



*Karel J.G. van Oosterom
Permanent Representative of
the Kingdom of the Netherlands
to the United Nations in New York*

New York, 16 December 2014

Your Excellency,

I am writing to you in your capacity as President of the UN Security Council for the month of December.

With reference to UN Security Council resolution 2166, as well as my previous letters to the Council of 1 and 28 August and 9 September 2014 regarding the downing of Malaysia Airlines flight MH17, I have the honour to provide you with an update on the steps the Netherlands has taken since my last letter with regard to the repatriation and recovery efforts, the technical investigation and the accountability process.

Repatriation and recovery mission

After the decision on 6 August 2014 to suspend the recovery mission due to the volatile security situation on the ground, the Netherlands maintained daily contact with the OSCE mission in Ukraine throughout August, September and October, with a view to securing renewed access to the crash site. As of 13 October, through the intercession of the OSCE, local parties were involved in search and recovery operations for human remains, personal belongings and wreckage from the aircraft.

The latest repatriation flight containing human remains and personal belongings arrived at Eindhoven airport on Friday 28 November. All remains were transferred to the military base in Hilversum where the identification process is carried out. So far, 294 of the 298 victims have been identified.





International technical investigation into the cause of the crash

Attached to my previous letter, I forwarded the Council a copy of the preliminary report by the independent Dutch Safety Board, issued on 9 September 2014. The technical investigation found, among other things, that the damage observed in the forward section of the aircraft appears to indicate that the aircraft was penetrated by a large number of high-energy objects from outside the aircraft.

For the purposes of the investigation by the Dutch Safety Board, pieces of debris relevant to the investigation were recovered from the crash site between 16 and 23 November 2014. This was done under the auspices of the OSCE, with the consent and cooperation of all parties involved, including local emergency services. The debris has been transported to Gilze-Rijen airbase in the Netherlands, where it will be available for inspection by international experts from Australia, France, Germany, Indonesia, Italy, Malaysia, the Russian Federation, Ukraine, the United Kingdom and the United States in collaboration with the Dutch Safety Board. The remaining debris – which has no value to the investigation – has been collected by local emergency services and will be stored at a central location.

I would like to reiterate that until this investigation has been completed, no definite conclusions can or will be drawn regarding the cause of the crash. The Dutch Safety Board aims to deliver its final public report by mid-2015. In this respect the Netherlands is committed to the resolution issued by the Council of the International Civil Aviation Organisation on 27 October 2014 which, among other things, urged the Netherlands to continue and finalise the independent international investigation with the support of the other States and organisations concerned.

Accountability

The aim of the independent technical investigation is to establish the circumstances of the crash, not to establish culpability. The latter is the remit of the criminal investigations being carried out by the various countries with jurisdiction. As is common in international criminal investigations, these efforts are coordinated by a Joint Investigation Team (JIT), which was set up on 7 August 2014. The team comprises Australia, Belgium, the Netherlands and Ukraine; Malaysia has also accepted an invitation to join the team. The JIT cooperates closely with other countries involved.

These criminal investigations will take time, given the scope and complexity of the case, as well as its international dimension. The independent Dutch Public Prosecutor has stated that progress is being made, and the aim is to conclude the investigation at the earliest possible date. The Dutch government is deliberately refraining from any speculation or accusations regarding legal responsibility for the downing of MH17.

The way forward

Although significant progress has been made with the repatriation of human remains and personal belongings and the recovery of aircraft debris, there is still work to be done at the crash site. Specifically, a number of so-called 'burn sites' need further investigation once weather conditions and the security situation allow it. The Netherlands therefore fully intends to return to the crash site as soon as possible.



With gratitude for the assistance provided so far, the Netherlands would like to reiterate its appeal to all States and actors involved to cooperate in ensuring safe access to the crash site so that the work on the ground can be concluded. The Netherlands calls on all parties to cooperate with any requests for assistance that might be forthcoming in order to facilitate the technical investigation and the international criminal investigation.

The Netherlands welcomes the continued support of the UNSC and calls on all states and other actors in the region to cooperate with the international investigation in accordance with UNSC resolution 2166.

Let me conclude by assuring you that the Netherlands is sparing no effort to fulfil its responsibilities with regard to coordinating all international recovery and repatriation efforts, the independent technical investigation and the criminal accountability process. The Netherlands will keep the Council regularly informed of developments as they arise.

I would be grateful if you could circulate this letter among the members of the Council as an official Council document.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'K. van Oosterom', written over a large, light blue circular scribble.

Karel van Oosterom
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