow would reinforce and resupply the DPR forces. The D/LPR leadership also changed hands as Moscow sought to establish more order. In early August, Aleksandr Zakharchenko took over the DPR and Igor Plotnitsky the LPR; widespread reports suggest both were appointed on Moscow’s orders.

To help the D/LPR forces defend the areas they controlled, Moscow beefed up its military support. In the summer of 2014 and in early 2015, Moscow covertly sent troops to help the de facto leadership secure positions it had taken and prevent their recapture by Ukrainian forces. 'The process of intensifying Moscow's [military] support for the DPR and LPR and the process of abandoning the idea of Novorossiya went in parallel', said a former Russian lawmaker, citing ostensibly humanitarian aims. 'As the idea of Novorossiya waned, [military] support intensified, with the aim of protecting them from mass terror'. Moscow denies taking these steps."

2334. The report observed that Russia's abandonment of the Novorossiya concept left in its wake a movement in Donbas whose interests no longer aligned with Moscow's. It continued:

"Meanwhile, Moscow's control over the de facto republics' leadership has alienated the grassroots element that had given the separatist insurgency a modicum of popularity when it began. Today, after five years of war, Moscow's shifting policies have split the Donbas polity into three groups: a proxy leadership dependent on Moscow but with no cause or real grassroots support of its own; an embittered set of fighters and activists whose hopes of independence or joining Russia have been denied, in their eyes, by Moscow itself; and a population worn out by war that feels abandoned by both Kyiv and Moscow."

2335. As regards the financial and political dependence of the self-proclaimed republics, the reports said:

"The de facto D/LPR leadership is financially and politically beholden to Moscow, which, as of the spring of 2019, has further solidified its control over the statelets. During the war's early years, Russia arguably struggled to retain control over de facto governments riveted by murders, coups and financial and political rivalries. Over the past two years – whether by design or providence – it has dealt with more pliant leaders.

But if the movement's leaders are now firmly under Moscow's influence, those who emerged from grassroots separatist movements in Donbas have effectively been sidelined. In the fall of 2017, the LPR's 'security minister' Leonid Pasechnik replaced LPR head Igor Plotnitsky in what was reported to have been a Russian security services-backed coup. Then, in August 2018, DPR chief Alexander Zakharchenko, whose relationship with Moscow had grown increasingly tense, was killed by a bomb in Donetsk, with both Moscow and Kyiv exchanging blame over his murder.

On 11 November 2018, following Zakharchenko's assassination, the D/LPR held new elections. Moscow appears to have forced the exclusion of popular leaders and Novorossiya idealists like Aleksandr Khodakovsky and Pavel Gubarev. Khodakovsky was the former commander of the Vostok Battalion – an irregular regiment that rivalled Strelkov's in the early days – and DPR 'security minister'. Russian border guards barred his entry into Ukraine ahead of the vote. For his part, Pavel Gubarev, a former DPR leader, was prevented from registering his candidacy by DPR's election authorities, on what were widely reported to be the Kremlin's orders. Moscow backed Denis Pushilin, the Donetsk politician who had urged moving ahead with the independence referendum after Putin expressed his reservations. He ran against lesser-known candidates and won with 60.8 per cent of the vote. In the LPR, the Kremlin continued to support Pasechnik, who prevailed with 68.4 per cent."

32. "The Surkov Leaks: The Inner Workings of Russia's Hybrid War in Ukraine", Royal United Services Institute, July 2019

2336. This report analysed the authenticity and content of thousands of leaked emails, allegedly from Russian officials, and discussed what they revealed about Russia's "hybrid war" in Ukraine. The emails had been obtained by "hacktivists" calling themselves the Cyber Alliance and analysed by InformNapalm before being published on the Internet in three tranches. The first two tranches of emails ("the Surkov emails") were alleged to have come from two email accounts believed to belong to Mr Surkov and had been published in October and November 2016. The third tranche of emails ("the Kremlin emails") had allegedly come from the accounts used by two other senior officials: Mr Surkov's first deputy, Mr Inal Ardzinba; and the leader of the Kharkiv Communist Party and her son, Ms Alla Aleksandrovska and Mr Oleksandr Aleksandrovskyi, who corresponded with Mr Ardzinba. They had been published in 2017.

2337. The RUSI report identified five factors which strongly pointed to the authenticity of the emails in tranches one and two:

> "1. The volume of emails was significant. Forging this amount of data is practically unfeasible, if technically possible. In addition, the database of emails overwhelmingly comprises daily briefs and media-monitoring summaries, while the amount of revelatory information is modest. If these emails were fake, it would be reasonable to expect that the ratio would be reversed, as the forgers are unlikely to spend time on generating overwhelming amounts of data which would not contribute to an 'explosive' story.
>
> 2. Those whose email correspondence was leaked as part of the two tranches, such as the Russian businessman Yevgeny Chichvarkin, or *Reuters*, confirmed that these communications were genuine.
>
> 3. Events mentioned in the emails actually took place, such as British pop star Robbie Williams's performance for Surkov.
>
> 4. Investigative journalists at the Atlantic Council's Digital Forensic Research Lab, who specialise in forensic research, have stated that the headers of those emails that they analysed both appear to be authentic and would be difficult to forge in such quantities.
>
> 5. In January 2017, the Russian security service, the FSB, arrested the notorious Russian hacking group Shaltai-Boltai, along with government officials who were accused of collaborating with them, for hacking private correspondence − a charge which Shaltai-Boltai denied. Representatives of the Cyber Alliance have observed that the Kremlin prefers to see the theft as an internal matter, rather than credit Ukrainian hackers with the theft."

2338. The report explained that the verification of the emails in the third tranche was more difficult; there were indications that the correspondents had concealed their identities deliberately. It referred to evidence suggesting that the accounts were indeed used by the persons alleged, and continued:

> "The emails in both the accounts of Ardzinba and the Aleksandrovskys contain a large number of photographic and video reports showing events on the ground, which further

> supports their authenticity. Nevertheless, it is important to note that they contain fewer analytical briefs than the two Surkov accounts, which might be explained by their respective roles: Surkov, as the more senior, dealt with overarching strategy and broader political analysis, while Ardzinba managed practical affairs and the Aleksandrovskys were simply 'project managers'. However, Ardzinba did receive several briefs from the address of the Russian consulate in Odesa, genconrfodessa@mail.ru, which consisted largely of media-monitoring overviews similar to those which Surkov received regularly."

2339. Analysis of the emails revealed a number of Russian and Ukrainian political figures who, the report said, appeared to have been important to the Kremlin's grip on Ukraine. The report discussed some of those figures and the specific nature of their emails to Mr Surkov and Mr Ardzinba. Emails to Mr Surkov were largely composed of news reports and analytical briefs on the situation in Ukraine. The report explained:

> "The depth of the analysis contained in these emails demonstrates the emphasis placed on intelligence gathering and understanding the situation in Ukraine, through which vulnerabilities might be identified and exercise influenced."

2340. Emails to Mr Ardzinba included reports from demonstrations held by pro-Russian activists in cities in south-eastern Ukraine and events held to promote separatism. They also contained

> "other documents showing how the Kremlin attempted to influence elections in the Kharkiv Oblast and destabilise other Ukrainian regions, with the objective of changing Ukraine's constitutional status from unitary state to federation, thereby enabling the country's gradual dismemberment".

2341. The report said:

> "... [T]he leaked emails belonging to Surkov and Ardzinba demonstrate the emphasis on creating a convincing picture of genuine local and even international support for Russian ideas for Ukraine – an essential step under the Russian non-conventional forms of conflict."

2342. The report claimed that in September 2013, Mr Surkov had been placed in charge of President Putin's policy in the occupied regions of Georgia and, according to unofficial sources, relations with Ukraine. The leaked emails revealed that Mr Surkov had been widely involved in the management of the "republics" in Donbas. On 13 May 2014 he had received a list of recommendations for posts in the "DPR" government from an employee of the international investment firm Marshall, owned by Mr Konstantin Malofeyev. The email had explained that "Konstantin asked [me] to give this to you in the near future", which the report said suggested that Mr Malofeyev had himself already approved the candidates. The names on the list included Mr Pushilin, Mr Girkin, Mr Purgin, Mr Khodakovsky and Mr Zakharchenko. On 15 December 2015 Mr Surkov had received a list of suggested candidates who might replace unsatisfactory "LPR" leaders including the "Prime Minister", Gennadaiy Tsyplakov, his deputy Mr Nikitin

and his acting deputy, with candidates' CVs attached. The report goes on to note:

> "However, it appears that Moscow's control of appointments in the LNR was complicated by power struggles and turf wars: Tsyplakov was not removed from his post by Moscow but was instead arrested in September 2016 for plotting a coup against LNR President Igor Plotnitskiy; his death a week later, when he was found hanging in his cell, may well have been at the hands of local rivals. This disobedience may have prompted the DNR's 'invasion' of the LNR and the December 2017 'coup' against Plotnitskiy, which is assessed to have increased FSB control over the 'republic' and diminished that of Surkov."

2343. The report alleged that the emails to Mr Surkov testified to "the deep involvement of Kremlin in even the day-to-day activities of the DPR":

> "For example: a November 2015 report from Aleksandr Kazakov, the self-described 'adviser to the Head of the DPR', describes how Facebook continually closed the account of the then prime minister of the DPR, Aleksandr Zakharchenko, in response to large numbers of complaints from Ukrainian Facebook users. On 13 June 2014, Pushilin, who had been appointed the Chairman of the DPR parliament in May 2014, sent Surkov a printout of all the positions in the DPR parliament, including the maintenance staff, suggesting that the Kremlin pulled the strings in the self-proclaimed DPR parliament, not only the government. On 14 June 2014, Pushilin sent a list of compensation paid by a committee to the families of soldiers who had been killed and wounded, presumably to justify expenditure ..."

2344. There were also emails suggesting that Mr Surkov worked with "DPR" leaders on more fundamental issues:

> "On 12 January 2016, Pushilin sent Surkov maps of the 'Ukrainian Federation' in an email with the subject 'print out'. The map divides Ukraine into three ...: ... Novorossiya (New Russia); ... Malorossiya (Little Russia); and ... Halychyna (Galicia), largely comprising Ukrainian territory that had been under the rule of the Austro-Hungarian Empire, not the Russian Empire. The specific purpose of this map is unknown; nevertheless, it points to Russian plans for the federalisation of Ukraine."

2345. The emails showed that Mr Borodai also corresponded with Mr Surkov, updating him in January 2016 on the work of his NGO, the Union of Volunteers for the Donbas, which had helped to shore up Russian popular support for the Russian intervention in Ukraine.

2346. The report referred to the evidence in Mr Surkov's emails of Russia's involvement in the "Novorossiya" project, explaining:

> "The ambitious Novorossiya project was intended to incorporate the whole of South and Eastern Ukraine, areas where Russian-speaking populations were significant, if not dominant. On 22 May 2014, two days before the DNR and the LNR signed a declaration of confederation, the newly created Novorossiya Party held its first congress in Donetsk, reportedly attended by representatives from across southeastern Ukraine. Surkov's emails reveal that the Kremlin was involved in – and paid for – this effort to create an image of public support for the Novorossiya project:
>
> • On 14 May 2014, an extract from the DNR–LNR declaration was sent from Surkov's email address, 10 days before it was signed in Donetsk.

• An email received by Surkov on 16 May 2014 listed the political parties and civic associations that were considering attending the event, and the costs of getting their 37 representatives to either Donetsk or Luhansk (Donetsk was cheaper).

• An email received by Surkov on 19 May 2014 listed those whose attendance at the congress was confirmed."

2347. The report highlighted the "significant question" of how the "DPR" and the "LPR" functioned economically throughout the war, observing that a decision had been made in the "DPR" in 2014 that taxes would not be collected from businesses or individuals until military actions ceased. It claimed that the evidence in the leaked email showed considerable Russian involvement in this regard. For example, in an email dated 26 May 2014 Mr Surkov had received an outline of the 2013 budget for the two regions in the Donbas. Future costs were calculated up until 2017, including up to USD 8.8 billion each year for law enforcement structures, youth support and pensions in the "DPR" and the "LPR". According to the report, the email suggested that Russia was preparing to "bankroll the 'republics'". The report further noted that on 16 June 2014 Mr Surkov had received a list of expenses for personnel and equipment the establishment of the "DPR Ministry of Information", a press centre and a newspaper. The report claimed:

"Tranches One and Two of the leaked emails confirm that, despite the Kremlin's attempts to hide the occupied territories' dependence on its economic support and therefore its involvement, these two 'republics' only remained solvent and continued to function due to Russian funding. On 21 October 2015, Surkov held a meeting involving Russia's deputy ministers of economic development, trade, construction and energy, as well as the deputy head of the Department of the FSB and representatives from RNKB. The meeting covered several topics, including:

• '[P]lans of the territories [LNR and DNR] to increase tax collection'.

• '[T]he finalisation of forming the energy market on the territories' and 'the work of the [Russian] Federal Anti-Monopoly Service on developing the regulatory framework for the calculation of tariffs on the territories'.

• '[T]he delivery of coal from the territories to Ukraine and by transit through the RF [Russian Federation]'.

• '[R]estoring the private sector (speed of building 214 new houses, materials for the renovation of 4,000)'.

• '[I]ncreasing pensions by 15%'."

2348. The report contained extensive analysis of the evidence in the leaked emails of Russian involvement in other regions of Ukraine, notably in Kharkiv and in Odesa. It went on to discuss alleged Russian attempts to use the Minsk negotiations to change Ukraine's constitution:

"The leaked emails show that from February 2015, Surkov's office was focused on changing Ukraine's constitution, starting with the mechanism by which constitutional amendments could be made in the first place. Surkov received the first email on the issue on 10 February 2015. Just days later, DNR leader Denis Pushilin suggested in the media that the 'people's republics' were ready to discuss changes to Ukraine's

constitution with the international Trilateral Contact Group negotiating on settling the conflict in Donbas. Surkov received specific proposals for changes to Ukraine's constitution on 11 March 2015, and these were published with minor changes by the LNR and the DNR on 13 May 2015. These proposals called for Ukraine's constitution to assign special status to the LNR and the DNR, giving them their own 'people's militia' − that is, a de facto military − and local executive and judicial authorities – all of which would, in reality, remain under Moscow's control. However, it would also all be financed by the Ukrainian state, which would serve the dual purpose of crippling Ukrainian finances – not least due to the costs of reconstructing the local economy and infrastructure in the Donbas − while relieving the pressure on the Russian budget at a time of low oil prices. Critically, the proposals also called for a clause on Ukraine's neutral status to be included in the constitution, as well as a power of veto over major national decisions for the LNR and the DNR. It was no surprise that these proposals were rejected by Ukraine. If the purpose of the Eastern Ukraine conflict was to prevent Ukraine from signing the EU Association Agreement or from joining the EU and NATO at some point in the future, the clause declaring Ukrainian neutrality would have represented a tangible victory for Russia in the war, achieving the political objectives for which it was fighting."

2349. The report also commented on a document received by Mr Surkov in July 2014, entitled "Thematic Lines for Working with the Political Network for 20-27 July 2014". It appeared to contain "a list of themed messages to be pushed by the Kremlin's network of what might be called 'information agents'". One of the themes was the downing of flight MH17, in respect of which eight potential messaging lines were noted:

"1. It was a provocation by Kyiv targeting the DNR and the LNR.

2. Kyiv, backed by the West, is trying to blame Russia and Putin personally.

3. A Malaysia Airlines plane was deliberately directed through an area where anti-terrorist operations were taking place.

4. An audio recording revealed that militiamen talked about being attacked by 'so-called' civilian airliners (implying that MH17 was not a civilian plane).

5. It is an excuse for NATO intervention.

6. It was an act designed to hide Ukraine's strategic failure.

7. It could be compared to the shooting of Archduke Franz Ferdinand in July 1914, with Kyiv trying to start a new world war.

8. Ukraine's own air defence, partially located in the occupied territories, shot the plane down, and there is evidence to show that these air-defence systems were readied shortly before it was hit."

2350. In so far as relevant, the report concluded:

"The leaked emails ... confirm that the separatist 'republics' in Eastern Ukraine were from the outset, and continue to be, Russian entities, despite their persistent protests to the contrary. Kremlin officials and oligarchs have played a decisive role in making political appointments within, providing financial support to, and funding the media and PR expenditure of the statelets. Similar Kremlin activity can be observed in relation to the frozen conflicts in the frozen conflict zones of Georgia, while a connection with the frozen conflict zone in Moldova is evident in the contribution of a Transnistrian KGB operative to Russia's plans to break Ukraine apart from within.

There is therefore no doubt that the separatist 'states' plaguing each of Russia's reform-minded neighbours – Georgia, Ukraine and Moldova – are part of a Russian strategy to prevent their further integration with the West. Leaked emails dispatched by President Putin's aide, Vladislav Surkov, should leave no doubt as to the nature of the conflict in Ukraine: the Kremlin largely manages and finances the war in the Donbas region under the guise of internal separatism, which the Kremlin is equally involved in generating."

33. Other Bellingcat reports and articles

2351. Bellingcat describes itself as an independent, international collective of researchers, investigators and citizen journalists using open-source and social-media investigation to probe a variety of subjects. It has staff and contributors in more than twenty countries around the world.

2352. In a series of reports and articles, Bellingcat analysed open-source material related to the conflict in eastern Ukraine and, in particular, the downing of flight MH17.

(a) "Geolocating the Missile Launcher Linked to the Downing of MH17"

2353. On 17 July 2014 Eliot Higgins published an article about a video which had been posted online, claiming to show a Buk missile launcher travelling through Snizhne. He shared the video with his Twitter followers to ask if anyone could identify the area. He was quickly pointed to an area south of the centre of Snizhne. Using landmarks in the video to compare it with satellite images from Snizhne, he observed that the road appeared to have the same layout and was able to identify from the angle the approximate position of the camera. On the basis of that position, he identified from Google Earth satellite imagery other features he would expect to be able to see from that vantage point and confirmed that these features were indeed present. He concluded that it seemed likely that this location in Snizhne was the correct location of what was claimed to be the Buk TELAR heading away from Snizhne.

(b) "Identifying the Location of the MH17 Linked Missile Launcher From One Photograph"

2354. On 18 July 2014 Mr Higgins published an article explaining how the precise location of a photograph claiming to show that the Buk TELAR in Snizhne had been identified using open-source material. Using the information publicly available online, it was possible to geolocate the photograph to a precise location in Torez and to ascertain where the camera had been positioned when it took the photograph.

(c) "The Russian Government Goes Back to Parroting Dodgy Internet Rumours"

2355. On 21 July 2014 Mr Higgins published an article about a video posted by the Ukrainian Ministry of the Interior claiming to show the Buk

linked to the downing of flight MH17 in separatist-controlled territory as it was being driven out of the country. He noted that posts had subsequently appeared across Russian social networking sites and blogs claiming that the video was in fact from the city of Krasnoarmiisk, which was under Ukrainian control. These "dubious claims" appeared to rely on open-source information but the posts failed to provide supporting evidence. Mr Higgins observed that the allegation that the images had been taken in the city of Krasnoarmiisk had been repeated by Lieutenant General Andrei Kartapolov, head of the Main Operations Department of the Russian Army General Staff, at the Russian Ministry of Defence press conference on 21 July 2014 (see paragraphs 2029-2030 above).

(d) "Evidence That Russian Claims About The MH17 Buk Missile Launcher Are False"

2356. In an article of 22 July 2014 Mr Higgins analysed whether reports that the video released by the Ukrainian Ministry of the Interior (see paragraph 2518 below) had been shot in Luhansk were credible. Using photographs and other imagery available online, he concluded that the material suggested that the video had been filmed in the specific location identified in Luhansk and that the claims of the respondent Government to the contrary were false.

(e) "Caught in a Lie - Compelling Evidence Russia Lied About the Buk Linked to MH17"

2357. On 24 July 2014 Mr Higgins examined additional photographs and a video filmed by a Luhansk local in the same location where the Buk missile carrier had reportedly been filmed earlier (see paragraph 2518 below). He found that several objects from the photographs and the original video matched perfectly: a pole, the path and grassy patch at the base of that pole, the cabling system on the pole, and the billboard. He also observed that the text that the Russian Ministry of Defence had claimed, at the press conference of 21 July 2014, was on the billboard, was in fact absent from the photographs. He concluded that the allegations of the Russian Ministry of Defence that the video had been filmed in the town of Krasnoarmiisk were false.

(f) "Two More Key Sightings of the MH17 Buk Missile Launcher"

2358. On 28 July 2014 Mr Higgins published an article in which he analysed a new video and photograph showing the Buk TELAR on 17 July 2014. The video gave coordinates allowing the location where it was filmed to be identified in the town of Zuhres, filmed at 11.40 a.m. on 17 July 2014. Mr Higgins compared the position of the buildings in the video with that from satellite imagery and calculated the time of the filming based on the position of the shadows in the video using the website SunCalc.

2359. The photograph, taken from *Paris Match*, showed the Buk loaded on a red trailer with a white cabin and presented other characteristics that matched it with the carrier photographed in Zuhres, Torez and Luhansk.

2360. The article referred to the work of Chris Postal, who had managed to identify the precise location of the Buk-TELAR by creating a route between Donetsk and Snizhne using a route-planning website and checking the road along the automatically created route. The photograph had then been matched to the Google Street View images and several details, including the treetops, gave what the author considered to be an "excellent match". Lastly, using SunCalc, Mr Higgins established that shadows pointed to the *Paris Match* image being from early morning, roughly around 9 a.m.

(g) "Images Show the Buk that Downed Flight MH17, Inside Russia, Controlled by Russian Troops"

2361. Iggy Ostanin, a freelance Russian journalist, published on 8 September 2014 an article in which he analysed newly found evidence showing that the Buk TELAR which was believed to have been used to shoot down flight MH17 on 17 July 2014 had come from Russia and had most likely been operated by Russian soldiers.

2362. The TELAR was identified on the basis of a number of features including: white markings on the left side of its chassis; what looked like the traces of a number that had been painted over; and missing railings on the back of the turrets. The article explained the painted over numbers as follows:

> "Numerous earlier studies of vehicles inside Ukraine [have] shown it has been standard practice for Russian forces to paint over the numbers on their vehicles before sending them into the Ukraine."

2363. A comparison was made between several photos and videos showing a Buk TELAR with those characteristics: the TELAR seen on a previously unpublished video taken in Russia on 23 June 2014; the TELAR featured in the *Paris Match* photo of 17 July 2014; the TELAR in a convoy of Russian military vehicles in Alexeyevka, Russia, on 24 June 2014; a TELAR from an image taken from a video filmed around Stary Oskol, Russia, which had been uploaded on 23 June 2014; and a TELAR filmed in Luhansk after the downing of flight MH17. Mr Ostanin observed that the Buk TELAR in all these images presented the same characteristics.

2364. Mr Ostanin then used the images to determine to which Russian unit the Buk-TELAR likely belonged. He observed that the vehicles in the Russian convoy displayed the area code "50" on their registration plates, which indicated that they belonged to the Moscow Military District. That area code was visible on a video of the vehicles taken on 23 June 2014 in the Krasneyskiy area (on the Russian side of the Ukrainian eastern border) and on a photo from Stary Oskol posted on the same day on social media. Mr Ostanin compared the videos taken of the convoy on 23 June 2014 in the Kursk and Krasneyskiy areas (Russia), and concluded, based on the direction

they had taken during the day, that it was likely that the Buk TELAR belonged to and had been manned by Russian troops from the 53rd Brigade from Kursk.

(h) "Crowdsourced Investigation - Was the MH17 Linked Buk Sighted in Ukraine and Russia Unique?"

2365. On 20 September 2014 Mr Higgins followed up on Mr Ostanin's findings of 8 September (see paragraph 2361 above) and reiterated that the images and video footage examined by the Bellingcat team so far had revealed that no other Russian or Ukrainian Buk TELAR had the particular markings of the TELAR presumably linked to the downing of MH17. In the interest of thoroughness and openness, Mr Higgins launched a crowdsourced investigation of Russian and Ukrainian Buk TELARs using Meedan's Checkdesk, a platform for collaborative social media verification. He invited readers to help find images of Buk TELARs in Ukraine and Russia that would allow the Bellingcat team to see what markings were visible on those used by both countries and to find other potential matches to the TELAR linked to the downing of flight MH17.

(i) "More Evidence of Russia Supplying the Buk Linked to the Downing of MH17"

2366. On 22 September 2014 Mr Higgins published a post adding more elements which identified the Buk TELAR thought to be responsible for the downing of flight MH17. Using the markings visible on the side of the Buk photographed by *Paris Match* and stills from the convoy in Russia, it was possible to find elements indicating it was the same Buk-TELAR despite attempts to paint over some of the markings on the vehicle. Moreover, no other Buk-TELAR had been found bearing the same markings. He reported that it was apparent in both the Stary Oskol and Luhansk videos previously presented and examined by Bellingcat (see paragraphs 2518 and 2365 below) that the side skirt of the Buk TELAR in both instances was damaged in exactly the same position. In his view, it seemed "incredibly unlikely" that two different Buk TELARs would have the same markings and also the same damage. This showed that the Buk TELAR photographed in Ukraine travelling through rebel-held territory on 17 July 2014 was the same one previously identified inside Russia in a convoy containing vehicles from Russia's "53rd Zrbr 'Buk' Brigade based in Kursk".

(j) "Video Comparison Confirms the Buk Linked to the Downing of MH17 Came From Russia"

2367. On 24 September 2014 Mr Higgins published a video in which the photograph from *Paris Match* was compared with images of the Buk missile launcher filmed in Russia. The video showed that the damage and the markings which had not been painted over were "a perfect match".

(k) "Geolocating the MH17 Buk Convoy in Russia"

2368. In an article of 29 September 2014, Veli-Pekka Kivimäki examined six videos and a photograph of the Buk-TELAR and was able to geolocate them and thus to plot the course of the Russian convoy. His description reads as follows:

(1) the first video was uploaded on 23 June 2014 on Instagram with the location tagged as Neznamovo (*Незнамово*), south of Stary Oskol. He identified inscriptions in Russian which he could compare with images from Google Maps Street View and Wikimapia and "confirmed with confidence" the coordinates of the location.

(2) The second video, posted to VKontakte on the morning on 24 June 2014, claimed to show the convoy in Alexeyevka (*Алексеевка*). He compared the view with satellite images and information on Google Maps Street View and used as additional element the mention of a major Russian supermarket chain in the video. He was thus able to confirm the coordinates.

(3) The third video was reportedly from Stary Oskol, filmed at dusk or dawn. Mr Kivimäki examined the metadata from the video and then compared it with the fourth video and was able to estimate that it had been filmed between the Neznamovo and Raskhovets videos (respectively videos numbers 1 and 4). He plotted the possible courses between those two locations, compared the images with Street View and was able to locate the video in the village of Gorodishche (*Городище*) and give the coordinates.

(4) The fourth video showing the convoy of vehicles was filmed during the day, reportedly in the Krasnensky district of the Belgorod region. Mr Kivimäki compared the details of the road visible to satellite images and information available on Street View. He pinpointed the location as being a stretch of road near Raskhovets (*Расховец*) and gave the exact coordinates.

(5) The fifth video of the convoy was filmed in Stary Oskol. It was possible to identify the location through Russian Wikipedia images which showed the route of the only light rail in town, which was also visible in the video. The visible buildings were also compared with images available on Google Street View. Mr Kivimäki was thus able to pinpoint the coordinates.

(6) Using the same investigative techniques and elements of comparison, Mr Kivimäki identified the location of a photograph posted on Instagram as being the Eldorado store parking place in Stary Oskol, and gave the exact coordinates.

(7) A sixth video from Kursk, reportedly from 23 June 2014, filmed the same convoy. Although the images were of poor quality and many details were not visible, Mr Kivimäki observed the composition of the convoy, the street signs and nature along the route and was able to identify the coordinates of the places and localise the video on a possible route from Kursk to Alexeyevka.

(l) "Russian TV Inadvertently Demonstrates MH17 Wasn't Shot Down by Aircraft Cannon Fire"

2369. On 11 October 2014 Mr Higgins published an analysis of a short video presented by Russian television on 5 October 2014 showing tests performed in Russia in order to demonstrate that flight MH17 had been downed by cannon fire. In the video, images had been presented of entry holes created by cannon fire, several holes of a consistent size and shape, and an exit hole on the other side of the aircraft where, along with the larger exit holes, there were much smaller holes of various shapes and sizes. He compared these images with those of the wreckage of flight MH17 posted online in the aftermath of the downing. Those photographs of the aircraft showed clear examples of entry holes coming from outside the aircraft which, unlike the entry holes in the Russian video, were a wide variety of shapes and sizes. Mr Higgins further noted that although the scenario promoting the downing by cannon fire had advanced the idea that the attacking aircraft had come from below and behind the MH17 airplane, the images from the Russian video clearly showed the impacts as coming from above the flight deck. Based on the differences of size and point of impact, Mr Higgins concluded that the Russian journalists had in fact inadvertently provided evidence that flight MH17 could not have been shot down by cannon fire.

(m) "Geolocated June BUK convoy videos in Russia"

2370. On 7 November 2014 Veli-Pekka Kivimäki examined ten additional videos of the military convoy travelling through Russia in June 2014. Using the same techniques as in his previous report, he geolocated the videos and this further clarified the route already broadly identified on 29 September 2014 (see paragraph 2368 above).

(n) "Geolocated July BUK convoy videos in Russia"

2371. On 7 November 2014 Veli-Pekka Kivimäki published an article examining twelve videos showing the movement of elements of a Buk system in Russia, near the Ukrainian border, on 19-20 July 2014. Using the same techniques as in his previous report, he geolocated the videos and identified the route taken.

(o) "Geolocating the June Russian Buk Convoy in Millerovo"

2372. On 8 November 2014 Mr Higgins analysed a video of 25 June 2014 showing the Buk TELAR linked to the downing of flight MH17 near the town of Millerovo, Russia, close to the border with Luhansk. In order to find the exact location of the video, he used a combination of satellite imagery and Google Street View to match the details visible in the video.

(p) "Russian State Television Shares Fake Images of MH17 Being Attacked"

2373. In an article published on 14 November 2014, Veli-Pekka Kivimäki claimed that the Russian allegations that flight MH17 had been downed by another aircraft (namely a Ukrainian jet) had relied on fake imagery. The images in question had been posted on a Russian message board on 15 October 2014 and had allegedly originated from WikiLeaks. However, Mr Kivimäki noted that the images had in fact been attributed to "George Bilt", whose email, dated 9 November 2014, had been identified as their source. Mr Kivimäki compared the images with flight MH17's flight points and observed that the satellite imagery posted on the Russian message board had been created from a composite of different satellite imagery taken from historical Google Earth (dated 28 August 2012) and Yandex maps. He further pointed out that the jet shown in the picture was not the same model as that previously claimed by the Russian media to have been involved in the downing of flight MH17. He examined the details of the aircraft presented in the Russian message board images and observed that they did not match those of the MH17 aircraft. He further observed that the scale of the two aircrafts was different. He showed that the image used was simply the result of an image search with the terms "boeing top view". He concluded that the material reported by the Russian media was not credible to support the theory that flight MH17 had been shot down by another aircraft.

(q) "Buk M2 TELAR Identifying Numbers Painted Over in Sudzha Videos"

2374. On 21 December 2014 Andrew Haggard published an article analysing two videos which allegedly confirmed the presence of a convoy of Russian military hardware in Sudzha, Russia, on around 11 July 2014. In the article Mr Haggard concluded that the combination of the two videos suggested that Russian troops had painted over the identifying marks of at least one missile system (of the "Buk M2 TELAR" type).

(r) "Did This Ukrainian Soldier Prove Ukraine Shot Down MH17?"

2375. In an article published on 2 January 2015, Mr Higgins examined claims made in a video of an interview with a man claiming to have operated a Ukrainian Buk numbered 312 that the Buk that had downed flight MH17 had been Ukrainian. The image representing "Buk 312", which had featured in a SBU press release of 19 July 2014, had been proved by various sites and private individuals to have been taken in March 2014. It showed a Ukrainian Buk which had also featured in other images shared on social media at that time. The markings and damage to the rubber side skirts of Buks in Ukraine and Russia, including Buk 312, had been compared with the Buk filmed and photographed on 17 July 2014. There was no link between the Buk filmed on 17 July 2014 and Buk 312.

(s) "Is this Ukrainian Buk a Clue in the MH17 Investigation or a Red Herring?"

2376. In an article published on 5 January 2015, Aric Toler followed up on Russian media allegations concerning the Ukrainian "Buk 312" (see paragraph 2375 above). He examined and dismissed two theories, one alleging that the Buk responsible for downing flight MH17 had been seized by the separatists and the other alleging that the Buk had been under the control of the Ukrainian army. He explained as follows:

> "The latter scenario – laying the blame on Ukraine – is extremely unlikely to be true for a number of reasons that are immediately evident: the 35km range of the Buk while Kramatorsk is located over 80km from the crash site, the angle at which MH17 was struck by fragments of an anti-aircraft missile indicates that the missile came from the southeast, and the improbable logistics of transporting a government-controlled anti-aircraft system through the heart of separatist territory, firing it, then extracting it without even a whisper on social media.
>
> The former scenario – separatists seized Ukrainian Buk 312 and used it to down MH17 – can now be considered extremely unlikely. As documented in Bellingcat's earlier report 'Origin of the Separatist Buk,' the 'side-skirt damage fingerprint' of Ukrainian Buk 312 has little resemblance to that of the Buk being transported out of Donetsk on the morning of July 17. Additionally, with firm confirmation that Ukrainian Buk 312 was photographed in late July/August 2014 in a government-controlled airfield, we can safely say that pro-Russian separatists never seized, let alone used, this particular anti-aircraft system."

(t) "SU-25, MH17 and the Problems with Keeping a Story Straight"

2377. On 10 January 2015 Mr Higgins examined Russian allegations that flight MH17 had been downed by a Ukrainian jet fighter (Su-25). He summarised the origin of the Su-25 theory as follows:

> "On the day of July 17th it was already apparent competing claims about how MH17 was downed were being made by various sources. In the case of those sources claiming the Ukrainian air force was responsible there were a number of different claims made. It was reported that the Luhansk People's Republic had claimed [a] Ukrainian SU-25 had shot down MH17 'after a ground attack aircraft was shot down by the militia of the Luhansk People's Republic', and rebel leader Andrei Purgin told Russia 24 News that MH17 may have been shot down after being mistaken for a Russian spy plane.
>
> Elsewhere, the tweets of 'Carlos', who claimed to be an air traffic controller in Ukraine, were adding more details to the incident ... In a series of tweets made on July 17th from his now deleted Twitter account, Carlos made a number of claims, including
>
> - The attack was the Ukrainian government trying to make it look like an attack by pro-Russian rebels.
> - Air traffic control in Kiev, where he claimed to work, was being taken over by the Ukrainian military, with phones and other equipment being confiscated from staff.
> - That MH17 was being escorted by two Ukrainian jet fighters minutes before MH17 was shot down.

- That it was shot down by a missile, with the military present with Carlos confirming it was Ukrainian."

2378. Mr Higgins highlighted the contradictions between the claims made by "Carlos" and those made by the "LPR":

> "... [F]or example the claim the Ukrainian government was trying to make it look like an attack by pro-Russian rebels, as opposed to the claim from the LPR that it was shot down in response to LPR militia shooting down a 'ground attack aircraft'. Certainly, if Carlos was telling the truth the speculation by Andrei Purgin that MH17 may have been mistaken for a Russian spy plane would make no sense at all."

2379. He noted that "Carlos" had been referred to in Russian media as being Spanish, but that he was not known by the Spanish embassy in Ukraine, which had explained the following:

> "We have no knowledge of 'Carlos' having been in Ukraine. There is no record of his passing through the Consulate, and no one from the (relatively small) Spanish colony knows him.
>
> The airport where he supposedly worked for several years told us at the time that all of their air traffic controllers are Ukrainian, and that in any case they have never employed any Spaniard for that or any other task."

2380. Mr Higgins reviewed the allegations of the involvement of a Su-25 at the 21 July 2014 press conference by the Russian Ministry of Defence. At that time, the allegation was that a Su-25 flew up towards flight MH17 and fired what was likely to be at least one R-60 missile, from a range of 3 to 5 kilometres. However, "[t]his claim soon fell by the wayside as a new theory began to emerge", namely that flight MH17 had been shot with a GSh-30-230mm cannon, one of the Su-25's armaments. A combination of both theories had been endorsed by the Russian Union of Engineers, which had claimed that a Su-25 had fired cannon fire at the cockpit, killing the crew, and that the flight had continued on its flight path on autopilot until the Su-25 had then fired a missile at the aircraft. However, referring to the data from the flight recorders, Mr Higgins observed:

> "[F]or the Russian Union of Engineers scenario to be correct the jet that managed to kill the crew also would have to disabled the black box recorders at exactly the same time, yet left MH17 in good enough shape that MH17 could continue on its course while the attacking aircraft flew past MH17, turned around, and then fired a R-60 or R-73 missile at it. This display of aerial acrobatics was something that had until their report been missed by everyone, including the Russian MoD's radar..."

2381. Subsequently, in December 2014, Russian media had published reports of a new key witness who had claimed that on 17 July he had been staying at an airbase in Aviatorskoe, Ukraine, when a Su-25 that had previously been loaded with air-to-air missiles had returned to base. The witness claimed that the Su-25 pilot had been scared after landing and had referred to "the wrong plane". This scenario was inconsistent with that outlined by the Russian Union of Engineers, since according to that scenario

the pilot would have been well within range to identify exactly what aeroplane he was shooting.

2382. Finally, Mr Higgins pointed out that "[a]side from all these claims made over the last several months being full of contradictions, errors, and outright falsehoods", the technical aspects of the claims should not be overlooked. On this subject, he explained that a number of experts had noted that the damage to MH17, nearly entirely to the front of the aircraft, had matched that of a larger fragmentation warhead as used by the Buk missile launcher, rather than the much smaller R-60 missile that the Su-25 fighter jet would have used. He further asked why a heat-seeking R-60 missile would have hit the flight deck of flight MH17, instead of the hottest part of the aircraft, which was the engines. He concluded that:

> "... not only is the SU-25 narrative a fractured and contradictory mess, but requires the equipment used to act in such a way that it resembles a strike by a Buk missile rather than an attack by a SU-25 ..."

(u) "New Images of the MH17 Buk Missile Launcher in Ukraine and Russia"

2383. On 17 January 2015 Mr Higgins published an analysis of two new photographs of the Buk missile launcher linked to the downing of MH17 and reiterated the conclusion that the Buk had been provided by Russia and had travelled through separatist-held territories towards the presumed launch location. The first image showed the Buk TELAR travelling through Donetsk on the morning of 17 July 2014. It had appeared in the print edition of *Der Spiegel* and had been taken by *Paris Match* in Donetsk at the same time as the image published by that journal on 25 July 2014 (see paragraphs 2358, 2359 and 2120 above). In the new image more details of the Buk were visible, confirming that the Buk was the same as the one photographed in Torez on 17 July 2014 (see paragraph 2120 above). The second image was a new image of the "Buk 3x2" inside Russia, posted on VK.com in June 2014 to a page used by locals in the town of Alexeyevka. The location where the photograph had been taken was on the route of the Russian military convoy reconstructed by Bellingcat. The details present in the new photograph allowed closer examination of the damage to the rubber side skirt of the Buk.

(v) "Examining the MH17 Launch Smoke Photographs"

2384. On 27 January 2015 Daniel Romein, an IT specialist and open-source investigator, published an analysis of a photograph showing a white smoke trail posted on Twitter three hours after the crash of flight MH17. He had contacted the photographer and obtained two photographs in RAW image format taken seven seconds apart. Using geolocation techniques and building on the work of other research organisations, he concluded that the photograph had been taken north of Torez, in the direction of a mine in eastern Torez. He compared the white smoke trail visible in the photograph with the trails left by different types of aeroplanes, by Buk M1 missiles and

by other types of rockets. He concluded that it was very possible that the smoke trail had been caused by the launch of a Buk missile. After examining weather conditions visible in the photograph and information for 17 July 2014 in that area, he confirmed that the weather visible in the pictures matched the local weather conditions at the time. He concluded that the photograph was real and accurate.

(w) "Is this the Launch Site of the Missile that Shot Down Flight MH17? A Look at the Claims and Evidence"

2385. On 27 January 2015 Mr Romein published an article in which he calculated the exact location from where the Buk missile had been launched, starting from four clues: the photograph of the white smoke, the burn damage to a wheat field in the area, audio recordings reportedly from 17 July 2014, and a US intelligence satellite image from 22 July 2014. In consideration of those clues taken together, the article concluded that the likely missile launch location was in a burned wheat field south of Snizhne.

2386. He also reiterated the previous findings concerning the movement of the Buk:

> "... the Bellingcat investigation team provided the origin and movements of a Buk M1 missile launcher filmed and photographed that same day that travelled from Donetsk past Zuhres, through Torez and Snizhne. Before reaching Snizhne, the Buk M1 missile launcher was transported on a red low-loader hauled by a white Volvo truck featuring a telephone number and unique blue stripes. In Snizhne, however, the Buk was unloaded off the hauler and driven south out of Snizhne under its own power. In the early hours of 18 July 2014 the missile launcher was spotted in Luhansk, where it was again being hauled by the same white Volvo truck, but this time it was missing one missile."

2387. Mr Romein deduced, from various sources, that from July until the end of August 2014, an ongoing battle between pro-Russian separatists and the Ukrainian army had been taking place south of Snizhne in the villages of Stepanivka, Marynivka, and near the monument hill of Savur-Mohyla in Saurivka. The road south of Snizhne led directly to this area. He considered that it was possible that the Buk had intended to provide anti-air support in the area. He reiterated that the Buk must have been unloaded from the truck in order to fire its missile. In his view, that fact explained why the Buk was no longer being hauled but was driving on its own power, when it was heading south, towards the city limits of Snizhne. He reiterated that the next available sighting of the Buk, after the downing of MH17, was a video posted on YouTube on 18 July 2014 in which the Bulk was being hauled again by the same low-loader white Volvo truck in Luhansk and was missing one missile (see paragraph 2120 above). In that connection, he also reiterated the previous Bellingcat findings concerning the photograph of the while smoke trail and its authenticity (see paragraph 2384 above).

2388. The audio clip shared on social media on 17 July 2014 was a discussion describing both an "upward" missile launch and the crash of

MH17. It was impossible to independently verify the authenticity of the audio, but it was possible to compare what was described in the conversation with other evidence about the downing of MH17. In that recording, there were several references to the location of those taking part in the discussion and the location where they could see something happening. A second recording was published by the Ukrainian Security Service and allowed for further localisation of the suspected launch site.

2389. On 22 July 2014, US intelligence officials published a declassified black-and-white satellite map image showing what they claimed to be the path of the Buk missile that had downed MH17. The launching site was marked in Snizhne and was compared with other satellite images of the area for better localisation.

(x) "How These Adorable Puppies Exposed Russian Involvement in Ukraine", Bellingcat, 11 March 2015

2390. On 11 March 2015 Bellingcat published a report verifying various pieces of information in an interview given by Dorzhi Batomunkuyev, a member of military unit 46108, the 5th Tank Brigade based out of Ulan-Ude, Buryatia, Russia, to a Russian journalist from *Novaya Gazeta*. The soldier had allegedly been injured in military activity around Debaltseve on 19 February 2015. Bellingcat was able to verify a number of the claims made in the interview by reference to open-source material, notably geotagging on social media. The report explained:

> "Geotagged locations on VK are often unreliable, but there is a common thread that links many soldiers together to confirm that they were at the same place at roughly the same time: two Siberian husky puppies. Many tank brigade members photographed themselves with these two huskies at the Kuzminsky base over the winter. In the background of the photographs with the dogs, various elements of the camp – tents, military equipment, trenches – are visible, allowing us to confirm the existence of the camp and the specific military units stationed there.
>
> It is quite rare to have a common identifying feature that is unique to a specific date and time when conducting geolocation, but this is such a case. And yes, much like some camouflage patterns on uniforms and tanks, the fur patterns of the puppies match perfectly in each photograph."

2391. The report concluded that the details of the interview stood up to scrutiny of open-source research although not every detail was indisputably verifiable. It could be concluded that members of the 5th Tank Brigade of Ulan-Ude had indisputably been at the Kuzminsky training ground in Russia throughout the winter of 2014-2015, starting in November, but it was difficult to determine how many of the 5th Tank Brigade had fought in Ukraine. That being said, one of these tankists had been in a burn unit in Ukraine from battlefield injuries and nearly all of the verifiable details provided in his interview could be confirmed through open-source data. The report concluded:

> "It would have taken either an inconceivably talented conspirator or a cosmic coincidence for this interview not to be considered key evidence of Russian military involvement in Ukraine after the adoption of the February 15th Minsk cease-fire accords."

(y) "Vladimir Babak and Reuters' Missile Launch Witnesses - How Do They Fit With What We Know About MH17 So Far?"

2392. On 13 March 2015 Mr Higgins published an article explaining, on the basis of a statement made by Vladimir Babak (a member of the team that had designed the Su-25 and a senior figure at the Su-25's manufacturer and developer, the Russian company Sukhoi Attack Aircraft Concern), that a Su-25 fighter jet would be unable to safely fire its weapons at the same altitude as MH17, and that an air-to-air missile fired by a Su-25 would have not been able to cause MH17 to break up in the way it had. He thus dismantled the Russian theories concerning the downing of MH17 by another airplane.

2393. Mr Higgins also reiterated the evidence concerning the launching site of the Buk missile as belonging to the separatist-controlled territory.

(z) "MH17 Joint Investigation Team's New Video Brings New Facts to Light"

2394. In an article published on 30 March 2015, Aric Toler described new evidence in the form of intercepted calls between separatists tracing the movement of the Buk missile carrier on the Volov truck from Snizhne back to Russia shortly after MH17 had been shot down.

2395. He argued that there were several facts to be extracted from those calls, including the following, which had not been included in the earlier reports by Bellingcat or other investigators:

> "The first known origin point of the Buk on July 17 was not in Donetsk, but instead in a town less than a kilometer from the Russian border. Previously, many have claimed that this Buk was seized from an abandoned Ukrainian base in Donetsk. This new information indicates that either the Buk simply came from Russia, or separatists transported a captured (Ukrainian) Buk from Donetsk to a town at the Russian border (or further into Russia), and then returned to Donetsk.
>
> The Buk was located at the checkpoint east of Snizhne in the evening of July 17, before traveling to Luhansk. For a map showing the checkpoints active on July 17 just east of Snizhne, click here for a KMZ file created by Bellingcat contributor Timmi Allen (use Google Earth to open file).
>
> The Buk had a crew with it, though it is not explicitly said where the crew originated from (Russia or Ukraine).
>
> The Volvo truck and Buk were transported into Russia after passing through Luhansk early on the morning of July 18.
>
> Numerous people organized the transport of the Buk and many others knew about the situation, including: the separatists who picked up the person at the checkpoint on July 17, the crew transporting the Buk on July 17-18, the ten people who called the person who transported it on July 18, and the people who took the Buk in Russia from the other crew on July 18.

The ‘Bibliotekar’ crew transported the Buk to Russia.

- The participation of Bibliotekar was previously known from an earlier call intercepted and released by the SBU (Ukrainian Security Services), as seen on this English transcript of the call.

- From the July 17 call, placed on the morning of July 17, a man named Khmuryi tells a separatist (named ‘Buryatik’) to call Bibliotekar for more information on the Buk, which was located near a motel in Donetsk.

- Khmuryi is supposedly the name used by Sergei Petrovsky, a separatist officer who was in Donetsk at the time.

- The identity of ‘Bibliotekar’ is unknown.

The Volvo truck was taken to Russia on July 18, but was later used by separatists on August 6 and August 23 (second source). Thus, we can conclude that unless an identical Volvo truck was picked up as well, the машина (translated as both ‘car’ and ‘vehicle’ by the Joint Investigation Team) the Buk hauled by the Volvo.”

(aa) “Tracking the Trailers: Investigation of MH17 Buk’s Russian Convoy”

2396. In this short news item published on 13 May 2015, Daniel Romein described the findings of the Bellingcat report “Routes, Destinations, and Involvement of the 2nd and 147th Automobile Battalions in the June and July 2014 Buk Convoys” (see paragraphs 2225-2226 above).

(bb) “Confirmed: Active Russian Spetsnaz Serviceman Photographed in Luhansk”

2397. On 26 May 2015 Ruslan Leviev published an article summarising the findings of an investigation into the presence of Russian military servicemen in Ukraine. Using geolocation methods, the investigation had identified a “rebel base” in a precise location in Luhansk city. Pictured in that rebel base in May 2015, according to the article, was Timur “Mamai” Mamayusupov, who was at the time an active service member of the Russian 16th Separate Spetsnaz Brigade (military unit 54607). The location where the picture was taken could be confirmed using geolocation methods.

(cc) “Tankspotting: How to Identify the T-72B3”

2398. On 28 May 2015 Veli-Pekka Kivimäki, a doctoral student at the Finnish National Defence University researching social media and open-source intelligence, published an article demonstrating the identifying characteristics of the T-72B3 tank, which, according to the article, was used exclusively by the Russian armed forces.

(dd) “Geolocating Stanislav Tarasov”

2399. On 28 May 2015 Aric Toler published an article on geolocating a member of the Russian armed forces, Stanislav Tarasov, who was also featured in the Atlantic Council’s “Hiding in Plain Sight: Putin’s War in Ukraine” report. Relying on open-source material, he matched the visible

landscape features of a photograph of a soldier uploaded to social media accounts to a particular location near Pavlovka, a village in Russia approximately 2 kilometres from the Ukrainian border. This area had been "a site of artillery attacks from Russia to Ukraine". Moreover, because of subsequent changes to the landscape and circumstantial evidence as to the presence of the soldier in Pavlovka when the photograph was uploaded, it was possible to say with confidence that the photograph had been taken in the summer of 2014.

(ee) "Who's Lying? An In-depth Analysis of the Luhansk Buk Video"

2400. On 29 May 2015 Eliot Higgins wrote a new analysis of the claims made by the Russian Ministry of Defence at the press conference of 21 July 2014 concerning the downing of MH17. The analysis concerned the Russian claims that the video showing the Buk missile carrier linked to the downing of flight MH17 heading towards the Russian border through separatist-held territory, on 17 July 2014, had been filmed somewhere else.

2401. Using Internet data and images, the Bellingcat team was able to establish that the video had been filmed in Luhansk, based on archived images from the traffic cameras in Luhansk (which had meanwhile been shut down for unknown reasons), Yandex maps and Google Earth, which allowed details from Luhansk to be matched with those present in the video, such as buildings, lamp posts, shape of the curb, and billboards. It also compared the results with those reached by other investigative journalists from Australia.

(ff) "MH17 – Forensic Analysis of Satellite Images Released by the Russian Ministry of Defence"

2402. On 31 May 2015 the Bellingcat investigation team presented its report entitled "Forensic Analysis of Satellite Images Released by the Russian Ministry of Defense". In the report, they examined the evidence presented by the Russian Ministry of Defence at the press conference on 21 July 2014, allegedly showing two Ukrainian Buk missiles launchers within firing range of MH17.

2403. The main findings of the report read as follows:

> "– Satellite images presented by the Russian Ministry of Defence claiming to shown Ukrainian Buks linked to the downing of MH17 on July 14th and 17th are in fact older images from June 2014.
>
> – The discrepancies visible in the Russian MoD satellite map imagery which shows they are incorrectly dated are visible in publicly available imagery on Google Earth.
>
> – Error level analysis of the images also reveal the images have been edited.
>
> – This includes a Buk missile launcher that was removed to make it appear the Buk missile launcher was active on July 17th, and imagery where Buk missile launchers were added to make it appear they were within attack range of Flight MH17."

2404. The report concluded that that evidence was false:

"– The flight path was not altered in the way claimed by the Russian Ministry of Defence. Data from the Dutch Safety Board's preliminary report and other sources show Flight MH17 made no major course changes such as the one described in the Russian Ministry of Defence press conference.

– The Russian Ministry of Defence claimed the video of the Buk missile launcher presented by the Ukrainian Ministry of Interior was filmed in the Ukrainian government control town of Krasnoarmeisk. This has been proven to be untrue, with analysis of the video showing it was filmed in the separatists controlled city of Luhansk.

– Radar imagery was described as showing an aircraft close to Flight MH17 after it was shot down. Experts interviewed by various media organisations have stated this is almost certainly debris from Flight MH17 as it broke up over Eastern Ukraine.

– Satellite imagery shows Ukrainian Buk activity around July 17th. As this report shows, those claims are untrue, and were based on fabricated satellite imagery."

(gg) "How to Find Historical Imagery of Russia's Faked Satellite Photos"

2405. On 31 May 2015 Mr Higgins explained how, by using the simple functions of the website Google Earth Pro, it was possible for anyone to see that the photos of Ukrainian Buk missile carriers falsely presented by the Russian officials as being from 14 and 17 July 2014 had in fact been taken in June 2014.

(hh) "The Avalanche that Went from Russia to Ukraine", Bellingcat, 31 May 2015

2406. This report contained a number of images and video which showed an infantry fighting vehicle with the inscription of "Lavina" [Avalanche] and a painted-over hull number. At the end of August 2014, "Lavina" had been video-recorded in Staraya Stanitsa, Russia. It had been seen in a column of military equipment with the inscription of "*За Донбасс!*" ("For Donbass!"). In September 2014 the same vehicle had been photographed in the Donetsk region. In October 2014 a video had been uploaded online in which "Lavina" had been recorded in a convoy of military equipment moving through Yenakiieve. In 2015 "Lavina" had participated in the battle for Debaltseve. It had then repeatedly been seen in Vuhlehirsk in videos shot by both separatist and Russian correspondents.

(ii) "Evidence the Russian Military Supplied the Type of Missile Used to Shoot Down MH17"

2407. On 3 June 2015 Mr Higgins examined the allegations made on 2 June 2015 by the Russian arms manufacturer Almaz-Antey claiming that Russia had stopped possessing 9M38M1 missiles (responsible for downing the MH17 flight) in 1999. Those allegations had been aimed proving that the Buk missile used to shoot down MH17 could have not come from Russia. Mr Higgins demonstrated that those allegations were false.

2408. He examined photographs taken by Reuters on a road near Kamensk-Shakhtinsky, a town near the Russian-Ukraine border, on the

Russian side. Those photographs, dated 16 August 2014, showed Russian military vehicles heading towards the town, close to the Ukrainian border. He wrote that the trucks in the photographs were carrying a number of missile crates, and that their markings gave a clear indication of their likely contents. They appeared to be the same missiles and to be carried by members of the same 53rd Brigade which had carried the Buk missile responsible for downing the MH17 flight.

(jj) "Does Ukraine Have 9M38M1 Missiles?"

2409. On 4 June 2015 Nathan Patin published a sampling of the open-source evidence confirming that Ukraine, like Russia, still employed 9M38M1 missiles on its Buk missile systems. He reiterated that earlier that week the Russian arms manufacturer Almaz-Antey had presented its analysis of the downing of MH17 in an attempt to prove its "non-involvement in the MH17 tragedy". The company had concluded that while MH17 had been downed by a 9M38M1 missile fired by a Buk M1, that particular type of missile had not been used by Russian forces since 1999. Mr Patin reiterated that those statements had already been proved false by the Bellingcat team (see also paragraph 2407 above).

2410. Mr Patin further referred to the claims made by Ihor Smeshko, an adviser to the Ukrainian president and former head of the SBU, that Ukraine no longer possessed such missiles. Mr Patin observed that a number of videos and pictures of Ukrainian Buks had been uploaded to social media since 2007, more than a few of which could be seen armed with 9M38M1 missiles. The 9M38M1 was easily distinguished from other Buk missiles by its long fins. He showed several captions of those missiles in the possession of the Ukrainian military forces.

(kk) "Who to Trust, Google or the Russian MoD? A Guide to Verifying Google Earth Satellite Image Dates"

2411. On 5 June 2015 Aric Toler published a piece explaining step by step how to verify the correct date of Google Earth images. He thus demonstrated that the images of the Buk carrier presented by the Russian MoD as supposedly having been taken in July had actually been taken in June 2014.

(ll) "New July 17th Satellite Imagery Confirms Russia Produced Fake MH17 Evidence"

2412. This short news item of 12 June 2015 discusses the Bellingcat report published on 31 May 2015 entitled "Forensic Analysis of Satellite Images Released by the Russian Ministry of Defence" (see paragraphs 2402-2404 above).

(mm) "Tracking the Vehicle that Transported the MH17 Buk"

2413. On 30 June 2015 Nathan Patin wrote about the Volvo truck that had transported the Buk launcher linked to the downing of MH17. In his post he recapitulated the route, through separatist-held territory, of the low-loader truck. He further used the data from the 25 square kilometres of satellite imagery that Bellingcat had been able to purchase from Digital Globe through donations from readers.

2414. He demonstrated that the vehicle which had hauled the Buk in question had been absent from its vehicle yard when it had been photographed by *Paris Match* on 17 July 2014 (see paragraph 2120 (i) above).

(nn) "Zaroshchens'ke Launch Site: Claims and Reality - A Bellingcat Investigation"

2415. On 13 July 2015 the Bellingcat investigation team published a report entitled "Zaroshchens'ke Launch Site Claims and Reality" about the plausibility that Zaroshchenske (Ukraine) was the launch site, as claimed by the Russian Ministry of Defence.

2416. Relying on open-source material, notably maps and satellite imagery, the report concluded that:

- the area south of Zaroshchenske (alleged by the Russian Ministry of Defence to be the launching area of the missile that had downed the MH17 flight) was not under Ukrainian control;
- there had been no Ukrainian Buk M1s (TELARs) in the area identified by Almaz-Antey (the Russian armament company which had created the missiles responsible for the downing) as the launch site; and
- it was highly unlikely that a missile had been launched from the area south of Zaroshchenske on 17 July 2014.

(oo) "Russia's Colin Powell Moment - How the Russian Government's MH17 Lies Were Exposed"

2417. On 16 July 2015 Eliot Higgins published a new analysis disproving the theory advanced by the Russian MoD at the press conference of 21 July 2014 concerning the alleged downing of the MH17 flight by Ukrainian military. He identified the four main claims advanced in that conference and dismantled them in turn.

2418. The first claim was that "the Luhansk video" published by the Ukrainian Ministry of the Interior showing a Buk in separatist controlled Luhansk had in fact been filmed in government-controlled territory in another town. Mr Higgins reiterated that it had been possible, by using open-source investigation techniques, to confirm the location of the video as being in Luhansk.

2419. The second claim was that MH17 had significantly changed course just before being shot down. Mr Higgins reiterated that the DSB preliminary report in fact showed that flight MH17 had been on an entirely different

course from that claimed by the Russian Ministry of Defence, and had not changed course in the way described in the Russian Ministry of Defence imagery.

2420. The third claim was that radar imagery showed an aircraft close to flight MH17 shortly after it had been shot down. Mr Higgins reiterated that radar experts had been interviewed by a number of news organisations and had given a different opinion. Their comments included: "it is really impossible for [it to be] a fighter", "no aircraft was in the vicinity of flight MH17", "it seems likely that the signals are the wreckage of MH17", and "falling debris are the most likely explanation".

2421. Finally, the Russian Ministry of Defence had alleged that satellite imagery showed Ukrainian Buk missile launchers operating in the area on 17 July 2014. Mr Higgins reiterated that the images purchased by Bellingcat from the satellite company Digital Globe together with the historical satellite imagery from the area showed that the dates provided by the Russian Ministry of Defence did not match with publicly available satellite imagery of the same areas around the same dates.

2422. In addition, Mr Higgins claimed that the Zaroshchenske site, where the Russian Ministry of Defence had allegedly detected two Ukrainian Buks, had been under the separatists' control on 17 July 2014 and locals interviewed by Russian media had stated that no Buk missile launchers had been in the area on that date, and no missiles had been launched from the area.

(pp) "MH17 In Their Own Words: Witness Testimonies on Social Media from July 17th, 2014"

2423. On 16 July 2015 Aric Toler examined the available social media accounts that confirmed the existence, location, and general timeline of a Buk anti-aircraft system in separatist-held territory on 17 July 2014 and posts by locals reporting an event that was consistent with a Buk missile launch just minutes after 4.20 p.m. (Kyiv time), when the tragedy took place. He argued that the most raw and unfiltered information available was not in the interviews taken in the weeks and months after17 July 2014, but instead in the social media postings that had been composed in the morning and afternoon of 17 July before the tragedy, and immediately after the downing, before it had become clear that nearly 300 innocent people had died.

2424. He explained that, although each piece of social media evidence described in that article was not conclusive on its own, a clear pattern emerged and matched the widely accepted narrative of 17 July 2014. The social media posts and their translation into English are presented in the article.

(qq) "Sputnik's MH17 Reporting Spins Out of Control"

2425. On 24 July 2015 Eliot Higgins took on the conspiracy theories advanced by the Russian media outlet Sputnik, which were formed around

the issue of why the Dutch Safety Board report on the investigation of the MH17 shooting had taken so long to be published.

2426. He explained that the time frame was not unexpected, as it was part of the process of the publication of the report, first beginning with the draft report being handed to representatives of Australia, Malaysia, Ukraine, the United States, Russia, the United Kingdom and the Netherlands on 2 June 2015, who were invited to comment on the report. He estimated that, if the correct publication procedure were respected, the report would be released in October 2015.

(rr) "Interview with 'WowihaY', the Man Who Narrated MH17 as it Happened"

2427. On 27 July 2015 Aric Toler published an English translation of an interview with an anonymous Twitter user from the town of Torez which had appeared in Fakty.ua on 25 July 2015. The anonymous Twitter user was one of the most influential Twitter users in chronicling and deciphering the downing of MH17. The interview included the following extract:

> "Within ten minutes, a friend of mine sent a message: something had exploded to the north of Torez, in the vicinity of the 'Progress' mine. At first there was a weak boom, and then it crashed with such force that windows shook in houses located a few kilometers away. He, having heard the sound, immediately jumped up to the balcony and then onto the roof of the high-rise building and took a few shots – gigantic clouds of black smoke dissolving into the sky. He sent me this photo.
>
> ... a column of extremely angry DNR-ites [soldiers of the self-proclaimed Donetsk People's Republic] had arrived, and the onlookers were driven off the field."

(ss) "The Strange Story of the Ten Million Dollar MH17 Investigation"

2428. On 29 July 2015 Mr Higgins reported that an auction site claimed to be in possession of recordings tying international secret services to the downing of MH17. As those alleged recordings started leaking one by one in the press, Mr Higgins theorised:

> "Could it be someone has manufactured a set of evidence pointing to conspiracy around the downing of Flight MH17, and after failing to sell it is now trying to get it into the open piece by piece?"

(tt) "The Weird World of MH17 Conspiracy Theories"

2429. On 7 August 2015 Aric Toler catalogued the conspiracy theories surrounding the downing of MH17. He explained that those presented in the article were the most outlandish and had not received Russian support and said that a second article would follow, cataloguing the remaining theories.

(1) Israel had assisted the Ukrainian shooting down of MH17 by using an F-15E plane out of Azerbaijan as an airborne radar system, allowing a Ukrainian Su-22 to target the passenger plane. The Ukrainian President Poroshenko had been acting under the orders of the Israeli Prime Minister Benjamin Netanyahu.

(2) The Illuminati/New World Order/Satan had downed MH17 in a false flag attempt, with Russia, Ukraine and all other major countries in the world complicit in the disaster.

(3) MH17 had never existed. No plane had ever crashed. The West had transported debris into a poultry farm in the village of Hrabove, spread it out, and said that a plane had been shot down. There were no victims, and all of the relatives were lying crisis actors. Russia had always known that there was never an actual plane crash, but could not say this without coming across as heartless, so they had put together a series of ineffective retorts to the West regarding Su-25 planes, a Ukrainian Buk, and so on. However, none of these had worked, and Russia had been outmanoeuvred in a grand conspiracy.

(4) Occult forces guided by the IMF and its head, Christine Lagarde, had orchestrated the downing of MH17, as proven by the event's connections to numerology. This allegation was irrefutable because of the repetition of the number 7 (MH17, 7/17/2014, Boeing 777), an occult number that had been discussed by Ms Lagarde in a 2014 speech.

(5) The West had framed Russia and its separatists for MH17 by repainting and planting the debris of a previously crashed plane in the fields of eastern Ukraine. This flight was likely British Airways flight 38, which had crashed outside London Heathrow airport during a botched landing. MH17 had disappeared (along with its 298 souls) and no one knew where it was now, if it had ever even existed.

(6) Ukraine and its Western, Modi-hating backers had shot down MH17, thinking that the flight was actually the plane carrying Indian Prime Minister Narendra Modi from Frankfurt.

(7) The Illuminati had shot down MH17 in order to kill AIDS researchers.

(8) A Chinese crew had shot down MH17 with an anti-air missile, and Putin knew about it, thus causing a supposed cooling down in Sino-Russian relationship building. A Chinese crew had used an HQ-16, a Chinese mid-range surface-to-air missile system. China had also shot down MH370, probably with an HQ-16 as well.

(uu) "Shadow of a Doubt: Crowdsourcing Time Verification of the MH17 Missile Launch Photo"

2430. On 7 August 2015 Aric Toler explained the approach taken by Bootblack, the administrator of the popular MH17 forum of webtalk.ru, who had created a single-blind poll to collaboratively determine the timing of the photograph showing the white smoke trails from the MH17 crash site.

2431. Bootblack had acquired numerous photographs from a local of the shadow on a particular rooftop in Torez and asked his readers to determine which shadow corresponded to the one shot after the downing which had been authenticated by numerous experts. The forum users debated which of the twelve photographs provided best matched the shadow on the launch photo. Different users, including the administrator, threw their lot in with different

ones, with various creative uses of overlaying lines over the given photographs to judge the correct angles. From the suggestions and reasons given by the readers and adjusting for time differences, the administrator calculated the time of the original photograph as being 16:22:40 on 17 July 2014:

> "If the results of the 'shadow poll' experiment are trusted, the camera's internal clock was about 3 minutes fast. It is difficult to conclusively say the exact minute–let alone the second–that the launch photograph was taken due to the margin of error in the shadow exercise and the impreciseness of the camera's internal clock. However, this exercise in tandem with the self-reported EXIF data demonstrates that the launch photograph was indeed taken soon after 4:20 p.m., the time of the MH17 downing. Bootblack, the administrator of the popular MH17 forum of webtalk.ru, acquired numerous photographs from a local of the shadow on a particular rooftop in Torez."

(vv)"Billy Six Interview - Investigating the Luhansk MH17 Buk Video"

2432. On 13 August 2015 Elliot Higgins published an interview with the freelance journalist Billy Six, who had gone to Torez and unsuccessfully tried to contact the individual who had filmed the Buk carrier.

2433. He told Mr Higgins that he had talked with the car dealer whose poster, it had been claimed by the Russian government, was on the billboard in the Luhansk video. The car dealer had told him that that poster had not been his. Billy Six also visited the place in Krasnoarmiisk where the Russian authorities had claimed that the video had been filmed. He observed that the street did not look like that in the video and most notably, it lacked the trolleybus wires from the video. He had then gone to Luhansk, where he had been able to recognise the images from the video and eventually to find the address from where the video had been filmed. The people living there had let him in but had refused to speak to him. He had been arrested for filming on the highway but eventually released.

(ww) "Russia's 6th Tank Brigade: The Dead, the Captured, and the Destroyed Tanks (Pts. 1 and 2)"

2434. On 22 and 29 September 2015 respectively, "Askai707" published a two-part article (translated from Russian into English by Aric Toler) on the involvement of Russia's 6th Tank Brigade in the battle of Ilovaisk in August 2014. The article relied on open-source material including photos, videos and satellite images.

2435. The article stated that on 24 August 2014, during the battle of Ilovaisk, two soldiers of the Brigade, Vladislav Barakov and Sergey Rusakov, had died and been buried in secret. Moreover, it claimed that a number of T-72B3 tanks bearing the markings of the Brigade had been captured and/or destroyed by Ukrainian forces in and around Ilovaisk at the end of August 2014, including a tank which had been captured on 24 or 26 August 2014 near the village of Agranomicheskoe. That tank had held the documents of Aleksey Alekseyevich Berezin, a soldier of the 6th Tank Brigade.

Furthermore, it was stated in the article that two Russian active servicemen of the Brigade, Ivan Badadin and Evgeny Chernov, had been captured by Ukrainian forces during the fighting. Finally, the article showed photographs posted on social media by Russian active servicemen, including Anton Dmitriyev and Sergey Malafeyev, which showed them in Ukrainian villages near Ilovaisk during the battle. These included a photograph of themselves by a sign of a Ukrainian village name, Chervonosilske.

(xx)"MH17 – The Open Source Evidence"

2436. On 8 October 2015 Mr Higgins presented a new Bellingcat report entitled "MH17 – The Open Source Evidence", which summarised the open-source investigation into the downing of MH17 and the origin and trajectory of the Buk carrier. The report reiterated the route taken by the Buk missile launcher on 17 July 2014 and its timeline as follows:

- 10.45 a.m.: Departed Donetsk eastbound along H21
- 11 a.m. - 2:00 pm: Passed Zuhres and Shakhtarsk en route to Torez along H21
- 12 noon - 12.45 p.m.: Entered and then passed through Torez (eastbound)
- 1 pm: Entered Snizhne
- 1.30 p.m. – 2.30 p.m.: Buk was unloaded from the Volvo low-loader truck in Snizhne; left the city (southbound)
- 4.20 p.m.: MH17 shot down

2437. It then examined the evidence authenticating the photographs and videos of the carrier, as well as the evidence identifying the launch site. The video showing the Buk in Luhansk leaving the area was explained again.

2438. The report contained the following information on the Volvo truck which had transported the Buk in question:

> "The owner of the truck was contacted by various news organizations using the phone number visible in the Donetsk photograph. He claimed his vehicle yard had been taken over by separatists (the location of which was confirmed to be in Donetsk) and stated, 'It is easy to recognize. We know our vehicles. Yes, it is ours, it is the only Volvo with such a cabin.' Satellite imagery from 11:08 am on July 17, 2014 shows the low-loader was absent from the vehicle yard, while in imagery before and after July 17 the low-loader and truck was visible."

2439. Furthermore, the report explained the evidence (photographs and videos) showing that the Buk had originated in Russia, in the 53rd Anti-Aircraft Missile Brigade, from where it had travelled to Ukraine and back and reiterating the particular details which allowed the Buk missile carrier to be matched on all the images available.

2440. The report also dismantled the alternative theories put forward by the Russian authorities, as had been done in the previous articles posted on Bellingcat.

2441. The report concluded as follows:

> "Based on the information above, it can be concluded that on July 17, 2014 a Buk missile launcher, originating from the 53rd Brigade near Kursk, Russia, travelled from Donetsk to Snizhne. It was then unloaded and drove under its own power to a field south of Snizhne, where at approximately 4:20 pm it launched a surface-to-air missile that hit Malaysia Airlines Flight 17 as it flew over Ukraine. On the morning of July 18, the Buk missile launcher was driven from Luhansk, Ukraine, across the border to Russia.
>
> Alternative scenarios presented by the Russian Ministry of Defense and Almaz-Antey are at best deeply flawed, and at worst show a deliberate attempt to mislead using fabricated evidence."

(yy) "How the Dutch Safety Board Proved Russia Faked MH17 Evidence"

2442. On 15 October 2015, following the release of the Dutch Safety Board report into the downing of flight MH17, Elliot Higgins compared the evidence presented in it with the claims made by the Russian Ministry of Defence at the press conference of 21 July 2014 on the downing of MH17.

2443. In particular, he focused on the allegations that the MH17 aeroplane had changed its flight plan, and argued that the data presented by the DSB preliminary report of 9 September 2014, supplemented by a map from the final DSB report, confirmed that the Russian allegations were a fabrication.

2444. He further discussed the allegation that a Ukrainian Su-25 fighter jet had been responsible for the downing of MH17. He observed that the Russian authorities had been unable to submit raw radar data to the DSB, thus rendering it impossible to authenticate the information presented. The DSB had concluded, on basis of the evidence at its disposal, that there had been no evidence that any other aircraft, military or civilian, had been in the vicinity of flight MH17.

2445. Those findings, Mr Higgins explained, complemented the conclusions he had previously presented on the Russian false allegations concerning the downing of flight MH17 (see paragraph 2417 above).

(zz) "Quantum of Obfuscation"

2446. On 16 October 2015 Christo Grozev wrote an article about Russia's reaction to the report published by the Dutch Safety Board. The Russian Ministry of Defence and the Russian state-owned Buk manufacturer Almaz-Antey had criticised that report and in a series of public statements had alleged that the report was "flawed, as the Russian findings [had] not [been] taken into account", or that Russia had been "kept out of the loop of the investigation" or that the investigation had been "not independent, not comprehensive, and not truly international". Mr Grozev analysed the influence the governments concerned had had on the final version of the report and found that Russia had made by far the largest contribution to the amendments to the report, managing to change the political vocabulary used in the report. For instance, it had had the reference to "Russian armed forces" deleted from the text and had had the term "separatists" replaced by "rebels".

2447. He also noted that the Russian government had sought to modify the substantive conclusions of the DSB as to the cause of the crash and pointed out that Russia had radically changed its position on that point, during the various stages of the report. He concluded as follows:

> "Russia's extensive, and often fluctuating, inputs to the Dutch Safety Board may appear haphazard and stochastic – the natural artifact of a system not used to structured, deterministic processes. Or it may be the actual strategy: one of deferral of the truth through obfuscation."

2448. As for the comments provided by the other governments, he noted as follows:

> "The Dutch comments largely referred to the safety and liability aspects of the report. For example, the Dutch Foreign ministry sought to remove the language on the responsibility of Ukraine over not closing its airspace, as it thought there was not sufficient evidence of presence of separatist-held weaponry that could reach into commercial airline altitudes. The DSB snubbed this request. Ukraine also attempted – unsuccessfully – to soften the report's language on its moral responsibility, but mostly sought to change the vocabulary used throughout the report: it insisted on Crimea being referenced as 'Ukrainian territory under temporary occupation,' and the 'rebels' being referenced to as illegal armed groups. The DSB was not sympathetic to any of these requests, insisting that it will use politically neutral language."

(aaa) "Buk Launch Site Data in the Dutch Safety Board's MH17 Investigation"

2449. On 17 October 2015 Aric Toler wrote an article exploring the different theories concerning the exact launching point of the Buk missile that had downed flight MH17. It analysed the available information from the DSB report and remarks from the head of the DSB investigation.

2450. Mr Toler described and compared the flight path simulations made by the Dutch National Airspace Laboratory (NLR), the Kyiv Research Institute for Forensic Expertise, and the Russian Buk missile manufacturer Almaz-Antey, all of which had been taken into account by the DSB in its investigation.

2451. After examining the technical data of the missiles and the flight simulations, Mr Toler observed that the detonation point data provided by Almaz-Antey was wildly divergent from the multiple Dutch sets of detonation point data, even when using the correct missile type of the 9M38M1. At the same time, he noted that, when presented with the detonation point data set and missile type that had been confirmed by numerous experiments, Almaz-Antey's findings agreed with the findings of Bellingcat and other analysts.

2452. He also presented a map where all possible launch sites had been put together and found that the launch site near Snizhne, proposed by several researchers including Bellingcat, fitted perfectly within the zones calculated by all parties using the most credible detonation point data.

(bbb) "Artillerymen of Russia's 136th Motorized Infantry Brigade in the Donbass"

2453. On 13 November 2015 "Askai707" published an article (translated from Russian into English by Aric Toler) on the involvement of the Russian military's 136th Motorized Infantry Brigade (military unit 63354, Buynaksk, Dagestan) in hostilities near Luhansk in August and September 2014. The author referred to medals which had been awarded to a number of members of the Brigade in December 2014, photos and a video of members of the Brigade in the Krasnodon district of Luhansk Oblast which had been posted on social media, and social media posts by members of the Brigade where they spoke of "giving the 'Ukrops' [derogatory term for Ukrainians] hell in Ukraine in 2014".

(ccc) "Russia's 200th Motorized Infantry Brigade in the Donbass"

2454. On 16 January 2016, "Askai707" published an article (translated from Russian to English by Aric Toler) on the involvement of the Russian military's 200th Motorised Infantry Brigade in hostilities in eastern Ukraine in the summer and autumn of 2014. The author concluded that there was direct evidence of the Brigade's participation, including photographs, videos and social media posts. He referred to a video, taken on 3 September 2014 near the village of Sievero-Hundorivskyi in the Luhansk Oblast, showing a column of military equipment heading southward. The equipment's models matched those used by the Russian Armed Forces, and the identifying signs of some of the equipment matched the 200th Separate Motorised Infantry Brigade. The author also referred to social media posts showing the Brigade's military equipment column in the village of Khryashchuvate, near Luhansk, at the end of August or beginning of September 2014, and in the city of Krasnodon, as well as at and around Luhansk airport. According to the author, the former posts had been made by Sergey Kalashnikov, who the author believed to be a sergeant in the Brigade, while the latter had been made by an "LPR" fighter and member of the "Viyaz' Battalion".

(ddd) "Six Takeaways from Today's Dutch Safety Board MH17 Response"

2455. In an article published on 25 February 2016, the Bellingcat investigation team commented on the replies of the Dutch Safety Board to the questions asked by the Dutch Parliament and the Deputy Director of Russia's Federal Air Transport Agency concerning the DSB's report on the downing of MH17. Along with information about the radar data and the investigative process, there were a handful of responses that provided clarification to questions about Russian claims regarding the MH17 case.

2456. While the Russian questions were dismissed because the arguments put forward had not revealed "new and significant evidence", the answers to the Dutch Parliament were deemed more revealing. It was thus clarified that the DSB had received "satellite data" but not radar data from the United

States. The DSB had used both Google Earth and other satellite imagery, including classified materials.

2457. The answers also revealed that the DSB had "explicitly" ruled out the possibility of military aircraft (for example, a Ukrainian Su-25) within 30 kilometres of flight MH17, and that it had mapped the front lines of the conflict to determine who had controlled the Buk launch site. Furthermore, the answers revealed that the circular holes on the wreckage were smaller than half the size of 30mm cannon holes. Lastly, it had been confirmed that neither the Ukrainian flight traffic data nor the cockpit voice recorder data (from the black box) had been tampered with.

(eee) "Zaroshchens'ke Revisited: Almaz-Antey's New Launch Areas"

2458. In a post of 29 February 2016, the Bellingcat investigation team presented its new report, entitled "Zaroshchens'ke Revisited Almaz-Antey's New Launch Areas". The report examined the two alternative launching sites proposed by the Russian arms manufacturer Almaz-Antey just before the Dutch Safety Board report had been released. The first had already been discussed in a previous Bellingcat report (see paragraph 2415 above). The latter was examined in detail in the report now being issued, the conclusion of which reads as follows:

> "The assessment for the alleged launch area for the 9M38 missile does not allow for the rejection of the claim that Ukrainian troops were in the area on 17 July 2014. However, it can be rejected that a Ukrainian Buk was in the launch area. A missile launch from the area is considered highly unlikely, but there was not enough evidence to reject a missile launch from this area completely."

(fff) "Separatist Convoy Linked to MH17 Buk Transport"

2459. On 4 March 2016 the Bellingcat investigation team posted an article detailing the route taken by the convoy that had accompanied the Buk missile launcher linked to the downing of MH17. The movements of the Buk missile launcher were pieced together from the data available on social media, and from photographs and videos from the Internet.

2460. The first post discussed had been published on 17 July 2014 at 10.40 a.m. and reported having seen the hauler at around 9 a.m. along the route from Makiivka (Ukraine) in the direction of Donetsk. The post further reported:

> "The system was accompanied by a convoy that was composed of 1 gray Rav4 SUV, a camouflaged UAZ, and a dark blue Hyundai van with tinted windows. As of 9:15am, the vehicle was located at the intersection of Shakhtostroiteley and Ilycha. The militants got out of their cars, blocking 2 of the far left lanes. Obviously, they were waiting for logistical guidance."

2461. Two of the automobiles described in that message had later been seen and photographed in Donetsk and Torez, just metres away from the Buk 3×2 that the Bellingcat team believed to have downed MH17.

2462. On 15 July 2014 a post had described the movement of the convoy in Ukraine from Yenakiieve, through Makiivka, and to Donetsk on the afternoon of 15 July 2014. The Bellingcat investigation team noted that two of the vehicles from the convoy, namely a 2010 Toyota RAV4 and a UAZ-469 jeep, had been filmed two days before the MH17 tragedy in a separatist convoy headed from Luhansk to Donetsk. The convoy had consisted of several tanks, a truck and other vehicles, which had various Russian and "Novorossiyan" flags.

(ggg) "Ukrainian Buk Footage from July 16, 2014 Geolocated"

2463. On 9 March 2016 the Bellingcat investigation team geolocated images with the Buk missiles presented by the Ukrainian officials. The footage from both the 5 July and 16 July 2014 videos had been filmed at the same location: a Ukrainian military camp to the south of Dovhenke, near Izyum, approximately 130 kilometres to the northwest of the MH17 crash site and even further from any of the feasible launch sites estimated by the Dutch Safety Board and Almaz-Antey. The Bellingcat team asserted that some – if not all – of the Buk missile launchers and radar units in this video footage had returned to the Kramatorsk airfield in mid-July. In their view, there was no reason to believe that those Buk missile launchers were in any way connected to the downing of MH17.

(hhh) "Russian Prosecution Cites 'Bellingcat Methodology' in Savchenko Trial"

2464. On 25 March 2016, the Bellingcat investigation team published an article discussing submissions of the Russian prosecution in the trial of Ukrainian pilot Nadiya Savchenko. The article suggested that the prosecution's reliance on an expert report, which had allegedly used and explicitly referred to Bellingcat's methods of analysing satellite imagery of craters to determine the trajectory of incoming artillery fire, amounted to an approval by the Russian judicial system of the validity of Bellingcat's methods.

(iii) "Tankspotting: T-90As in the Donbass"

2465. On 2 April 2017 Veli-Pekka Kivimäki published an article demonstrating the identifying characteristics of the T-90A tank and citing evidence that such tanks had been involved in hostilities in eastern Ukraine in the summer of 2014, including video evidence and geolocation data. According to the author, this type of tank had been developed and was used by the Russian Federation, and had not been exported to or fielded by Ukraine. However, T-90A tanks had been spotted in eastern Ukraine. A tank of that kind had featured in a video allegedly filmed near Lyse, in the Luhansk region of Ukraine, on 25 August 2014, towards the end of the battle of Ilovaisk. The author referred to reports by InformNapalm and "Askai707"

establishing that tanks of the 136th Motorised Infantry Brigade had operated near Lyse in the summer of 2014 and noted that that Brigade employed T-90A tanks.

(jjj) "Response from the Russian Ministry of Foreign Affairs to Bellingcat Regarding Fakery Allegations"

2466. On 14 April 2016 the Bellingcat investigation team described how, on 6 April 2016, the Russian Foreign Ministry spokesperson Maria Zakharova had accused Bellingcat of using fake information in its reports. The same allegations had also been made by the Russian Ministry of Defence. Bellingcat had contacted the two ministries twice and asked for clarifications. No evidence had been provided by the Russian authorities in support of their accusations.

(kkk) "Russian Ministry of Foreign Affairs Plagiarizes LiveJournal Posts in MH17 Response"

2467. On 22 April 2016 the Bellingcat investigation team analysed the Russian officials' response to Bellingcat's request for clarifications after the accusations of the organisation having used fake information in its reports (see paragraph 2466 above). The Bellingcat team asserted that the Russian letter was a copy-paste from two blog posts from the blog LiveJournal by the user "albert-lex." The first of those blog posts, "Belling the Cat," was from October 2015, and the second, "Anti-Russian experts on NATO's Hook," was from March 2016.

2468. The Bellingcat team deplored that the Russian authorities had "adopted the positions on evidence surrounding the downing of MH17 from the LiveJournal blog of 'albert-lex'".

(lll) "The Russian Ministry of Foreign Affairs Publishes 'Their' Evidence of MH17 Fakery"

2469. On 22 April 2016 the Bellingcat investigation team published an article in which they recounted and rebutted arguments made by the Russian Ministry of Foreign Affairs, in a letter to Bellingcat, to support its claim that evidence concerning the downing of MH17 had been faked. Bellingcat concluded that the Ministry's arguments that evidence that MH17 had been downed by a Buk missile launcher transported from Russia had been faked were rebuttable and that its assertions to that effect were false.

2470. In its letter, the Ministry of Foreign Affairs had claimed that Bellingcat could not draw conclusions as to the precise location of the convoy containing the Buk missile launcher which had downed MH17, on the basis of Internet material. Bellingcat responded that the movements of the Buk through separatist-held territory on 17 July 2014 could be confirmed using both images, the location of which had been confirmed by journalists, witness testimonies, and social media content shared by locals.

2471. In its letter, the Ministry of Foreign Affairs had, furthermore, claimed that the placement of a spare tyre in two different pictures on a truck in the convoy proved that they were of two different vehicles. Bellingcat responded that the tyre in question had been placed in the same place in both pictures, but had been attached to the truck's trailer, rather than to its cabin, explaining its respective placement in the two pictures.

2472. In its letter, the Ministry of Foreign Affairs had, moreover, argued that the numbering of the Buk missile launcher in question, which the Bellingcat investigation had at that point identified as "3x2", could have belonged to a number of the former USSR republics' armies, as they all used the same numbering system. Bellingcat responded that although the three-digit numbering system was common to both the Ukrainian and Russian militaries, a number of markings and identifying features were common to a Buk seen travelling in a convoy through Russia between 23 and 25 June 2014, and one travelling in Ukraine on 17 and 18 July 2014. Those common features made it exceedingly unlikely that these were two different Buks.

2473. In its letter, the Ministry of Foreign Affairs had also criticised conclusions drawn by the Bellingcat team concerning a picture of a smoke trail from a missile launch near Snizhne, finding that because the trail was vertical it could not have stemmed from a Buk missile. Bellingcat answered that the angle of the smoke trail would depend on the position of the camera in relation to the launch, and pointed to a video of a Buk M1 launch where the smoke trail appeared vertical.

(mmm) "The Lost Digit: Buk 3x2"

2474. On 3 May 2016 the Bellingcat investigation team published an article summarising an investigative report in which it explained that, following the discovery of additional evidence, it could conclude that the full identification number of the Buk which downed MH17 was "332". After comparing several unique features of different Buk TELARs with pictures and videos of the military convoy containing the Buk, the investigators concluded that Buk 332 was the only one which matched.

(nnn) "Possible new sighting of MH17 Buk convoy on July 17th 2014 in Ukraine"

2475. On 12 May 2016 the Bellingcat investigation team published an article discussing a newly uncovered video of what appeared to be the Buk convoy which had travelled through Ukraine on 17 July 2014. The video in question, uploaded to YouTube on 3 May 2016, seemed to show the same Buk TELAR which was believed to have downed flight MH17, in southern Makiivka, east of Donetsk.

(ooo) "Russia Ante Portas: Updated Satellite Imagery Shows Border Crossings and Artillery Sites", Bellingcat

2476. On 15 June 2016 Bellingcat published an article based on a recent update of satellite imagery at the Russia-Ukraine border by Googe Earth. The new data showed the deployment of Russian military vehicles and artillery positions along with newly created paths into Ukraine. The date of the satellite imagery, 26 August 2014, had coincided with a major surge in Russian activities in Ukraine near the border crossing points, including sightings of Russian servicemen in a village about a dozen kilometres from the border crossing point.

(ppp) "New Google Earth Satellite Update Confirms Presence of Buk in Eastern Ukraine"

2477. On 22 June 2016 the Bellingcat investigation team published an article in which it stated that on the basis of new Google Earth satellite images, the team could confirm the authenticity of the video discussed in the article posted on 12 May 2016 (see paragraph 2475 above), and could confirm the presence of the Buk convoy in Makiivka, Ukraine on 17 July 2014.

(qqq) "MH17 – The Open Source Investigation, Two Years Later"

2478. On 15 July 2016 the Bellingcat investigation team posted an article on its newly published report, bringing together two years of reporting on MH17 (see also paragraph 2494 below). The article highlighted work done by the James Martin Center for Non-Proliferation Studies at the Middlesbury Institute of International Studies at Monterey, employing forensic image analysis software to examine available data. In particular, the James Martin Center had concluded that images showing the Buk missile launcher and what was believed to be smoke from the launch of a Buk missile showed no signs of digital alteration; that satellite imagery presented by the Russian Defence Ministry of 21 July 2014 was "so heavily manipulated" that it lacked "any credibility as evidence", and that the quality of the satellite images released by Russia was poor and appeared altered.

2479. Further to its investigation, Bellingcat believed events to have unfolded in the following manner.

2480. Between 23 and 25 June 2014 the 53rd Anti-Aircraft Missile Brigade had transported vehicles within Russia to positions close to the Russian border with Ukraine, including the Buk 332.

2481. On 17 July 2014 the Buk 332 had left Donetsk in the morning, loaded onto a low-loader travelling eastwards through separatist-held territory, until it had reached the town of Snizhne in the early afternoon.

2482. After arriving in Snizhne, the Buk 332 had been unloaded and driven south out of town, arriving at a field south of Snizhne and firing a missile, resulting in the destruction of flight MH17.

2483. The Buk 332 had next been filmed travelling east through the separatist-controlled city of Luhansk on the morning of 18 July 2014.

2484. Finally, the Russian Defence Ministry had presented a series of false and faked information and documents about events, including lying about the flight path of MH17, lying about radar data, lying about the location of the 18 July 2014 Luhansk video, and misdating and heavily manipulating satellite imagery.

(rrr) "Russia's War in Ukraine: The Medals and Treacherous Numbers"

2485. On 31 August 2016 Bellingcat published the results of its open-source research, which strongly suggested that at minimum hundreds of Russian servicemen had been involved in the conflict in eastern Ukraine. Bellingcat noted that the number of medals awarded had suddenly and markedly increased in 2014 and 2015 compared with earlier years. The large number of medals awarded "For Distinction in Combat" (4,300 awards between 7 November 2014 and 18 February 2016) showed large combat operations with active Russian military involvement in that period. Bellingcat concluded that it was most likely that far more than 10,000 Russian servicemen had participated in combat operations in eastern Ukraine and that tens of thousands Russian servicemen had participated in or contributed to the fighting in eastern Ukraine.

(sss) "The Russian Defence Ministry Presents Evidence They Faked Their Previous MH17 Evidence"

2486. On 26 September 2016 Eliot Higgins published an article on evidence presented by the Russian Defence Ministry at a press conference that same day. The author suggested that the new radar evidence concerning the flight path of MH17 contradicted previous assertions by the Ministry, thereby proving those assertions' unreliability.

(ttt)"Revelations and Confirmations from the MH17 JIT Press Conference"

2487. On 30 September 2016 the Bellingcat investigation team published an article on a press conference by the Joint Investigation Team (JIT), which had been held on 28 September 2016. Bellingcat recounted the additional evidence presented by the JIT at the press conference, including a thitherto undiscovered photograph of the Buk 332 missile's smoke trail; a photograph of the Buk in the town of Torez showing a number of the same identifying features seen in photographs of the Buk in Russia in late June 2014; a video of the Buk convoy from which the photographs published in *Paris Match* had apparently been screenshot; additional intercepted telephone conversations; and additional information on the route of the Buk on the way from and back to Russia. The article concluded that the findings of the JIT aligned with Bellingcat's findings, including the findings that a Russian-made Buk missile

had downed MH17, findings concerning the route taken by the Buk convoy, and findings concerning the launch site.

(uuu) "Identifying Khmuryi, the Major General Linked to the Downing of MH17"

2488. On 15 February 2017 Daniel Romein published an article on the Russian GRU officer Sergey Nikolaevich Dubinskiy and his alleged involvement in the downing of MH17.

2489. On 18 July 2014 the Ukrainian Security Services had published recordings of intercepted telephone conversations from 17 July 2014 about the transfer of a Buk. In the conversations, one of the voices was identified as belonging to a man nicknamed "Khmuryi", whom the Ukrainian Security Services had identified as "Sergey Nikolaevich Petrovsky" (see paragraph 2519 below). In the article, Romein concluded that "Khmuryi", known as "Petrovsky" within the "DPR", was actually the aforementioned Dubinskiy, a Russian war veteran who had served as a colonel in July 2014. The author went on to report that Dubinskiy had been granted the higher rank of Major General in the "Donetsk People's Republic" in August 2014, but had later relocated to the Russian Federation after being expelled from Donetsk for alleged financial crimes.

(vvv) "The Role of Sergey Dubinsky in the Downing of MH17"

2490. On 2 March 2017 the Bellingcat investigation team published an article following up on its 15 February 2017 coverage of the role of Sergey Nikolaevich Dubinskiy in the downing of MH17, providing further evidence that Dubinskiy was the man known as "Khmuryi" (see paragraph 2488 above and paragraph 2519 below). In an opinion piece published with RT on 16 February 2017, written by Russian actor Ivan Okhlobystin, who had been photographed with Dubinskiy, Mr Okhlobystin had stated that Dubinskiy's call-sign was "Khmuryi", that he was a Russian soldier, and that when "a coup took place in his native Ukraine" he had "joined up with the militia in Sloviansk under the flag of Strelkov".

2491. The authors also referred to posts made on a message board at Glav.su, where they believed Dubinskiy to have participated under the username "Нехороший", based *inter alia* on confirmations to that effect by numerous long-time users of the message board, and posts made by the user which corresponded to biographical details of Dubinskiy, such as a reference to the user's birthday which corresponded with Dubinskiy's birthday. On this message board, the user "Нехороший" had confirmed that the recordings of his voice in the intercepted telephone conversations released by the Ukrainian Security Forces on 18 July 2014 were authentic; that he drove a black Peugeot 3008, which was the same type of car that had been filmed escorting the Buk 332 through Makiivka on 17 July 2014, and that he had previously only been seen in a single video from May or June 2014, filmed in Kramatorsk.

The authors then analysed the intercepted phone conversations released by the Ukrainian Security Forces and the Joint Investigation Team. From that analysis, Bellingcat concluded that Dubinskiy was a key organiser in efforts to find materials related to MH17 at the crash site, with an emphasis that people from "Moscow" wanted them secured and that those items should "not come into somebody else's hands".

(www)"Photographs of Ukrainian Buks Geolocated in Poltava Oblast, Nearly Three Years Later"

2492. On 4 April 2017 the Bellingcat investigation team published an article explaining that photographs of Ukrainian Buks, which had been posted on 15 July 2014 and tagged as having been taken near Donetsk in eastern Ukraine, had been geolocated as actually having been taken in the Poltava region in central Ukraine. The Bellingcat team concluded that the Buks in question had not been within range of downing MH17, but rather very far from the crash site, and that the only operational Buk missile launcher observed within firing range of MH17 on 17 July 2014 had been the Russian Buk 332.

(xxx) "Pre-MH17 Photograph of Buk 332 Discovered"

2493. On 5 June 2017 the Bellingcat investigation team published an article in which it discussed a photograph of Buk 332 taken by a Russian mechanic, probably in spring 2013. In the photograph, the Buk had shown the same white transport markings that had been on the Buk while it had been observed in Ukraine, shortly before and after the downing of MH17.

(yyy) "MH17 – The Open Source Investigation, Three Years Later"

2494. On 17 July 2017 the Bellingcat investigation team posted an article on its newly published report, bringing together three years of reporting on the downing of MH17 (see also paragraph 2478 above).

2495. The main findings of the investigation were that between 23 and 25 June 2014 Russia's 53rd Anti-Aircraft Missile Brigade had transported vehicles within Russia to positions close to the Russian border with Ukraine, including the Buk 332 which had later been photographed and filmed in Ukraine on 17 and 18 July 2014. On 17 July 2014 the Buk 332 had been in Ukraine and arrived in Donetsk in the morning. From there, it had travelled eastwards through separatist-held territory, had been loaded onto a red low-loader, and had eventually arrived in the town of Snizhne in the early afternoon of 17 July 2014. There, it had been unloaded and driven under its own power southwards, out of town, arriving in a field south of Snizhne, from where it had fired a missile that had resulted in the destruction of flight MH17. The Buk 332 had next been filmed travelling east through the separatist-controlled city of Luhansk on the morning of 18 July 2014, where

it had been missing one missile. Intercepted communications had indicated that the missile launcher had been taken into Russia shortly after the filming of that video.

2496. The investigation concluded, moreover, that the information presented by the Russian Ministry of Defence on 21 July 2014 about the flight path of MH17, radar data, and the location of the 18 July 2014 Luhansk video of the Buk 332, had been fabricated and misleading and had included misdated and heavily edited satellite imagery. Almaz-Antey, the Russian State-owned arms company, had presented data which had not been reflected by witness statements on the ground, any open-source information or the technical assessments made by the Dutch Safety Board (DSB). Finally, the investigation found that no credible evidence had been presented that showed any operational Ukrainian Buk missile launcher near a position within range of downing MH17 on 17 July 2014, and that the only credible candidate for the missile launcher that had downed MH17 was the Russian Buk 332, of the 53rd Anti-Aircraft Missile Brigade.

(zzz) "JIT Publishes New Photograph of Buk 332 from Day of MH17 Downing"

2497. On 19 October 2017 the Bellingcat investigation team published an article on a new photograph of the Buk 332, published by the JIT, which said that it had "probably [been] taken on 17 July 2014 in the town of Makeevka [Makiivka in Ukrainian], Ukraine". Bellingcat concluded that the photograph showed the right side of the same Buk 332 as the one which had previously been filmed, showing its right side, in two videos taken in Russia and Torez, Ukraine, respectively. However, Bellingcat found it could not be determined whether the photograph had indeed been taken in Makiivka.

(aaaa) "New MH17 Photograph Geolocated to Donetsk"

2498. On 20 October 2017 the Bellingcat investigation team published a follow-up article to its 19 October 2017 coverage of the new photograph of the Buk 332 (see paragraph 2497 above), which had been published by the JIT. The authors stated that, using geolocation methods, they could conclusively assert that the photograph had not been taken in Makiivka, Ukraine, as had been believed by the JIT, but rather at 78 Prospekt Ilycha, at the intersection with Shakhtostroiteley, in Donetsk. That conclusion was supported by a witness statement posted on Facebook on 17 July 2014, claiming to have spotted a hauler with a "BukM1-M2?" on its platform at that intersection, as well as imagery from Google Street View and Yandex Panorama with identifying features aligned with the new photograph of the Buk.

(bbbb) "Russian Colonel General Identified as Key MH17 Figure"

2499. On 8 December 2017 the Bellingcat investigation team published an article identifying "Delfin", a key figure related to the downing of MH17 who had been sought after by the JIT in a call for witnesses published on 28 September 2016, as Colonel General Nikolai Fedorovich Tkachev. The article was based on an investigation undertaken by Bellingcat together with McClatchy DC (see paragraph 2511 below). It concluded that Colonel General Tkachev, also known as "Delfin", was the most senior Russian officer who had been linked to the downing of MH17, and that he was still an active functionary in the Russian military.

2500. Using forensic voice analysis, comparing publicly available clips of Colonel General Tkachev's voice and two telephone conversations conducted with him by investigators under the guise of writing a story about a military school where he served as chairman of the Board of Trustees, investigators concluded that the man identified as "Delfin" in intercepted telephone conversations published by the JIT was Colonel General Tkachev. The forensic voice analysis leading to that conclusion had been performed by two organisations, the National Center for Media Forensics at the University of Colorado at Denver, and the Forensic Science Centre of Lithuania, both of which had conducted their analysis separately and had reached their conclusions independently of one another.

2501. The article also discussed Colonel General Tkachev's military career, finding that he had been in continuous active military service for Russia since 1980. After returning from serving as Russia's Head Military Adviser in Syria in 2012, he had taken up the post of Chief Inspector of the Central Military District of the Russian Federation, in which he was apparently still serving at the time the article was published. He had appeared in public in military uniform on numerous occasions in recent years, including on Victory Day, 9 May 2014, shortly before the downing of MH17, and again shortly afterwards, on 23 August 2014.

2502. As to the role of "Delfin" in the downing of MH17, the authors believed "Delfin" to have been stationed in the city of Krasnodon for a brief period in the summer of 2014, through which the Buk that downed MH17 had passed on its way into and out of Ukraine, "making the logistical and organizational role in Krasnodon potentially key in the procurement and transport of the weapon".

(cccc) "British Intelligence Report Confirms Russian Military Origin of MH17 Murder Weapon"

2503. On 20 December 2017 Aric Toler published an article recounting the publishing, on the same day, of the annual report of the British Intelligence and Security Committee of Parliament. Toler noted that the report concluded that the Russian military bore direct responsibility for the downing of MH17. The report itself was cited in the article, stating that an

early example of Russia's information warfare had been a "hugely intensive, multi-channel propaganda effort to persuade the world that Russia bore no responsibility for the shooting down of MH-17", which had been an "outright falsehood" since it was known "beyond any reasonable doubt that the Russian military supplied and subsequently recovered the missile launcher".

(dddd) "The Kremlin's Shifting, Self-Contradicting Narratives on MH17"

2504. On 5 January 2018 Aric Toler published an article rebutting claims made by Russian authorities concerning the downing of MH17, describing them as "self-contradicting". By way of example, Toler noted how the state-funded media outlet Vesti had initially claimed that a Ukrainian Su-25 fighter jet had downed MH17, but had later abandoned that theory and claimed that a Ukrainian Buk missile launcher was responsible.

2505. Analysing Russian authorities' statements and data concerning the downing of MH17, Toler concluded as follows.

2506. Firstly, technical reports from the State-funded defence manufacturer, Almaz-Antey, had been directly contradicted by the Dutch Safety Board's forensic report.

2507. Secondly, satellite images supposedly showing the deployment of two Ukrainian Buk TELAR missile launchers to a field south of Zaroshchenske had been heavily digitally altered.

2508. Thirdly, satellite imagery showing the development of a Ukrainian military fortification south of the Zaroshchenske field had been in a territory controlled by Russian/separatist forces, near a village where they had soldiers stationed.

2509. Fourthly, a witness statement describing seeing radar and military units near Zaroshchenske on 17 July 2014 had concerned a deployment 6 kilometres south of Zaroshchenske, and the visual description given by the witness did not match identifying features of the Buk complex.

2510. Fifthly, a former Ukrainian officer who had supposedly quit the Ukrainian military as soon as he had realised that they were lying about MH17 had actually quit in 2016 for "family reasons", and had only emerged to tell his story over three years after the downing of MH17. Moreover, Mr Toler found that no details in his witness account had been corroborated by non-Kremlin sources.

(eeee) "Full Report: Russian Officers and Militants Identified as Perpetrators of the January 2015 Mariupol Artillery Strike"

2511. On 10 May 2018 the investigation team published an article summarising the findings of a joint investigation by Bellingcat and McClatchy DC, the Washington DC bureau of a network of news professionals, on artillery attacks on the Ukrainian city of Mariupol on 24 January 2015. The investigation was based on material, including video and audio data, submitted by Ukraine to the International Court of Justice,

which had been verified and analysed by conducting in-depth open source research. The investigation had determined conclusively that the artillery attacks had come from Russian-controlled territory. Moreover, Bellingcat determined that the shelling operation had been instructed, directed and supervised by Russian military commanders in active service with the Russian Ministry of Defence. Nine Russian officers, including one general, two colonels and three lieutenant colonels were identified as having been involved directly with the military operation.

(ffff) "MH17 – Russian GRU Commander 'Orion' Identified as Oleg Ivannikov"

2512. On 25 May 2018 the Bellingcat investigation team published an article relaying the findings of a joint investigation, undertaken by Bellingcat, the Insider, and McClatchy DC (see paragraph 2511 above), into the identity of the person known as "Orion", whose voice had been heard in intercepted telephone conversations from the time of the downing of MH17. The research and report were done by Moritz Rakuszitzky, Daniel Romein and Roman Dobrokhotov; additional research and editing was done by Aric Toler and Klement Anders.

2513. The investigation concluded that "Orion" was actually Oleg Vladimirovich Ivannikov. This identification was based, *inter alia*, on the following: a comparison of the recordings of the intercepted telephone conversations and recordings of Mr Ivannikov's voice, revealing very similar voice characteristics, including an atypically high-pitched voice; a telephone call between a Ukrainian mobile telephone number known to have been used by "Orion" during his deployment in Ukraine and a Russian number registered to Mr Ivannikov; Mr Ivannikov's status as an officer with military aviation education and a postgraduate specialisation in rocket systems; Mr Ivannikov having provided a business address in 2017 that had been identified as the headquarters of the GRU in Moscow; and "Orion" being described by former separatists as an officer from the Ministry of Defence, and being described by the SBU as a GRU officer.

2514. Bellingcat determined, moreover, with "very high certainty" that at the time of the downing of MH17, Mr Ivannikov had been an officer in the Main Directorate of the General Staff of the Russian Ministry of Defence (GRU), and that he had served in that function until at least as late as September 2017. Furthermore, the investigation concluded that Mr Ivannikov had also been behind the covert name "Andrey Ivanovich", and had as such served as a military adviser and *de facto* handler of the political leadership of the "LPR" in 2014. During his undercover deployment to the "LPR", dating from the first half of 2014 until early 2015, Mr Ivannikov had coordinated and supervised the military activities of Russian militants, pro-Russian separatist and "private army" contingents from the Wagner group, as well as the procurement and transport of weapons across the Russia-Ukraine border.

According to the investigation's findings, he had held those functions at the time of the downing of MH17.

2515. In an intercepted telephone conversation, dated 14 July 2014, "Orion" had been heard stating that they had come into possession of a "Buk" and would start shooting down Ukrainian military planes with it, although it was unclear whether he was referring to a different Buk that had been procured in eastern Ukraine on or before 14 July 2014, or the Buk that was expected to arrive later that week.

2516. Additionally, the investigation concluded "with a high degree of certainty" that Mr Ivannikov also operated under the alias of "Andrey Ivanovich Laptev". Under that alias, Mr Ivannikov had served as Minister of Defence of the self-proclaimed "Republic of South Ossetia" between 2006 and 2008.

(gggg) "Addressing the Aeroflot MH17 Conspiracy Theory"

2517. On 8 August 2018 Aric Toler published an article addressing the theory that the actual target of the missile launch that downed MH17 had been Aeroflot flight 2074. Mr Toler's article purported to rebut this theory, referring to a variety of evidence provided in previous Bellingcat investigations.

(hhhh) "Russia's 'Anti-Selfie Soldier Law': Greatest Hits and Implications"

2518. On 20 February 2019 Aric Toler published an article on legislation passed in the Russian State Duma prohibiting Russian servicemen from "carrying or using internet-connected devices to share information about their military units and service", from "speaking with journalists about their military service", and from "carrying any device capable of recording or storing information". He summarised a number of incidents involving Russian military servicemen posting social media content revealing their presence on the Russian border with Ukraine or on Ukrainian territory during hostilities in eastern Ukraine. This included photographs posted of servicemen of the 6th Tank Brigade in Chervonosilske, Ukraine (see paragraph 2434 above); photographs of a soldier of the 37th Motorised Infantry Brigade, Bato Dambaev, at a base near the Russia-Ukraine border in early 2015 and at a checkpoint in Vuhlehirsk, Ukraine during the battle of Debaltseve; and social media posts by servicemen of the 53rd AAMB which had been used in an investigation on the movements of a convoy which had included the missile launcher that downed MH17 (see paragraph 2352 above and paragraph 2283 above). Moreover, an examination of social media posts with pictures of military medals enabled an analysis which showed a huge spike in the Russian Armed Forces granting medals to its servicemen following periods of heavy combat in eastern Ukraine, and a notable lull in other periods.

(iiii) "Identifying the Separatists Linked to the Downing of MH17"

2519. On 19 June 2019 the Bellingcat investigation team published an article discussing a report on the identities and involvement of Russian separatists linked to the downing of MH17 by the Russian Buk 332 missile launcher, many of whose voices featured in the SBU's recordings of intercepted telephone conversations. The report covered the following individuals.

2520. Igor Girkin, or Igor Strelkov, whose call sign was "Strelok", was a former FSB colonel and, in the summer of 2014, minister of defence of the "DPR". He had likely been "fully aware" of the procurement and import of the Buk from Russia, and closely cooperated with Pulatov and Kharchenko, both of whom were believed to have provided security to the Buk near the launch site.

2521. Sergey Nikolaevich Dubinskiy, whose call sign was "Khmuryi" (see paragraphs 2488-2490 above), had served in the summer of 2014 as head of the "DPR GRU", which had cooperated closely with the Russian GRU. Intercepted telephone conversations indicated that Mr Dubinskiy had requested and coordinated the transport of the Buk missile launcher to the launch site, and its subsequent return to Russia. According to the report, Mr Dubinskiy had also ordered some of his subordinates to secure the Buk near the launch site, and his group might have played a key role in the decision to shoot down MH17.

2522. Oleg Yuldashevich Pulatov, whose call signs were "Gyurza" and "Khalif", had been a former lieutenant colonel in the Russian Armed Forces and had served as head of the 2nd Department of the "DPR GRU" in the summer of 2014, under Mr Dubinskiy. The report found that he had likely been involved in securing the Buk missile launcher at the launch site.

2523. Leonid Vladimirovich Kharchenko, whose call sign was "Krot", had served as head of the Krot Reconnaissance Battalion of the 2nd Department of the "DPR GRU" from 6 July 2014. The report found him to have been involved in securing the Buk missile launcher near the launch site, and that he could have also coordinated the transport of the Buk from Donetsk to the launch site, and its subsequent removal to Russia.

2524. Eduard Mashutovich Gilazov, whose call sign was "Ryazan", had served as commander of the 1st Reconnaissance Company of the Krot Renaissance Battalion, under Mr Kharchenko. According to the report, Mr Gilazov had brought a lost member of the Buk crew back to Snizhne after the downing of MH17, and could have been involved in securing the Buk near the launch site.

2525. Oleg Anatolevich Sharpov, whose call sign was "Zmey", who served as a platoon commander with a reconnaissance company. He was identified by the report as having had a telephone conversation with Mr Kharchenko ("Krot") about two hours prior to the downing of MH17,

asking for directions to the launch site, meaning that he had "very likely been present" at the launch site.

2526. Igor Nikolaevich Bezler, whose call sign was "Bes", had served as commander of the Bezler Group. The report found that Mr Bezler might have facilitated the spotting of MH17 as an enemy aircraft as a result of an intercepted telephone conversation in which Mr Bezler instructed his subordinate to forward the message that the subordinate had spotted a "birdie" flying towards him, "upwards". Mr Bezler had also been heard in an intercepted telephone conversation relaying the downing of an aeroplane to a person identified by the SBU as GRU agent Vasily Geranin.

2527. Sergey Sergeyevich Povalyaev, whose call sign was "Botsman", had served as deputy commander of the Bezler Group in the summer of 2014 and "possibly a Russian GRU Spetsnaz officer". Mr Povalyaev had been heard in an intercepted telephone conversation during which Mr Dubinskiy told him about receiving a Buk-M and shooting down a "Sushka" (a Sukhoi aircraft).

2528. Valery Aleksandrovich Stelmakh, whose call signs were "Naemnik" and "Batya", had until 21 July 2014 served as militia commandant of Dzerzhynsk, under Mr Bezler. He had been the subordinate who reported to Mr Bezler that he had seen an enemy aircraft, and had been instructed by Mr Bezler to report the sighting to superiors. The report concluded that it was possible that Mr Stelmakh's message had reached the Buk crew shortly before the downing of MH17.

2529. Igor Ivanovich Ukrainets, whose call sign was "Minyor", had served as a subordinate of Mr Bezler and a commander of the "Minyor" infantry unit in the summer of 2014. According to the article, no evidence was found that suggested that Mr Ukrainets had been involved in the downing of MH17, although his unit's name had been mentioned in relation to it by Mr Bezler in an intercepted telephone conversation.

2530. Aleksandr Sergeyevich Khodakovsky, whose call sign was "Skif", had served as head of the Vostok Battalion in the summer of 2014, as well as serving as minister of state security of the "DPR" until 16 July 2014. According to the article, Mr Khodakovsky had likely facilitated the arrival of the Buk system in Donetsk, had admitted in an interview with Reuters that he had known beforehand that pro-Russian separatists were going to receive a Buk missile launcher that would be transported from Luhansk to Snizhne (although he later retracted the statement), and, according to intercepted telephone conversations, had been willing to hide MH17's black boxes from the OSCE and other parties, "most likely on behalf of officials in Moscow".

2531. Alexander Aleksandrovich Semyonov, whose call sign was "Sanych", had served as deputy commander of the Vostok Battalion and as the "DPR"'s deputy prime minister of economy in the summer of 2014, under Mr Khodakovsky. According to the intercepted telephone conversations,

Mr Semyonov had helped facilitate the arrival of the Buk in Donetsk in coordination with Mr Dubinskiy.

(jjjj) "The Arrest of Vladimir Tsemakh and Its Implications for the MH17 Investigation"

2532. On 9 July 2019 the Bellingcat team published an article on the arrest by Ukrainian forces of Vladimir Borysovich Tsemakh, who had reportedly served as commander of an air defence unit in Snizne. In a 2015 documentary, Mr Tsemakh seemed to have admitted to helping hide the Buk missile launcher and part of its crew on 17 July 2014, after it had downed flight MH17.

(kkkk) "A Post Mortem of Russia's Claim That Crucial MH17 Video Evidence Was Falsified"

2533. On 10 March 2020 Bellingcat analysed an allegation made by the Russian authorities that a video recording of the Buk TELAR made on 17 July 2014 near Snizhne was not original because the date of its recording and uploading were different. With reference to the explanation by a Google software engineer, the Bellingcat stated that the difference in the dates was a result of a simple technological error, which Google had fixed in 2019.

(llll) "Key MH17 Figure Identified As Senior FSB Official: Colonel General Andrey Burlaka"

2534. On 28 April 2020 Bellingcat published a report purporting to identify a participant in intercept calls released by the JIT, known only as "Vladimir Ivanovich" (see paragraphs 1546, 1563, 1580 and 1611 above). According to the report, "Vladimir Ivanovich" was a person of interest in the investigation into the downing of flight MH17 because he had "seemingly been in a crucial position to supervise the movement of weapons from Russia to Ukraine, and thus would have had to authorize the transfer of the Russian Buk missile launcher that shot the Malaysian airliner after crossing the border". The report claimed that he was in fact "one of the top officials within Russia's FSB security service: Colonel General Andrey Ivanovich Burlaka". According to the report, Colonel General Burlaka served as Chief of the Operational Staff of the FSB's Border Service and was the first deputy to the head of the Border Service of FSB, who in turn was first deputy to the head of the FSB.

2535. The report explained:

> "A review of Burlaka's airplane travel in 2014 and 2015 shows that he frequently flew from Moscow to Rostov, to Crimea. and to Krasnodar – the three control centers for military operations against Ukraine. His trips also match with the timeline of known presences in Ukraine or near the Ukraine border that can be deduced from the intercepts. As an example, Andrey Burlaka arrived from Moscow to Rostov on the morning of 15 July 2014, and departed late in the evening of 18 July 2014, the day after MH17's

shootdown (the intercepts from 16 July 2014 refer to Vladimir Ivanovich as having just arrived from Moscow.).”

2536. The report then described in detail how Colonel General Burlaka had been identified from the telephone numbers released by the JIT, using open-source material. Having identified him, the Bellingcat researchers had had to locate a voice sample in order to conduct a forensic voice comparison between Colonel General Burlaka and the voice heard in the intercepted calls. Once they had done this, they had submitted the captured audio to the National Center for Media Forensics at the University of Colorado at Denver. The report stated:

> “Despite the poor quality and short duration of the telephone audio sample, the forensic result provided moderate support for the hypothesis that Col. General Burlaka and ‘Vladimir Ivanovich’ are the same person ...
>
> It should be noted that computerized (acoustic) voice comparison does not take into account phonemic and linguistic idiosyncrasies of speech. The idiosyncratic (phonemic, intonation, and linguistic) characteristics of the two speaker[s] were so similar that, once taken into account, made the voice match conclusive.”

(mmmm) “The MH17 Trial Part 2: The Bezler Tapes, a Case of Red Herrings?”, Bellingcat

2537. On 17 October 2020 Bellingcat analysed an intercepted telephone call between Mr Geranin and Mr Bezler and evidence that Mr Bezler had given to the JIT. Bellingcat concluded that the evidence against Mr Bezler was inconclusive, but that it also could not be ruled out that he had been involved in the operation that had led to the downing of flight MH17. Bellingcat pointed out evidence in open sources that showed that Mr Bezler had repeatedly lied about recordings of intercepted telephone conversations. Bellingcat stated that there was no reason to believe that they had been falsified or post-dated by the SBU, as he had repeatedly alleged.

(nnnn) “The GRU’s MH17 Disinformation Operations Part 1: The Bonanza Media Project”

2538. On 12 November 2020 Bellingcat published an article based on emails from the mailboxes of two senior GRU officers, and on telephone call logs of two GRU officers. The emails had been obtained by a Russian “hacktivist” group and independently authenticated by Bellingcat and the call logs had been independently obtained by Bellingcat from whistle-blowers with access to Russian telecoms data.

2539. Bellingcat and its investigative partners found that Bonanza Media, a self-styled independent investigative platform, was in fact “a special disinformation project working in coordination with Russia’s military intelligence”. While Bellingcat had not established conclusively whether the GRU had been behind the initial launch and funding of the Bonanza Media project, it was clear that shortly after its launch senior members of the GRU

had entered into direct and regular communication with the project leader. The GRU had received advance copies of Bonanza's publications, had provided its employees with illegal cross-border access into eastern Ukraine, had furnished the project with confidential internal documents from the official JIT MH17 investigation that had been hacked by GRU's cyber warfare division, and had likely instructed Bonanza Media to leak those documents.

34. Other InformNapalm report and articles

(a) "New Evidence of Russian Military Incursion into Ukraine"

2540. On 15 June 2014 InformNapalm published a news item claiming that on 13 June 2014, a column of Russian military equipment including two APCs, two BM-21 Grad multiple rocket launchers and several jeeps had arrived at "Donbas Clays", located in the Dobropilskyi district of the Donetsk Region. Local residents had reported that they had fired several rockets towards the city of Dobropillya. Russian military instructors had supported "DPR" militants. As a result of the attack, civilians had been injured or killed. The report claimed that near the location of the rocket, Ukrainian servicemen had found documents proving that the systems in question belonged to the Russian Armed Forces and had been assigned to military unit no. 27777, which was deployed in the Republic of Chechnya, Russia. Photographs of the documents were reproduced in the report.

(b) "Russian T-90 Tanks of the 136th Motorized Rifle Brigade in Luhansk Oblast"

2541. On 22 October 2014 InformNapalm published this news item based on an analysis of photographs of soldiers published on the VKontakte social network. One of the photographs showed a man next to a road sign. InformNapalm had established that the photograph had been taken in the vicinity of Luhansk airport. It had, moreover, identified the man on the photograph as a Russian tank crewman from the 136th brigade (military unit no. 63354) from Buynaksk, in the Republic of Dagestan.

(c) "More soldiers from 7th Military Base received Combat Medals after temporary duties in Ukraine", InformNapalm, 27 May 2015

2542. On 27 May 2015 InformNapalm published a news item in which they identified, using Russian social media, further Russian soldiers from the battalion tactical group of the 7th Russian Military Base (military unit no. 09332, Gudauta in Abkhazia, Georgia) who had recently received military medals (for example, the Zhukov medal). From photographs and social media posts published by the soldiers, InformNapalm concluded that they had fought in eastern Ukraine and that the medals had been awarded for their activities while there.

(d) "'Putin's Eleven' - Selfie Soldiers of 18th Russian Motorized Rifles Brigade in Donbas"

2543. On 8 October 2015 InformNapalm published a news item identifying, using social media posts, eleven soldiers of the 18th Motorised Rifle Brigade (military unit no. 27777) based in Khankala and Kalinovskaya village, Chechnya, Russia. It established that they had taken part in military activity in Donbas in 2014-2015.The article further stated that most of the "veterans" of that brigade were on their next assignment in Ukraine at the time of the publication.

(e) "War Crimes of Russian 291st Brigade in War Against Ukraine: Part 1"

2544. On 29 January 2015 InformNapalm published an article presenting evidence of the participation of the Russian artillery, particularly the 291st separate artillery brigade (military unit no. 64670, Troitskaya, Republic of Ingushetia, Russia) in military activity in Donbas. InformNapalm referred to previous reports, video recordings of military activity, photographs from social media and other evidence. It identified Russian soldiers who had been involved in the military activities and had received medals in 2015.

(f) "Selfie with Russian T-90A Tank Surfaces in Social Media Accounts of Russian Servicemen"

2545. On 10 August 2016 InformNapalm explained, on the basis of a video by Zvezda TV and Internet posts, that a tank seen near Luhansk in 2014 belonged to the 136th Motorised Rifle Brigade of the Russian Army. A member of the crew seen in photographs next to the tank was an "LPR" separatist and he was identified in the article.

(g) "Award stigma of war criminals from the Russian Army, database and video overview"

2546. On 23 November 2016 InformNapalm published an article containing information about the State and departmental military decorations of the Russian Federation received by Russian servicemen and civilian personnel for distinctions in combat duty. Around eighty recipients of medals and orders for military merit were listed. In most cases, InformNapalm had obtained not only the names of the servicemen but also the award numbers, dates and other details of relevant decrees and orders. The article was largely based on information published in social media.

(h) "Tank soldier of 17th brigade of the AFRF is identified: fought in Donbas, awarded a 'Medal for Courage'"

2547. On 4 January 2017 InformNapalm identified a Russian soldier who had allegedly been awarded the "Medal for Courage" for a military mission in Ukraine in the summer/autumn of 2014. The report contained a number of

photographs from his social media pages, including a photograph of his medal. Several other Russian soldiers who had allegedly been involved in the military conflict in eastern Ukraine were also identified.

(i) "Tankmen of Russian 136th Motorized Rifle Brigade in Ukraine", InformNapalm

2548. In an article of 10 September 2017, InformNapalm identified ten servicemen of the 136th Brigade (military unit no. 63354, stationed in Buinaksk, in the Republic of Dagestan, Russia) who had taken part in the military conflict in Ukraine in autumn 2014. The identification was largely based on photographs from social media.

Q. Public and media comments by separatists and other notable individuals

1. Separatists

(a) Interview with Mr Borodai, 16 June 2014

2549. On 16 June 2014, Mr Borodai, "Prime Minister" of the "DPR", gave an interview to *Актуальные комментарии*, an online publication based in the Russian Federation. In response to statements from the leader of the International Eurasian Movement that Russia was "giving up on Novorossiya", Mr Borodai said:

> "Rest assured, the Russian leadership has a very firm grasp of how to solve the problems of the Donetsk People's Republic – and they're prepared to facilitate this solution at the highest level. I've also long known and respected presidential aide Vladislav Surkov, who has always lent the Donetsk People's Republic his serious support. It would be no exaggeration to say that Surkov is our man in the Kremlin".

(b) Press conference with Mr Girkin, Mr Borodai and Mr Antyufeyev, 10 July 2014

2550. On 10 July 2014, the "DPR" leadership held a press conference in Donetsk. Commenting on cooperation between the two separatist entities and within the "DPR", they said:

> "Igor Girkin: In this regard, we are absolutely certain that assistance will be furnished by the units of Alexander Mozogovoi, who is formally a part of the LPR army, but has been acting in operational subordination to our headquarters ...
>
> ...
>
> Alexander Borodai: With respect to various kinds of disagreements among the military units in Donetsk... There are no disagreements. Joint operations have now been implemented, and the council of commanders will commence its activities in the nearest future. I expect that, in the nearest future, we will have the benefit of organized and coordinated activity on the part of our military units present on the territory of DPR."

2551. Mr Borodai was asked why he had been in Moscow and whom he had met there. He replied:

"I was there for political consultations, which, in my opinion, were fairly successful. With respect to the people I met, I will certainly not reveal that. This secret, if you will, belongs to the area of military intelligence.

However, I consider these consultations to be very successful, and I am very much counting on the assistance of the Russian Federation in the nearest possible future. As it is, the Russian people, at present, are already providing colossal assistance to us, both in terms of volunteers and in terms of humanitarian aid. I expect that this assistance will continue to grow."

2552. On the subject of cooperation with the "LPR", Mr Borodai said:

"[T]here is, in fact, coordination between the governmental structures of the Donetsk People's Republic and the Luhansk People's Republic. They are two constituent parts of a federation called Novorossiya."

2553. Mr Girkin added:

"All right, briefly. At this time, we are forming a joint staff of the military forces of the Donetsk and the Luhansk People's Republics. The location of the headquarters has already been established. The formation process is nearing its culmination. In the nearest term, the unified military command of Novorossiya will be ready. At this time, this is all that I can say with respect to this issue."

2554. Mr Borodai addressed the fact that both he and Mr Girkin were Russian nationals from Moscow:

"We see nothing wrong in this. Absolutely nothing. I would like to tell you that both Igor and I have been volunteers for a very long time. The volunteer movement is very developed in Russia.

The people of Donbass rose up by themselves. The fact that due to certain competencies, qualities and abilities both of us ended up at the head of this movement – well, that's what happened. This is normal and natural.

Moreover, please take into account the fact that the entire liberation movement of Donbass is oriented toward the Russian Federation. Oriented, however you put it, be it spiritually or otherwise. And expects Moscow's arrival here, in a good sense of the word. Expects, desires, simply prays for it – prays for the time of this arrival. And, simply put, any people from Moscow are welcomed here.

And, moreover, I would like to make a further announcement – fortunately, the person has arrived – with respect to people from Moscow, there are more and more of these people here. For instance, at the next Supreme Council session, we anticipate putting forward the candidacy of a new Vice-Premier of the Donetsk People's Republic."

2555. He introduced Mr Vladimir Yuryevich Antyufeyev, who then went on to introduce himself as follows:

"Ladies and gentlemen, briefly about myself. My name is Vladimir Yuryevich, born in 1951. I am Russian and a citizen of the Russian Federation.

My primary education is in law. As well, I am a graduate of the Academy of Government Administration of the President of the Russian Federation, in the National Security Department. I hold a PhD in Political Science and teach as a professor at the Academy of Military Science.

My entire adult life and service I have devoted to fighting national-fascism in Latvia, in Moldova, and, now, in Ukraine (as well as in Georgia). I have been granted state awards by the Soviet Union, Transnistria, Russia, Abkhazia, and South Ossetia. I say this not to boast, but simply to identify the functional points of my competency and the basis of my influence.

I was invited by the leadership of the Donetsk People's Republic to facilitate the creation of law-enforcement structures, because the national-fascists of Ukraine, which have unleashed, under the leadership of the Kiev government, a war against the people of the South-East, have, in perpetrating these hostilities, substantially destabilised and undermined the functionality of these structures.

The task I see before me consists of reconstructing the functionality of these structures, relying primarily on the local law-enforcement cadre, to ensure that each and every citizen of the Donetsk People's Republic is, first and foremost, clearly confident that both his personal and his property rights are protected.

I will conduct my activities in strict compliance with the law and the existing legislation and from the standpoint of the highest principles of fairness and a high civic duty. My military rank is Lieutenant-General."

2556. He clarified that national security, the Ministry of the Interior, the courts and the justice system would fall within the scope of his responsibilities. He also confirmed that he had arrived from Russia that very day. The following exchange with a reporter then took place:

"Reporter: If I may ask a question: who is currently in command of Vostok Battalion? What powers will Khodakovsky continue to retain? Will he continue as the head of Battalion Vostok?

Igor Strelkov: As is well known, Vostok Battalion exists as a structure within the Ministry of State Security. However, the units of Vostok Battalion that serve on the frontlines are in operational subordination to the staff of the Militia. Specifically, I repeat, in operational subordination. In the future, they will continue as part of the Ministry of State Security.

Alexander Borodai: What does this say to you? Alexander Khodakovsky is at this time the Minister of National Security of the Donetsk People's Republic. Vostok Battalion is a military unit subordinated to him. However, because, at this time, this military unit is engaged in frontline duties, it cannot be involved in the operations of the Ministry of National Security. They simply have not had the opportunity to be involved.

I am hoping that now Vladimir Yuryevich will seriously help us in making the National Security units work. And so, I apologise, I moved off the topic. And so, because Vostok is engaged primarily in frontline duties, accordingly, it has been operationally subordinated to the DPR Commander-in-Chief, Igor Ivanovich Strelkov.

...

Igor Strelkov: Ladies and gentlemen, there will be, of course, as in any guerrilla movement when it is transformed into a regular army, many disagreements, collisions of interest, clashes of ambitions, and other issues not permitted by military regulations. Nevertheless, it is important not to assign critical importance to any such skirmishes, disconnects, and lack of understanding.

> Mr Khodakovsky visited me twice in Slavyansk in the April of this year. And we found then, between the two of us, sufficient commonality of interests and agreed to certain cooperation. I am certain that, when we meet face to face, we will again find a common language and will work together, side by side.
>
> With respect to everything else, I can say that the units of Vostok Battalion are, at this time, working in direct cooperation with the Militia and performing battlefield assignments and have been fulfilling them for some time now. As for coordination between our headquarters, it has existed since the first day of our arrival in Slavyansk. That is all".

(c) Press comment by Mr Makovich, 18 July 2014

2557. On 18 July 2014, the "Deputy Speaker" of the "DPR parliament", Vladimir Makovich, commented on the resignation of Mr Pushilin as "speaker". He told the Interfax press agency:

> "Denis is now in Moscow. He sent me a letter asking me to resign from his post of his own free will."

(d) Interview with Mr Khodakovsky, 23 July 2014

2558. In an interview with Reuters reported on 23 July 2014, Mr Khodakovsky, Minister for Security of the "DPR", said the following:

> "I knew that a BUK came from Luhansk ... I heard about it. I think they sent it back. Because I found out about it at exactly the moment when I found out that this tragedy [the downing of Flight MH17] had taken place. They probably sent it back in order to remove proof of its presence."

2559. Mr Khodakovsky subsequently denied telling Reuters that separatists had possessed Buk missiles when the MH17 aircraft had crashed in the region. Following his denial, Reuters published the full audio recording of the interview.

(e) Statement by Mr Zakharchenko, 16 August 2014

2560. In a speech before the "People's Council" of the "DPR" on 15 August 2014, Mr Zakharchenko, then "Prime Minister" of the "DPR", said that 30 tanks, 120 armoured vehicles and 1,200 fighters "who were trained in the territory of Russian Federation for four months" had arrived. Describing the situation at the front lines, he indicated that they had arrived at a "most critical" (*ответственный*) moment. He explained that while the separatists had many foot soldiers, few of them had conflict experience.

(f) Interview with Mr Zakharchenko, 28 August 2014

2561. During an interview with the Rossiya-24 television channel, published on 28 August 2014, Mr Zakharchenko, then "Prime Minister" of the "DPR", said:

> "We have never hidden from anyone that among us there are many Russians, without whose help today we would have had a very difficult time, and it would be more

difficult to fight. From the volunteers of Russia, many former career soldiers come here, they are fighting together with us, they understand that this is a duty.

Moreover, I will say even more frankly, the current military are also fighting among us who preferred to spend their holidays not on the beach, but among us, among brothers who are fighting for their freedom."

2562. He said that there were 3,000-4,000 "volunteers" from Russia.

(g) Interview with Mr Khodakovsky, October 2014

2563. In October 2014, Mr Khodakovsky gave an interview to Reuters in Moscow in which he was asked if Russia was funding pensions and state wages in Donbas. He reportedly replied:

"Yes. These are the main areas. The budget sector and pensions, which need to be covered as a priority ... Without outside help, it's impossible to sustain the territory even if you have the most effective tax-raising system. The level of help from Russia exceeds the amounts that we collect within the territory."

(h) Interview with Mr Kozitsyn, November 2014

2564. In an interview in Perevalsk in early November 2014 with journalists from Associated Press, Mr Kozitsyn said that he was "answerable only to President Putin and our Lord".

(i) Interview with Mr Borodai, 13 November 2014

2565. Mr Borodai explained his and Mr Girkin's resignations in an interview with Ksenia Borchak, of TV Dozhd, published on 13 November 2014, in the following way:

"I became myself an ardent supporter of the withdrawal of Strelkov from the DPR as I understood that there would come a period when there would be a fragile façade of peace and such people like me or Strelkov would no longer be needed. Imagine how it would have looked if I, a native of Moscow, had put my signature on the Minsk agreements. That political structure would not last long."

(j) Interview with Mr Girkin, 22 November 2014

2566. On 22 November 2014 Mr Girkin gave an interview to the newspaper *Zavtra* in which he discussed his time in Donbas. Regarding his unit's retreat from Slovyansk, the following exchange took place:

"Mr Girkin: June and July were the hardest. If in April-May everything followed an upwards trend, that is, the territory of the uprising expanded, we gradually took control of the populated areas of the Donetsk Republic and spread the movement, then in June we began to retreat. They began to press us from all sides, the enemy's forces were enormously superior in all respects. And the enemy began to appear motivated to fight. The propaganda began to work. And the longer it went on, the more that motivation increased.

...

In August, at the height of the crisis, we fought in conditions of almost agony. We were just frantically patching up holes, plugging up some breakthroughs. We were in complete operational encirclement. And we could not break through it. In addition, they had already begun, like a classic cauldron, to cut us into smaller cauldrons. Gorlovka was gradually cut off ...

...

As for the situation with Slavyansk ... After the Ukrainian side had broken through the front near Yampol, we were already hanging by a thread, it was impossible to plug the hole between me and Mozgovoy, there were not enough forces for this – at the very least we needed a brigade. And we had no reserve.

And when they took Nikolayevka, we had no chance. There would be a chance if we were massively supplied with equipment and weapons ... I had an alternative: either sit in a complete siege without supplies, or get out ...

So, options. Set up a siege. I would have had enough ammunition for a good fight to last two days. At medium intensity – for a week. And after the battles near Nikolayevka, I had 57 mines left for 8 mortars – less than 10 mines per mortar. Everything else was lacking: there was not enough ammunition for heavy weapons, anti-tank weapons were the worst. The battles were serious, we used up a lot of ammunition, but no replenishments were coming. It was all on 5 July ...

[Journalist]: You said that your withdrawal from Slovyansk was completely unexpected for the enemy.

Mr Girkin: Yes, it threw them off guard. After all, I had a categorical order not to surrender Slavyansk. And when I informed them that I intended to withdraw, they repeated the order several times not to withdraw, to defend Slavyansk to the last man. 'You will definitely be unblocked, defend Slavyansk'. I asked: 'How can you help?' Silence. And I have a thousand people and thousands of their families. I had no right to put them down. So I decided to make a breakthrough."

2567. Mr Girkin also commented on his arrival in Donetsk:

"I am deeply convinced that if we had not left Slovyansk, we would not have kept Donetsk later ... The city was completely unprepared for defence. The roadblocks were poorly equipped, the roads were not blocked, you could go anywhere you wanted. And there were very few forces there, they were fragmented, scattered, no one obeyed anyone: separately there was the Russian Orthodox Army, there was the 'Vostok' battalion, there was 'Oplot'. Each unit was defending its own area, there was no unified command.

...

If we had stayed in Slovyansk, Donetsk would have fallen in a week, two weeks at most. And when we arrived, we held Donetsk for forty days until the arrival of the 'vacationers'. Although the last days were just desperate. When we left Donetsk, we broke through the corridors to Russia near Marinka, Kozhevino, Brovka. At the same time, we broke through supply corridors cut off the entire enemy grouping in Yakovo.

We held the corridor with very heavy losses ... When we broke through the corridor, in the battles near Marinka 120 men were killed and wounded in two days ...

And at the time of the breakthrough, my battalion was split into two parts: one part was defending in Snizhne, and the other part, together with the reconnaissance battalion, was pinned to the border, cut off.

...

Oplot and Vostok had some reserves, but Oplot was partially subordinate to me, Vostok was not subordinate at all. I am reproached for not putting things in order there. But I had a simple choice when I came from Slavyansk: to either urgently form a front against the enemy, or to arrange a coup ...

"[Journalist]: Were there any intentions to withdraw from Donetsk in this critical situation ...?

Mr Girkin: They accuse me of wanting to leave Donetsk. To tell you the truth, at some point I stopped believing that help from Russia would even come. I just stopped believing! And no one could guarantee it."

2568. Mr Girkin was asked about the attack on Mariupol and whether it had been carried out only by "vacationers". He replied:

"Certain units of the militia were subordinate to them. But it was mainly the 'vacationers' who attacked Mariupol. When they left, both the front line and the opportunities remained shaky."

2569. The journalist asked Mr Girkin how he became involved in the conflict. Mr Girkin explained:

"I was an adviser to Aksyonov in Crimea. He is a man of great charisma, intelligent, competent, sensible, talented. I commanded the only unit of the Crimean militia: a special forces company that carried out combat missions ...

When the events in Crimea took place, it was clear that it would not end with Crimea. Crimea as part of Novorossiya was a colossal acquisition, a diamond in the crown of the Russian Empire. But Crimea alone, cut off by the isthmus of a hostile state, was not the same.

When the Ukrainian government was disintegrating before our eyes, delegates from the regions of Novorossiya were constantly arriving in Crimea, wanting to replicate what had happened in Crimea. There was a clear desire on everyone's part to continue the process. The delegates were planning uprisings and asking for help. Aksyonov, because he had such a heavy load, he worked 20 hours a day, asked me to deal with the northern territories. And he made me an advisor on the issue. I began working with all the delegates: from Odessa, from Nikolaev, from Kharkov, Lugansk and Donetsk. Everyone was confident that if the uprising developed, Russia would come to the rescue. So I gathered the remaining men in my company and recruited volunteers. There were fifty-two of them.

We went to Slavyansk quite by accident. We needed a medium-sized town. Fifty-two people is a force in a more or less small settlement. And I was told that Slovyansk had the strongest local support. We rated this option as optimal.

...

When we arrived in Slovyansk, there were about 150-200 people at our base ...

The next day we occupied Kramatorsk: I sent a Cossack unit there – thirty people."

2570. He said that in Crimea he had been heavily involved behind the scenes, but had not shown his face or disclosed who he was. He continued:

"I planned to behave in the same way in Slovyansk. I was going to find a charismatic leader and help as an advisor. At first I did just that. That's why Ponomariov kept

popping up. He is the people's mayor. He was very active. Was useful in his time. Then things went differently. And I did not find anyone to move as a political leader.

And then the command just came to shine, Denis Pushilin was coming, to support him fully ...

As soon as I appeared on TV with Pushilin without a mask and without a 'balaclava', first of all everyone understood who 'Strelok' was. Although they knew before that I was really in charge, intercept material had already been published, there was my sketch, but then they saw me with their own eyes."

2571. Mr Girkin discussed his goal in entering eastern Ukraine and his role in the conflict:

"... I understood perfectly well that Donetsk and Lugansk alone would not be able to fight against the Ukrainians. Especially in the absence of a military industry of their own, an effective local government. I initially assumed that the Crimean scenario would repeat itself – Russia would go in. It was the best option. And the people wanted it. No one was going to make a stand for the Lugansk and Donetsk republics. Everyone was for Russia from the beginning. And the referendum was for Russia, and they were going to fight for Russia. People wanted to join Russia. Russian flags were everywhere. I had a Russian flag at the headquarters and everybody else had one. And the population perceived us under Russian flags. We thought: Russian administration will come, the follow-up will be organised by Russia and there will be another republic within Russia. And I did not think about any kind of state-building. And then, when I realised that Russia would not take us in (I associated myself with the militia), this decision came as a shock to us.

...

I still pulled the trigger of the war. If our unit had not crossed the border, it would have ended up like Kharkov, like Odessa. There would have been a few dozen killed, burned, arrested. And that would have been the end of it."

(k) Statement by Mr Kozitsyn, January 2015

2572. The Don Cossack commander, Mr Kozitsyn, posted a video asserting that his territory was now part of the "Russian empire". He said:

"We won't declare a Don Republic, that's just a utopia. We say, 'We are part of the Russian empire. And today we consider Putin our emperor'".

(l) Interview with Mr Khodakovsky, date unknown

2573. On 9 January 2015 CORRECT!V, a non-profit investigative newsroom in Germany, published the results of its investigation into the downing of MH17. It referred to an interview its investigators had conducted with Mr Khodakosvkiy on an unknown date in which the latter had said:

"I know for sure that the popular militia did not shoot down the Boeing ... We don't have and didn't have specialists who can operate such high precision weapons systems."

(m) Interview with Mr Zakharchenko, 22 April 2015

2574. On 22 April 2015 Vice News published an interview with Alexander Zakharchenko. The relevant parts of the interview read as follows:

"Reporter: What about Novorossiya? The project involving the south-east of Ukraine. Do you think in the future they will also break away from Ukraine with your help?

Zakharchenko: There are so many people and regions that have a right to sovereignty, just like us. If they decide through a referendum to break away from Ukraine like us, that's their right. I think that historical justice must prevail, and the great country that used to be called the USSR must be brought back, so that in the future no other country in the world can even think of coming here with their weapons, or try to do anything to us. That is my personal opinion.

Reporter: You probably know about the article in *Novaya Gazeta*, which claims the soldiers from Buryatia [in Russia] were fighting in...

Third person: You can't ask that question.

Reporter: ... in Debaltseve.

Third person: If you ask one more question that is not on the list, you will be thrown out of here.

Zakharchenko: I will answer the question. I will be honest with you. I have a cousin in Astrakhan [in Russia]. I have a friend in Sakhalin [in Russia]. They both came here. So someone must have had a friend in Buryatia. We even have Americans here who are fighting with us. His code name is Texas and he is from Texas ... But we are not saying that the US is helping us to fight.

...

Reporter: What do you think about the investigation process of the downed Boeing plane? Investigators recently made an official statement about the cause of the crash. The main theory of the incident is that the plane was hit by a BUK surface-to-air missile, that was launched from a separatist-controlled territory.

Zakharchenko: That whole investigation is a big mystery to me. Why were they taking so long to gather the remaining airplane parts? We sent them three or four letters asking to take these parts and to conduct an objective investigation. We handed over the black boxes, but why haven't they published the recovered data? I'd like to add that we didn't have and still don't have any armaments, that are capable of shooting down an aircraft at such an altitude. I hate to disappoint the Western world but we could not shoot it down.

Reporter: Why do you think the investigators announced it as the main theory?

Zakharchenko: There is also a second theory that is more honest.

Reporter: What is the second theory?

Zakharchenko: That the plane was shot down by the armed forces of Ukraine... I witnessed two planes flying away after the Boeing crash.

Reporter: You were there and saw it?

Zakharchenko: Yes, I saw it. At first I didn't understand what had happened. But when I saw the planes flying in the direction of Ukraine, I realised that they must have shot something. And then the Boeing hell and it was clear that they shot it down.

Reporter: So you think it was shot down by a plane and not the BUK missile system?

Zakharchenko: It is my personal opinion. I am not an expert. But it is what I saw with my own eyes and it is one of the theories. And based on some of the remaining Boeing parts, bullet holes are clearly visible."

(n) Statement by Ekaterina Matyushchenko, August 2015

2575. In August 2015, the Minister of Finance of the "DPR", Ekaterina Matyushchenko, stated:

> "The state budget of the DPR is the centralized cash fund, which is mostly formed from tax and non-tax revenues from the core business of individuals and legal entities. Many large enterprises have already been re-registered in the DPR and pay all their taxes to the state budget of the republic. For example, the coal mining and iron and steel works. Medium and small-sized businesses are the main taxpayers as of today ...
>
> As of today, social benefits account for the major part of the budget costs – 50%. 25% is used for remuneration and salary accounting of employees of the legislative and executive authorities as well as for payment salaries in the sphere of education, healthcare, culture and sports.
>
> There are currently about 560,000 pensioners registered in the Donetsk People's Republic. The payment of pensions, social benefits and educational allowances for July is carried out at the moment."

(o) Interview with Mr Borodai, 14 August 2019

2576. In an interview with ANNA news, Mr Borodai said:

> "I want to say that we specifically owe such a person as the President of the Russian Federation, Vladimir Putin, a little bit. We and all the volunteers who came in 2014, We owe him the smallest thing – life. Everyone who came in the first half of 2014 remembers the situation in the second half of July 2014. And if it were not for his policies, his decisions and actions, we would not be here. Just as there would be no Russian Donbass, Donetsk and Lugansk People's Republics."

(p) Interview with Mr Girkin, 18 May 2020

2577. On 18 May 2020 an interview between Mr Girkin and a Ukrainian journalist, Dmitry Gordon, was published. Mr Girkin discussed his background and his time in the "DPR". He confirmed that he was a "reserve FSB colonel, and have been since April 2013". He further confirmed that "it wasn't three but four months that I commanded the DPR militia forces, if you're counting from April 12 to August 12". He left the "DPR" on the morning of 15 August 2014. He outlined his previous participation in conflicts in Transdniestria and former Yugoslavia as a "volunteer" and in Chechnya as a contract serviceman and later an employee of the FSB. He explained that he had been inducted in the operational unit of the central apparatus of the FSB in August 1996 and had undertaken various assignments for the agency. In April 2013, he had been "made redundant under reorganisation", which he claimed was the reason generally given "to terminate the employment of anyone the top brass wants to get rid of".

2578. Asked about his subsequent employment at the Marshall Capital fund, founded by Mr Malofeyev (see paragraphs 1305 and 2342 above), and about Mr Borodai's employment with the same fund, he said:

"Borodai never worked at Marshall Capital – Borodai had his own PR-agency, which was under his direct management and where he worked. For my part, I did work at the Marshall Capital security service, but just so you understand – it wasn't the typical security service that you'd find at a major financial holding. It would be more accurate to say that I handled assignments involving the personal security of Malofeev, who was concerned about certain issues regarding the safety of his family. Generally speaking, it was more like plainclothes-officer work as opposed to being the security chief."

2579. Mr Girkin was asked about his involvement in the "annexation" of Crimea. The following exchange took place:

"Girkin: Yes, I took part on a voluntary basis in the process of Crimea's reunification with the Russian Federation – a rather active part.

Gordon: Was that your own personal decision? You didn't do it on someone else's orders? Would I be accurate in saying that it was a cry of the heart?

Girkin: Yes, you've got it exactly right. If I had wanted to somehow avoid it, or if I had simply not wanted to participate, believe me – I wouldn't have participated in it at all.

Gordon: Do you remember when you arrived in Crimea? And again – could you please tell us who was financing you there?

Girkin: Well, Konstantin Valerievich Malofeev hasn't hidden his... his participation in that effort. He did finance my activities there, but also the activities of others. I don't think I can make any further comment on this issue.

Gordon: When you went to Crimea, did you have any specific assignments in terms of what you were supposed to be doing there? Or were you just going on intuition – waiting to see how the situation would unfold and then reacting accordingly?

Girkin: By that time, I had already met Sergey Valerievich Aksyonov ... and, well, how should I put this? If an intelligence officer has been, let's say, 'formally' tossed out of the intelligence services, that doesn't mean that he instantly stops being an intelligence officer. Naturally, his experience, his ability to assess a given situation – assuming he has them in the first place, well, those things remain. Having spent some time in Kyiv at Maidan, having talked with some of the people there, I understood that Ukraine would start falling apart in short order. That is to say, I was confident in the victory of the Maidan uprising – absolutely convinced of it. Consequently, having arrived in Crimea, completely on my own (I hadn't even spoken with Malofeev on the subject) I started doing all of the work involved in establishing the necessary local contacts, let's say, in so far as I believed that when Ukraine, as an artificial construct, did begin falling apart, it would be preferable if the affected territories were reabsorbed into Russia – together with the local population, of course. It was at that same time that I met up with Aksyonov, since the Cossacks from Aksyonov's organisation were providing security for his club – the 'Simferopol'. It was also at that point that I made contact with some officers from the headquarters of the Black Sea Fleet – the Ukrainian Black Sea Fleet, that is, and started another round of meetings, the substance of which I'm not going to get into here, and I visited Crimea twice more after that, already with a rough sense of what was going to unfold there – a very rough sense. So, when those events did start occurring, I simply went as an advisor to see Aksyonov with only the vaguest of assignments to assist him in any way that I could and as much as I could. I should note that I basically came up with myself.

...

Gordon: People like Bezler, Dubinsky, Geranin – did you know them? Are you aware that they also work for the intelligence services of the Russian Federation?

Girkin: As far as Bezler goes, he was never employed with the intelligence services of the Russian Federation, and with respect to Geranin and Dubinsky, I got to know them really well in Chechnya, in combat over there – we were deployed together to Grozny. So, of course, I'm aware that back in their day, they worked for the intelligence services – for one intelligence service in particular, to be precise."

2580. He later confirmed that Mr Malofeyev had awarded him one of roughly twenty gold medals given to people he believed had made the "greatest contribution to the reunification" of Crimea with the Russian Federation.

2581. Mr Girkin was asked about the circumstances of his arrival in Slovyansk from Crimea. He said:

"I certainly have no intention of telling you the inside story of this episode, since it featured the participation of a lot of people – most of them volunteers. I've already named the key players here, and in this instance, I was acting with the direct support of Aksyonov, who, once again, is smart enough to realize – to realize even back then, that Crimea on its own without, at a minimum, Northern Taurida, at a minimum – without Dnipropetrovsk, without being connected to Russia by land, is nothing but a limp arm. Crimea, as I used to say back then and would reassert today, without a land corridor linking it to the Russian Federation is nothing but a 'black hole' that you can pump as much money as you like into – in the best-case scenario, that would keep it more or less stable, albeit trending towards a gradual decline ... I must emphasise – I've talked about it a lot and I'll repeat it for you now: at the time when the events involving reunification were still swirling in Crimea but reunification with Russia hadn't yet taken place, at the point when Crimea, of course already with the support, albeit passive, of the Russian armed forces, declared independence – *de facto* independence, and the referendum had been scheduled, I thought at the time that Crimea would become another Transdniestria, 'another Transdniestria' quote-unquote, naturally, another State that would be closely aligned with the Russian Federation while formally retaining its independence. Moreover, I never put a premium on it, but at the time I had every chance of becoming the head of that new nation's State security service. I think that if the situation had unfolded precisely that way, then that's exactly what would have happened. But, when Aksyonov returned from Moscow and said that we would be holding the referendum right away, that [Crimea would be declaring its] independence and reunification with Russia, I was shaken to the core – just shaken to the core. I was... I don't know – I really couldn't take in anything else he said, because my mind was filled with the thought that this would mean crossing the Rubicon – a Rubicon that couldn't be crossed twice and from which there would be no return. I understood that this was a step that would completely undo all previous behind-the-scenes arrangements and secret or at least informal agreements with the Europeans, with the United States – a step for which Putin would never be forgiven. I thought at the time that this was something he understood – I was overestimating his intellectual prowess and other capabilities in this regard, but at the time I was certain that the reunification of Crimea would be followed in short order not only by the reunification of Donbass, Odessa, Kharkiv, but for me it almost entailed ... a revolution at the top as it were, because that gang of dismal bandits and crooks that surrounded Putin at the time, the same one that surrounds him now – with his full awareness and approval, I should emphasize, he wouldn't have been able to do it. So, I truly thought that this step would have vectors going in both directions, relative

to both Kyiv and Moscow. Of course, I was bitterly disappointed by the events that subsequently unfolded in this respect...”

2582. Mr Girkin explained that he had crossed the border into Ukraine with fifty-four men, saying:

“Unfortunately, there wasn’t a single active-duty Russian solider – not even a single discharged Russian officer among them. There was one with Drylyuk: Adler – he was a lieutenant colonel with the SBU, but he was really in the doghouse, so to speak, and then there was Asonov and a former officer with the Ukrainian armed forces, and maybe another one or two former reserve officers were with us, but again – these were people from the Ukrainian armed forces. In my immediate group there were a few men with Chechen combat experience, but we’re talking about enlisted men and those in the non-commissioned officer corps. I think two of them were GRU special forces, but again, with a rank of no higher than sergeant – I knew them from the Second Chechen Campaign. In actual fact, three-quarters of them were Ukrainian citizens – at least three-quarters (I didn’t make a special account or keep statistics). They were Ukrainian citizens, and that said, most of them weren’t from Crimea, but rather people who had come to Crimea directly from other cities: from Kyiv, from Odessa, from Kharkiv ...”

2583. He went on to explain in more detail his decision to go to Slovyansk and his involvement in Donbas generally:

“... I had planned in advance to take a small city with a population of 50-100 thousand. Slovyansk was even a little bit big in that sense. I understood that if I were to go to Donetsk, first off, I’d encounter different structures, both state and non-state, that would get in my way, and that I’d wind up among people that I wouldn’t be able to quickly assess, so the objective was to take that city in particular. It was only once I was there that I became convinced that the people whom I had previously met in Taganrog, in Rostov, were really doing everything that they had been... that they had taken on. I had already been asking which city had the most active Russian population that would be capable of immediately taking up arms, as it were, and give use broad-based support right away, because I fully grasped that no group, not 50, not 150 men, without the support of the local population would be able to... well, they might be able to capture a city, but certainly not hold it. They mentioned Slovyansk, but once I looked at it on the map, I realized that, firstly, it was too far, and I really started thinking about Shakhtyorsk or Snizhne as the location for the first base... it was logical to set up our centre between the Russian border and Donetsk, but still, it was far ... the main [reason] was that we’d have massive local support there. I was told that our ranks would immediately be bolstered by more than 300 men. They weren’t seriously armed, but that didn’t concern me. I was happy with that number for the first while.

...

... I remember, when the Donbass was rising up, that I had a *de facto* position with Aksyonov – essentially sidelined from any affairs in Crimea, I became his deputy for ... Russian consolidation beyond Crimea, that is to say, I conducted negotiations, he assigned virtually all of his people remaining on the other side of the isthmus to me. So, to a great extent, I took on everything that he was supposed to be doing himself, at a point where he had really already turned his attention to internal Russian politics – to the Russian political class, as you guys refer to it ... So, I had to resolve a lot of issues on my own. I’m very grateful to him, for the fact that he supported me in everything back then – including financially.”

2584. Mr Girkin rejected the suggestion that he had personally taken part in the creation of the "DPR", saying:

> "Absolutely not, absolutely not. I didn't know – or maintain contact with – most... the vast majority, or really any of the people who declared the establishment of the DPR, which, if I'm not mistaken, occurred on 6 April ... [W]hen I was physically in the territory of the republic, I was essentially only dealing with military issues. Moreover, I tried not to interfere in anything. There were some who would come to see me, lots of people came trying to solicit my support, but without understanding, or to put it more accurately – intuiting that far from everything they were saying was the truth, and not seeing among those who were coming to see me a truly bold and charismatic leader that I could fully support, notwithstanding their background or certain episodes from their past, I didn't seriously lean in to participating in political life. Generally speaking, I didn't really participate in it at all, aside from defence and security matters – not even in the referendum. Even in Slovyansk, I didn't take any part whatsoever in the direct referendum. All of that work was done by the local activists, and that's the truth."

2585. When asked about his appointment as minister of defence of the "DPR", he explained:

> "I think that was logical – especially at a time when they were handing out empty titles right and left. Firstly, I wasn't the first such DPR minister, if you recall. I was the second. The first, my namesake, had been detained in Mariupol – captured and imprisoned. After him, if he had... I think that if he had stayed and not been captured, he would have remained in his ministerial post, which was something that I wasn't even vying for. Furthermore, even all of the orders that I issued in the DPR, I almost never signed them as the Minister of Defense. It was only afterwards, when I had to formalise something, establish combat decorations and military ranks, that I would sign such orders officially, and even then, I would sign as 'Commander-in-Chief of the Donetsk People's Militia'."

2586. The following exchange then took place:

> Gordon: But would you agree that the staffing of the Cabinet of Ministers of the so-called DPR was decided by Moscow? That the ministers were appointed from Moscow – that all of the key posts were assigned from Moscow?
>
> Girkin: You know, we can talk about all of that now, on the basis of all of the open information that's being published today, but even then – it's not certain that all of it is accurate. But on the whole, yes, of course – without the involvement of certain figures in Moscow, those people would probably never have been appointed. But then again, let's not forget that neither Borodai, who had popped up over there, nor his retinue were Russian bureaucrats in the past, in fact – they weren't any kind of political figures at all. I, for example, was looking at the whole situation and thinking 'thanks, but no thanks'. I had been hoping, in fact, Tsaryov would remain in the territory of the DPR and assume its leadership. At least that would have been logical. All the more so, given that at the initial stage, there was a realistic hope that we wouldn't limit ourselves to Donetsk but keep pushing forward – that the domino would continue to Odessa, inclusively. Of course, that process was interrupted, or not facilitated and partially interrupted, in so far as Tsaryov was pulled out of there in short order on Kremlin orders. But I believe, as far as I've heard, Borodai actually... after two individuals who were originally from the area but currently living in Russia (I know who they are, but I'm not going to name names) turned the position of head of the republic down, Borodai simply popped out: 'okay let's go for it, I'm ready'. So, they just nominally sent him there, but

again, that was at a point when, in my opinion, Moscow had already turned away from actively supporting Novorossiya and the LPR and DPR as independent republics."

2587. Mr Girkin later emphasised:

"...[W]hen I was physically entering DPR territory ... I had no intention of becoming a public figure whatsoever. Just as in Crimea, when I was right next to Aksyonov, no one knew who I was. No one – except, of course, his inner circle, his own fighters, who, in our special-forces battalion numbered roughly 200, and who were stationed at the republican military commissariat that we had taken over. Generally speaking, I would have been perfectly happy with a position like that in the Donbass, if truly charismatic and capable commanders had come forward and caught my eye in time, but Pushilin made no impression on me at all, other than, well, something along the lines of 'what kind of a louse have we got here?'. Yes, that's pretty much what I thought of him. The fact that he had actually reached some kind of an arrangement in Moscow, at least at that point, I thought it was with Malofeev, and the fact that they were essentially asking me – urging me to take off my mask and do the first interview with him, well, that was something of a shock for me, including from the standpoint of 'who am I sitting next to right now?' ..."

2588. Mr Girkin also emphasised that he had not been "deployed" in Crimea or in Donbas but rather had gone there of his own accord, adding that as far as Donbass was concerned, "[a]ctually, Malofe[y]ev was against it".

2589. Mr Gordon asked who had been equipping Mr Girkin and his men and giving them weapons when they had crossed the border, and with what money. Mr Girkin replied:

"The uniforms were purchased back for the Crimean Battalion, using Malofeev's money. They just didn't make it to Crimea in time, and we only managed to pick them up in Rostov, literally a day before crossing the border. The same goes for the boots. I ordered those uniforms myself – even came up with the design myself. As concerns our equipping, with respect to everything else, I'm not going to answer those questions."

2590. Mr Girkin explained that when he was in the "DPR" he had experienced a "chronic, catastrophic shortage" of money. He said that he had managed to pay his troops in Slovyansk only twice: UAH 3,000 in May 2014 and UAH 1,000 in June 2014. After that, he had only had enough money to feed his own personal team of four or five men. However, upon his return to Moscow he had received ten million roubles from a person whom he declined to name, which he immediately sent to Donbas.

2591. Commenting on the "passiveness" of the local population in Slovyansk, Mr Girkin said:

"In 1941, when a man was leaving for the front as a volunteer, he knew for sure that he would be clothed, booted, armed, that he would have commanders and that ... his family would receive money... and that on top of that ... he's going voluntarily, and so he gets something extra to be proud of – rightfully proud, by the way.

...

In Slovyansk, and even worse in Donetsk, the situation was such that we couldn't give the people anything, not a damn thing. We couldn't even give the people the firm promise that we were anticipating a solid victory. This was accentuated by the fact that the people were watching television – both Russian and Ukrainian television. The

people could sense Russia's support – it's very intermediated help, on TV, but they didn't see that support in a tangible way on the ground.

...

I couldn't... I didn't have... volunteers would truck in uniforms, volunteers would truck in boots, but there was no centralized supply chain. Everyone was wearing a patchwork of getups, whatever they could get their hands on. 'Uniform number eight. That's what they brought, that's what we wear'.

...

And the weapons, let me just say, were in far from mint condition. The number of truly good, serious top-flight weapons was next to nothing. For the most part, they had been seized from the 25th mobile brigade. There was a catastrophic shortage of munitions, particularly in the first days. If the Ukrainian military had known what I actually had... I had of course been wildly bluffing on the phone, understanding full well that the calls were being intercepted. But if the Ukrainian military had known that I had about a magazine-and-a-half of bullets per machine gun, I don't think we would have been able to hold on for any longer than early May. That's not to mention the fact that we didn't have any shells, none at all – we didn't even have any grenade-launchers. We had everything that we had managed to take from the 25th mobile, and that was the extent of our anti-tank weaponry. If we hadn't captured the five 'Igla' [portable infrared homing surface-to-air] missile-launchers in Kramatorsk, we wouldn't have managed to bring down a single helicopter over the entire campaign. That's because no one would have brought them to us, no one would have given them to us. All of the Ukrainian helicopters were shot down with those very same Ukrainian Eagles – every last one of them, all nine ..."

2592. Mr Gordon asked whether Mr Girkin knew certain people who "seem to me might be some of the *de facto* leaders of the Donetsk Campaign". He named "Nikolai Fyodorov Tkachov, call sign: 'Dolphin', Oleg Vladimirovich Ivannikov, call-sign: 'Orion', pseudonym: Andrei Ivanovich Laptyev, Igor Anatolievich Egorov, call-sign: 'Elbrus'...". Mr Girkin replied, "No comment".

2593. Mr Girkin was then asked about why he had resigned from his post as "Minister of Defence". He answered:

"I resigned because I was explicitly told that if I didn't resign, the militia wouldn't receive the necessary assistance. No further comment."

2594. Mr Gordon quoted a previous comment by Mr Girkin that "Surkov brought bandits to power in the Donetsk and Luhansk Republics". Mr Girkin stated:

"As concerns my comments about Surkov, I don't take any of them back, it's all just as I said. Surkov essentially facilitated the appointment, at the very least facilitated – I wasn't there holding a candle, the appointment of people who, judging by their professional and ethical attributes, should be kept somewhere else – preferably not among normal people ..."

2595. Mr Gordon put another of Mr Girkin's quotes to him, that "if Russia were to close the border, the DPR and LPR would cease to exist within a matter of days". Mr Girkin replied, "if the Russian Federation were ... not to

support its own corps with heavy force, as they say, then along some lines I'd give two days for the withdrawal and a week-and-a-half, two weeks, for the mopping-up operation".

2596. Mr Girkin was asked about the military tribunal established in Slovyansk and orders for execution that had been handed down. He said:

> "... I had to cobble together a military tribunal and preside over it personally. I didn't have any other way of enforcing even a semblance of military law and order within the territory of the garrison, and I don't regret it. The orders were signed... four people were executed based on – and one person was acquitted – based on the findings of five tribunals, as far as I recall. No – there were four tribunals in all, two were executed as a result of one of them. And they were executed... someone was executed for pillaging – yes, one for... one local resident for pillaging and three fighters from our unit were executed, also for pillaging, for committing torture, for kidnapping. As far as the orders are concerned... I didn't have any other option, and so I went according to, if you'll allow me to put it this way, according to precedent-setting law – the closest legislative act that used to be in force, particularly since, as far as I'm aware, it was heavily copied from the Imperial version. As far as I know, after 1945, such tribunals were never introduced – not in the territory of the Russian Federation, not anywhere in the CIS."

2597. As to the treatment of people held in separatist captivity, the following exchange took place:

> "Gordon: But were prisoners taken captive subjected to torture?
>
> Girkin: Saboteurs who were dressed in civilian clothing, pursuant to common military law, were not considered combatants but rather saboteurs and destroyed accordingly. The Ukrainian military personnel who were captured, the ones that I had, were kept for later exchange and were not subjected to any means of physical force – at least not in those places under my active control.
>
> Gordon: They weren't tortured?
>
> Girkin: No – at least not in the places that I could control. As concerns civilians who were in one way or another colluding, colluding with the enemy, if that's your question, in general they were sent to the penal company, and again – under my control. That's excluding those who, I'll stress it again, who were caught with weapons, with munitions, but there were only a few of them.
>
> Gordon: How many Ukrainian citizens in total were executed in Sloviansk on your orders?
>
> Girkin: It's hard to say... hard to answer that question, I wasn't counting, but strictly with respect to execution there were four, that said – they were all executed by Ukrainian citizens, by the verdict of the tribunal, including two who had come with me from Crimea. Well, you could probably double that number, roughly, maybe a few more.
>
> Gordon: Did you ever shoot at Ukrainians yourself?
>
> Girkin: I shot one murderer who, in a state of drunkenness, also a militia fighter, had killed one and injured two other militia fighters, having deserted his post while carrying a weapon."

2598. As regards flight MH17, Mr Gordon quoted intercept material in which Mr Girkin had asked My Aksyonov for Russian military aid. Mr Girkin

confirmed that he had asked for military assistance, although he was unable to recollect exactly how he had framed his request. He repeated several times that "the militia didn't shoot down the Boeing" and refused to comment any further.

(q) Interview with Mr Borodai, 19 October 2021

2599. On 19 October 2021 Mr Borodai gave an interview to Nadana Fridrikhson from the Zvezda News channel after his election as a member of the Russian State Duma. In the course of the interview, he spoke of "our forces". Ms Fridrikhson asked him, "By our forces you, of course, mean Donbas?", to which he replied, "Yes, of course, they're our Russian people, our Russian forces". Mr Borodai continued:

> "I think that this is precisely the point. These are Russian forces, and the armed forces of the Russian Federation are also Russian forces. Both the one and the other are Russian forces. Yes, one lot of Russian forces are called the corps of the People's Militia of the DPR and the LPR, the others are simply called the Russian army. What is the difference?"

2. Russian Government and other political figures

(a) "Direct Line with Vladimir Putin", 17 April 2014

2600. In a television programme "Direct Line with Vladimir Putin", aired on 17 April 2014, the President of the Russian Federation responded to questions about events in Ukraine. The following relevant exchanges took place:

> "Question: How would you respond to the statements coming from both Kiev and the West about Russia being behind the protests in eastern Ukraine, allegedly staged and financed by 'Moscow's hand'? They even claim that certain Russian armed units are there.
>
> Vladimir Putin: Nonsense. There are no Russian units in eastern Ukraine – no special services, no tactical advisors. All this is being done by the local residents, and the proof of that is the fact that those people have literally removed their masks. So I told my Western partners, 'They have nowhere to go, and they won't leave. This is their land and you need to negotiate with them'.
>
> ...
>
> Question: Are you planning to send a limited contingent of troops to southeastern Ukraine to protect its Russian-speaking population? Thank you.
>
> Vladimir Putin: You know, despite the events in Crimea, we should not lose our heads, but should proceed from realities. What are these realities today? First, we must admit that the ethnic composition of Crimea differs from that of south-eastern Ukraine. These territories, as I just said, were transferred to Ukraine in the mid-1920s, and in 1954, Crimea was annexed to Ukraine for some reason as well.
>
> The ethnic composition of the population there is approximately 50–50. I have already mentioned that the final decision to return Crimea to the Russian Federation was only based on the results of the referendum. When I saw these results, and saw for myself

that almost all residents voted for joining Russia, I repeat, we had no other choice and there could have been no other decision.

As for what is happening in south-eastern Ukraine, we don't know for sure. But we believe that we ought to do everything we can to help these people defend their rights and determine their fate on their own. This is what we will fight for. Let me remind you that the Federation Council of Russia gave the President the right to use the Armed Forces in Ukraine. I very much hope that I will not have to exercise this right and that, through political and diplomatic means, we will be able to resolve all the pressing, if not to say burning, issues in Ukraine."

2601. Mr Putin also commented on the history of the south and east of Ukraine:

"Now, as for what lies ahead, which comes first: first, a referendum on the constitution and then elections; or should we first stabilise the situation through elections and then hold a referendum? This is not even the question – the question is to ensure the legitimate rights and interests of Russian and Russian-speaking citizens of the south-east of Ukraine. Let me remind you, using the terminology of tsarist times, this is Novorossiya: Kharkov, Lugansk, Donetsk, Kherson, Nikolaev, Odessa were not part of Ukraine in tsarist times. These are all the territories that were transferred to Ukraine in the 1920s by the Soviet government. Why they did it, God knows. All this happened after the respective victories of Potemkin and Catherine II in the famous wars centered in Novorossiysk. Hence Novorossiya. Then, for various reasons, these territories left, but the people stayed there.

Yes, today they are citizens of Ukraine, but they should be equal citizens of their country, that's the whole point. And the question is not even what comes first, a referendum on decentralisation or federalisation, and then elections, or elections and then a change in the structure of the State, but is a question of guarantees for these people ..."

(b) Comment on the Joint Geneva Statement on Ukraine by the Minister of Foreign Affairs of the Russian Federation, 17 April 2014

2602. On 17 April 2014, Sergey Lavrov, the Minister of Foreign Affairs of the Russian Federation, commented on the Joint Geneva Statement on Ukraine and answered questions from journalists. The relevant extracts of the question-and-answer session are as follows:

"Question: Today Ukraine is undergoing partial military mobilisation. It is known that about 40,000 Russian military personnel are on the eastern border of Ukraine. There are also reports of an increase in the number of military personnel in Crimea. Russian President Putin said today that he hopes he will not have to invade Ukraine. Is it possible to introduce Russian military forces into Ukraine if that country does not carry out constitutional reform in accordance with the vision of the Russian Federation?

Sergey Lavrov: First of all, as far as the Russian military personnel are concerned, they are on our territory, and your servicemen who are mobilising are also doing it on their territory. The only difference is that our servicemen do not oppose their own people, while yours were mobilised by illegal order to suppress mass protests.

Crimea is irrelevant at all, because it made its choice, we recognised it and respected the opinion of the overwhelming majority of Crimeans. There is no increase in our armed forces. There is a Russian base there with exactly as many naval officers and

sailors as are necessary for its normal functioning. If there are any reports that the number of servicemen has increased, this may be due to the fact that most of the servicemen of the Ukrainian Black Sea Fleet base have chosen Russian citizenship, and the fate of their further service will be decided. I assure you that there will be no extra armed forces on the territory of Crimea, or any other region of the Russian Federation, which would contradict Russia's international commitments.

As for your last question, I am not sure that we understand correctly what we are talking about. We have no desire whatsoever to send troops into Ukraine, into the territory of a State friendly to us where a fraternal people lives. This runs counter to the fundamental interests of the Russian Federation. We are, of course, extremely concerned by the discriminatory attitude of the current authorities towards the Russian and Russian-speaking population, the Russian language and culture. There are absolutely disgusting statements in parliament when members of a party in the ruling coalition publicly called Russian speakers 'creatures' and declared that those who speak Russian should be eliminated. This is just one of many examples.

We have not heard any statements from coalition leaders rejecting and condemning such statements. That is why I assume that we will all contribute to changing this situation. Constitutional reform will take place in any case, I have no doubts about that. We have been assured of this by our American partners, who have a decisive influence on the current Kiev leadership. We have an understanding that the task of reform will be completed and, within its framework, the rights of all regions, ethnic groups and linguistic minorities will be fully secured.

...

Question: ... How can the world believe your words when a week ago, Russian President Vladimir Putin said that Russian authorities did not support the Crimean separatists, and now he says that they did? How can we believe you?

Sergey Lavrov: Russian President Vladimir Putin never said that there were no Russian servicemen in Crimea. Our servicemen were and are at the naval base of the Russian Federation, which is absolutely legitimate there (on Ukrainian territory at the time). When popular protests began, attempts by Right Sector and other bandits to infiltrate Crimea and arrange a repeat of the Maidan events, the servicemen were put on high alert. At that moment, they were ready to prevent the implementation of such plans. But the self-defence units coped on their own: they did not let the extremists into Crimea. That's all.

As for Ukraine, leaving aside Crimea, as Mr. Putin said a few weeks ago and repeated today, there were and are no servicemen, agents or saboteurs of any kind there."

(c) Comments by Mr Lavrov, Minister of Foreign Affairs, 12 May 2014

2603. In the context of a speech by Mr Lavrov and his answers to questions from the mass media during a press conference summarising the results of the negotiations with the Ugandan Minister of Foreign Affairs, Mr Lavrov was asked for his views on the "referendums" in the separatist entities. In his reply, he said:

"... According to our information, the results will be announced soon. We respect the expression of will by the Donetsk and Lugansk Regions and believe that the practical implementation of the results of this voting will take place in a civilised way, without any repeated violence, through a dialogue between representatives from Kiev, Donetsk

and Lugansk. We deem it important to promote such a dialogue and will welcome any mediation efforts, including within the ambit of the OSCE."

(d) Official Statement of the Ministry of Foreign Affairs, 12 May 2014

2604. On 12 May 2014 the Ministry of Foreign Affairs of the Russian Federation published an official statement (No. 1148-12-05-2014) regarding the "referendums" in the "DPR" and the "LPR". The statement read:

> "On 11 May, referendums were held in Donetsk and Lugansk regions of Ukraine.
>
> Despite the attempts of the Kiev authorities to disrupt the voting, including using militias, heavy weapons, national-radicals, and the army against civilians, resulting in casualties, the will of residents of these regions was carried out with an exceptionally active turnout.
>
> The preliminary results of ballot counting convincingly show the real attitude of the citizens of Donetsk and Lugansk regions to have the right to make independent decisions on issues concerning their vital problems. We believe that the implementation of the results of referendums should take place in the framework of a dialogue between Kiev, Donetsk and Lugansk.
>
> We reaffirm the need for the immediate establishment of a broad discussion in Ukraine regarding its future state structure with the participation of all political forces and regions of the country. This fully correlated with the efforts of the international community, as reflected in the Geneva Declaration of 17 April 2014 and the 'road map' proposed by the President of Switzerland, the OSCE Chairman-in-Office, D. Burkhalter.
>
> We expect real actions from the Kiev authorities instead of general declarations of intent, without delay, to holding productive meetings with representatives of the regions of the South and East of Ukraine, which would lead to stabilization of the situation in the country. Unfortunately, the authorities in Kiev still demonstrate a criminal unwillingness for dialogue with their people."

(e) Interview with Mr Putin, 4 June 2014

2605. On 4 June 2014 Mr Putin gave an interview to the French broadcasters TF1 and Europe 1. He said the following:

> "I will repeat once again: there are no Russian soldiers in Ukraine ... There are no military personnel, not even trainers from the Russian army, in the eastern and southern regions of Ukraine. There have never been any."

(f) Official Statement of the Ministry of Foreign Affairs, 3 November 2014

2606. On 3 November 2014, the Russian Ministry of Foreign Affairs made the following statement (No. 2541-05-11-2014) about the results of the "DPR" and "LPR" elections:

> "In general, the elections in Donetsk and Lugansk regions were organized with a high voter turnout.
>
> We respect the will of the people of the South-East. Selected representatives received a mandate to solve practical tasks for restoring normal life in the regions.

Taking into account the elections held, it is extremely important to take active steps to establish a stable dialogue between the central Ukrainian authorities and representatives of Donbass in line with the agreements reached in Minsk.

We are ready to work together with our international partners and to continue the contribution into resolving the crisis situation in Ukraine."

(g) Annual news conference with Mr Putin, 18 December 2014

2607. On 18 December 2014, Mr Putin held his annual news conference. The following exchange took place:

"[Ukrainian journalist]: My first question concerns the punitive operation you have launched in eastern Ukraine, which is mostly spearheaded against Russian speakers. It's an open secret that it is Russian servicemen and Russian militants who are fighting there. Question: How many Russian servicemen and units of equipment have you sent there, and how many of them have been killed in Ukraine? What would you as the Commander-in-Chief say to the families of the Russian servicemen and officers killed there?

...

Mr Putin: Now to the first question, about responsibility. In Russia, like in any other presidential republic, it is the president who is responsible for everything. And responsibility for military personnel rests with the Commander-in-Chief. Let me remind you that in Russia this is one and the same person.

All those who are following their heart and are fulfilling their duty by voluntarily taking part in hostilities, including in south-east Ukraine, are not mercenaries, since they are not paid for what they do.

Russian public opinion holds that what is now happening in south-east Ukraine is actually a punitive operation, but it is conducted by the Kiev authorities and not the other way around. The self-defence fighters of the south-east were not the ones who sent troops to Kiev. On the contrary, the Kiev authorities amassed their military forces in the south-east of Ukraine, and are using multiple rocket launchers, artillery and fighter jets."

(h) Annual news conference with Mr Putin, 17 December 2015

2608. On 17 December 2015, in the context of Mr Putin's annual news conference, the following exchange took place:

"[Ukrainian journalist]: Mr President, in the context of your repeated statements that there are no Russian military personnel in Donbas, I would like to convey to you greetings from Captain Erofeev and Sergeant Alexandrov, Third Brigade, the city of Togliatti.

Tell me, will you exchange them for Sentsov, Savchenko, Afanasyev, Kolchenko, Klykh? And this list is incomplete.

...

Vladimir Putin: ... We've never said there are no people there who deal with certain matters, including in the military area, but this does not mean that regular Russian troops are present there. Feel the difference."

(i) Comments by Mr Putin at the Russia Calling! Investment Forum, 12 September 2016

2609. On 12 September 2016, Mr Putin took part in the eighth Russia Calling! Investment Forum organised by VTB Capital. He made the following comment:

> "And when we had – to reiterate, had – to defend the Russian-speaking population in Donbass, when we had to respond to the desire of the people living in Crimea to return to the Russian Federation, a new spiral of an anti-Russian policy was immediately launched and sanctions were introduced."

(j) Annual news conference with Mr Putin, 20 December 2018

2610. On 20 December 2018, at his annual news conference, Mr Putin answered a question posed by a Ukrainian journalist about the amount of money which Russian had been spending to support Donbas. He stated:

> "We do render humanitarian and other assistance and support to the people who live on that territory. But we do it only to prevent them from being finally crushed, devoured and torn to pieces, and we will continue doing it ..."

(k) Annual news conference with Mr Putin, 19 December 2019

2611. At his annual news conference on 19 December 2019, in response to a question by a Ukrainian journalist about the withdrawal of foreign troops from Donbas, Mr Putin said:

> "... There are no foreign troops there. Yes, there are local militias, local self-defence forces staffed with local residents. I get questions all the time: Where did they get tanks or heavy artillery? Look, conflicts and hostilities of all kinds are unfolding in many hotspots around the world, involving tanks, artillery, etc. Where do they get them? Probably from those government agencies that sympathise with them. But let me emphasise that these weapons are theirs, not foreign."

R. Digital material

1. Videos

(a) The Snizhne video

2612. This video shows a Buk TELAR travelling under its own power along Gagarina Street (the T0522 provincial road) to the south of Snizhne.

(b) The Luhansk video

2613. This video shows a Buk TELAR being transported along a road.

(c) Video of alleged Russian servicemen in Ukraine

2614. The video was allegedly recorded in August 2014 in Ilovaisk or its vicinity. It shows four men in camouflage uniforms without insignias surrounded by a group of armed men with insignias of the Ukraine armed

forces. The four men are ordered to introduce themselves. They identify themselves as solders of military unit no. 54096 of the 6th Tank Brigade of the West Military Circuit (two soldiers) and solders from military unit no. 73612 of the 331st Air Assault Regiment (two solders). They give their names and dates of birth. Two of them say that they are from the towns of Kaluga and Ulyanovsk, Russia.

(d) Video of July 2014

2615. This video was uploaded to YouTube on 16 July 2014, and entitled "*Донецк Игорь Стрелков Мариновка в руках ополченцев*" ("Donetsk Igor Strelkov Marinovka in the hands of people's militia"). It contains a television programme in Russian covering the events from the pro-separatist perspective (as evidenced notably by the use of *ополченцы* ("people's militia") to refer to the separatist armed formations). The female announcer says that the Ukrainian Army have left their positions. Igor Strelkov, the "DPR" minister of defence, has personally commanded an operation to capture Marynivka. Mr Strelkov, on screen, reports on the hostilities and says that the separatists have managed to destroy and capture several Ukrainian armoured vehicles.

(e) Video of July 2014 – extended version

2616. This video shows the same television interview with Igor Girkin reporting on the events in Marynivka on 16 July 2014 but is longer, with fewer cuts. Uploaded to YouTube on 15 August 2014 and entitled "*Атака на Мариновку Стрелков РАСКАЗАЛ о ходе боя 16 07 2014*" (Attack on Marinovka Strelkov spoke about how the fight went 16 07 2014). Mr Girkin says that the separatists have attacked Marynivka, trying to cut off the corridor which connected the "enemy's" southern group to their main forces. They managed to take three commanding heights and one village but could not fully achieve the objective since the Ukrainian forces were too strong in the area. Mr Girkin reports on his and Ukrainian losses. In the course of the interview an armed man says something to Mr Girkin and he responds with the command "Destroy! Encircle and destroy! Send intelligence units there!" He explains that this command related to the discovery of a mortar battery which bombarded his force and which he now hopes to destroy.

(f) Graham Phillips, "Updates (#17) Leaving NAF Positions by Debaltsevo Today", 15 February 2015

2617. This is short video footage published by Graham Phillips on YouTube on 15 February 2015 and entitled "Donbass 2015 - Leaving DPR/LPR Positions by Debaltsevo Today". The video shows the front lines of Debaltseve. Graham Phillips, travelling in a vehicle along a line of tanks,

says that he has spent the day on the frontlines near Debaltseve where there was supposed to be a ceasefire but there were no signs of actual ceasefire.

(g) "Ukraine Rebels Advance towards Mariupol," Al Jazeera English, September 2014

2618. The video contains Al-Jazeera English news footage uploaded to YouTube on 5 September 2014. The report says that "on the day NATO said there were several thousand Russian troops and hundreds of tanks and armoured vehicles in Ukraine", journalists reporting from Novoazovsk had seen eleven battle tanks, two armoured personnel carriers, a multi-launch rocket system and several mobile artillery pieces, all passing through Novoazovsk, which had fallen last week, on the road from the Russian border heading into Ukrainian territory. A Ukrainian serviceman interviewed at a checkpoint on the approaches to Mariupol says that his unit is fighting the regular Russian army with some "terrorists" who help them.

2. Material concerning "Myrotvorets" website

2619. Myrotvorets (literally, "peacemaker") is a website operated by the "Center for Research of Signs of Crimes against the National Security of Ukraine, Peace, Humanity, and the International Law". It purports to provide information for law enforcement authorities and special services about "pro-Russian terrorists, separatists, mercenaries, war criminals, and murderers". The respondent Government claimed that the Myrotvorets website is run by or with the complicity of the Ukrainian Government and its security services.

2620. An article published by RT News on 15 April 2015 ("*Personal details of murdered journalist & ex-MP found posted on Ukrainian 'enemies of state' database*") reported that politician Oleg Kalashnikov's and journalist Oles Buzina's details were published on the Myrotvorets website no more than 48 hours before both were found dead. It added that the volunteer-made site was supported by Anton Gerashchenko, an adviser to the interior minister and a member of the Ukrainian parliament. In one of his Facebook posts, he advised people to post updates to the website.

2621. In May 2016, the Myrotvorets website revealed personal information of more than 4,000 representatives of various Ukrainian and international media outlets, who were accredited by the "DPR". The website alleged that these journalists "co-operated with terrorist organization" and violated Ukrainian legislation.

2622. On 11 May 2016, the OSCE Representative on Freedom of the Media, Dunja Mijatović, expressed concern about the safety of journalists and media workers in Ukraine following the leak of personal information of journalists on the Myrotvorets website. "This is a very alarming development which could further endanger the safety situation for journalists," she said.

2623. On 13 May 2016, the Secretary General of the Council of Europe wrote a letter to the President of Ukraine. The relevant parts of this letter read:

> "I am writing to express my concern over the publication on a Ukrainian website of the personal details of thousands of journalists who have reported from eastern Ukraine. This case was brought to my attention by prominent European journalist associations and freedom of expression organisations that have collectively submitted an alert to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists, of which they are partners...
>
> Publishing sensitive personal data puts the personal safety of these journalists at risk and I understand that some have already reported receiving threats. It is particularly worrying that this action has received praise from certain politicians, including members of Ukraine's Parliament.
>
> This massive release of personal data on journalists raises serious questions under the European Convention on Human Rights and the data protection standards of the Council of Europe, as enshrined in the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, which has been ratified by Ukraine, as well as the Resolutions and Recommendations of the Committee of Ministers of the Council of Europe.
>
> I note, in addition, the call of the Ukrainian Ombudsman to block access to these resources, based on the fact that the collection and publication of sensitive data would also be in breach of the Ukrainian privacy laws.
>
> Against this background I call upon you, Mr President, as the guarantor of the observance of the Constitution of Ukraine and of human rights and freedoms, to ensure that the privacy and safety of the journalists is guaranteed and that the relevant authorities swiftly investigate and address this massive breach of privacy.
>
> ..."

2624. On 24 May 2016, the Committee to Protect Journalists, an independent, press freedom advocacy group, sent an open letter to the President of Ukraine. The relevant parts of the letter are as follows:

> "We ... write to express our support for Ukrainian prosecutors' investigation into a Ukrainian website's defamation of thousands of local and international journalists and human rights activists as "terrorist accomplices," and to express our shock that instead of condemning the act that puts our colleagues' lives at risk, senior Ukrainian government officials have praised this deliberate attempt to intimidate journalists and potentially to put them at risk.
>
> A group of hackers on May 7 announced on a website called Myrotvorets (Peacemaker) that they had breached computers pro-Russian separatists in eastern Ukraine used to keep track of journalists they had allowed to work in the region, and published a database containing the names, affiliations, and contact information of more than 7,000 individuals. The database included 4,508 local and international journalists and media workers who have reported from the conflict zone...
>
> Human rights groups report that journalists have been threatened following the publication of their contact details. Ukrainian journalist Roman Stepanovych, for example, told the group Mapping Media Freedom that he had received threatening emails since the list's publication.

We are troubled that Ukrainian officials, including Anton Geraschenko, a member of Ukraine's parliament, and Arsen Avakov, Ukraine's interior minister, praised the publication of the list in statements published on their social media accounts. In a post to Facebook, Geraschenko praised Mirotvorets for publishing the data, accused the journalists on the list of aiding terrorists and of spreading Russian propaganda, and suggested that Ukraine should take tough measures, including censorship, in response.

We are shocked that Avakov, who, as interior minister is ultimately responsible for investigating the incident and protecting journalists, praised the website and blamed the journalists for registering with separatists.

'Do not blame Myrotvorets in this case,' Avakov wrote on Facebook. 'The journalists made their choice when they handed their own personal data to the bandits from the occupying regime.'

The publication of the journalists' contact information, and the unfounded accusations that accompanied it, drew domestic and international outcry. Local and international reporters and press freedom advocates noted that reporting on a conflict is not a crime. CPJ unreservedly agrees that the journalists did nothing wrong in reporting on a conflict of international concern.

As Thorbjørn Jagland, secretary general of the Council of Europe, wrote in a May 13 open letter to you, the release of the journalists' information violated Ukraine's obligations under the European Convention on Human Rights and the data-protection standards of the Council of Europe. In a May 24 meeting with Avakov, European Union ambassadors to Ukraine Jan Tombinski and Christof Weil urged the minister to ensure the removal of journalists' data from the website, to prosecute those responsible for the leak, and to protect reporters in light of the threats they have received since the publication of their personal information.

We applaud Ukrainian prosecutors' May 11 announcement that they had opened a preliminary investigation into the website, and we call on them to complete their investigation thoroughly. We call on you to support this investigation, and to make clear your government's committment to press freedom and the safety of journalists.

We view this is especially urgent because Myrotvorets continues to release journalists' personal information.

In a statement published on May 20, the creators of Myrotvorets wrote: "Many journalists demanded an apology from us, and now we understand the reason for this. The staff of [Myrotvorets] offer their sincere apologies in regards to the list's not being fresh."

The statement said that the website initially published data retrieved in December 2015, whereas the new list, which it said consists of contact details for 5,412 reporters, among them 2,082 Russian journalists, 1,816 international correspondents, and 1,514 Ukrainian journalists, was collected in February 2016.

On May 24, Myrotvorets released yet another list, this time also including the home addresses for 239 Ukrainian and international journalists working in Russia, news reports said.

Announcing today's release, the website said that the list includes journalists who 'cooperate with the aggressor state that funds international terrorism and has occupied a part of Ukrainian territory.'

We call on you to condemn the unfounded and damaging allegations published on Myrotvorets, and to clarify publicly that the Ukrainian Interior Ministry is dedicated to

protecting journalists and apprehending the people responsible for threatening them, in contrast to Interior Minister Avokov's previous statements.

..."

2625. On 2 June 2016, G7 Ambassadors in Ukraine have published a statement regarding journalists' personal data on Myrotvorets website, which read as follows:

"G7 Ambassadors are deeply concerned by the recent massive disclosures of journalists' personal data on the Myrotvorets website. This contravenes the spirit and the letter of Ukrainian law, which states clearly that personal data can only be publicly released with the individual's consent. It also contravenes Ukraine's international commitments. We acknowledge the investigations launched by the Government of Ukraine on this matter and hope the results will be shared with the public.

The characterisation of all listed journalists as 'collaborators with terrorists' endangers the personal security of those affected and Ukraine's hard-won media freedom. Journalists should be able to carry out their work free from threats, harassment and intimidation. It is vital, and in Ukraine's interests, that journalists are able to report on events in the Donbas and elsewhere.

We call on those responsible for Myrotvorets to remove personal data from the website and desist from inflammatory language. We are particularly concerned that threats are being made against individuals as a result of the information published by Myrotvorets. The Minister of Interior has said that he will take action where threats are made. We welcome this and call on Ukraine's authorities to ensure that the freedom of the media in Ukraine is upheld."

S. Media reports

1. *"Ukraine suspends talks on EU trade pact as Putin wins tug of war"*, The Guardian, *21 November 2013*

2626. This article, written by Ian Traynor and Oksana Grytsenko, reported that the government of Ukraine had been due to sign an accord with the EU but that it had abruptly ditched its plans to sign this historic pact aimed at shifting the country out of the Kremlin's orbit. The article refers to the reaction of European, Ukrainian and Russian politicians against that decision.

2. *"Russia offers Ukraine major economic assistance", BBC News, 17 December 2013*

2627. The article reported that in the aftermath of the suspension of the Association Agreement between the EU and Ukraine, the governments of Ukraine and the Russian Federation had agreed that Russia would give Ukraine a discount of almost one-third on Russian gas. Moreover, the leaders of the two countries had accepted that Russia would buy almost fifteen billion dollars' worth of Ukrainian government bonds. According to the article, this move had come amid Russian attempts to stop Ukraine moving towards the EU.

3. "Ukrainian ex-leader Viktor Yanukovych vows fightback", BBC News, 28 February 2014

2628. This article reported on the press conference held in the southern Russian city of Rostov-on-Don by the former president of Ukraine, Mr Viktor Yanukovych, after he had left Ukraine. Brief footage of the conference can also be found on the web page. In summary, Mr Yanukovych said that he intended to continue to struggle for the future of Ukraine, "against terror and fear". According to him, "decisions in parliament were taken under duress". He described his "usurpers" as "young, neo-fascists". He insisted that he had not "[fled] anywhere", explaining that his car had been shot at as he left Kyiv and he had been forced to move around Ukraine amid fears for the safety of himself and his family. He also said that he would return to Ukraine "as soon as there [were] guarantees for [his] security and that of [his] family". The article also reported that armed men had taken over Sevastopol and Simferopol airports (in Crimea). The Ukrainian Interior Minister had accused Russia of carrying out an "armed invasion" of Crimea.

4. "Russia: Yanukovich asked Putin to use force to save Ukraine", Reuters, 4 March 2014

2629. This article, written by Louis Charbonneau, reported the discussions at the Security Council of the United Nations. It mentioned that the ambassador of the Russian Federation to the United Nations had shown a letter, dated 1 March 2014, to the Security Council, written by Viktor Yanukovych to Vladimir Putin, asking the Russian leader for military intervention in Ukraine in order to restore law and order in the country. The Russian ambassador repeated Moscow's view that Mr Yanukovych was Ukraine's legitimate leader. The ambassador of the United States said that there was "no legal basis" for Russia to justify its military deployments in Ukraine through an invitation from the regional prime minister of the Crimea, adding only Ukraine's parliament could do that. The article indicated that most council members had taken the floor to condemn Russia's actions in Ukraine but despite the sharp exchanges, there had been no formal outcome of the meeting, as Russia was a veto-wielding permanent member of the Security Council.

5. "Yanukovich request for Russian military aid is invalid: Ukraine", Reuters, 5 March 2014

2630. Louis Charbonneau's article reported on the response of the ambassador of the Ukrainian Government to the president of the UN Security Council concerning the letter from Viktor Yanukovych to President Vladimir requesting Russian military intervention in Ukraine. According to the Ukrainian Government, this request lacked any legal validity. The letter pointed out that in accordance with paragraph 23 of Article 85 of the

Constitution of Ukraine, the Parliament of Ukraine had the exclusive power to approve a decision on admission of foreign military forces into the territory of Ukraine and that Mr Yanukovych was no longer the legitimate president of Ukraine, noting that his dismissal by a parliamentary vote had taken place in accordance with Article 112 of Ukraine's Constitution.

6. "Timeline: Political crisis in Ukraine and Russia's occupation of Crimea", Reuters, 8 March 2014

2631. In this piece, the Reuters staff Gabriela Baczynska, Pavel Polityuk and Raissa Kasolowsky gave a detailed timeline of the fall of Ukraine's government and Russia's subsequent incursion into Ukraine's Crimea region between 21 November 2013 and 8 March 2014.

7. "'Little green men' or 'Russian invaders'?", BBC News, 11 March 2014

2632. This article, written by Vitaly Shevchenko, questioned whether the armed men who took control in Crimea were members of the Russian military. It stated that, although the official view of the Russian Federation was that they were in fact members of "self-defence groups" organised by the locals who bought all their uniforms and hardware in a shop, their guns were the same as those used by the Russian army, their lorries had Russian number plates and they had Russian accents. It indicated that the Russian newspaper *Novaya Gazeta* had referred to their involvement in Crimea as a "tragicomic masquerade", arguing that "the little green men will turn into Russian troops very soon". It stated that most journalists in Ukraine had little doubt that they were effectively "Russian invaders" and "occupiers from Russia".

8. "Pro-Russia protesters seize Ukraine buildings, Kiev blames Putin", Reuters, 6 April 2014

2633. This article, written by Lina Kushch and Thomas Grove, reported that pro-Russian protesters had seized State buildings in three east Ukrainian cities, namely Kharkiv, Donetsk and Luhansk, which had triggered accusations from the Ukrainian government that the president of the Russian Federation was orchestrating "separatist disorder". In that connection, the Interior Minister of Ukraine had stated that Vladimir Putin and Viktor Yanukovych had "ordered and paid for the latest wave of separatist disorder in the east of the country. The people who have gathered are not many but they are very aggressive". The article indicated that the acting President of Ukraine had called an emergency meeting of security chiefs and taken personal control of the situation. It also pointed out that mainly Russian-speaking eastern Ukraine had seen a sharp rise in tensions since Viktor Yanukovych's overthrow in February and the advent of an interim government in Kyiv that backed closer ties with the European Union. It also

underlined that Russia had branded the new government illegitimate and had annexed Ukraine's Crimea region, citing threats to its Russian-speaking majority.

9. "Ukraine crisis: Protestors declare Donetsk 'republic'", BBC News, 7 April 2014

2634. This article reported that pro-Russian protesters who had seized the regional government building in Donetsk city had declared a "people's republic" and called for a referendum on secession from Ukraine by 11 May 2014. According to the article, the interim President of Ukraine had said that this was the second wave of a Russian operation to destabilise Ukraine, overthrow the government and disrupt planned elections, whereas the Russian government accused Ukraine of blaming Russia for all its troubles. Recalling what happened in Crimea, the BBC Moscow correspondent said that Donetsk differed from Crimea in that it had many Ukrainian speakers as well as a Russian-speaking majority. He pointed out that opinion polls there had shown considerable support for a united Ukraine.

10. "Kremlin: Putin Denies Russian Role in Ukraine Unrest", Radio Free Europe/Radio Liberty, 14 April 2014

2635. The article reported that the president of the Russian Federation had rejected claims of Russian agents' involvement in eastern Ukraine as "speculations based on unreliable information", during a telephone call on 14 April 2014 with the President of the United States. It indicated that the Ukrainian government had announced plans for an anti-terrorist operation in the east to roll back the seizures of government facilities. It noted that western states had accused Russia of orchestrating the unrest and had warned of imposing new sanctions targeting sectors of the Russian economy. The article also referred to the appointment of Sergei Aksyonov as the "acting governor" of Crimea by the President of Russian Federation.

11. Information about the situation in Slovyansk and Donetsk, Reuters, 14 April 2014

2636. In this article by Thomas Grove and Gabriela Baczynska, published under the name "Separatists tighten grip on east Ukraine, EU agrees more sanctions on Moscow", the British Foreign Minister William Hague is quoted as saying, before a meeting with EU counterparts, about the events in eastern Ukraine: "I don't think denials of Russian involvement have a shred of credibility".

12. "The Russian lieutenant colonel led the assault on the police in Horlivka", Ukrayinskaya Pravda, *14 April 2014*

2637. Oleksiy Goncharenko, a Ukrainian member of parliament, wrote in his blog for this well-known Ukrainian Internet news site that he was in Horlivka and had just witnessed the takeover of the local police precinct by a pro-Russian crowd. He reported that a man in camouflage clothing had introduced himself as a Russian Army lieutenant colonel from Simferopol in Crimea, shown his Russian passport and introduced to the police officers the new "head of police" Aleksandr Shulzhenko.

13. "The leader of the saboteurs in eastern Ukraine was a special forces officer from Russia - the SBU", TSN.UA, 15 April 2014

2638. The article, in Ukrainian, on the website of a prominent TV news program TSN (the original title "*Главарем диверсантів на Сході України виявився спецназівець із Росії – СБУ*") reported that the SBU had started criminal proceedings against Igor Girkin (identified as an officer of the special forces of the Main Intelligence Department of the Russian Army General Staff), who had been directing the seizure of buildings of State authorities and government armed structures in the east of Ukraine. The article stated that according to the SBU, Mr Girkin had personally directed others to seize the Kharkiv Regional Administration building, as well as military units and law-enforcement units in the Luhansk region. The SBU had established that Mr Girkin had also, in March 2014, coordinated the seizure of local authorities and Ukrainian military units in Crimea. The article also reported on a published recording of Mr Girkin's telephone conversation with a supervisor in Moscow in which Mr Girkin had reported on his activities in Slovyansk, in particular on shooting at a car with Ukrainian law-enforcement personnel inside.

14. "Pro-Russian protesters who seized the regional government building in the Ukrainian city of Donetsk are reported to have declared a 'people's republic'", BBC, 17 April 2014

2639. This article reported on this declaration and provided context, notably the Ukrainian government accusing Russia of being behind the events.

2640. Russia's Foreign Ministry had accused Kyiv of "blaming" Moscow for all its troubles but US Secretary of State John Kerry had said that the events "did not appear to be spontaneous". He had called on Russia to "publicly disavow the activities of separatists, saboteurs and provocateurs" in a phone call to his Russian counterpart Sergei Lavrov.

2641. Russia's Foreign Ministry said that it was "closely watching" events in eastern Ukraine, "particularly in Donetsk, Luhansk and Kharkiv regions".

2642. It reiterated Moscow's demands for the creation of a federal Ukraine with broader powers for provinces.

2643. The article also reported that Russia had thousands of troops massed along its border with Ukraine and that Russia had said that it had no intention of invading but reserved the right to protect the rights of ethnic Russians.

15. "Joint Geneva Statement on Ukraine of 17 April 2014: The full text", The Washington Post

2644. *The Washington Post* published the joint statement on Ukraine, released by diplomats meeting in Geneva on the crisis. They agreed that parties would refrain from "violence, intimidation, or provocative actions" and that all "illegal armed groups will be disarmed."

16. "Does US evidence prove Russian special forces are in eastern Ukraine?", The Guardian, *22 April 2014*

2645. This article reported that the Ukrainian government had sent pictures of pro-Russian separatists to the Organization for Security and Co-operation in Europe. According to Ukraine, the pictures offered evidence that Russian special forces and intelligence were engaged in the conflict. A collage of pictures showed a figure with a long beard who the Ukrainian government claims is "a soldier of the Russian special forces, who took part in combat operations in Georgia in 2008", identified in Kramatorsk in Ukraine during an assault on a local police station by armed pro-Russian activists.

2646. The article went on to note that the US Government had backed up the authenticity of those pictures.

17. "'Murdered' Ukraine politician faced hostile mob, video shows", Reuters, 23 April 2014

2647. Without elaborating on the source of its information, the SBU had issued a statement saying that the GRU Lieutenant Colonel Igor Bezler had ordered pro-Russian militia in Horlivka to "neutralise" Volodymyr Rybak, a Horlivka town councillor from the Batkivshchyna party who on 17 April 2014 had tried to take the "DPR" flag down from the town council building. The SBU said that Igor Strelkov had ordered Mr Rybak to be taken to the headquarters of the separatists in Slovyansk. The article reported that according to the authorities, Mr Rybak had last been seen on 17 April and that his body had later been found in Slovyansk. He and another, unidentified, man appeared to have been tortured and dumped alive in a river to drown,

police concluded. Mr Turchynov, acting President of Ukraine, cited Mr Rybak's murder as grounds for relaunching the operation against the separatists who, according to him, had crossed a line by starting to torture and murder Ukrainian patriots.

18. "Ukraine revolt shows faces, but whose are the brains?", Reuters, 24 April 2014

2648. This article by Alissa de Carbonnel and Aleksandar Vasovic reported on the background of separatist leaders Vyacheslav Ponomaryov and Denis Pushilin.

2649. Mr Ponomaryov, the self-proclaimed "people's mayor" of Slovyansk, was reported as saying that his military career had ended in 1991. He had served in a "special operations unit" of the Arctic-based Northern Fleet. In civilian life, he said, he had run a factory "and then had his own businesses, most recently a soap factory". He was reported as commanding considerable respect among the fighters, including men he called "volunteers from Russia" and other former Soviet States. Though he was elusive about the wider command structure in the region, he said: "We are maintaining contacts at all levels, with all towns and cities in the Donetsk Republic."

2650. Mr Pushilin, a 32-year-old who had won seventy-seven votes when he had run for the Ukrainian parliament a few months previously, had emerged as an articulate leader of the self-styled "DPR".

2651. The article went on to note that many in the Donetsk region, including officials who had negotiated with the activists, saw the pair as mere fronts for brains behind the scenes: a "puppeteer", in the words of one local Ukrainian mediator; or Vladimir Putin in the eyes of Kyiv, which said that Russian special forces were orchestrating events.

19. "Separatists Declare 'People's Republic' In Ukraine's Luhansk", Radio Free Europe/Radio Liberty, 28 April 2014

2652. The video footage showed that a number of pro-Russian separatists had declared the establishment of the "LPR" on 27 April 2014 in Luhansk. One of the separatists said that they would ask Russia to send "peacekeeping" troops to the region if the "illegitimate" Ukrainian government or the organisations that support it took "aggressive actions" against the "LPR".

20. "Masked gunmen tighten grip on eastern Ukraine", Reuters, 30 April 2014

2653. This article, written by Marko Djurica, reported that masked gunmen, with the same military uniforms without insignia as other so-called "green men", had taken control of a government building in Horlivka. On the basis of information provided by local media reports, the author indicated that the gunmen had turned up at first light, and had later been seen by a Reuters

photographer to be controlling entry to the building and had refused to be photographed. It noted that this takeover had followed the fall of government buildings in Luhansk.

21. "Ukraine's government has lost control of east, says acting president", The Guardian, *30 April 2014*

2654. This article, written by Luke Harding, reported that Ukraine's acting President had admitted that his government had practically lost control of the east of the country, with his security forces "helpless" to stop a rolling takeover by pro-Russia gunmen. The article claimed that in a matter of weeks Luhansk would either be Russia, or a political entity allied with it. It noted that the separatists had occupied practically all of Luhansk's official buildings. The situation was similar in other parts of eastern Ukraine, the author wrote. He indicated that instead of trying to wrest back control of Luhansk and Donetsk, the acting President had said that his forces would concentrate on defending the provinces of Kharkiv, in the east, and Odesa, in the west.

22. "Chechen militants spotted among terrorists in Slavyansk – media", UNIAN, 5 May 2014

2655. This news item from the Ukrainian news agency UNIAN, citing the local Donetsk news site 62.ua, reported on the fighting in Slovyansk. The correspondent stated that the militants were armed with armoured personnel vehicles and infantry fighting vehicles, mortars and anti-tank rocket launchers. Chechens had been observed among the militants.

23. "Referendum results in Donetsk and Lugansk show landslide support for self-rule", RT, 11 May 2014

2656. This article reported that the results of referendums had been announced in the Donetsk and Luhansk regions, showing that the majority of voters supported self-rule, amid an intensified military operation by the Ukrainian government. It indicated that 89.07% of voters in the Donetsk region had endorsed independence, whereas in the Luhansk region, 96,2 % of voters supported the region's self-rule. According to the article, the acting President of Ukraine had said that the referendums would not have any legal consequences, except for criminal charges for its organisers. It also noted that following the referendum, officials of the "DPR" had not ruled out that in the event that the situation in the region deteriorated, they might have to request "peacekeeping" forces to be deployed. It also added that Vyacheslav Ponomaryov, the so-called "people's mayor" of Slovyansk, had said that Russia was their brotherly nation, and that they hoped for full interaction with the Russian Federation, including entering the Customs Union. The article also noted that in a statement, the press service of Kremlin had said: "Moscow respects the will of the people in Donetsk and Lugansk and hopes that the practical realisation of the outcome of the referendums will be carried out in a civilised manner, without resorting to violence, through dialogue between representatives of Kiev, Donetsk and Lugansk".

24. "Ukraine separatist votes draw Kremlin 'respect', not annexation", Los Angeles Times, 12 May 2014

2657. This article, written by Carol J. Williams, reported that the Kremlin had declared its "respect" for the choice of independence expressed by voters in two regions of eastern Ukraine in a referendum widely denounced by the outside world as illegal and the dangerous encouragement of militants angling to divide Ukraine. It indicated that Denis Pushilin had said that "the people of Donetsk have always been part of the Russian world" and that "the history of Russia [was their] history". The article noted that Mr Pushilin had also told journalists that an appeal had already been made to Moscow for the region to be made part of the Russian Federation. It also pointed out that in Luhansk, Pavel Gubarev had told Russia Today television after the referendum that he hoped to merge his territory with Donetsk in a "new entity", without making any mention of Russian annexation. The author also noted that turnout figures, like the vote totals reported, could not be verified independently, as there were no election monitors or supervisors outside of the militants who arranged and counted the votes.

25. "Ukraine crisis: Russia backs results of Sunday's referendums in Donetsk and Luhansk", The Independent, *12 May 2014*

2658. This article, written by Kashmira Gander, reported that the Russian Federation had backed two referendums held in eastern Ukraine, despite both the interim Ukrainian government and western powers having criticised the polls as illegal. The Kremlin had also praised the population for a "high turnout" despite what it called "attempts to disrupt the vote". The article noted that despite the show of support, Russia had shown no sign of its intention to annex the Donetsk or Luhansk provinces, as it had done with Crimea following a similar referendum in March. The article further stated that after a meeting in Brussels, European Union foreign ministers had indicated that any disruption of elections in Ukraine on 25 May 2014 could trigger new economic sanctions against Russia.

26. "Ukraine separatists appeal to Moscow for absorption into Russia", Reuters, 12 May 2014

2659. This article, written by Matt Robinson, reported that separatists in Donetsk had appealed to Moscow to consider its absorption into the Russian Federation. Denis Pushilin had said: "based on the will of the people and on the restoration of an historic justice, we ask the Russian Federation to consider the absorption of the Donetsk People's Republic into the Russian Federation". According to him, "the people of Donetsk have always been part of the Russian world. For us, the history of Russia is our history." He also had said that Belarus also belonged in a broader union of States that had once formed the core of the Soviet Union. The article noted that the Ukrainian Prime Minister's office had said that it had no immediate reaction to this statement. It further indicated that Ukraine and western States had accused Russia of backing the rebellion in eastern Ukraine with special forces, an allegation denied by the Russian government. It added that the Russian President had suggested that Bolshevik revolutionaries drew up arbitrary borders for what were the Soviet republics of Ukraine and Russia, and that many Russians regarded the Soviet leader Nikita Khrushchev's handover of Crimea to Ukraine in 1954 as an historic injustice.

27. "Chechens join pro-Russians in battle for east Ukraine", Financial Times, *27 May 2014*

2660. This article by Courtney Weaver described how the *Financial Times* had approached half-a-dozen armed men outside a Donetsk regional hospital, who had confirmed that they were part of a Chechen unit that had travelled to Donetsk a week before to fight alongside the separatists. According to the article, one of the fighters, a 33-year-old named Zelimkhan, had said:

> "Our president [Chechnya's Ramzan Kadyrov] gave the order. They called us and we came."

2661. The men said that one of their group had been killed and four seriously injured in the Ukrainian military's air strike on Donetsk airport on Monday as government forces had sought to recapture the facility from separatists. Zelimkhan told the *Financial Times* that he had travelled to Donetsk with thirty-three other militants from Grozny via the Russian city of Rostov and that they were stationed at a Donetsk military base alongside three local pro-Russian paramilitary groups, each of which had its own commander. He added that there were sixteen fighters from Ossetia who had been in eastern Ukraine for a month and were fighting alongside them.

28. "Ice Cream, Corpses, and the Big Bear: Repatriating Dead Russians From Ukraine", Vice News, 30 May 2014

2662. This article, by Harriet Salem, reported on the work of the "DPR" on collecting (inside a former ice cream factory) and repatriating the bodies of thirty of its fighters, most killed in the fight near Donetsk airport, to their homeland in Russia. The reporter also talked with three Chechens and an Ossetian fighting for the separatists.

29. "Vostok Battalion, a Powerful New Player in Eastern Ukraine", Radio Free Europe/Radio Liberty, 30 May 2014

2663. This article, written by Claire Bigg, reported on the Vostok battalion, which was active in eastern Ukraine. The author pointed out that the emergence of such a widely recognisable Russian military structure in eastern Ukraine raised questions about Moscow's role in the conflict.

2664. According to the article, the Vostok battalion was formed by the Chechen warlord Sulim Yamadayev in 1999, at the onset of the second Chechen war. It answered directly to the Russian Defence Ministry's main intelligence directorate, the GRU, and was tasked with rooting out Arab jihadists fighting alongside local insurgents. In 2008 the unit had been dispatched to help pro-Russian separatists from South Ossetia in the Russian-Georgian war. It had been officially disbanded shortly after the war in what experts believed was a political move to end the scorching rivalry between "Vostochniki", as the battalion was colloquially known, and members of the "Kadyrovtsy", the feared militia controlled by the Moscow-backed Chechen leader Ramzan Kadyrov.

2665. The author noted that Mr Yamadayev's killing in 2009 in Dubai had sealed the Vostok battalion's demise; however, the unit had not been truly dissolved. A Russian journalist and North Caucasus expert, Ivan Sukhov, said that the Vostok Battalion had never really broken up and that it had been reprofiled and incorporated into a Defence Ministry unit based in Chechnya. The Vostok fighters in Donetsk said that they wanted to put an end to the rebels' looting of groceries from local supermarkets. That being said, their raid on the separatists' headquarters was widely considered to be an attempt

by a group of Moscow-connected separatists to rid the insurgency of ragtag elements and assert control over eastern Ukraine. The author noted that this group was led by Igor Girkin, who had a tough stand against indiscipline within rebel ranks, having recently ordered the execution of two looters. Mark Galeotti, a New York University professor and expert on Russian security affairs, said that the battalion was "clearly either directly created by Russian military intelligence or at the very least blessed by it".

30. "More foreign fighters break cover among Ukraine separatists", Reuters, 1 June 2014

2666. This article by Gabriela Baczynska reported on the fighters of the Vostok battalion. It was based on interviews with them at their base in Donetsk. Oleg, one of the fighters, declared himself to be from Russia's North Ossetia region, and said that there had been fifteen Ossetians fighting in the ranks of the Vostok battalion around Donetsk airport on 26-27 May. The battalion's losses also included one native of Chechnya. Mr Khodakovsky was quoted as saying that the battalion no longer had any Chechen fighters although there used to be some, supposedly volunteers and not members of the Ramzan Kadyrov's militia, but they had left "with their injured and killed."

2667. Echoing Moscow's denials of involvement, Mr Kadyrov said that he had not sent his men to fight in eastern Ukraine but that some had apparently gone of their own accord.

2668. The separatist leader Denis Pushilin said after the battle for the airport, which was now controlled by the Ukrainian army, that the bodies of "volunteers" from Russia would be returned home, openly acknowledging involvement from across the border.

2669. Vostok battalion fighters also said that their comrades included a few from the states of former Soviet Central Asia.

2670. Mr Khodakovsky said that he had some 1,000 men in his unit now and that some more "volunteers" were coming, with experience of State security structures or the army.

31. "Orphanage under fire as Kiev forces shell Slavyansk", RT World News, 1 June 2014

2671. This article reported that several buildings, including an orphanage, had been severely damaged by artillery fire in Slovyansk, where the fighting between the separatists and Ukrainian army had been renewed. It noted that there were no casualties among that children at the orphanage, as all of them had been evacuated after the building previously had come under fire on 19 May 2019.

32. "G7 leaders warn Russia of wide-ranging sanctions over Ukraine", The Guardian, *5 June 2014*

2672. This article quoted US President Barack Obama saying at a G7 summit in Brussels: "Given its influence over the militants in Ukraine, Russia continues to have a responsibility to convince them to end their violence, lay down their weapons and enter into a dialogue with the Ukrainian government. If Russia's provocations continue, it's clear from our discussions here that the G7 nations are ready to impose additional costs on Russia."

33. "Volunteers or paid fighters? The Vostok Battalion looms large in war with Kiev", The Guardian, *6 June 2014*

2673. This article by Alec Luhn reported that the battalion had about 500 men, according to its leader, Alexander Khodakovsky, and that handfuls of new recruits had been joining each day. Since it had been formed in April, some analysts have worried that Vostok was an incipient private army directed by – or at least linked to – Russian intelligence. But locals had welcomed the fighters with cheers when they had fired into the air at an anti-Kyiv rally during the recent presidential election.

34. "Who's Who in the Donetsk People's Republic", Vice News, 1 July 2014

2674. This article by Harriet Salem reported on the background of various separatist leaders, including the "people's mayor of Slovyansk" Vyacheslav Ponomaryov. The article stated that Mr Ponomaryov had quickly developed a habit of chucking people he deemed hostile to his regime into the basement. The Vice News correspondent Simon Ostrovsky and eight officials from the Organization for Security and Co-operation in Europe were among his high-profile detainees. They had later been released, but Mr Ostrovsky, who had been beaten and accused of being a spy by the rebels, had reported seeing at least "a dozen other nameless captives."

35. "Russians Find Few Barriers to Joining Ukraine Battle", The New York Times, *9 June 2014*

2675. This article by Andrew F. Kramer reported that Russians were being recruited to join the ranks of separatist armed formations in eastern Ukraine and had found few barriers to doing so.

2676. As warfare had raged in the separatist provinces of Donetsk and Luhansk, Russia's role had been hard to discern. In contrast to the conflict in Crimea, no regular Russian soldiers had been visible in eastern Ukraine, and President Vladimir V. Putin had ordered his troops to pull back from the border region.

2677. But late in the previous week, Ukrainian border guards had abandoned a post near Luhansk, blowing a hole in a border that was already considered porous at best, opening the way for men, war materiel and contraband to enter the country. Since then, several other posts had been commandeered by the separatists, who had also overrun the border guards' headquarters in Luhansk.

2678. The overall situation at the frontier remained murky; there was no evidence yet of a flood of men and arms crossing the border. Yet it was clear that numerous Russians, most of them war veterans, Cossacks or ultranationalists, had signed up to fight in Ukraine in recent weeks, either with recruiters or through one of several websites established expressly for enrolling them.

2679. Exact figures were elusive, but analysts said that a significant number of Russian citizens had slipped across the border in recent weeks. In one indication, after a particularly intense battle last month, a leader of the self-proclaimed "Donetsk People's Republic" had said that thirty-one of the forty or so fighters killed were Russians, their bodies subsequently returned for burial in their homeland.

2680. Moscow, held responsible by the West for nurturing the conflict, denied any role in the war, yet it clearly had done almost nothing to stop its citizens from joining the fight.

2681. Carol Saivetz, a Russian specialist for the Security Studies Program at the Massachusetts Institute of Technology, said the switch from reliance on local eastern Ukrainian men to a force with more Russians had started the previous month. It was almost certainly proceeding with the blessing and backing of the Kremlin, she said, "even if the Russians are indeed volunteers rather than serving military men".

2682. She added, "Putin has so stirred up Russian nationalism, and with the propaganda barrage that there are fascists in Kiev, it's not inconceivable that some lost souls will sign up to serve". "It's also clear that Russia has been assisting them in their efforts," she said, "and now, as it becomes an increasingly professionalized force, there have to be questions about how much support Russia is giving. My bet is a lot."

2683. Not everything, certainly not everyone, coming into Ukraine had to cross at a checkpoint. Outside the official crossing areas, the borderlands were a porous landscape of wheat fields, oak forests and innumerable ravines and country roads, criss-crossed by militants who can easily escape detection.

36. "Kiev anti-terror operation takes toll on Slavyansk residents", Financial Times, *11 June 2014*

2684. This article reported on the worsening conditions for the inhabitants in eastern Ukraine, particularly in Slovyansk, where the Ukrainian army had started a military operation against the separatist forces. It noted that thousands had escaped fighting while those that remained in the region face

worsening conditions. Human Rights Watch had urged the Ukrainian Government to review its counter-insurgency operation in eastern Ukraine, saying that both the government and the separatists "have obligations under international law to avoid harm to local residents".

37. "US: Separatists in eastern Ukraine have weapons, military equipment from Russia", Fox News, 13 June 2014

2685. This article reported that according to the US State Department, the separatists in eastern Ukraine had acquired heavy weapons and military equipment from the Russian Federation. The spokeswoman said that they had "information that Russia has accumulated tanks of a type no longer used by Russian forces at a deployment site in southwest Russia, and some of these tanks recently departed". The article noted that her remarks had come as Ukrainian troops attacked pro-Russia separatists in the southern port of Mariupol, apparently driving them out of buildings they had occupied in the city. About 100 soldiers had emerged triumphant from the previously separatist-occupied buildings, shouting the name of their battalion, Azov, and singing the Ukrainian national anthem. They had also destroyed an armoured vehicle and a heavy truck used by the separatists, leaving the vehicles scorched and riddled with large-calibre bullet holes.

38. "NATO says images raise suspicions that Russia moved tanks into Ukraine", Reuters, 14 June 2014

2686. This article, written by Adrian Croft and Raissa Kasolowsky, reported on the satellite pictures released by NATO, which said that the images showed Russian tanks arrived at a staging area close to the Ukraine border days before similar tanks had appeared in areas of eastern Ukraine under separatist control. The authors noted that the Ukrainian Interior Minister had said that the tanks had rolled across the border from Russia, but rebels claimed that they were from a Ukrainian military stockpile. The NATO military officer said the T-64 tanks seen in eastern Ukraine did not bear markings or camouflage paint like those used by the Ukrainian military. According to him, the fact that the tanks did not have markings was reminiscent of tactics used by Russian elements that were involved in Crimea. The article noted that the separatists had shot down a Ukrainian army transport plane with an anti-aircraft missile, killing all forty-nine military personnel on board.

39. "Borodai: Surkov is our man in the Kremlin", Actual Comment, *16 June 2014*

2687. This article referred to the comments of the prime minister of the "DPR", Aleksandr Borodai, on statements by Aleksandr Dugin, who had said that Russia was "surrendering Novorossiya". According to Mr Borodai, such comments were dangerous and were directly working for their "enemy". He said that the Russian leadership had an absolutely correct understanding of how the problems of the "DPR" could be solved and that they were ready to facilitate this at a very high level. He declared that Vladislav Surkov had always provided serious support to the "DPR" and that he was their man in the Kremlin.

40. "Putin, Ukraine leader talk peace in phone call", CNN, 19 June 2014

2688. In this article, Laura Smith-Spark and Joe Sterling reported that the leaders of Ukraine and Russia had had a telephone conversation and discussed the main points and implementation of a peace plan for eastern Ukraine. The article also referred to plans to implement a unilateral ceasefire announced by the President of Ukraine. The President of the Russian Federation had also spoken with the German and French leaders amid regional concern over the crisis. The two leaders had called for "an early halt to the fighting in eastern Ukraine, in order to stabilize the security situation and to create the conditions for a real de-escalation", the French president's office said. They had asked the president of the Russian Federation "to make every effort to convince armed groups and move as quickly as possible towards a cessation of hostilities. Otherwise, the international community may adopt further measures that would affect relations with Russia". The article noted that amid international talks, the fighting continued in eastern Ukraine and the Ukrainian government had been carrying out a military operation, centred in the Donetsk and Luhansk regions, to try to regain control from separatists. It also reported that NATO had seen a "new Russian military buildup" near the border with Ukraine. The Secretary General of NATO, responding to a question from a Russian journalist at an event in London, had warned that any Russian intervention across the border could prompt tougher international sanctions. He had also warned that "the international community would have to respond firmly if Russia were to intervene further".

41. "Interview: I Was A Separatist Fighter In Ukraine", Radio Free Europe/Radio Liberty, 13 July 2014

2689. The article contains an interview with Artur Gasparyan, a 24-year-old native of Spitak, Armenia, who was recruited in Moscow in May 2014 to fight for the separatists in eastern Ukraine, and his photographs.

Mr Gasparian said that, wishing to go and fight for the separatists in eastern Ukraine, he had found a contact on the VKontakte social network and had eventually been brought to a camp, apparently near Rostov, where he had undergone training for two weeks. In the camp there were Belarusians, Russians, Ukrainians, Armenians from Russia and Chechens. On 23 May they had gone to the border in KAMAZ trucks, where they had received weapons (such as automatic rifles and grenade launchers).

2690. They had then gone to Donetsk, where Mr Gasparyan was assigned to the "Vostok" battalion (the battalion of volunteers from Russia), commanded by Aleksandr Khodakovsky.

2691. The interviewee had first seen action on the night from 25 to 26 May. Together with three others from his group (from Moscow, Lipetsk and Chukotka, who had all eventually been killed), he had gone to Donetsk airport (the whole unit comprised 100 fighters). At the airport they had joined up with some Ossetians and taken it over.

2692. The Ukrainian forces had attacked the airport and Mr Gasparian's fellow fighters had withdrawn and suffered heavy casualties, in part from friendly fire (from "DPR" militants). Some Chechens and a Crimean had been killed. Mr Gasparyan had then served for some time in Horlivka and then returned to Russia, disillusioned by the incompetence of the commanders.

2693. Concerning the situation in general, the interviewee stated that most of the "DPR" fighters in Donetsk were not locals but Russians, Chechens, Ingush and some Armenians. In Horlivka it was half and half locals and foreign fighters but the Russians fought better as they had military experience. "DPR" was a fiction and only existed in the offices of Mr Borodai, Mr Pushilin and Mr Tsaryov but decisions were "made somewhere else and by other people".

42. "A separatist wedding in Donetsk", The Moscow Times, *14 July 2014*

2694. The news item contains a photo report from the marriage of a "DPR" militant, Mr Pavlov, call sign "Motorola", and his bride Elena in Donetsk on 11 July 2014. Igor Girkin can be seen attending the wedding.

43. "Ministry of Defence: AN-26 was Shot Down in the Sky of the Lugansk Region", Korrespondent.net, *14 July 2014*

2695. This article noted that the downed AN-26 military aircraft had not been shot down with MANPADS, but with a more powerful rocket weapon, according to the Ministry of Defence of Ukraine, which had claimed that this weapon had likely been used to attack from the territory of the Russian Federation.

44. "Ukraine Separatists Social Media Site Claims Plane Downing", Radio Free Europe/Radio Liberty, 17 July 2014

2696. This article reported that, on Russia's largest social media site, which has since been taken down, Igor Girkin had published the following post: "In the vicinity of Torez, we just downed a plane, an AN-26. It is lying somewhere in the Progress Mine. We have issued warnings not to fly in our airspace. We have video confirming. The bird fell on a waste heap. Residential areas were not hit. Civilians were not injured." According to the article, this was posted at 5.50 p.m. Moscow time, shortly before reports had surfaced that the Malaysian civilian aircraft, on a flight from Amsterdam to Kuala Lumpur, had crashed in eastern Ukraine in the same area near the Russian border.

45. "Eyewitnesses claim Donbass militia downed Ukrainian An-26 plane", TASS, 17 July 2014

2697. This article reported that the "DPR" militia had brought down a military transport Antonov-26 (An-26) plane of the Ukrainian Air Force on the outskirts of the town of Torez. According to the eyewitnesses, a missile had hit the An-26 and it had fallen on the ground and caught fire.

46. "Russian Plane Shot Down Ukrainian SU-25 – Ukraine's National Security and Defense Council", Korrespondent.net, *17 July 2014*

2698. The article reported that the Security Service of Ukraine had stated that there was evidence of involvement of the Russian Federation in the crash of the An-26 aircraft.

47. "Ukraine's National Security and Defense Council Alleges that a Russian Military Aircraft Shut Down a Ukrainian SU-25", RIA Novosti, 17 July 2014

2699. The article reported that according to the National Security and Defence Council of Ukraine, a military aircraft of the Russian armed forces had shot down a Ukrainian attack aircraft.

48. "SA man killed on Flight MH17", News24, *18 July 2014*

2700. This article reported that a South African helicopter pilot was one of the victims of the Malaysia Airlines flight MH17 crash. It gave information on the victim and said that the aircraft had apparently been downed while flying over separatist-controlled eastern Ukraine, killing all 298 people on board and that Ukraine had accused pro-Russian separatists of shooting down the plane.

49. "Ukraine's National Security and Defense Brought Evidence of a Ukrainian SU-25 being Shot Down by a Russian Fighter Jet", Pravda.ru*, 18 July 2014*

2701. This article reported that the National Security and Defence Council of Ukraine had stated that the MH17 crash was the third case of an aircraft being shot down. Previously the Ukrainian An-26 and Su-25 military aircraft had been shot down from Russian territory, according to the Council.

50. "MH17 Investigators Face Huge Challenges in Ukraine 'Combat Zone'", NBC News, 18 July 2014

2702. This article reported that the investigators in the case of the Malaysia airlines Flight MH17 crash faced obstacles that went far beyond the obvious threat to their personal safety, as armed fighters and even looters swarmed to the site. It also noted that senior US officials had told NBC News that they believed that the aircraft had been shot down by a surface-to-air missile.

51. "Ukraine Official Says Separatists Had Missiles", The Wall Street Journal*, 19 July 2014*

2703. This article by Margaret Coker reported that Ukraine's counter-intelligence chief had said that the separatists in eastern Ukraine were in possession of three medium-range missile systems capable of bringing down commercial or military aircraft. According to him, the separatists had shipped these missile systems back to Russia hours after the Malaysia Airlines flight had been shot down.

52. "MH17: missile launcher was in towns near crash site, videos suggest", The Guardian*, 20 July 2014*

2704. This article by Julian Borger and Josh Halliday reported that videos and photographs appeared to show that Malaysian Airlines flight MH17 had been shot down by a missile fired from the vicinity of Torez and Snizhne, via a mobile anti-aircraft missile launcher.

53. "Ukrainian investigators found 196 bodies at #MH17 crash site", DNA*, 20 July 2014*

2705. This article reported that Ukrainian investigators had found 196 bodies at the MH17 crash site. It noted that earlier, the OSCE had said that it had doubts over the number of bodies recovered from the downed MH17 or where they had been taken or who had moved them.

54. "MH17 crash: FT photo shows signs of damage from missile strike", Financial Times, *21 July 2014*

2706. This article by Mark Odell and Roman Olearchyk reported that experts had confirmed that there were signs of shrapnel damage to the downed Malaysia Airlines aircraft. They considered this to be the first apparent hard evidence that flight MH17 had been brought down by a surface-to-air missile. Western intelligence agencies pointed to mounting evidence that backed Ukraine's claim that the aircraft with 298 people on board had been shot down by mistake by pro-Russian separatists and Russian military personnel with an SA-11 missile launched from a Buk-M1 SAM battery.

55. "What are they trying to hide, cries Barack Obama even as Malaysia Airlines MH17 bodies, black boxes handed over", Reuters, 22 July 2014

2707. This article reported that the remains of nearly 300 victims and black boxes had been handed over to international monitors by the "DPR" authorities and that they were on their way to the Netherlands. It noted that the US President Barack Obama had said that it was time for Russian President Vladimir Putin and Russia "to pivot away from the strategy that they've been taking and get serious about trying to resolve hostilities within Ukraine". He said that Putin and Russia had a direct responsibility to compel separatists to cooperate with the investigation, and that the burden was on Moscow to insist that separatists stop tampering with the probe. "What are they trying to hide?" Obama had said at the White House. Meanwhile, the article reported that EU foreign ministers were scheduled to discuss further sanctions against Russia, but the most they were expected to do was to speed up implementation of sanctions against individuals, and possibly companies.

56. "MH17 Ukrainian Crash: Dusting for Fingerprints", Time, *22 July 2014*

2708. This article, written by Mark Thompson, reported that US officials' latest intelligence suggested that pro-Russian separatists had acted alone when they had shot down flight MH 17, without the Russian Federation's help. It noted, however, that there was little chance the separatists would have been able to shoot down the jet without Moscow's support. The article suggested that there was growing evidence that some kind of missile warhead had peppered the plane with shrapnel. It indicated that the Russian side was accusing Ukrainian military jets of shooting down the plane, whereas the Ukrainian government and some western countries, including the United States, were accusing the separatists and the Russian Federation. It also added that Ukraine and Russia had been involved in a similar case more than a decade previously. In 2001 the Ukrainian government had belatedly

acknowledged that its military had mistakenly shot down a Siberia Airlines plane over the Black Sea, killing all seventy-eight on board.

57. "MH17 crash victims: Athlete, young brothers, family among those killed", CNN, 23 July 2014

2709. This article, written by Tom Patterson, Ray Sanchez and Anne Claire Stapleton, reported on the stories of certain victims aboard flight MH17. It suggested that the aircraft had been shot down by unknown attackers in a separatist-controlled part of eastern Ukraine.

58. "MH17 wreckage 'cut into pieces'", Stuff, *23 July 2014*

2710. This article reported that international observers had said that it appeared that part of the MH17 wreckage had been cut into, in what Australian Prime Minister Tony Abbott had called "evidence-tampering on an industrial scale". The OSCE had been able to visit the crash site each day in the last couple of days, though their access to the site had initially been very limited. Two days before, they had observed that the cockpit section and part of the first-class section were being cut into with a diesel power saw by uniformed men. The OSCE had facilitated access to the site for three different groups of experts: first a Ukrainian group, then a Dutch forensic group, then three Malaysian experts. The article noted that according to an Ukraine army spokesman, Russian military experts, disguised as citizens, had been interfering with evidence at the scene since the crash.

59. "Kerry: 'Drunken separatists' interfering at MH17 crash site", CNN, 24 July 2014

2711. This article questioned whether the separatists accused of shooting down Malaysia Airlines flight MH17 were looting, tampering with the evidence and stopping investigators from combing through the wreckage. Malaysia's Transportation Minister had said that an international team was "effectively being prevented from entering the crash site", adding in a statement that officials were concerned that "the sanctity of the crash site has been severely compromised". In an interview with CNN, US Secretary of State John Kerry had described what he said were "drunken separatists piling the remains of people into trucks in an unceremonious fashion ... interfering with the evidence in the location". He told NBC that there was a "buildup of extraordinary circumstantial evidence" over the crash that Russia "needs to help account for".

60. "After a Malaysian plane is shot down in Ukraine, grief and outrage ripple worldwide", The Washington Post, *24 July 2014*

2712. This article, written by Marc Fischer and reported by Michael Birnbaum, Annie Gowen, Todd C. Frankel, Karen DeYoung, Karoun Demirjian and A. Odysseus Patrick, reported on the stories of people living near the crash site of flight MH17 and the victims. It also told the story of the first reactions to the crash both in the United States and in Russia.

61. "What happened? The day Flight MH17 was downed", AP News, 25 July 2014

2713. This article, written by Yuras Karmanau, reported that the separatists in Donetsk had repeatedly and publicly denied any responsibility for the downing of flight MH 17. Nevertheless, the denials were increasingly challenged by accounts of residents, the observations of journalists on the ground and the statements of one separatist official. A highly placed separatist, speaking to the AP, had admitted that the separatists were responsible. He said that a unit, made up of both Russians and Ukrainians, had been involved in the firing of an SA-11 from near Snizhne. The article noted that the Ukrainian government had also provided purported communications intercepts that allegedly showed separatist involvement in the shooting down of the plane. According to the separatist source, they had believed that they were targeting a Ukrainian military plane. Intercepted phone conversations released by the Ukrainian government appeared to back up that contention, according to the article. In those tapes, the first separatists to reach the scene could be heard swearing when they saw the number of bodies and the insignia of Malaysia Airlines. The Ukrainian counterterrorism chief blamed both the separatists and the Russian Federation.

2714. Although Moscow denied any involvement, the Ukrainian counterterrorism chief had said that the missile launcher had come from Russia and had been operated by Russians. According to him, at 1 a.m. on 17 July 2014 the launcher had rolled into Ukraine across the Russian border aboard a flatbed truck. He cited communications intercepts. By 9 a.m., he said, the launcher had reached Donetsk. In Donetsk it was presumed to have been off-loaded from the flatbed and had started to move in a convoy on its own. He said that the Buk had turned back east towards Snizhne. Townspeople who had spoken to the AP said that it had rolled into Snizhne around lunchtime and that they had seen the Buk. The article noted that the AP had reported on the presence of the missile launcher in the town on 17 July 2014 even before the plane had been downed. AP journalists had seen the Buk moving through the town at 1.05 p.m. The vehicle, which had been carrying four 18-foot (5.5-metre) missiles, had been in a convoy with two civilian cars. A man in sand-coloured camouflage without identifying insignia – different from the green camouflage the separatists normally wore

– had approached the journalists. He had wanted to make sure that they had not recorded any images of the missile launcher. Satisfied that they had not, the convoy moved on. About three hours later, according to a recording from an intercepted phone call that had been released by the Ukrainian government, the Buk's crew had snapped to attention when a spotter called in a report of an incoming airplane. "A bird is flying to you", the spotter, identified by the Ukrainians as Igor Bezler, had told the separatists. Contacted by the AP, Mr Bezler had, however, denied any connection to the attack on the plane.

2715. The author indicated that at about 4.20 p.m. in the town of Torez, 6 miles (10 kilometres) west of Snizhne, residents had heard loud noises. Some had reported hearing two blasts, while others recalled only one. At 4.40 p.m., in another intercepted call released by Ukraine, the man identified as Mr Bezler had told his own superior that the unit had shot down a plane. The Ukrainian counterterrorism chief said that according to their intelligence, the Buk had gone back on the move shortly after the attack and that that very night, it had crossed the border, back into Russia.

62. "Putin's Number One Gunman in Ukraine Warns Him of Possible Defeat", Daily Beast, *25 July 2014*

2716. This article by Anna Nemtsova reported on Igor Girkin making a case for greater military support from Russia for the "DPR".

2717. The article referred to another article, published by Strelkov's adviser, Igor Druz, and which laid out the case that Putin was facing the same choice that ousted Ukrainian President Viktor Yanukovych had faced a few months before: either send in the army and win control over the territories of Novorossiya in eastern Ukraine or lose his presidency. "I hope that the Ukrainian tragedy will neither become the tragedy of Russia nor the personal tragedy of Putin", Strelkov's adviser had written.

2718. Ukrainian authorities insisted that, in fact, Russian heavy weapons were already being deployed and Russian personnel were already fighting in Donbass. The Ukrainian authorities said that it was the Kremlin, specifically Russian Defence Minister Sergei Shoigu, that had coordinated all of Strelkov's actions.

63. "Ukraine opens criminal cases against Zyuganov and Zhirinovsky for funding separatism", Interfax, 25 July 2014

2719. This article reported that the Ukrainian Interior Ministry had launched criminal proceedings against Russian Communist Party leader Gennady Zyuganov and LDPR party leader Vladimir Zhirinovsky, charging them with "financing actions aimed at changing the boundaries of the territory and the state border of Ukraine", an adviser to the Ukrainian interior minister, Zorian Shkiriak, had said.

2720. On 22 July the Ukrainian Interior Minister had said that the Interior Ministry's Main Investigation Department had opened criminal cases against the Russian Defence Minister Sergei Shoigu and the businessman Konstantin Malofeyev based on the Criminal Code Article dealing with "the creation of illegal militarized or armed groups" and "being an accomplice in a crime".

64. "Why did it take so long to find? Biggest piece of MH17 wreckage found to date (with its windows intact) and more bodies discovered in woodland as the Dutch take over responsibility for the crash site", Daily Mail*, 25 July 2014*

2721. This article by Damien Gayle and John Hall reported that the investigators had made several significant discoveries as the search for bodies from flight MH17 continued. It largely told the story of the work being done at the crash site by the investigators. It noted that the new findings had underscored the need for further investigation.

65. "Jeroen Akkermans: As much evidence as possible on the table", RTL Nieuws, 26 July 2014

2722. This article reported that RTL Nieuws correspondent Jeroen Akkermans had taken a lot of pictures when he was at the site of the aircraft crash site. He said that he had been taking pictures since the first encounter with debris in the area and that "there was no investigator in sight and the area was not demarcated. If you want to find out the cause, it is important to start the (photo) investigation as soon as possible. That is almost impossible here. The debris is sometimes scattered miles apart in a war zone. The safety of professional investigators is at stake". He said that they were dealing again with the suspicion of a missile strike in Ukraine without anyone claiming responsibility for it. The article noted that there was a lot of interest in Mr Akkermans' photographs from journalists, researchers and analysts in the Netherlands and abroad, and that they would be important for further research, which was going slowly especially because of the war conditions, according to the correspondent.

66. "Explainer: what will MH17's black boxes reveal?", The Conversation*, 27 July 2014*

2723. This article reported that the black boxes from Malaysia Airlines flight MH17 had been handed over to Malaysian authorities. The data inside should give a strong indication about what had happened to the aircraft but the question was whether the data had been tampered with. The article noted that there were several points at which the process of data recovery was vulnerable. The data stored in the memory of a recorder could in fact be erased, overwritten or modified to give an alternative sequence of events; this was because data in a black box were not encrypted so overwriting its

memory would be a straightforward operation. That being said, even though the separatists could in theory tamper with the black boxes, it was, according to the article, difficult to see what benefits there would be from either hiding the data or tampering with them, other than to add to the overall confusion. The separatists had faced intense scrutiny and were suspected of removing the recorders from the crash site without authorisation, so they had to know that the data in these boxes would come under extremely detailed analysis.

2724. The article also indicated that while a huge amount of attention had been given to the black boxes in this case, in the end it might not come down to the information they yielded. The damage done to the airframe of MH17 could tell exactly who was responsible for this tragedy. The explosive force of the impact, the missile fragments and the explosive material embedded in the airframe would be analysed by forensic scientists, who should be able to identify the type of missile used to bring it down and who had manufactured it. Tampering with evidence on that scale was a much harder task, the article added.

67. "Special Report: Where Ukraine's separatists get their weapons", Reuters, 29 July 2014

2725. The article by Thomas Grove and Warren Strobel cited statements by Alexander Khodakovsky, commander of the Vostok battalion, who had said in an interview with Reuters the previous week that Russia could have supplied the separatists with Buk rockets, which had been used to shoot down Malaysia Airlines flight MH17: "I knew that a BUK came from Luhansk (in east Ukraine)... I heard about it. I think they sent it back. Because I found out about it at exactly the moment that I found out that this tragedy (of MH17) had taken place. They probably sent it back in order to remove proof of its presence."

2726. On 29 May 2014 the Stanychno-Luhanske border guard division in Ukraine's Luhansk region had been attacked by 300 gunmen with small arms and grenade launchers. Rebels had seized control of the facility after five days of fighting. Other border guard divisions and checkpoints along Ukraine's more than 2,000-kilometre border with Russia had also fallen. Separatists had been able to ferry in people and equipment almost unhindered.

2727. Pro-Russian separatists in Ukraine maintained that most of their weapons had come from captured Ukrainian armouries or had been seized directly from the Ukrainian military on the battlefield.

2728. In a media briefing on 22 July, US intelligence officials had also released satellite photographs of what they said was a training site for Ukrainian separatists in the Russian city of Rostov. The photographs appeared to show increased activity at the site between 19 June and 21 July.

68. "Again And Again, MH17 Forensic Investigators Denied Access To Site", International Business Times News, *29 July 2014*

2729. This article reported that international investigators had been unable to get to the area because of safety concerns for the third day in a row. US Secretary of State John Kerry had delivered a speech in which he had called on Moscow, which was believed to have supplied the separatists with the Buk missile that had shot down MH17 as well as other arms, to pressure the separatists to maintain the integrity of the crash site.

69. "Fighting blocks MH17 probe for 3rd day", SBS News, 29 July 2014

2730. This article reported that Ukraine's army had seized control of part of the site where Malaysia Airlines flight MH17 had crashed. It also noted that for the third day running, an unarmed team of Dutch and Australian police had been unable to visit the crash site.

2731. The article also indicated that Russia had denied the Western accusations, and that Igor (Girkin) Strelkov had said that their side did not have anything to do with the MH17 disaster. "I don't know how the plane was downed, by what means. I only know that it was downed and that's it. The only thing I can say is that my men did not down it", Strelkov had said, adding that he did not have any BUK missile systems to hand.

70. "Does This Soldier's Instagram Account Prove Russia Is Covertly Operating In Ukraine?", BuzzFeed News, *30 July 2014*

2732. This story reported that a Russian soldier had posted pictures to Instagram that showed him operating military equipment inside the territory of Ukraine, including manning a missile launcher system of the type used to shoot down Malaysia Airlines flight MH17.

71. "Fear and resentment at Mh17 crash site as fighting advances; A fortnight after the Malaysia Airlines crash, locals wonder why wreckage abandoned as Ukraine's civil war strays into the debris zone", The Telegraph, *31 July 2014*

2733. This article reported that local people had brought in the items one by one from their fields and vegetable patches over the last few days. The head of the city council, Mrs Natalya Voloshina, had said that no one had come to collect the debris. "There [were] some human remains that lay for some days on the edge of the village over there" she added, "in the end they disappeared; I think some dogs carried them off". She said "I don't know why the experts couldn't get here, probably because it was unsafe for them, but I'm disappointed they haven't come", she said. "We need to finish this somehow. It's difficult for us. There are children here, running around".

72. "Soldier selfie 'may confirm' Moscow role in Ukraine", News24, *2 August 2014*

2734. This article reported that photos taken by a Russian soldier had sparked controversy after it was revealed that they could have been taken in Ukraine, despite Moscow's denials that its troops had intervened in the conflict across the border. Alexander Sotkin, a 24-year-old Russian soldier and regular user of the photo-sharing app Instagram, had recently uploaded a series of "selfie" images of himself in uniform. While the content of the photographs gave little away, the app's geolocation data showed that a number of the pictures had been taken in Ukraine. The article noted that images shared on Instagram could be "geotagged", which meant that the location of where the picture was taken was published along with the photograph. A series of earlier images showed Mr Sotkin's location to be the village of Voloshino in southern Russia, where his unit appeared to be based; however, two pictures posted on 5 and 6 July were geotagged 10 kilometres away, across the border in Ukraine. "We pounded Ukraine all night", soldier Vadim Grigoriyev had written on 23 July 2014 under a photograph showing two artillery pieces in a wheat field with open shell boxes nearby. Mr Grigoriyev had then appeared on a State TV channel where he had denied posting the images. "Grads toward Ukraine", another soldier, Mikhail Chugunov, had written alongside two photos of a rocket launcher on VKontakte.

73. "Shelling disrupts MH17 search as experts find more remains", Agence France Presse, 2 August 2014

2735. This article reported that shelling on Saturday 2 August 2014 had forced international experts to abandon part of the crash scene of the downed Malaysia Airlines aircraft, as sniffer dogs working elsewhere on the vast site helped uncover the remains of more victims.

74. "Shelling forces experts to leave part of MH17 crash site: OSCE", Global English (Middle East and North Africa Financial Network), 3 August 2014

2736. This article reported that shelling close to the vast crash site of the downed flight MH17 had forced international investigators on Saturday, 2 August, to cut short a visit to an area where some of the jet's wreckage was lying, an OSCE observer with probe team said. "We heard at a distance of approximately two kilometers incoming artillery from where we were and that was too close to continue", said Alexander Hug, deputy chief monitor with the OSCE mission in Ukraine.

75. "East Ukraine city of Luhansk dying under siege, residents say", The Denver Post, *4 August 2014*

2737. This article reported on the worsening situation in Luhansk city. Residents said that the city was dying. The power grid was completely down on Monday 4 August and fuel was running dry. Store shelves were emptying fast, and those who had not managed to flee had to drink untreated tap water. With little medicine left, doctors were sending patients home.

76. "Artillery shelling of Luhansk interferes with operation of the 'humanitarian corridor'", Argumenty i Fakty Ukraine, *8 August 2014*

2738. This article reported that Luhansk residents continued to be taken out of the city through the "humanitarian corridor". However, as the city was being constantly shelled, it was difficult to transport people to the city of Shchastya.

77. "Ukraine crisis: the neo-Nazi brigade fighting pro-Russian separatists", The Telegraph, *11 August 2014*

2739. This article reported on some "openly neo-Nazi" militia groups fighting the separatists in eastern Ukraine. It noted that the Azov battalion had the most chilling reputation of all. According to the article, Ukraine's use of volunteer paramilitaries to stamp out the Russian-backed "DPR" and "LPR" should send a shiver down Europe's spine. Recently formed battalions such as Donbas, Dnipro and Azov, with several thousand men under their command, were officially under the control of the Interior Ministry but their financing was murky, their training inadequate and their ideology often alarming. The Azov men used the neo-Nazi Wolfsangel (Wolf's Hook) symbol on their banner and members of the battalion were openly white supremacists, or anti-Semites. "Personally, I'm a Nazi," said "Phantom", said a 23-year-old former lawyer at the ceremony wearing camouflage and holding a Kalashnikov. "I don't hate any other nationalities but I believe each nation should have its own country." He added: "We have one idea: to liberate our land from terrorists."

78. "In Metadata We Trust, Minus the Margins Of Error", Popular Science, *14 August 2014*

2740. This article reported on potential several problems with BuzzFeed's conclusions on photographs published by Alexander Sotkin (a Russian soldier) on Instagram.

79. "Foreign and Russian Journalists surveyed humanitarian KAMAZs and talked to a driver", RT News, 14 August 2014 (extract)

2741. This article reported that various Russian and Western mass media representatives had been shown the content of trucks with humanitarian aid that Russia had sent to the people in eastern Ukraine. The journalists had inspected the contents of KAMAZs and had even opened one of the boxes. The mass media representatives also talked to one of the drivers, who said that he had started on the journey of his own free will and that he was no serviceman.

80. "Aid convoy stops short of border as Russian military vehicles enter Ukraine", The Guardian*, 15 August 2014*

2742. This article by Shaun Walker reported that he had seen a column of twenty-three armoured personnel carriers, supported by fuel trucks and other logistics vehicles with official Russian military plates, travelling towards the border near the Russian town of Donetsk (about 200 kilometres away from Donetsk, Ukraine) and crossing into Ukrainian territory on 14 August 2014. There were several military transporters loaded with artillery and tanks visible on the main M4 road during the day. Locals said that the sightings had been ever more frequent in recent months, with Ukraine accusing Moscow of shelling its territory from inside Russia, and transporting heavy weaponry across the border, including perhaps the Buk missile system which was believed to have been used to shoot down a Malaysian Airlines passenger jet the previous month.

81. "Ukraine rebel says he has 1,200 fighters "trained in Russia" under his command", The Guardian*, 16 August 2014*

2743. This article, written by Shaun Walker, reported that one of the top separatist leaders in eastern Ukraine had claimed that his forces had recently received 1,200 fighters who had undergone training in Russia. It also indicated that the prime minister of the "DPR", Mr Zakharchenko, had said that they had about 150 armoured vehicles, of which thirty were tanks and the rest wheeled or tracked armoured personnel carriers. He had stated that the men and equipment had gathered in an area near a "corridor" to the Russian border, though he had not specified whether the vehicles themselves had crossed from Russia. The article suggested that in recent days several columns of Russian military hardware had been observed on the move close to the border; in particular, a column of several dozen armoured personnel carriers and several dozen support trucks had been spotted moving towards the border, many of them flying Russian flags and marked with "peacekeeping troops" insignia.

82. "30 tanks and 1,200 troops just crossed from Russia into Ukraine, according to the rebels", vox.com, *16 August 2014*

2744. This article by Max Fischer reported on a video posted to a separatist account on 16 August 2014 but supposedly recorded the day before, in which the "DPR" leader Mr Zakharchenko could be seen announcing before a "DPR" gathering that the separatists had received thirty tanks, 120 other armoured vehicles, and 1,200 troops from across the Russian border.

2745. While the rebel leader had not explicitly said that the troops and equipment were Russian military, he had strongly implied as much, saying that the troops included "individuals who have gone through training over a four-month period on the territory of the Russian Federation and who have been introduced here at the most decisive moment".

83. "Ukraine crisis: 'Thousands of Russians' fighting in east", BBC, 20 August 2014

2746. This news item stated that Mr Zakharchenko had told Russian television that 3,000-4,000 Russian citizens were fighting for the separatists and that many of the Russians were former servicepeople or current personnel on leave.

84. "Militants have Russian weapons that have never been in service with Ukrainian army – Heletei", Interfax, 22 August 2014

2747. According to this report, the Ukrainian Defence Minister Valeriy Heletei had said that illegal armed groups operating in eastern Ukraine had samples of Russian-made weapons that had never been in service with the Ukrainian army, which was further proof of the Russian side providing military support to militants. "A sign of this, in particular, is that terrorists have BTR-80A and BTR-82 fighting vehicles, which have never been in service with the Ukrainian Armed Forces or Ukraine's other military formations of our state. Among the weapons and explosives seized from terrorists there are also many samples of Russian weapons that are not used by the Ukrainian army. The issue concerns AK-100s, MANPADS, Shmel flamethrowers, new sniper rifles, anti-personnel mines etc," the Defence Ministry's press service quoted Heletei as saying at the House of Officers in Kyiv on Thursday 21 August at a meeting with representatives of the military and diplomatic corps accredited in Ukraine.

85. "Russia Moves Artillery Units into Ukraine, NATO Says", New York Times, *22 August 2014*

2748. This article by Michael R. Gordon reports on statements by NATO officials (on 22 August 2014) that in recent days the Russian military had

moved artillery units manned by Russian personnel inside Ukrainian territory and was using them to fire at Ukrainian forces. According to the officials, this represented a significant escalation of the Kremlin's involvement in the fighting

86. "Ukraine crisis: Russia aid convoy 'invades Ukraine'", BBC, 22 August 2014

2749. This article reported that the President of Ukraine had accused Russia of a "flagrant violation of international law" after Russian humanitarian aid lorries had entered Ukraine without permission. However, the Russian President said further delays to the delivery of aid were unacceptable.

87. "MH17: Two more remains to arrive on Sunday: Liow", New Straits Times*, 22 August 2014*

2750. This article by Nuradilla Noorazam reported that the remains of the Malaysia Airlines flight MH17 co-pilot had been laid to rest at the Muslim burial ground in Presint. His remains had been buried alongside a crew member.

88. "Buckwheat, sugar, stew and water from Russia are handed out to Lugansk's residents", NTV.ru, 25 August 2014

2751. This article reported that while Luhansk residents had been getting the first batch of products sent from Russia, Moscow was preparing a new humanitarian convoy for Donbas.

89. "Remains of Irish MH17 victim formally identified", Independent*, 26 August 2014*

2752. This article reported that the remains of an Irish woman who was a passenger on the Malaysian Airlines flight MH17 had been identified, and gave information about the victim.

90. "Ukraine Crisis: Key Players in Eastern Unrest", BBC News, 28 August 2014

2753. This news item indicated that the "DPR prime minister" had reportedly admitted that thousands of Russian citizens, including many professional soldiers, were fighting alongside the separatists. He had said that 3,000-4,000 Russians had joined the rebel ranks during the fighting and some had been killed. "Moreover, many soldiers are coming to us from Russia who prefer to spend their holidays not on the beach but shoulder-to-shoulder with their brothers, fighting for the freedom of Donbass", he said. His predecessor explained his departure from that post by saying: "I am a Muscovite –

Donbass should be led by a genuine Donetsk native". He said that he would stay on as first deputy prime minister. It was seen as an effort to prove that the insurgency in eastern Ukraine was rooted locally, not orchestrated by Moscow.

2754. The article also reported on the background of Igor Girkin, Vladimir Antyufeyev, Igor Bezler and Pavel Gubarev.

2755. Mr Igor Girkin was a Russian citizen. With a background in the Russian military, including service in Chechnya, Serbia and Transdniestria, a self-proclaimed republic on the territory of Moldova, he had commanded rebel forces in their symbolic stronghold of Slovyansk before retreating with his men to Donetsk. He said that he had been a reserve colonel in the FSB, Russia's Federal Security Service, until 31 March the previous year. Until recently he had been considered to be commander-in-chief of both the self-declared "DPR" and the "LPR". The EU believed that he worked for Russian military intelligence (the GRU) and had placed him under sanctions.

2756. Mr Antyufeyev was born in Russia and had spent his career in the police. He was already an officer in Soviet times. In the late 1980s he had led an elite police unit in Riga, Latvia, which had attempted a crackdown on the Latvian independence movement.

2757. He had later resurfaced in Transdniestria, where he had fought in the 1992 separatist revolt against Moldovan troops, and had become the founder and, for two decades, the sole head of the breakaway region's powerful security ministry. In 2012 he had fallen out with the new regional leaders there, who had launched a criminal investigation, accusing him of abuse of power, stealing public funds and destroying sensitive evidence. He had fled to Moscow and lived there until the start of the Ukraine crisis.

2758. Igor Bezler was a prominent commander in charge of Horlivka, a city of 300,000 people north-east of Donetsk. Born in Simferopol in Crimea, he had a Russian military background and said that he had both Russian and Ukrainian citizenship. He had refused to confirm or deny serving in both Afghanistan and Chechnya.

2759. Alexander Khodakovsky was the leader of the rebel "Vostok" (East) battalion based in the city of Makiivka. He was considered a defector from Ukraine's SBU security service and had once been in charge of its elite counter-terrorism squad, the Alpha unit.

2760. Pavel Gubarev, the self-styled "people's governor" of the "DPR", had been released from custody in Kyiv on 7 May in exchange for three Ukrainian security service (SBU) officers held by pro-Russian militants in Slovyansk. He had faced charges of separatism and seizure of public buildings. The 31-year-old founder of an advertising company was a former Donetsk district council member from the fiercely pro-Russian Progressive Socialist Party of Ukraine. He had emerged from obscurity soon after the toppling of President Viktor Yanukovych in February and led the occupation of the regional administration building by hundreds of pro-Russian activists.

91. "Ukraine president accuses Russian soldiers of backing rebel thrust", Reuters, 28 August 2014

2761. This article by Richard Balmforth and Pavel Polityuk reported Ukraine's President as saying that Russian troops had entered his country in support of pro-Moscow rebels who had captured Novoazovsk, a key coastal town, sharply escalating the war.

2762. According to the article, Dutch Brigadier-General Nico Tak, head of NATO's crisis management centre said, "We assess well over 1,000 Russian troops are now operating inside Ukraine". He added, "They are supporting separatists [and] fighting with them."

2763. Despite Moscow's denials, a member of Putin's advisory council on human rights, Ella Polyakova, had told Reuters that she believed that Russia was carrying out an invasion of Ukraine. "When masses of people, under commanders' orders, on tanks, APCs and with the use of heavy weapons, [are] on the territory of another country, cross the border, I consider this an invasion," she said.

2764. Ms Polyakova and Sergei Krivenko – another member of the council, which had no legal powers and an uneasy relationship with the Kremlin – said that their information on the August 13 attack was based on accounts by eyewitnesses and relatives of the dead.

92. "Only Russian volunteers fighting with anti-Kiev forces", RT, 28 August 2014

2765. In an interview given to Russian media, Mr Zakharchenko had said that about 3,000-4,000 Russian citizens had joined their side to fight Ukrainian forces. "They [Russian volunteers] are among us, people of Donbass because we are blood brothers", he said.

93. "Ukraine Crisis: Russian Mothers of Killed and Captured Soldiers Ask 'Why Are Our Sons Fighting in Ukraine?'", The Independent, *31 August 2014*

2766. This article by Sam Masters reported on efforts of relatives and civil society actors in Russia to discover the fate of Russian servicemen killed or captured in Ukraine and on the Russian authorities' efforts to conceal such instances. It reported on a gathering of families of ten servicemen of the 331st Airborne Regiment, stationed in Kostroma, who demanded to know what had happened to their relatives. The author noted that four of the paratroopers had appeared in a video of the captured soldiers released by the Security Service of Ukraine.

2767. Tatiana Arkhipova said that her son Sergei was among those captured. She recalled driving at dawn to Kostroma, where officials had confirmed that her son had been captured, and had then dismissed the rest of her questions.

2768. Lev Shlosberg, a newspaper publisher who also represented the Russian United Democratic Party "Yabloko" in the regional assembly in the north-western city of Pskov, said that he had been badly beaten after publicising the funerals of two soldiers who had possibly died while fighting in Ukraine.

2769. Reuters had reported that on 13 August 2014, a battle between Ukrainian government forces and separatists had claimed the lives of more than 100 Russian soldiers. Russia's Presidential Human Rights Council had told Reuters that the bodies had been found in unmarked, hastily dug graves, without documentation proving that they had been in Ukraine and with death certificates saying they had died elsewhere. Journalists from *Novaya Gazeta*, among others, had reported having seen two fresh graves of paratroopers in the region.

94. "Rescue under way after separatists claim first attack on Ukrainian ship", Reuters, 31 August 2014

2770. This article by Pavel Polityuk and Aleksandar Vasovic reported a Ukrainian military spokesman as declaring that a Ukrainian border patrol ship had come under artillery attack from the shore, in what pro-Russian rebels had claimed as the first sea victory of their separatist war. The attack had come days after the rebels had opened a new front, breaking through to the shore of the Azov Sea in Ukraine's south-east corner. Ukraine and its Western allies attributed the sudden rebel advance to help from Russian tanks and troops, something Moscow continued to deny.

95. "Ukraine war pulls in foreign fighters", Patrick Jackson, BBC News, 31 August 2014

2771. This article by Patrick Jackson reported that foreign fighters, including from France, Sweden, Spain, Poland, Italy, Germany, the United States, Serbia, Georgia, Belarus, the Baltic States, Finland, Norway, Canada, Croatia, Slovenia and the Czech Republic, were fighting for both sides in eastern Ukraine. It noted that it was no secret that Russian citizens had occupied senior posts among the separatists, the most famous of them being Igor Strelkov Girkin. It indicated that there was strong evidence that rank-and-file Russian fighters had entered eastern Ukraine to join the separatists, but whether they were volunteers making common cause with ethnic Russians in Luhansk and Donetsk, or mercenaries, was a grey area.

96. "Mother of MH17 Co-pilot Honors Her Son's Memory", Berita Harian, *2 September 2014*

2772. This article reported on Fatimah Ibrahim, mother of the co-pilot of flight MH17, Muhamad Firdaus Abdul Halim, and their family's suffering after the loss of her son.

97. "MH17: Captain Eugene Choo Jin Leong at his final resting place", New Straits Times, *4 September 2014*

2773. This article reported on the funeral of Malaysia Airlines pilot Eugene Choo Jin Leong, whose ashes had been laid to rest.

98. "Hundreds of Russian volunteers help rebels in Ukraine – separatist leader", Reuters, 18 September 2014

2774. This article reported that the commander of the Vostok battalion, Alexander Khodakovsky, had said during an interview with Reuters that hundreds of Russian volunteers were supporting separatists in eastern Ukraine, offering them vital experience in battle tactics and training them to attack Ukrainian forces.

99. "Ukraine crisis: Ceasefire 'in name only'", says NATO chief", CBC, 20 September 2014

2775. This news item reports on the statement by US General Philip Breedlove, the NATO Supreme Allied Commander Europe, who had called the ceasefire between Ukraine and the pro-Russian militants in the country's east a "ceasefire in name only". He further said that by enabling a free flow of weapons and fighters across the border, Russia had made it nearly impossible for outsiders to determine how many of its troops were operating inside Ukraine. Breedlove said that violence levels in Ukraine, including the number of artillery rounds fired in the past few days, had been as high as prior to the ceasefire.

100. "Rebel commander wages fight to the death for east Ukraine airport", AFP, 11 October 2014

2776. This article by Simon Valmary was based on an interview with Mikhail Tostykh ("Givi"), commander of the "Somali" battalion, conducted in Donetsk in the vicinity of Donetsk airport, where Mr Tolstykh was commanding military operations. During the interview he had worn a Russian tricolour-flag chevron on his arm. The article reported that Mr Tolstykh was a native of Abkhazia and had come to Donetsk with a group of separatist fighters, together with "Motorola", who led another famed rebel unit, after they had captured Ilovaisk in August 2014.

101. "BND Charges Separatists of the MH17 Crash", Spiegel Politik, *19 October 2014*

2777. The article reported that the German Federal Intelligence Service (BND) had charged pro-Russian separatists with causing the MH17 disaster. It noted that it had been established that they were the ones who had launched a surface-to-air missile.

102. "Ukraine Used Cluster Bombs, Evidence Indicates", New York Times*, 20 October 2014*

2778. This article by Andrew Roth reported that according to physical evidence and interviews with witnesses and victims, the Ukrainian army appeared to have fired cluster munitions on several occasions into the heart of Donetsk, unleashing a weapon banned in much of the world into a separatist-held city with a peacetime population of more than one million. Sites where rockets had fallen in the city on 2 and 5 October 2014 showed clear signs that cluster munitions had been fired from the direction of Ukrainian army-held territory, where misfired artillery rockets still containing cluster bomblets had been found by villagers in farm fields. The two attacks had wounded at least six people and killed a Swiss employee of the Red Cross based in Donetsk.

103. "'He Was Just A Boy' – Russian Mother Grieves For Son Killed In Ukraine", Radio Free Europe/Radio Liberty, 23 October 2014

2779. This article by Tatyana Volskaya and Claire Bigg was about Zhanna Zalogina, living in Kronstadt, Russia, who had received news that her 18-year-old son Yevgeny Pushkaryov, who had left home on 5 September 2014 to join pro-Russian separatists in eastern Ukraine, had been killed there, on 10 October 2014 in the Ukrainian village of Nikishyne. Sergei, an older member of the same unit, was reported as saying that about two-thirds of pro-Russian fighters in eastern Ukraine were from Russia.

104. "Putin: Russia helped Yanukovych to flee Ukraine", BBC News, 24 October 2014

2780. This article indicated that the President of the Russian Federation had said, for the first time, that Russia had helped the ousted President of Ukraine, Viktor Yanukovych, to flee from the country. "I will say it openly – he asked to be driven away to Russia, which we did", the Russian President had said.

105. "A Column of Tanks and Infantry Fighting Vehicles Passed Through Antratsyt (PHOTO)", Press of Ukraine, 31 October 2014

2781. This piece indicated that it had been reported by locals on social networks that a column of militant military hardware had passed through Antratsyt (Luhansk region). Local citizens of Antratsyt had taken photographs of tanks passing through the town in the middle of the day. It was reported that a column of four tanks and six mechanised infantry fighting vehicles had passed through the town.

106. "Dutch Safety Board commissions the recovery of MH17 wreckage", Aviation Safety Network, 6 November 2014

2782. According to a statement, the DSB had commissioned the recovery and transportation to the Netherlands of wreckage from flight MH17. As part of the investigation into the cause and progress of the crash, the DSB reportedly had the intention to reconstruct a section of the aircraft.

107. "Ukraine crisis: Russian troops crossed border, Nato says", BBC, 12 November 2014

2783. The Supreme Allied Commander in Europe, General Philip Breedlove, said that NATO had seen Russian military equipment and Russian combat troops entering Ukraine that week.

108. "Ukraine redeploys troops, fearing new rebel offensive", Reuters, 12 November 2014

2784. This article reported that the NATO Supreme Allied Commander in Europe had said that the alliance had seen Russian troops and tanks entering Ukraine in the past few days, confirming reports by international observers. "There is no question any more about Russia's direct military involvement in Ukraine" he said.

109. "Ukraine crisis: Russian 'Cargo 200' crossed border – OSCE", BBC News, 13 November 2014

2785. This article reported that the OSCE monitors had said, in their weekly report for 11 November 2014, that vehicles apparently used to transport soldiers' bodies had been seen crossing the Russian-Ukrainian border. The Ukrainian security spokesman had said that five vehicles "belonging to the Rostov funeral service" had crossed the border that week. He alleged that they had transported "Russian military men". The article noted that Ukraine had repeatedly stated that a number of Russia's regular troops had been killed in fighting in the Donetsk and Luhansk regions. Nevertheless, Moscow had denied the allegations as propaganda, but had admitted that what it described as "Russian volunteers" were fighting alongside the separatists.

110. "Malaysia made full member of MH17 criminal probe team, AG confirms", MalayMail, *1 December 2014*

2786. This article reported that Malaysia had been accepted as a full member of the joint investigation team for the downing of Flight MH17. Malaysia had thus become the fifth country in the team, after the Netherlands, Australia, Belgium and Ukraine.

111. "MH17 wreckage in Petropavlivka", RTL News, 22 December 2014

2787. This story by Jeroen Akkermans is an "annual review" of 2014. He stated that his editors had asked him to look back on the MH17 disaster. "In these dark days, I don't really feel like it. The story is far from finished. We're in the middle of it. So don't ask me for an overview. I lost it on the way", he wrote. He noted what he had seen three days after the crash in the village of Petropavlivka, where dozens of shoes, bodies, suitcases and wreckage had come out of the sky in the village.

112. "Flight MH17: Searching for the Truth", CORRECT!V, 9 January 2015

2788. This article contained detailed research on the downing of flight MH17. It suggested that the aircraft had been downed by a ground-launched Buk missile – launched by a unit of the 53rd Russian Air Defence Brigade from Kursk. The brigade unit, tasked with protecting Russian tank units, had been operating in mid-July on Ukrainian territory without displaying insignia. One of the witnesses, a separatist commander, had stated that he knew "for sure that the popular militia did not shoot down" the aircraft in that they had not had and still did not have specialists who could operate such high precision weapons systems.

113. "Russian Army BPM-97 'Vystrel' and GAZ-39371 'Vodnik' in Krasnodon Ukraine", Lugansk-news.com, *12 January 2015*

2789. The article reports on the video published on YouTube allegedly showing a Russian unit of at least ten "Vystrel" infantry fighting vehicles BPM-97 and "Vodnik" GAZ-39371 trucks arriving from Luhansk in Krasnodon (Luhansk region) at the base of a separatist group called "Odessa".

114. "They Were Never There: Russia's Silence for Families of troops Killed in Ukraine", The Guardian, *19 January 2015*

2790. This article, written by Alec Luhn, reported that despite the fact that the Russian Federation had denied its involvement, more and more information was emerging about Russian soldiers who had been killed in eastern Ukraine. It noted that the Open Russia organisation had catalogued more than 260 people reportedly killed in eastern Ukraine. It also indicated that some relatives of those who had served and died there had started to speak out. The article also claimed that State-controlled television had occasionally reported on the deaths of Russian "volunteers" in Ukraine, but any discussion of servicemen being deployed there remained taboo. It reported that Ukraine's national security council had said that the number of Russian servicemen training local troops and fighting in the Donetsk region had increased to 8,500, along with deliveries of armour and munitions from

Russia. The article noted that if a soldier died in action, his family would be entitled to compensation of 3 million roubles, an insurance payment of 2 million roubles, and a monthly stipend. If he died in action in a conflict that was later officially recognised as a Russian war, his family would also be entitled to additional benefits that could include a new apartment. According to the article, it was unclear how many Russian servicemen had been killed in eastern Ukraine, but soldiers' rights advocates had said that the number was likely to be in the hundreds. Besides Open Russia's 260-name working list, the independent television channel Dozhd had confirmed the deaths of thirty-four soldiers named in a list on its website. According to a regional deputy from the city of Pskov who had published news of the first secret funerals for Russian soldiers in August 2014, at least 2,000 men from the division based there had been deployed to eastern Ukraine, and at least 100 had been killed. *The Guardian* had interviewed some rights monitors, who had confirmed that soldiers were still being sent to Ukraine, although in smaller numbers than in August 2014. The Russian soldiers' rights group "Forgotten Regiment" had claimed in December 2014 that 15,000 Russian soldiers were fighting in eastern Ukraine.

115. "Death toll mounts in intense clashes in east Ukraine", Reuters, 29 January 2015

2791. This article reported that five Ukrainian soldiers and three civilians had been killed as a result of fighting in Ukraine's separatist eastern regions in the past twenty-four hours, according to Kyiv authorities, who had also said that fighting was particularly fierce in the strategic town of Debaltseve.

116. "Satellite Images Prove Russian Forces Crossed The Border To Attack Ukraine At Ilovaisk", The Interpreter, *30 January 2015*

2792. This article reported that a blogger for Ukraine At War, Dajey Petros, had reviewed images from Google Earth which had been released since the battle for Ilovaisk and had discovered evidence that Russian military units had crossed the border and engaged in the battle, which had been a major turning point in the war.

117. "Volunteers evacuate residents from Debaltseve under shelling", Kyiv Post, *2 February 2015*

2793. In this article by Oksana Grytsenko and Olena Goncharova, Ms Natalia Voronkova, one of the volunteers leading the evacuation effort from Debaltseve and surrounding areas in the Donetsk region, was reported as saying that the evacuation vehicles had become targets of Russian-backed separatists.

2794. On 1 February, a shell had hit a yellow evacuation bus just a minute after it had stopped by a bomb shelter in Debaltseve. Two drivers and two

passengers had been wounded, including a 13-year-old girl, who had received injuries to her neck. Eight more people had been wounded by mortar shells while queuing for evacuation by the building of the local administration on the same day.

118. "Ukraine conflict: Battles rage ahead of Minsk talks", BBC, 10 February 2015

2795. This article reported officials as having said that rebels had carried out rocket attacks on a key military base and a residential area in Kramatorsk, killing at least seven civilians. Local authorities had said the rockets had been fired from the rebel-controlled Horlivka area, which was about 50 kilometres away from the city. The separatists had denied firing the rockets.

119. "EU breaks taboo on 'Russian forces in Ukraine'", EU Observer, *16 February 2015*

2796. This article by Andrew Rettman reported that the EU "has broken its taboo on referring to Russian forces in east Ukraine in its official documents." The EU had stated in its Official Journal on 16 February 2015 that the Russian Deputy Defence Minister Anatoly Antonov was being added to its blacklist because he was "involved in supporting the deployment of Russian troops in Ukraine".

2797. It had also listed Andrei Kartapolov, a senior Russian military commander, for being "involved in shaping and implementing the military campaign of the Russian forces in Ukraine".

120. "Cameron: Britain to support new sanctions if Minsk agreements fail", UNIAN, 16 February 2015

2798. This news item from the Ukrainian news agency UNIAN reported on a conversation between the United Kingdom Prime Minister David Cameron and the Ukrainian President Poroshenko in the context of the announcement of the ceasefire in Donbas on 15 February 2015.

121. "Fierce Battle for Debaltseve Ends in Ukraine Withdrawal", Financial Times, *18 February 2015*

2799. This article (by Neil Buckley and Roman Olearchyk in Kiev and Courtney Weaver in Moscow) reported on the Ukrainian withdrawal from Debaltseve, describing it as a major blow for Ukraine.

2800. Debaltseve's capture by rebels sent a clear message that Mr Putin was "not finished", one senior western diplomat had said. At issue now for western capitals was what to do next. On Wednesday 18 February the US Vice-President Joe Biden had warned after a call with Mr Poroshenko that "the costs to Russia for future violations of the Minsk agreements will rise".

2801. Future efforts to deter Mr Putin could include the supply of more sophisticated military hardware to Ukraine. That could range from high-tech communications that could have withstood the jamming that had occurred at Debaltseve, to defensive weapons such as anti-tank missiles that might deter further advances.

2802. Meanwhile, the rebels' success could embolden them to grab further strategic targets, which could help turn the rebel "people's republics" of Donetsk and Luhansk into a more viable economic entity, Dmytro Kuleba, ambassador at large for Ukraine's Foreign Ministry had warned.

2803. Such targets included the Avdiivka coking plant, close to Donetsk airport and a key supplier to much of Ukraine's steel industry, a power plant at Shchastya, just north of Luhansk, which supplied much of the region's electricity, and Mariupol, the Azov sea port that was home to two of Ukraine's three largest steel mills and lay on the road to Crimea.

122. "Ukraine troops retreat from key town of Debaltseve", BBC, 18 February 2015

2804. This article noted that the rebel advance on Debaltseve, which had come in spite of the recent ceasefire agreement, had been widely condemned. The NATO chief Jens Stoltenberg had said that the rebels' offensive had put the wider peace agreement at risk and urged Russia to "use all its influence on the separatists to make them respect the ceasefire".

2805. Russia's State-controlled Channel One TV had shown footage of what it said were rebels raising their flag on top of a high-rise building in the town. Later, the rebel spokesman Eduard Basurin haf been quoted in Russian media as saying that Debaltseve was fully under the control of separatists, although there were still "disparate groups of the enemy" in the southern part of town.

123. "The Russian Military Commander Allegedly Leading Ukraine's Separatists", Global Voices, 18 February 2015

2806. This article by Aric Toler reported that Vladimir Putin had urged Ukraine to accept defeat in Debaltseve after losing to "yesterday's miners and tractor drivers" in Budapest on 17 February 2015. His comments came as many on the RuNet (the Russian-speaking Internet community) believed that they had found video proof that the Deputy Commander of Russia's Ground Forces Aleksandr Lentsov was leading the separatist forces. The Dutch blogger "Dajey Petros", who ran the popular Ukraine@War blog, appeared to be one of the first online users to have suggested Mr Lentsov's involvement in commanding the separatists who had laid siege and captured Debaltseve. He had tweeted on the evening of 17 February 2015 that Mr Lentsov was "overseeing the takeover of Debaltseve," comparing a still from a video apparently showing Mr Lentsov in Debaltseve to a confirmed photograph of

Mr Lentsov in his military uniform. Soon after that tweet, a number of popular Ukrainian and Russian social media users had shared his findings, expanding the possible discovery into a full-fledged Internet phenomenon. The article noted that whether or not this man was actually Mr Lentsov remained unconfirmed, but that it was hard to deny the resemblance between the man in the separatist videos and Mr Lentsov. Some suggested that the Lentsov "doppelganger" was actually a local man who had risen in the separatist ranks.

124. "Russia shelled Ukrainians from within its own territory, says study", The Guardian, *19 February 2015*

2807. This article by Julian Borger and Eliot Higgins reported on the Bellingcat report analysing crater patterns from satellite photographs of three battlefields in eastern Ukraine where the Ukrainian Army had come under attack in the summer 2014 (in particular near Amvrosiivka on 14 July and near Chervonopartyzansk, between 14 July and 8 August) and traced the estimated trajectories back to likely firing positions, where it identified scorch marks and tyre tracks on satellite images consistent with Russian rocket-launchers. With a single exception, the identified firing positions were on Russian soil. Furthermore, the tracks to and from the firing positions led further inside Russia, further evidence that they were Russian units, not separatist fighters who had strayed across the border. Images of the same terrain just before the attacks showed no track marks or scorched earth.

2808. The incidents had occurred as pro-Moscow separatists pushed back a Ukrainian government offensive that had regained a large section of the Russian-Ukrainian border. The separatist counter-offensive was supported by heavy artillery, which had proved decisive in driving the Ukrainian army out of the Donetsk and Luhansk regions.

2809. Bellingcat had used publicly available satellite imagery of the battlegrounds and had adapted established procedures for analysing craters on the ground to determine the trajectory of artillery fire, applying them to the photographs. It had looked at two main types of crater: low angle, which produced a distinctive diagonal spray of soil from the central crater, and high angle, which made a triangular-shaped crater. Both could show the direction of fire.

2810. An independent military forensics expert had warned that the accuracy of crater analysis in determining direction of fire on the basis of satellite photography was scientifically unproven, but said that the images of firing positions on the Russian side of the border were compelling and raised questions of what they had been doing there.

125. "Some 12,000 Russian Soldiers in Ukraine Supporting Rebels: U.S. Commander", Reuters, 3 March 2015

2811. This article, written by Sabine Siebold, reported that the US Army's Europe Commander had said that around 12,000 Russian soldiers were estimated to be supporting the separatists in eastern Ukraine. The Russian forces were made up of military advisers, weapons operators and combat troops. According to him, a further 29,000 soldiers were stationed in the Crimea.

126. "Russian Soldiers 'Dying in Large Numbers' in Ukraine – NATO", BBC, 5 March 2015

2812. This article reported that NATO's deputy chief had said that Russian leaders were less and less able to conceal the deaths of "large numbers" of Russian soldiers in eastern Ukraine. According to him, Russia's involvement in the conflict was becoming more unpopular with the Russian public as a result.

127. "Berlin Concerned About Aggressive NATO Stance on Ukraine", Der Spiegel*, 6 March 2015*

2813. This article reported that the US President Barack Obama was supporting Chancellor Angela Merkel's efforts at finding a diplomatic solution to the crisis in Ukraine. It noted, however, that there were other views in Washington, including NATO's top commander in Europe, who were critical of this approach.

128. "Putin reveals secrets of Russia's Crimea takeover plot", BBC News, 9 March 2015

2814. This article reported mainly on the words used by the President of the Russian Federation in a forthcoming Russian television documentary on the annexation of Crimea. According to the article, Vladimir Putin had admitted for the first time that the plan to annex Crimea had been ordered weeks before the referendum on self-determination, at an all-night meeting on 22 February 2014. The article also gave a summary timeline of the situation in Crimea and indicated that the formal annexation of Crimea had sparked unrest in eastern Ukraine. It also noted that the Ukrainian government, the leaders of western countries, NATO and independent experts had said that there was clear evidence that Russia was helping the separatists in eastern Ukraine with heavy weapons and soldiers, whereas the Russian government had denied it, insisting that any Russians serving with the rebels were "volunteers".

129. "How Many Russians are fighting in Ukraine?", BBC News, 10 March 2015

2815. This article, written by Mark Urban, reported that the Russian Federation had denied that its forces were directly involved in the conflict in eastern Ukraine, but that the commander of the US Army in Europe had stated that 12,000 Russian troops were operating in the region. The article suggested that the involvement of the Russian Federation had become increasingly hard to hide, growing bigger, with more advanced weapons, and capturing more territory for the nominal "separatist army". The evidence of the Kremlin's direct military involvement could be gleaned from many different types of sources, such as: (i) Russian mainstream and social media; (ii) reporters on the ground; (iii) Ukrainian media; (iv) analysis of freely available satellite imagery by citizen journalists; and (v) information released by the U.S. and its NATO allies.

2816. The article indicated that Russia's intervention had evolved in several phases: (i) initially deniable, in the summer of 2014, with perhaps a few hundred special forces organising locals and Russian volunteers; (ii) large-scale escalation, during August 2014, when several Russian regular army battalion tactical groups (numbering up to 1,000 each) had been sent in to save the separatists from defeat by the Ukrainian military; (iii) a period of withdrawal and retrenchment, late in 2014, following the Minsk ceasefire agreement, in which Russian troop numbers had dropped; and (iv) the reintroduction of several formed battalions and numerous specialist troops during renewed fighting, in January and February 2015, allowing the capture of Debaltseve and a good deal of other territory from Ukraine.

130. "Evidence proving that flight MH-17 was taken down by a BUK missile", RTL News, 19 March 2015

2817. This article reported that the correspondent Jeroen Akkermans had taken with him some fragments of the murder weapon from the MH17 crash site the previous year. The material had been examined by an independent institute, which had conducted a confidential investigation that had concluded that the fragment directly belonged to the payload of a 9M317 Buk missile, the modern version of the Buk 1-2 system.

2818. The article indicated that two German rocket scientists, Robert Schmucker and Markus Schiller, endorsed those conclusions. They had also calculated the trajectory of a Buk missile based on data which were publicly accessible and on their knowledge of missiles. Markus Schiller had said: "only a BUK missile can travel the distance to the plane at such a high altitude in such a short time and inflict so much damage. The mathematics fit exactly if you match the data for a BUK missile to the MH-17 crash". His colleague Robert Schmucker said: "it is consistent with the data from the hull fragments and the trajectory of the missile that a BUK missile brought down MH17".

The article noted that this possibility had been considered for some time, but now there was physical evidence of the murder weapon.

131. "The three colors of Novorossiya, or the Russian nationalist mythmaking of the Ukrainian crisis", Post-Soviet Affairs, 20 March 2015

2819. In her article, Marlene Laruelle claimed that while the annexation of Crimea had boosted Vladimir Putin's popularity in Russia, the conflict in eastern Ukraine had shattered the domestic ideological status quo. According to her, Kremlin's position appeared somewhat hesitant, fostering resentment among Russian nationalist circles that were hoping for a second annexation after Crimea. She analysed the concept of "Novorossiya" as a live myth-making process orchestrated by different Russian nationalist circles to justify the Donbas insurgency. She suggested that Novorossiya provided for an exceptional convergence of three underlying ideological paradigms – "red" (Soviet), "white" (Orthodox), and "brown" (Fascist).

132. "How Ukraine rebels rely on Russians", BBC News, 31 March 2015

2820. This piece is an interview obtained by the BBC journalist Olga Ivshina with a Russian special forces soldier, Dmitry Sapozhnikov, who described the key role played by Russian troops in recent fighting. He had served earlier as a conscript in the Russian interior ministry forces. He said that most of his duties had consisted in guarding transport infrastructure in St Petersburg, but after joining the separatists in Donetsk region, he had been assigned to special forces duties. He said that a Russian who had served in the French Foreign Legion had trained them.

2821. Mr Sapozhnikov stated that he had joined the "DPR" forces in October 2014, but he had been wounded in heavy fighting when the separatists had pushed Ukrainian troops out of Debaltseve in late February 2015. He said that "all operations, especially large-scale ones, [were] led by Russian officers, by Russian generals". According to him, "they [Russian officers] develop plans together with our commanders. And then we fulfil the orders".

2822. The article noted that the "DPR" had said that Mr Sapozhnikov's special forces unit of Russian "volunteers" had fought on the frontline in the battle for Debaltseve. On 9 February 2015 his unit had managed to take control of a main road, cutting Ukrainian forces off from their hinterland. The separatists had been unable to hold the road for long, Mr Sapozhnikov had explained. "But then Russian tanks arrived. This was a tank unit from Buryatia [Siberia]. Thanks to their help and their armour we managed to take Debaltseve."

2823. According to Mr Sapozhnikov, Russian regular units had been crucial at difficult moments for the separatists, when operations required

disciplined and well-trained troops. When reminded that Russia had rejected the allegations of Russian military involvement in the fighting, he pointed out that a year ago Russia had also denied using its armed forces to seize control of Crimea. However, recently Russian State television had shown a documentary in which President Vladimir Putin had admitted to planning the annexation of Crimea from the start. "I think it will be the same here, in Donbas. First they deny it, but then they will admit it", he said.

133. "Russian Soldiers Have Given Up Pretending They Are Not Fighting in Ukraine", Vice News, 31 March 2015

2824. This article by Alec Luhn reported that Dmitry Sapozhnikov, who had gone to Ukraine in October 2014 to fight alongside the separatists, had given an interview to BBC, in which he had said that Russian military units had played a decisive role in separatist advances, including the operations in February 2015 that had led to the capture of the transport hub of Debaltseve (see paragraphs 2820-2823 above).

134. "Russian fighter's confession of killing prisoners might become evidence of war crimes", Kyiv Post*, 6 April 2015*

2825. This article by Oleg Sukhov reported that in a recorded conversation with a reporter from the *Kyiv Post* newspaper on 3 April, the Kremlin-backed warlord Arseniy Pavlov, known as "Motorola," had confessed to killing fifteen Ukrainian prisoners of war. The recording, published on YouTube, is embedded with the article and has Russian and English subtitles. Asked to comment on the allegations that he had murdered a prisoner of war Igor Branovytsky, Mr Pavlov responded that he did not care about any accusations and that he had in fact killed fifteen prisoners and could do whatever he wanted.

135. "Former NATO Commander: A New Russian Offensive in Eastern Ukraine Is 'Imminent'", Business Insider*, 7 April 2015*

2826. This article by Jeremy Bender reported that retired General Wesley Clark had warned at an exclusive briefing with the Atlantic Council that a renewed Russian offensive in Ukraine was "imminent". General Clark had further noted that Russian and separatist forces were already massed both in eastern Ukraine and along the Russian border.

2827. "[S]ome nine thousand Russian Federation personnel and thirty to thirty-five thousand separatist fighters are in eastern Ukraine. These forces include some four hundred tanks and seven hundred pieces of artillery, including rocket launchers", General Clark estimated. "Another approximately fifty thousand Russian military personnel are located along or near Russia's border with Ukraine. A further fifty thousand Russian personnel are located in Crimea."

136. "Misery, Tuberculosis in Prisons of War-Torn East Ukraine", Associated Press, 8 April 2015

2828. This article reports on food shortages and difficulties of the medical service in Zhdanivka prison in the "DPR"-controlled territory.

137. "MH17 crash: My revealing fragments from east Ukraine, Jeroen Akkermans", BBC News, 16 April 2015

2829. The author, Jeroen Akkermans, wrote that he had visited the MH17 crash site several times and, after months of seeing evidence lying at the scene undisturbed, he had decided to take some small fragments with him back to the Netherlands. At least three of them were later linked to a surface-to-air missile by forensic analysis and experts, according to the article.

2830. Mr Akkermans noted that the theory about the downing of MH17 was divided into two camps. One side was convinced that a Ukrainian Su-25 fighter jet shot MH17 down. The opposing side believed that it must have been a Russian surface-to-air missile launched from separatist-held territory. The author had spoken to many experts in different countries on possible air-to-air and surface-to-air weaponry and showed them the fragments. All the experts had ruled out air-to-air ammunition. Instead, they were convinced that at least three of the pieces he had taken had the markings of a surface-to-air missile. Forensic analysis and experts from British defence analysts had linked the damaged, hour glass-shaped fragment to a 9N314 warhead, which armed at least one type of the Buk system's missiles. A German missile expert had gone through all the data and said "looking at the damage, the velocity, the height and the fragments, it all adds up to a Buk missile, to me it is pure mathematics". According to the author, this meant that after four months of investigation, for the first time they were able to present the public with physical evidence of a Buk.

2831. He finally added that he had since handed the fragments over to the Dutch authorities and that they were to be part of their investigation.

138. "Back to old tactics: US envoy tweets 'Russian BUKs in Ukraine' with pic of Moscow show", RT News, 24 April 2015

2832. This article reported that the US ambassador to Ukraine, Geoffrey Pyatt, had claimed that Russia's military was continuing to expand its presence in eastern Ukraine. As for proof, the article said, the ambassador had posted a two-year-old picture of an air defence system from an air show near Moscow.

139. "The Cabinet of Ministers Withdrew the Occupied Territories of Donbass from the Energy Market of Ukraine", RBC-Ukraine, 8 May 2015

2833. This article reported that as per the Government Decree No. 263 dated 7 May 2015, the Cabinet of Ministers of Ukraine had excluded electricity sale and purchase operations in the temporarily occupied Donbas territories from the common electricity market of Ukraine.

140. "Russian Soldiers Quit over Ukraine", Reuters, 10 May 2015

2834. This article by Maria Tsvetkova reported statements from several soldiers and human rights activists that some Russian soldiers were quitting the army because of the conflict in Ukraine and that their accounts called into question the Kremlin's continued assertions that no Russian soldiers had been sent to Ukraine and that any Russians fighting alongside rebels there were volunteers.

141. "Ukrainian Bloggers Hunt Down Russian Soldiers In War-Torn East", Radio Free Europe, 29 May 2015

2835. This article reported that, although the Russian Federation had repeatedly denied its involvement in the conflict in eastern Ukraine, a crew of investigative bloggers in Ukraine were trying to prove that there were Russians soldiers involved in the conflict. The article noted that despite Moscow's insistence that it had no troops in Ukraine, evidence of Russian involvement was mounting. NATO Deputy Secretary-General Alexander Vershbow said: "Russian leaders are less and less able to conceal the fact that Russian soldiers are fighting, and dying, in large numbers in eastern Ukraine". A Bloomberg report quoted US lawmakers claiming that Russia was operating mobile crematoriums to secretly dispose of soldiers killed in eastern Ukraine. The article also mentioned the latest report by the Atlantic Council, which claimed that there was "irrefutable evidence" that the conflict in eastern Ukraine was "a Kremlin-manufactured war – fuelled by Russian-made military equipment, fought by Russian soldiers, and supported by Mr. Putin".

2836. The article also indicated that bloggers had also helped identify two alleged Russian servicemen captured earlier that month in Shchastya, a government-controlled town near of Luhansk. Ukrainian authorities had said that the two men, named as Aleksander Aleksandrov and Yevgeny Yerofeyev, would be tried on terrorism charges. The Defence Ministry of the Russian Federation denied the claims, saying that Mr Aleksandrov and Mr Yerofeyev had served in the military but had not been enlisted at the time of their detention.

142. "Why is the BBC presenting RUSI as objective analysts of the Middle East?", Open Democracy, 11 June 2015

2837. In this article, David Wearing criticised the BBC for presenting the analysis of the Royal United Services Institute (RUSI). According to the author, RUSI had close links with the British State and its military establishment. The BBC should therefore not present its analysis as a political fact.

143. "Digital Investigators Try to Disperse Fog Of War In Ukraine", Radio Free Europe, 2 July 2015

2838. This article reported on the digital forensic techniques used by volunteer groups and NGOs to prove the involvement of the Russian Federation in the conflict in eastern Ukraine. Digital forensic investigators had used publicly available satellite imagery, Google Maps images, and other open sources to place specific Russian soldiers from known Russian military units at precise locations in Ukraine and the border areas of Russia. The analyst Aric Toler said that Bellingcat was confident that it had established that active Russian military forces had been involved in combat in Ukraine, with particularly high levels of activity noted in August 2014 during a Ukrainian government offensive near Ilovaisk, and during the February 2015 fighting around Debaltseve.

144. "DPR Finance Ministry: the Budget is 90% Roubles and is Made Up of Taxes", RIA Novosti, 14 August 2015

2839. In an interview, the minister of finance of the "DPR", Ekaterina Matyushchenko, said that 90% of the budget of the "DPR" consisted of roubles and was formed from taxes.

145. "Ukraine and rebels to implement Minsk deal by September 1", DW, 27 August 2015

2840. This article reported that Kyiv and pro-Russian separatists in eastern Ukraine had agreed to end all violations to the peace deal that had been signed in Minsk.

146. "ICC Prosecution 'Likely' to Look at MH17 Downing", Justice Hub, 10 September 2015

2841. This article, written by Niklas Jakobssen, reported that Ukraine had extended additional jurisdiction to the ICC and that in an email to Justice Hub, the Office of the Prosecutor at the ICC had confirmed that the downing of Flight MH17 was likely to be looked at by the Office: "This event occurred during the time frame covered by Ukraine's latest declaration accepting ICC jurisdiction. It will therefore likely be included in the Office's preliminary assessment relating to alleged crimes committed in Ukraine", the email read.

147. "Ukraine ceasefire talks 'make significant progress'", BBC, 13 September 2015

2842. This article reported that according to the German Foreign Minister, Frank-Walter Steinmeier, significant progress had been made in talks about the conflict in eastern Ukraine. Mr Steinmeier was speaking after a meeting with his Russian, Ukrainian and French counterparts in Berlin. Mr Steinmeier said that all parties reaffirmed that the ceasefire, which had held for almost two weeks, needed to be consolidated.

148. "Captured 'Russian Major' Pardoned by Kiev", The Moscow Times*, 1 December 2015*

2843. This article reported that the Ukrainian President had pardoned Vladimir Starkov, who had previously been sentenced by a Ukrainian court for waging aggressive war against Ukraine, on the orders of the Russian Chief of General Staff, Valery Gerasimov. He had then been swapped for the Ukrainian soldier Andriy Hrechanov, one of the former defenders of Donetsk airport, who, according to the Kyiv-based Ukrainian Independent Information Agency UNIAN, had been held by pro-Russian militants in Donetsk.

2844. Footage of Mr Starkov's interrogation – which showed him saying that Russian servicemen had been transferred to Ukraine without their prior knowledge – had been uploaded to YouTube by Ukrainian security services in July 2014, and in August he was quoted as saying in an interview with Euronews that he had been a regular Russian serviceman and had been transferred to the border region of Rostov and subsequently to eastern Ukraine.

149. "Moscow shared MH17 radar images, Dutch prove ignored evidence, Russia tells victims' relatives", RT, 9 February 2016

2845. This article reported that the deputy head of Rosaviatsia, the agency representing the Russian Federation in the investigation regarding the downing of flight MH17, had addressed the relatives of the victims in a letter, in which he had claimed that Russia had provided the Netherlands with radar

and other data on the MH17 crash but this had all been ignored. Speaking of Russia's efforts, the Rosaviatsia officials had accused the DSB of leaving a number of important questions unanswered, of distorting the facts and of deliberately carrying out the probe at a sluggish pace.

150. "MH17: The Buk videos are fake", energia.su, *23 February 2016*

2846. This article by Sergey Mastepanov concerned three videos of the alleged separatists' Russian Buk launcher. They had been uploaded to the social media within hours after MH17 had been shot down, and others had been published elsewhere within days. Bellingcat had used them as evidence of Russia's and separatists' culpability in the MH17 case. The author claimed that these videos were in fact fake.

151. "Russia's 'valiant hero' in Ukraine turns his fire on Vladimir Putin", The Guardian, *5 June 2016*

2847. This article by Shaun Walker reported on the latest criticisms by Igor Girkin (Strelkov) of the Kremlin administration. The author noted that in Ukraine, Strelkov was considered a bloody and ruthless war criminal – a Kremlin agent sent by Moscow to wreak havoc in Ukraine. However, in Russia he had been portrayed as a valiant military hero, leading the local rebel forces in their fight. During an interview with *The Guardian* at its office in Moscow, Strelkov had said: "Putin and his circle have recently taken steps which I believe will almost inevitably lead to the collapse of the system. We don't know yet how, and we don't know when, but we are certain it will collapse, and more likely sooner than later." According to him, President Putin had dithered at the crucial moment in 2014, for fear of breaking off ties between Russia and the west for good. The article noted that Strelkov was a radical nationalist who believed that Russia should seize all the lands where ethnic Russians lived, and who described Ukrainians as "Russians who speak a different dialect". He said that it was fatal that Vladimir Putin had stopped after annexing Crimea. "He crossed the Rubicon, but then stopped unexpectedly and illogically. He didn't retreat, but didn't go forward either. He has no ideas and seems to be waiting for a miracle. He's stuck in the middle of a swamp", Strelkov had said.

2848. Asked about summary executions, Strelkov did not deny having had people shot for looting, but claimed that the executions were legal, as they had been carried out in accordance with a Soviet law on wartime justice. "In military circumstances without strict discipline and without the vengeful sword of justice, the situation would not be controllable. When I was commanding, there was none of that. Every soldier knew that if he committed a crime, he would be punished as harshly as an enemy, if not more harshly. This helped a lot with discipline", he said.

2849. Strelkov said that he was "to a large extent an independent figure" in eastern Ukraine. He stated that he had used all his contacts to demand a full-scale Russian invasion, but it had soon became clear that this was not forthcoming. He declined to comment on the level of Russian official involvement, saying only that "you may draw your own conclusions".

2850. The article indicated that there was overwhelming evidence of Russian financial and military support for the separatists, as well as of Russian regular troops entering the conflict at key moments, and some separatist sources had claimed that the withdrawal of the unpredictable Strelkov was one of the preconditions set by the Kremlin ahead of sending troops covertly to inflict a crushing defeat on the Ukrainians during the battle of Ilovaisk.

152. "50,000 Russian citizens fought in Donbas war in first two years, their ex-leader says", Euromaidanpress, *30 July 2016*

2851. This article on a Ukrainian website reported on a letter that Aleksandr Borodai ("DPR" prime minister in the summer of 2014) had written to a Russian Orthodox Church bishop in March 2016, offering to coordinate assistance to around 50,000 Russian citizens who had fought for the separatist army in the first two years of the war.

2852. The letter had been leaked from a hacked mailbox of Olga Kulygina, a Russian citizen who had been apprehended in the summer of 2014 while fighting for the separatists and had later been exchanged for 17 Ukrainians. She was a well-known associate of both Borodai and Igor Girkin. The letter was published on the Myrotvorets website.

153. "War turns Ukraine into 'supermarket' for illegal weapons", APnews.com, 6 August 2016

2853. This article by Yunas Karmanau reported that the war in eastern Ukraine against Russia-backed separatists had led to the uncontrolled spread of firearms throughout Ukraine, with experts describing the country as a "supermarket" where millions of illegal weapons were for sale. The article noted that in 2015, there had been 1,526 crimes involving firearms, up from 784 in 2013. The difference was even starker considering that the 2015 figures did not include the conflict zones in the east or Crimea.

154. "Motorola Field Commander: From Chechnya to Donbass", depo.ua, 16 October 2016

2854. This article reported on the background of Arseniy Pavlov ("Motorola"), based on his interviews in the media, from his birth on 2 February 1983 in Russian Federation's Komi Republic, describing his service in the second Chechen war and his activity on the side of the "DPR", starting from his fighting in Igor Girkin's unit, the creation of a "Sparta" unit

and participation in fighting over Ilovaisk, alongside "Givi's" "Somali" battalion.

155. "Atlantic Council's DFRLab on SurkovLeaks: 'Emails are authentic'", UNIAN, 25 October 2016

2855. This article reported that after the release of the emails of Vladislav Surkov, and a previous publication of a PDFs and screenshots of the inbox, there were reasons to doubt the authenticity of the hack. Although the Ukrainian Security Service had stated that the hacks were authentic, this was hardly a reliable indication, according to DFRLab of the Atlantic Council. With the publication of a nearly-1gb Outlook database, they had concluded that it was fairly clear that the emails were authentic. According to them, it was quite easy to fake screenshots, PDF documents, and other files, but faking email inboxes was quite difficult. The cache was posted on cyberhunta.com, by a cyber alliance of hackers' groups.

156. "Peskov denied reports about hack of Surkov's email", Interfax, 26 October 2016

2856. This article reported that the Russian president's press secretary Dmitry Peskov had rejected information about the hacking of the personal mailbox of Russian presidential assistant Vladislav Surkov, stating that he did not use email at all. Answering a question about restrictions on the use of email for employees of the presidential administration, Mr Peskov had noted in particular that "there [was] a law on state secrets, according to which we are obliged to follow a very strictly regulated regime when working with data and information which constitutes [a] state secret and which relates to a particular qualification of state secrets".

157. "Hackers claim Surkov emails show 'Russian plan' to destabilize Ukraine", RBTH, 9 November 2016

2857. This article by Yekaterina Sinelschikova reported that the news that presidential aide Vladislav Surkov's emails had been hacked had created quite a stir both in Russia and Ukraine. Among other things, the hacked emails allegedly contained a plan aimed at destabilising Ukraine. The author noted that "public debate on whether the emails were genuine or not soon boiled down to a popular conclusion: There was a real hack and the files are real, but are a blend of truth and fiction and were deliberately leaked".

158. "ATO Veterans Begin Blockade of the Occupied Donbass, Ukrinform", 26 December 2016

2858. This article reported that veterans of two volunteer battalions, Donbass and Aidar, had announced during a press conference the start of the

blockade of the "DPR" and "LPR". "An ultimatum was given, demanding the release of our prisoners of war. The leaders of the terrorist organisations did not fulfil it. Now we are starting to block the delivery of food to the occupied territories", said Anatoly Vinogrodsky, second commander of the Donbass battalion. He said that the purpose of their actions was to speed up the release of prisoners of war. He pointed out that the blockade would not affect civilians buying groceries in the territory controlled by Ukraine. The actions would be directed only against smuggling.

159. "General Staff Denies the Presence of Tanks of the Armed Forces of Ukraine in a Residential Area of Avdeevka. Tanks were Filmed by Three International News Agencies", INFORESIST, 2 February 2017

2859. The article reported that the Deputy Head of the Public Relations Department of the Armed Forces of Ukraine had denied the photo and video materials published by the BBC and some other international media outlets showing tanks of the Ukrainian army in residential districts of Avdiivka.

160. "Ex-rebel leaders detail role played by Putin aide in east Ukraine", Reuters, 11 May 2017

2860. This article by Anton Zverev reported that three former separatists who had held senior roles in eastern Ukraine had explained in detail how Vladislav Surkov, a top-level Kremlin advisor, controlled the situation on the ground via handpicked proxies who gave him regular situation reports, used aides to arrange elections there, and had worked to build power structures that were responsive to Moscow's wishes.

2861. "Any call from Moscow was viewed as a call from the office of Lord God himself and ... was implemented immediately", according to one of the leaders of the separatists in Donetsk who had since left the area in eastern Ukraine. Two other separatists corroborated his account. They said that Mr Surkov had also played a key role in the appointment of Mr Zakharchenko as leader of the "DPR". One of them said that after a verbal order from Mr Surkov's office, Mr Borodai and Strelkov had quietly stepped down so that Mr Zakharchenko could take over.

2862. According to people who had spoken to Reuters, Mr Surkov's activities, which had begun at least six months before the Minsk agreement, had focused on choosing personnel to take senior posts, on creating a structure for the separatist administration, on formulating a media strategy for the separatists and on planning local elections.

161. "MH17 – when will the Kremlin respond?", HCSS in the media, 18 July 2017

2863. This article reported that on the eve of the third anniversary of the MH17 disaster, relatives had staged a silent protest at the Russian Embassy in The Hague. They had installed a symbolic store of memory, on which a memorial plaque with the inscription "Waiting for responsibility and full clarity" was attached. They had demanded that Russia "stop playing games" and reveal the truth about the tragedy, and had handed over a written appeal to the Russian Embassy.

162. "Ukrainian energy companies to stop supplying electricity to the Luhansk People's Republic from 25 April", Kommersant, *24 April 2017*

2864. This article reported that Vladimir Gritsay, the General Director of Luhansk Energy Association, had announced that according to a resolution of the Ministry of Energy and Coal Mining of Ukraine and the government enterprise Energorynok, LLC Luhansk Energy Association would stop supplying electricity to the part of the Luhansk region not controlled by the Ukrainian government from April 25 2017.

163. "Relatives of the MH17 airline crash victims have won a lawsuit against Russian militant Igor Girkin (Strelkov)", Ukrinform, 30 January 2018

2865. This article reported that the relatives of twenty-five MH17 victims had brought a compensation claim against Igor Girkin, who at the time had served as the commander of the militants and as the "DPR" defence minister. According to the Illinois court ruling, the total amount of compensation to the relatives of the victims should be more than USD 400 million.

164. *"MH17 Relatives entitled to millions in damages: U.S. Court, 30 January 2018",* NL Times

2866. This article reported that a group of MH17 victims' relatives had won a lawsuit in a United States court which entitled them to hundreds of millions of dollars in damages. A total of twenty-five surviving relatives had taken part in this lawsuit filed against Igor Girkin. The American court had ruled that each surviving relative in the lawsuit was entitled to USD 20 million in compensation.

2867. The article noted that Malaysia Airlines flight MH17 from Amsterdam to Kuala Lumpur had been shot down over eastern Ukraine and that all 298 people on board the plane had been killed. The investigation revealed that the Boeing 777 had been shot down by a Buk missile system, fired from a field in Ukraine that was under the control of pro-Russian

separatists at the time. Investigators had also managed to track the transport of the Buk missile from Russia to the field and back.

165. "Ukraine's Deputy minister says 1,500 Russia's servicemen who annexed Crimea identified", UNIAN, 3 April 2018

2868. This article reported that the Ukrainian Deputy Minister for temporarily occupied territories and internally displaced persons, George Tuka, had announced that 1,500 Russian regular servicemen who had annexed Crimea and several tens of thousands of those who had fought in Donbas had been identified. "More than 1,500 regular Russian servicemen who were directly involved in the annexation of Crimea have been identified, along with their places of residence, citizenship, and geolocation data. As for the Donbas events, several tens of thousands of individuals suspected of committing illegal actions on the Ukrainian territory have been established", he had said at a roundtable titled "Violence and Torture in Occupied Donbas: Punishment is Inevitable", referring to the contribution of non-governmental organisations in documenting Russia's crimes against Ukraine since 2014. "According to my estimates, materials collected by NGOs account for over 80% of those that have been documented and submitted to various courts, not only to the ICC", he added.

166. "MH17 plane crash caused by missile owned by Russian military, investigators say", Evening Standard, *24 May 2018*

2869. This article reported that the investigators had said that the missile that had brought down the Malaysia Airlines Flight MH17 over Ukraine was owned by the Russian military. Prosecutors investigating the incident had said that they had identified that the missile used to shoot down the plane came from Russia's armed forces, based in the city of Kursk. The Dutch investigator Wilbert Paulissen, head of the crime squad of the Netherlands police, said the missile was part of Russia's 53rd Anti-Aircraft Brigade. "All the vehicles in a convoy carrying the missile were part of the Russian armed forces", he told a televised news conference. "We have a lot of proof and a lot of evidence, but we are not finished," said chief prosecutor Fred Westerbeke.

167. "Flight MH17: Netherlands and Australia say Russia is responsible for the shooting down of passenger plane", Independent, *25 May 2018*

2870. This article reported that the Netherlands and Australia had announced that they would hold Russia legally responsible for "its role" in the downing of Malaysia Airlines flight MH17. The Dutch government said that accusing a country of being at fault for the disaster was "a complex legal process". Both the Netherlands and the Australian government wanted

answers after crash investigators had found that the missile that shot down the plane had been fired from Russia's 53rd Anti-Aircraft Brigade. The Dutch Foreign Minister Stef Blok said that following that conclusion, "the government is now taking the next step by formally holding Russia accountable". Mr Blok added the Netherlands and Australia had "asked Russia to enter into talks aimed at finding a solution that would do justice to the tremendous suffering and damage caused by the downing of MH17".

168. "Michael Outram feared AFP officers would become human shields for Russian-backed forces during MH17 probe", Herald Sun*, 28 July 2018*

2871. This article reported that the Australian Federal Police Chief had said that he feared that Australian officers would be used as a human shield for the pro-Russian separatists in eastern Ukraine. His words had come on the imminent release of the multinational probe into the downing of the Malaysia Airlines aircraft, in the context of which a preliminary report had already named Russia as having played a pivotal role with the accidental downing caused by a Buk TELAR missile belonging to the Russian Federation's Kursk-based 53rd anti-aircraft brigade.

169. "Second Person Dies In Donetsk Cafe Blast That Killed Separatist Leader Zakharchenko", Radio Free Europe/Radio Liberty, 31 August 2018

2872. This article reports on Mr Zakharchenko's death on 31 August 2018 in a bomb blast at a café in Donetsk. "DPR" and Russian leaders were blaming Ukraine and the Investigative Committee of the Russian Federation had announced an investigation.

170. "Serial numbers of missile that downed MH17 show it was produced in 1986, owned by Ukraine – Russia", RT News, 17 September 2018

2873. This article reported that according to the Russian military, the serial numbers found on debris of the Buk missile which had downed Flight MH17 over eastern Ukraine showed that it had been produced in 1986 and was owned by Ukraine. There were two serial numbers found on fragments of the missile, which had shot down the aircraft according to an international team of investigators led by the Netherlands. The numbers were marked on the engine and the nozzle of the missile. The Russian military said that they had traced them to a missile which had the producer serial number 8868720. Speaking to journalists, General Nikolay Parshin had shown a document trail of the Buk missile. According to the documents, some of which had been declassified for the presentation, it had been produced at a military plant in Dolgoprudny in the Moscow region in 1986. The missile had been shipped from the plant on 29 December 1986 and delivered to military unit no. 20152,

located in what was now Ukraine. This unit was now called the 223rd anti-aircraft defence regiment of the Ukrainian armed forces and had taken part in Ukraine's crackdown on separatists in eastern Ukraine in June 2014, the general said.

171. "Hungary accuses Ukraine state of lying it has nothing to do with website listing dual nationals", UNIAN, 11 October 2018

2874. This article reported that the Hungarian Foreign Minister Peter Szijjarto had accused the Ukrainian authorities of lying about them not being affiliated to the Myrotrovets website, which had earlier published a list including the personal data of three hundred State or Zakarpattya local government officials who were allegedly dual nationals. "It is a lie that the Ukrainian state has nothing to do with the website that is listing suspected dual Ukrainian-Hungarian nationals", Peter Szijjarto had said on Kossuth Radio's "Good Morning, Hungary!" show.

172. "Putin promised to continue to help Donbass", RBC, 20 December 2018

2875. In his annual press conference, in response to a question raised by a journalist of the Ukrainian news agency UNIAN, the President of the Russian Federation said that Russia would continue to help Donbas. "In truth, we are rendering humanitarian and other support and assistance to the people residing on that territory but our only aim is to protect them from being ultimately crushed, eaten, and torn apart, and we will continue to help them", he had said. He had added that Donbas was under an economic blockade by the Ukrainian authorities. "They are shooting at these people whom they consider to be their own nationals", the Russian President emphasised.

173. "Family of American killed in downed MH17 jet sues Russia banks, money-transfer firms", Reuters, 4 April 2019

2876. This article by Michelle Nichols reported that the family of an American citizen killed when the aircraft MH17 was shot down had filed a lawsuit, under the US Antiterrorism Act, against US-based money transfer companies and two Russian banks they accused of providing services to the "DPR".

174. "Everything on Bellingcat and the official inquiry into the destruction of Flight MH17", Voltaire Network, 5 April 2019

2877. This article reported that the person who had "found" evidence of Russia's guilt which he claimed to be "irrefutable" was in reality a musician with no competence whatsoever in criminalistics.

175. "Official records reveal that 170 Russian soldiers were deployed at the Ukrainian border on the day MH17 was shot down", Meduza, 6 June 2019

2878. This article written by Alexander Baklanov reported that, according to unclassified Russian Defence Ministry documents obtained by the newspaper *Novoya Gazeta*, more than 170 soldiers from Russia's 53rd Air Defence Missile Brigade, which was based near Kursk, had been located near the Ukrainian border on the day flight MH17 was shot down. It noted that international investigators had said that the Buk surface-to-air missile that destroyed the passenger plane and killed all 298 people on board had been assigned to this same brigade. According to the official findings, the Buk missile system that fired the missile had arrived in Ukraine from Russia and had then crossed back over the border.

2879. One of the Defence Ministry documents uncovered by N*ovaya Gazeta* stated that Russian soldiers had received orders three weeks before the aircraft was shot down, to ensure the safety of public roads as the 53rd Brigade moved equipment from Kursk to the Ukrainian border. The 63rd Logistic Support Brigade had also participated in this transport operation. This brigade's records also mentioned the "Kamaz" heavy truck that had been sighted in amateur footage near the Ukrainian border beside a Buk missile system. Another document from the 53rd brigade stated that its soldiers had arrived two days before the downing of the aircraft near the Ukrainian border at a military base in Millerovo, where they had been issued with field rations for five days, and sent to another location. Afterwards, according to *Novaya Gazeta*, one of the brigade's vehicles had been spotted inside Ukrainian territory.

176. "MH17: Four Charged with Shooting Down Plane over Ukraine", BBC, 19 June 2019

2880. This article reported that for the first time since Malaysia Airlines flight MH17 was shot down in July 2014, prosecutors had announced charges against suspects in the case. Three Russians and a Ukrainian had been charged with bringing a missile into the area in eastern Ukraine and with murdering 298 passengers and crew. The Dutch-led JIT named the men as Igor Girkin, Sergei Dubinskiy and Oleg Pulatov from Russia, as well as a Ukrainian, Leonid Kharchenko. Russia said the accusations against its military were "absolutely threadbare". International arrest warrants havdbeen issued for the four suspects and a court case would begin in the Netherlands on 9 March 2020.

177. "Three Russians and one Ukrainian to face MH17 murder charges", The Guardian*, 19 June 2019*

2881. This article by Luke Harding reported that four suspects would face murder charges for the shooting down of Malaysia Airlines flight MH17, three of them Russians, with a trial due to start the following March in the Netherlands.

178. "How A Hunch, A Farmer, And A Scorched Field Led Me To The MH17 Missile-Launch Site", Chris Miller, Radio Free Europe/Radio Liberty, 16 July 2019

2882. This article by Christopher Miller told the story of the author and his colleague from the *Telegraph* newspaper going to eastern Ukraine in 2014 in order to locate the exact site where Russia-backed forces had fired the missile that had shot down Malaysia Airlines flight MH17. The author noted that during a press conference in the Netherlands on 28 September 2016, the JIT had said that it believed the scorched section of the field the author and his colleague had found to be the precise spot from which the missile that struck MH17 had been fired by a Buk antiaircraft system. In its video explanation, the JIT had cited their reporting and used one of the photographs the author had taken at the site. In July 2019 the JIT had named four suspects, three Russians and a Ukrainian, and charged them with murder. They said that the men would face trial in The Hague in March 2020, although it was unlikely that they would be there in person. As with the discovery of the launch site and other developments over the course of the international investigation, the indictments marked a big step forward and answered lingering questions, the author wrote. He added, however, that some questions remained, including who exactly had pushed the button that triggered the launch of the missile.

179. "MH17 suspect among prisoners swapped by Ukraine with Russia: Dutch government", Reuters, 7 September 2019

2883. This article by Bart Meijer reported that the Foreign Ministry of the Netherlands had declared that Volodymyr Tsemakh, whom Ukraine's security service had identified as a former commander of separatist forces in eastern Ukraine, had been transferred to Russia in an exchange of prisoners between Ukraine and the Russian Federation. Mr Tsemakh was suspected of involvement in the downing of flight MH17. The article noted that Dutch prosecutors had urged Ukraine not to allow Mr Tsemakh to travel to Russia, fearing that this could jeopardise the investigation into flight MH17.

180. "Russia denies claims of involvement in Malaysia Airlines MH17 crash", Euronews, 8 November 2019

2884. This article by Philip Pangalos reported that the JIT investigators had concluded that the missile that had shot down flight MH17 had been fired from separatist-controlled territories in eastern Ukraine and that "all the vehicles in a convoy carrying the missile were part of the Russia armed forces". The Russian Federation had denied any involvement in the aircraft's destruction, claiming instead that the missile had been produced in 1986 and had been owned by Ukrainian authorities. In its announcement, the Russian foreign ministry said that as in the case of other press briefings by the JIT, once again no specific evidence had been presented to back up similar previous irregular statements.

181. "Ukraine: Widespread Use of Cluster Munitions", Human Rights Watch, 20 October 2020

2885. During a week-long investigation in eastern Ukraine, Human Rights Watch documented widespread use of cluster munitions in fighting between government forces and pro-Russian separatists in more than a dozen urban and rural locations. While it was not possible to conclusively determine responsibility for many of the attacks, the evidence pointed to Ukrainian Government forces' responsibility for several cluster munition attacks on Donetsk.

182. "MH17: Crime Scene Investigation - Part II, Eric van de Beek", Bonanza Media, 20 September 2020

2886. According to the article, the narrative that the Malaysian Flight MH17 was downed by a Buk missile delivered from Russia and fired from territory controlled by the separatists in eastern Ukraine had been propagated from day one by the Ukrainian secret service SBU. Most people were taking that version for a fact. The article noted, however, that the MH17 trial had just started and the court was still far from reaching a verdict.

2887. At the court session of 9 June, the prosecutor Thijs Berger had referred to the findings of Miller and Oliphant. "One journalist shot a video on 22 July 2014 of a particular location near Pervomaiskyi," Mr Berger said. "In the video he described finding scorched grass at that spot on that day. According to the journalist it was scorched in an odd way". The scorched grass was caused by the launch of a Buk missile, the prosecution thought. "The investigation into the workings of the Buk system revealed that during the launch of a Buk missile, combustion gases are released at a very high temperature as a jet of flame", as Berger put it. "According to Almaz-Antey, the company that manufactures the Buk, this combustion can cause a fire at the launch site."

2888. Mr Berger had then suggested that satellite images had confirmed the findings of Oliphant and Miller. “In the satellite images from 20 and 21 July, there is a visible path of discoloration in the upper left corner of the agricultural field. This discoloration is consistent with scorched earth. There is no such discoloration in the satellite image from 16 July 2014”. The article noted that the satellite images from 21 and 22 July indeed showed discoloration, and Miller had indeed filmed and taken photos in this discoloured field. But he had done so on the west side of the discoloured part of the field, as he had pointed out on Twitter, when people had asked him about it. This was not where the prosecution thought the missile had been launched and the fire had started.

2889. “Royal Netherlands Meteorological Institute KNMI assessed how a fire at this location may have progressed using information about the wind speed and wind direction on 17 July 2014”, Mr Berger had explained. “On the basis of this analysis the KNMI designated a specific location as the logical starting point of the fire. In the report this location is designated with the letter B”. Mr Berger then showed a picture of location B. Miller had not taken photos at KNMI’s location B, because “the hottest spot was where [they] photographed”, as Miller had put it. He and his colleague had driven past KNMI’s location B, near a lone standing tree in the field, but they had noticed nothing that could compare to what they had seen in the west corner of the field or that looked different from the rest. The article questioned why the prosecution still took it for a fact the fire had started near the isolated tree and how the KNMI had convinced the prosecution that they had found the exact location.

2890. To further substantiate its claim that the fatal Buk had been launched near the lone standing tree at KNMI’s location B, the prosecution showed a satellite image from 20 July 2014, on which track marks could be seen close to the tree. An image analyst at the Ministry of Defence had investigated the nature, width and route of the track marks, Mr Berger had explained. “On that basis it was possible to determine whether they came from an agricultural vehicle or a vehicle with a caterpillar tread, such as a Buk TELAR”. The article noted that Mr Berger had not revealed anything about the outcome of the investigation by the defence analyst into the track marks. Mr Berger suggested that the suspicious track marks had not been there before 17 July by saying they were not visible on a satellite photo taken on 16 July. The author once again questioned whether this would prove that they had not been there before 17 July. Track marks at that location were, according to the article, visible on many pictures, before and after 17 July 2014.

2891. Moreover, the article criticised the prosecution for “conveniently” forgetting to mention that burnt fields could be found everywhere in the neighbourhood, since it was standard farming practice to burn fields. On satellite images in the years before and after 2014 many discolorations could

be seen on farmland in the area, but with the heavy fighting that was going on in 2014, there was more scorched farmland than ever before. The article suggested that the cause of the fire was unknown.

2892. At the court session of 8 June, Mr Berger had revealed that samples from the alleged launch location had been collected on 19 June, but that these had not been examined because it was expected that no residue of combustion would be found eleven months after the launch of the Buk missile. The author questioned why they had been collected in the first place if there would be no examination. On 22 June the lawyers of Oleg Pulatov had also criticised the JIT and the prosecution for their decision to leave the soil samples unexamined. The article emphasised that had the lawyers read the report from the 15 April 2016 JIT meeting, they probably would have been more outspoken in their critique. That document showed, according to the author, that Mr Berger had not been telling the truth when he had said the soil samples of the alleged launch location had not been examined. At the time of the JIT meeting, in April 2015, the NFI had been in the process of "comparing soil samples that were collected from the most probable launch site", the report read. During the JIT meeting it had then been decided to cancel this investigation. "We are of the opinion that this work should stop as it is not required to prove the location of the launch site", the Dutch representative in the JIT had declared. That position had been adopted by the representatives from the other JIT countries, without discussion. The author concluded with two possible scenarios: "Probably they thought they could do without soil samples to prove their case. Or maybe they thought the soil samples would prove them wrong on the location they had designated as the crime scene?"

T. NATO material

2893. On 10 April 2014 the Secretary General of NATO issued a statement, which included the following comments:

> "As I speak, some 40,000 Russian troops are massed along Ukraine's borders. Not training, but ready for combat. We have seen the satellite images, day after day."

2894. On 15 April 2014 the NATO Secretary General Anders Fogh Rasmussen made the following statement:

> "I call on Russia to de-escalate the crisis, to pull back its troops from Ukraine's borders, to stop de-stabilizing the situation in Ukraine, and make clear that it doesn't support the violent actions of pro-Russian separatists."

2895. At a press conference of 2 June 2014 the NATO Secretary General set out NATO's position on Russia-Ukraine crisis. Relevant extracts of his statement read as follows:

> "We call on Russia to withdraw its troops fully and verifiably from Ukraine's border, with additional international inspections. To stop the flow of arms and fighters into

> Ukraine. To condemn armed separatists and use its influence for the freeing of OSCE monitors taken hostage.
>
> ...
>
> All the measures that NATO is taking are defensive, moderate, proportionate, transparent, and fully compliant with our international commitments, including the Founding Act. They are not a threat to Russia – and NATO is not a threat to Russia. We want to improve the climate, but to do that Russia must show that it is prepared to play by the same rules as everybody else."

2896. In a press release of 13 June 2014, the NATO Secretary General expressed his concern about "reports that pro-Russian armed gangs are acquiring heavy weapons from Russia, including Russian tanks". He further said:

> "I continue to urge Russia to complete the withdrawal of its military forces on the border with Ukraine, to stop the flow of weapons and fighters across the border, and to exercise its influence among armed separatists to lay down their weapons and renounce violence. We call on the Russian Federation to meet its Geneva commitments and cooperate with the government of Ukraine as it implements its plans for promoting peace, unity and reform."

2897. On 28 August 2014 NATO published news informing the public that its Allied Command Operations in Mons, Belgium, had released satellite imagery showing Russian combat troops inside Ukraine. Those images had been taken from Digital Globe and had not been altered by NATO. According to the information published, the new satellite images showed "Russian combat forces engaged in military operations inside the sovereign territory of Ukraine". The images, captured in late August, depicted "Russian self-propelled artillery units moving in a convoy through the Ukrainian countryside and then preparing for action by establishing firing positions in the area of Krasnodon, Ukraine". NATO further reported having detected large quantities of advanced weapons, including air defence systems, artillery, tanks and armoured personnel carriers being transferred to separatist forces in eastern Ukraine.

2898. Further images showed substantial activity inside Russia in areas adjacent to the border with Ukraine. NATO believed that activity was being conducted "in direct support to forces operating inside Ukraine", and was "part of a highly coordinated and destabilising strategy".

2899. NATO General Breedlove stated on 12 November 2014 that Russian troops and heavy equipment had crossed into Ukraine in the preceding two days. He said that NATO had observed Russian tanks, Russian artillery, Russian air defence systems and Russian combat troops. The Russian Defence Ministry denied the claims.

2900. On 24 January 2015 the Secretary General of NATO issued a statement in respect of an attack on Mariupol:

> "Fighting in eastern Ukraine has sharply escalated, with indications of a large-scale offensive by Russian-backed separatists at multiple locations in the Donetsk and

Luhansk Oblasts as well as against the city of Mariupol. This is in utter disregard of the ceasefire. The shelling of residential areas in the city of Mariupol from separatist-controlled territory has cost the lives of at least 20 civilians, and injured many more.

For several months we have seen the presence of Russian forces in eastern Ukraine, as well as a substantial increase in Russian heavy equipment such as tanks, artillery and advanced air defence systems. Russian troops in eastern Ukraine are supporting these offensive operations with command and control systems, air defence systems with advanced surface-to-air missiles, unmanned aerial systems, advanced multiple rocket launcher systems, and electronic warfare systems.

I strongly urge Russia to stop its military, political and financial support for the separatists, stop destabilising Ukraine and respect its international commitments."

2901. The Heads of State and Government participating in the meeting of the North Atlantic Council in Brussels on 11-12 July 2018 issued a statement, the relevant parts of which read as follows:

"...Russia's aggressive actions, including the threat and use of force to attain political goals, challenge the Alliance and are undermining Euro-Atlantic security and the rules-based international order. ...

...

The Euro-Atlantic security environment has become less stable and predictable as a result of Russia's illegal and illegitimate annexation of Crimea and ongoing destabilisation of eastern Ukraine; ...

We reiterate our support for the territorial integrity and sovereignty of Ukraine, Georgia, and the Republic of Moldova within their internationally recognised borders. In accordance with its international commitments, we call on Russia to withdraw the forces it has stationed in all three countries without their consent ... International monitoring structures must be allowed to carry out their essential work in view of the protection of human rights. We call for the full implementation of the Minsk Agreements by all sides, and support the efforts of the Normandy format and the Trilateral Contact Group. NATO's response is in support of this overall effort, which includes sanctions as decided by the European Union (EU), the G7, and others, to promote a peaceful solution to the conflict and to address Russia's actions. We urge Russia to cease all political, financial, and military support to militant groups and stop intervening militarily in the Donetsk and Luhansk regions and to withdraw troops, equipment, and mercenaries from the territory of Ukraine, and return to the Joint Centre for Control and Coordination. We are deeply concerned by the use of torture and the transfer of Ukrainian citizens to prisons in Russia. We stress the importance of the safety and full and unhindered access for the Organisation for Security and Cooperation in Europe (OSCE) Special Monitoring Mission, up to and including the Russia-Ukraine border ..."

U. Research articles

1. *Prolonged grief, depression, and posttraumatic stress in disaster-bereaved individuals: latent class analysis*

2902. This 2017 article, based on the research of Lonneke I.M. Lenferink (Department of Clinical Psychology and Experimental Psychopathology of

University of Groningen and Department of Clinical Psychology of the Utrecht University), Jos de Keijser (Department of Clinical Psychology and Experimental Psychopathology of University of Groningen), Geert E. Smid (Foundation Centrum '45, Diemen and Arq Psychotrauma Expert Group, Diemen), A.A.A. Manik J. Djelantik (Department of Clinical Psychology of the Utrecht University and Arq Psychotrauma Expert Group, Diemen) and Paul A. Boelen (Department of Clinical Psychology of the Utrecht University and Foundation Centrum '45, Diemen), was the first study to explore subgroups of MH17 disaster-bereaved individuals based on the presence of psychopathology clusters. It examined (a) subgroups based on presence of prolonged grief disorder (PGD), major depressive disorder (MDD) and posttraumatic stress disorder (PTSD) symptom clusters and (b) associations between class membership, disaster-related variables (namely experiencing multiple losses, conducting multiple burials for the same deceased, and time to confirmation of death), and a sense of unrealness.

2903. Data were used from 167 individuals taking part in the first assessment of an ongoing longitudinal study among people who had lost loved ones in the MH17 plane crash. Data collection took place between May 2015 and January 2016. In total 193 individuals started the survey, but 26 participants did not complete the survey and, as a result, did not complete the PGD, MDD, and PTSD measures and were therefore excluded from the analyses.

2904. Potential participants were invited to take part in the online survey study. In the event that a participant preferred a paper-and-pencil survey, this was sent by regular mail together with a stamped return envelope. Participants were recruited along different pathways. Invitation letters or emails were sent to 149 members of the MH17 Disaster Foundation. An announcement was placed on a Dutch web page with information about the disaster, accessible to approximately 450 bereaved individuals. Victim Support the Netherlands (a governmental organisation offering practical and legal support to victims of loss and trauma) contacted 166 spokespersons of families by letter or telephone to invite them to participate. Potential participants were also recruited via presentations at support organisations and through media attention. Lastly, individuals who signed up for the study were asked to invite others. In total, 69 participants (41.3%) were recruited via Victim Support, 46 (27.5%) via the MH17 Disaster Foundation, and 42 (25.1%) via referral by an acquaintance, and 10 (6.0%) otherwise.

2905. The authors identified three distinct subgroups among disaster-bereaved individuals, based on the presence of symptom clusters of PGD, MDD and PTSD, using latent class analysis (LCA): (a) a resilient class characterised by a low probability of presence of PGD, MDD and PTSD symptom clusters, (b) a PGD class characterised by a moderate to high probability of presence of both symptom clusters of PGD, and (c) a combined class characterised by a high probability of presence of both symptom clusters

of PGD, three of the four PTSD symptom clusters, and a moderate probability of presence of MDD. In line with two previous LCA studies in people confronted with traumatic loss, the results of this study indicated that subgroups of individuals could be distinguished based on the presence vs. absence of psychopathology symptoms. All three studies showed a resilient class, PGD class, and a class with combined symptoms. The consistency in the findings across the studies supported that PGD was distinguishable from MDD and PTSD. The findings of the study did not show a distinct PTSD group. One plausible explanation for this difference was, according to the authors, that previous studies had focused on refugees who were confronted with a loss but also with other potentially traumatic refugee-related events. In line with LCA studies among bereaved and traumatised individuals, the authors could not distinguish a class characterised by a high probability of MDD symptoms. This suggested that MDD was predominantly present in combination with other symptoms among people confronted with a traumatic loss or other traumatic event.

2906. The authors emphasised that PGD symptom clusters were present in only 53% of the participants, which was consistent with other studies among disaster-bereaved individuals.

2907. With respect to the correlates of class membership, the study found that the extent of experiencing a sense of unrealness distinguished best between the resilient class and the two psychopathology classes, when taking into account the effect of other variables. However, the extent of experiencing a sense of unrealness did not differ between individuals in the combined and PGD classes. This meant that higher levels of a sense of unrealness differentiated individuals with resilient responses from individuals with elevated PGD symptoms, as well as individuals with elevated PGD, MDD, and PTSD levels.

2908. The authors also indicated that deviating funeral rituals (that is, not being able to bury a loved one or having multiple burials for the same deceased instead of burying remains of the loved one once) did not distinguish between the different classes. Although previous research had advocated the protective role of performing traditional grief rituals, the findings of this study were not in line with this. One possible explanation for this might be, according to the authors, that the majority of the sample had experienced multiple losses and they only included the number of burials for the closest deceased relative in the analyses. The number of burials for the other deceased relatives could therefore confound the results.

2909. In contrast to the findings of a 2010 study regarding tsunami-bereaved individuals, time until confirmation of death was not related to psychopathology in the current study. One explanation for this difference was, in the eyes of the authors, to be associated with the nature of the disaster. The tsunami-bereaved individuals might still have experienced hope that the missing loved one had survived the tsunami as long as death was not

confirmed. In the current sample, however, it was impossible that any of the passengers of flight MH17 had survived the crash.

2910. Lastly, experiencing single versus multiple losses was also not a distinguishable feature of resilient and more disturbed subgroups of bereaved individuals. Previous studies also showed that the number of losses was unrelated to psychopathology levels.

2911. In conclusion, the study indicated that the LCA revealed three subgroups of post-disaster bereaved individuals based on the presence of PGD, MDD and PTSD symptom clusters; a resilient, PGD, and combined class, and that a sense of unrealness was the strongest distinguishing feature between the subgroups.

2. *Trajectories of grief, depression, and posttraumatic stress in disaster-bereaved people*

2912. This 2018 article, based on the research of Lonneke I.M. Lenferink, Angela Nickerson (School of Psychology of the University of New South Wales (Australia)), Jos de Keijser, Geert E. Smid and Paul A. Boelen, analysed the mental health consequences of Dutch bereaved adults who had lost a loved one in the MH17 disaster.

2913. The authors found that a three-class model best represented the depression data; a mild (85.6%), recovered (8.2%), and chronic (6.2%) depression class, characterised by stable mild depression levels, relatively high initial depression levels followed by a decline, and moderate depression levels increasing to severe depression levels over time, respectively. Similar classes for PTSD were also found: a mild (85.2%), recovered (4.4%), and chronic (10.3%) class. Differently from the mild depression class, symptom levels significantly decreased over time in the mild PTSD class. The trajectory characterised by relatively low and stable levels of distress was the most common response.

2914. For persistent complex bereavement disorder (PCBD), a two-class solution yielded the best fit, representing a mild (81.8%) class, characterised by sub-threshold PCBD levels that decreased over time, and a chronic (18.2%) class, characterised by above-threshold PCBD levels that increased over time. The authors did not identify a recovered pattern, suggesting that PCBD had a more stable course than bereavement-related depression and PTSD. This implied that elevated PCBD levels one year following the loss of someone close were unlikely to decrease over time.

2915. The study indicated that long-lasting PCBD was more common (18.2%) than chronic bereavement-related depression (6.2%) and PTSD (10.3%). Furthermore, most people in the chronic depression and PTSD class were also assigned to the chronic PCBD class. This indicated that violent/unexpected losses rendered people prone to comorbid symptoms. The authors noted that the combination of PCBD with depression and/or PTSD

following unexpected and violent deaths had also been referred to as traumatic grief.

3. *Reciprocal Associations Among Symptom Levels of Disturbed Grief, Posttraumatic Stress, and Depression Following Traumatic Loss: A Four-Wave Cross-Lagged Study*

2916. This 2019 article, based on the research of Lonneke I.M. Lenferink, Angela Nickerson, Jos de Keijser, Geert E. Smid and Paul A. Boelen, aimed to enhance the understanding of the etiology of loss-related distress by examining temporal associations among PCBD, PTSD and depression symptom levels. It examined temporal associations, using four waves of self-report questionnaire data, among symptom levels of PCBD, PTSD and depression in people who had experienced the loss of significant others because of the MH17 disaster.

2917. In total, 172 people completed at least one wave of data and were included in the analyses. 54 people (31.8%) had lost one significant other. Most people had lost multiple significant others; 58 people (34.1%) lost two, 22 people (12.9%) lost three, 32 (18.8%) lost four, 2 people (1.2%) lost five, and 2 people (1.2%) lost six significant others. The first assessment (referred to as Wave 1, or W1) took place from May 2015 through January 2016. The second assessment (W2) took place from April 2016 through December 2016. The third assessment (W3) took place from February 2017 through May 2017. The fourth assessment (W4) took place from January 2018 through March 2018. In total, 66 participants (38.4%) completed all four waves. Participants who completed W1 but did not complete W2, W3, or W4 did not significantly differ from those who did complete these waves in terms of background characteristics, except that those who did not complete W2, W3, or W4 were more distantly related to the deceased than those who did complete these waves. There were also no significant differences in symptom levels of PCBD and PTSD. However, participants who did not complete W3 and W4 had lower depression levels than those who did complete these waves.

2918. A first main finding was that symptom levels of PCBD predicted PTSD symptom levels, whereas conversely, PTSD symptom levels did not predict PCBD symptom levels. The study also found that PCBD symptoms no longer predicted depression symptoms at a subsequent time point once PTSD symptoms were taken into account in the last round of analyses. Prior research had shown that taking multiple outcomes into account could yield a greater understanding of psychological responses after bereavement than studies examining a limited number of possible responses. More specifically, this result suggested that PTSD symptoms rather than PCBD symptoms predicted depression symptoms over time. Yet the study revealed that PCBD and depression symptoms predicted PTSD symptoms, whereas PTSD symptoms also predicted depression symptoms at consecutive waves of

assessment. The bidirectional associations between PTSD and depression symptoms over time had also been found in people exposed to stressful events other than traumatic losses. Consequently, the authors indicated that an increase in PCBD symptoms predicted the worsening of an intertwined cluster of PTSD and major depressive disorder symptoms over time. The study concluded that changes in PCBD levels in people exposed to a traumatic loss three to four years earlier preceded a change in PTSD and depression levels and not vice versa.