United Nations S/PV.7269

Security Council

Sixty-ninth year

Provisional

7269th meeting
Friday, 19 September 2014, 10 a.m.
New York

President:	Ms. Power	(United States of America)
Members:	Argentina	Mr. Oyarzábal
	Australia	Ms. Bishop
	Chad	Mr. Mangaral
	Chile	Mr. Barros Melet
	China	Mr. Wang Min
	France	Mr. Lamek
	Jordan	Mrs. Kawar
	Lithuania	Ms. Murmokaitė
	Luxembourg	Mr. Asselborn
	Nigeria	Mrs. Ogwu
	Republic of Korea	Ms. Paik Ji-ah
	Russian Federation	Mr. Churkin
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Sir Mark Lyall Grant

Agenda

Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)

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14-54147 (E)

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The meeting was called to order at 10.05 a.m.

Adoption of the agenda

The agenda was adopted.

Letter dated 13 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (S/2014/264)

The President: I wish to warmly welcome the ministers present at today's meeting. Their participation is an affirmation of the importance of the subject matter under discussion.

In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Canada, Germany, Indonesia, Malaysia, the Netherlands and Ukraine to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Mr. Feltman.

Mr. Feltman: This past Wednesday marked two months since the horrific crash of MH-17, when 298 people died in the midst of a conflict that they had nothing to do with. That day remains fresh in our minds. Today, in line with resolution 2166 (2014), I will update the Council on developments related to the investigation of the crash since Assistant Secretary-General Fernandez-Taranco last briefed the Council on this issue, on 18 August.

On behalf of the Secretary-General, let me begin by recognizing the pivotal role played by the Netherlands in leading the investigation. Australia, France, Germany, Indonesia, Italy, Malaysia, the Russian Federation, Ukraine, the United Kingdom, the United States, the International Civil Aviation Organization (ICAO) and the European Aviation Safety Agency are also contributing substantially to the investigation. As ICAO Council President Olumuyiwa Benard Aliu stated on 9 September, we are

> "encouraged to see that the MH-17 investigation is proceeding with the productive collaboration of accredited international representatives".

On 9 September, the Dutch Safety Board submitted its preliminary report on the MH-17 accident investigation to the International Civil Aviation Organization. The United Nations is confident that the Dutch-led international investigation has been conducted in accordance with annex 13 to the Convention on International Civil Aviation, on Aircraft Accident and Incident Investigation.

The report contains the first factual findings based on various sources, including the cockpit voice recorder and the flight data recorder, air traffic control data, and radar and satellite images. While the report is preliminary, it does assert that MH-17 broke apart over Ukraine due to penetration by a large number of "high-energy objects from outside of the aircraft". The report notes that the aircraft was in "airworthy condition", with no indication that the plane had any technical or operational issues. The crew was properly licensed and no human error had been reported. Finally, no distress messages had been received.

As for the repatriation of the victims, 225 have now been identified and the process of identifying further remains is still ongoing. We understand that the international investigators will again endeavour to access the crash site, both for repatriation of any further remains and to continue gathering physical evidence toward the completion of the technical report. While the ceasefire in south-eastern Ukraine is largely holding thus far, contributing to a marked de-escalation on the ground, the conditions are still not conducive for investigators to have full and unfettered access to the site.

The Secretary-General once again calls on all those with influence on the situation to exert it immediately, so as to create a propitious security environment for investigators. Winter will soon arrive in Ukraine, at which time it will become almost impossible to retrieve further remains and to collect further evidence. As stated in the news release of 9 September,

> "ICAO will continue to provide its full support to the Netherlands, in conjunction with its international team, while we await the conclusions and recommendations which will eventually be contained in the Final Report".

In accordance with paragraph 3.1 of annex 13 to the Convention on International Civil Aviation, and as clearly indicated in the preliminary report of the Dutch Safety Board, the sole objective of this investigation into the crash of MH-17 is the "prevention of similar accidents and incidents". What could underscore the need for such prevention more than the fact that, according to radar data, three other commercial aircrafts were in the same control area as MH-17 when it was hit?

On 29 July, ICAO convened a special Task Force on Risks to Civil Aviation arising from Conflict Zones — TF RCZ — which has met twice to date. The TF RCZ will be meeting again in December for its next round of talks. One of the tasks recommended by the TF RCZ is to "reach out to other United Nations bodies to identify means to collect information on risk assessments". ICAO will also be convening a high-level safety conference with all of its 191 member States in February 2015.

Let us honour the victims and console their families by never letting something like this happen again.

The President: I thank Mr. Feltman for his briefing.

I now give the floor to the Minister for Foreign Affairs of the Kingdom of the Netherlands.

Mr. Timmermans (Netherlands): On 17 July, the downing of flight MH-17 caused the death of 298 innocent people. Their lives ended abruptly in midair above Ukrainian territory — 298 innocent people from 11 countries and four continents. Our thoughts and prayers are with those who lost their loved ones. Four days later, I had the honour to address the Council (see S/PV.7221). That day, the Council unanimously adopted resolution 2166 (2014). We remain grateful for that, and we appreciate today's opportunity to brief the Council on where we are two months and two days after this unspeakable tragedy.

We remain fully committed to completing the repatriation of human remains and personal belongings and to facilitating the investigation into the cause of the crash. We will continue to devote ourselves to ensuring justice for the victims and their loved ones. We will not rest until those responsible for this heinous crime are held accountable.

Let me here recall paragraph three of the memorandum of understanding between the Netherlands and Ukraine in which we agree that:

> "The Netherlands will coordinate the investigation into the circumstances of the accident, and will be responsible for the conduct of the investigation in line with the provisions of Chapter 5 of Annex 13 to the Chicago Convention. The Netherlands will 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 International Civil Aviation Organization (ICAO). The Netherlands will communicate the report and findings to the concerned States. Ukraine will use every means available to facilitate the investigation."

I want to thank the countries that have actively supported the implementation of resolution 2166 (2014). It has been a privilege working with them, and I salute the high level of professionalism, especially the human nature of the efforts being made — so much humanity. We are particularly appreciative of the tireless efforts of the Organization for Security and Cooperation in Europe on the ground under very, very difficult conditions. We have tremendous respect for the work done by the rescue workers, initially by very brave people from Ukraine, later by a joint team of Malaysian, Australian and Dutch forensic experts.

Regrettably, rescue and investigation operations at the site had to be suspended on 6 August because of the deteriorating security situation. We are determined to finish that work as soon as the security situation allows us to do so. I urge all relevant parties to ensure immediate and safe access to the site. We count on all of them to make full implementation of resolution 2166 (2014) possible.

For the Netherlands, the first priority was and is to bring home the remains of the victims and their personal belongings. At present, 225 of the 298 victims have been identified in the ongoing identification process. That excruciatingly difficult work is being carried out by experts from 11 different countries. They deserve our deepest respect. Most of the remains have been recovered, but we have the duty to make sure that all remains and belongings are brought home. We will continue to cooperate intensively with all countries and international organizations involved to make this happen.

As stipulated in resolution 2166 (2014), a thorough investigation into the cause of the crash is under way.

In accordance with the agreement signed with Ukraine, the independent Dutch Safety Board has assumed the lead in this investigation, in close cooperation with other countries involved, as well as with the United Nations and ICAO. It has set up the investigation in full accordance with international law and regulations, in particular Annex 13 to the Convention on International Civilian Aviation, which prescribes rules that need to be followed. In accordance with those requirements the following countries have contributed to the international investigation team: Australia, France, Germany, Indonesia, Italy, Malaysia, Russia, Ukraine, the United Kingdom and the United States. ICAO and the European Aviation Safety Agency have also contributed to the investigation.

The Safety Board is committed to transparency and will take all relevant information into account. I want to underline the independent nature of the Board. Neither the Dutch Government nor any other Government has any control over, or influence on, its work and its conclusions and recommendations. My Government is committed to the truth and nothing but the truth. The full independence of the Safety Board is the best way to ensure that.

In accordance with paragraph 7.1 of annex 13 of the Convention on International Civil Aviation, a preliminary report was presented by the Safety Board on 9 September. The preliminary report provides an overview of the initial provisional facts. The report has been sent to ICAO for consideration. ICAO President Aliu remarked that ICAO is encouraged to see that the MH-17 investigation is proceeding with the productive collaboration of accredited international representatives. ICAO will continue to provide its full support to the Netherlands, in conjunction with its international team, while it awaits the conclusions and recommendations that will be contained in the final report on the accident.

For the final report, also required by annex 13 of the Convention, further consideration of available data, including those deduced from the remains of the victims, is needed. As the preliminary report states, although additional investigations at the crash site itself would be preferable, it is possible to conduct an effective investigation based on other available sources and to produce a final report. The final report is expected to be published next summer.

The Netherlands remains fully committed to bringing those responsible for that heinous act to justice. The Netherlands Public Prosecution Service has started the largest criminal investigation in Dutch history. The Public Prosecution Service has set up close cooperation with the national investigation and prosecution authorities of all other countries affected by the tragedy. We all share the same goal. Those responsible need to be brought to justice. My Government has been informed by the Public Prosecution Services that the investigation is complex, but that progress is being made.

For all three dimensions of the crash of MH-17 — recovery, investigation and accountability — it remains of the utmost importance to gain safe access to the site as soon as possible. We have deployed personnel in Ukraine so they can move to the crash site as soon as the security situation is stable enough. We have an ongoing dialogue about this with Malaysia and Australia. We are conscious of the responsibility we have taken upon ourselves. We will do whatever is needed to live up to that responsibility. We will not let the Council down.

Let me conclude with the same words I used the last time I addressed the Council. My country will not rest until all facts are known and justice is served.

The President: I now give the floor to the members of the Security Council.

Mr. Churkin (Russian Federation) (*spoke in Russian*): First, I thank you, Madam President, for convening today's meeting, which was initiated by the delegation of the Russian Federation. I also thank the Under-Secretary-General for his briefing and express our particular gratitude to the Minister for Foreign Affairs of the Netherlands, a country that has undertaken the leadership role in the investigation of the tragic incident that took place in Ukraine on 17 July.

It seems to me that in the Minister's statement, his words of gratitude to the local citizens were particularly important. On 17 July, they found themselves without warning involved in a tragic situation. We recall that over the following days, there was much criticism of the local citizens and rebels; later, it came to light that they had in fact carried out very useful work, as recognized on 6 August by the Prime Minister of the Netherlands.

On 21 July, the Council adopted resolution 2166 (2014) in support of a full, thorough and independent

international investigation into the crash of Malaysia Airlines Flight MH-17 in Ukraine that resulted in the deaths of 298 people. The scale of the disaster, its political implications and consequences, and the resolution's provisions regarding the role of the United Nations and the Security Council in political arrangements for the investigation indicate that the Council must continue to monitor the issue. Resolution 2166 (2014) sets out the modalities for conducting a comprehensive, thorough and independent international investigation. The document stipulates United Nations participation, which is particularly important to ensuring a genuine, impartial, international process and the necessary degree of transparency in the organization of the investigation.

We believe that the Council has an important role to play in resolving a number of thorny issues set forth in the resolution, without which an investigation in south-eastern Ukraine cannot be conducted. These include halting all military activities of all sides in the area of the crash site, halting all activities that could threaten the integrity of the crash site, providing swift and safe access by international staff to the crash site, and supporting the role of the International Civil Aviation Organization (ICAO) to ensure that the relevant investigation is guided by the principles of international civil aviation and ICAO rules and standards.

In resolution 2166 (2014), the Security Council requested the Secretary-General to recommend possible ways that the United Nations could assist the investigation and report to the Council as events unfolded. It is unfortunate that to date we have seen no sign of the recommendations or any attempt by the Secretariat to demonstrate any initiative aimed at assisting the international investigation. We consider it important that the Secretary-General conduct a review and assessment of the state of affairs regarding the aforementioned issues and report on them to the Council, including with respect to the drafting and adoption of additional measures to assist the investigation. It it may be necessary to consider establishing a post of Special Representative of the Secretary-General in the matter and authorizing a relevant mission, in cooperation with the Organization for Security and Cooperation in Europe (OSCE), to be sent to the crash site.

Of particular relevance to United Nations participation is the current state of affairs of the investigation. The preliminary report of the Dutch Safety Board is minimally informative and contains no convincing information about the crash circumstances. There is no reference at all to resolution 2166 (2014). The promised transparency is lacking. The investigation, it seems, has been entrusted to a small group of countries. There have been delays and deferrals of the process. The data on the dispatchers' voice recorders were transferred only in late August. Many questions have arisen regarding compliance with ICAO standards. The report contains no information on the work carried out by the Ukrainian military, on the voice recordings of the armed forces with the dispatchers, or on the deployment of the Ukrainian anti-aircraft system on the day of the catastrophe, and it is totally silent concerning the possible presence of fighter jets in the vicinity of the flight path of Flight MH-17.

We are also concerned about a certain indifference conveyed in the report regarding the issue of lack of access to the crash site. Yet it is a priority issue involving relevant tasks — indeed, urgent tasks. The debris could be of key importance in establishing the circumstances surrounding the crash of Flight MH-17; unfortunately, much important expertise on that and other aspects has not been forthcoming. After the pause on 6 August in the work of the international experts at the crash site, no journalists or OSCE observers have visited the site. It is not clear what is stopping the team from going to Donetsk now, given the ceasefire.

We are not questioning the sovereignty of the State where the event occurred — Ukraine — to arrange the investigation of the crash that took place in its air space and to address the issue of confidentiality regarding the investigation. However, pursuant to resolution 2166 (2014), the arrangement should ensure the authentically international nature of the organization of and participation in the investigation. Experts are needed from various countries to participate in the group of international experts — including Russian nationals and representatives of the Interstate Aviation Committee — to work together as a unified team with fair and equal access to all materials necessary to carry out the investigation.

We must shed light on the truth regarding the incident that took place in Ukrainian air space on 17 July; it is therefore imperative to shed light not only on the root causes and the perpetrators, but also on the political circumstances that led to the disaster itself. The tragedy has been manipulated by a number of countries to exacerbate international tensions. Immediately following the incident, even before

receiving any reliable information, public statements were made, in which full blame was attributed to the militants. Our country was held responsibility for the perpetration of serious international violations. Let us not forget that those actions were the grounds for the cycle of sanctions against Russia. We believe that to be an act of information warfare, blatant interference into the investigation of the accident and a political attempt to predetermine the results of the investigation.

The Russian Federation was the first and, in fact, only country to immediately and openly provide all available and impartial information related to the crash. The Russian Defence Ministry and the Federal Air Transport Agency not only released information but also presented a list of questions that must be answered for an objective picture of what happened. Many of those issues were put to the Ukrainian side.

Unfortunately, most of those questions, including the most important, have not been answered objectively. We are convinced that an unbiased and impartial investigation will be needed to clarify all those concerns. On many occasions, we heard from a number of States that they allegedly had verified information about what happened, including satellite images of the area where the 17 July crash occurred. We call on them to disclose that information.

In conclusion, I would like to underscore that Russia continues to insist on the holding of a transparent and objective international investigation in full compliance with all requirements and standards of the International Civil Aviation Organization in order to establish the truth. We believe that that goal can be achieved only with United Nations assistance and involvement in the investigation, in line with resolution 2166 (2014). The preliminary report on the causes of the crash does not address our concerns but, in fact, gives rise to new questions that the Russian side is ready to discuss with its foreign partners in a constructive way.

The list of questions is something that we intend to send to the commission of inquiry and to the Secretary-General. We will distribute it as an official Security Council document.

Ms. Bishop (Australia): I thank Mr. Feltman and Foreign Minister Timmermans for their briefings. I extend Australia's deep gratitude for the professionalism and empathy that the Netherlands has shown in responding to this terrible incident. I particularly thank Minister Timmermans for his personal commitment and compassion and Malaysian Foreign Minister Anifah Aman for his vital contribution to the recovery efforts. We welcome their presence here today.

Almost two months ago, the Security Council unanimously adopted resolution 2166 (2014) (see S/PV.7221). Its vote that day reflected the outrage of the international community in response to the shooting down of a commercial aircraft in commercial airspace over eastern Ukraine, killing all 298 passengers and crew. Resolution 2166 (2014) voiced our collective condemnation of that horrific act and our determination to hold those responsible to account. The resolution expresses full support for a thorough and independent international investigation into the atrocity, in accordance with international civil aviation guidelines. We demanded that armed groups in control of the crash site refrain from any actions that may compromise the integrity of the site and provide safe, secure, full and unrestricted access to the appropriate investigating authorities. At that time, I called on Russia to use its influence over those armed groups in control of the crash site to allow full and safe access for the recovery of remains and personal belongings and investigation efforts.

Within days of the downing, in accordance with the provisions of the Convention on International Civil Aviation, Ukraine agreed to a Dutch-led investigation that would meet the International Civil Aviation Organization's guidelines, namely, an independent investigation with broad international participation, drawing upon experts from Australia, France, Germany, Indonesia, Italy, Malaysia, Russia, Ukraine, the United Kingdom and the United States, as well as the European Aviation Safety Agency and the International Civil Aviation Organization.

Ukraine moved quickly to provide support for recovery efforts at the crash site despite the ongoing conflict, with the actions of armed separatists restricting and, at times, preventing access to the site. Due to Ukraine's efforts to comply with its obligations under resolution 2166 (2014), Dutch, Australian and Malaysian experts were able to spend six days in late July searching the crash site. Our experts did a remarkable job, carrying out their demanding forensic work in the midst of a conflict zone.

That international team, supported by the Organization for Security and Cooperation in Europe (OSCE), was able to access areas of the crash site

that had not previously been searched and to recover remains and a substantial number of personal effects belonging to those on board Flight MH-17. In the end, the security conditions became too dangerous to continue and the external destabilization of eastern Ukraine intensified. However, those efforts resulted in the collection of invaluable evidence to support an effective investigation.

I acknowledge the efforts of the Dutch Government in coordinating the dignified repatriation of the victims of Flight MH-17 to Eindhoven Air Base. That gave some comfort to the grieving families. I commend the Dutch Government's strong leadership of the criminal investigation. The authorities in the Netherlands have worked painstakingly to identify the victims. As of today, 19 September, 225 victims have now been identified by the identification commission in The Hague, including a number of Australians. Substantial progress has been made, but the identification process has been slow given the circumstances of the crash. That is no consolation to the families and friends from around the world, including from Australia, who are grieving the loss of their loved ones and are yet to bring them home.

Australia welcomes the release on 9 September of the preliminary report of the Dutch Safety Board. The first official account of the tragedy was prepared in strict accordance with the International Civil Aviation Organization guidelines. The report draws on data from the black boxes, satellite imagery and photos from the crash site. Its findings are based on an objective analysis of the available evidence. That is vital for a transparent and accountable investigation. It is a welcome step forward in achieving the full, thorough and independent international investigation demanded by resolution 2166 (2014).

In accordance with annex 13 to the Convention on International Civil Aviation, the preliminary report does not attribute blame or liability for the incident. That is the role of the multinational criminal investigation currently under way, led by the Dutch Public Prosecution Service. Lest there be any misunderstanding, I reiterate that that is the domain of the criminal investigation.

The Australian Government's initial assessment was that Flight MH-17 had been shot down by a surface-to-air missile. The preliminary report has not stated any conclusions but the aircraft damage shown in the report is certainly consistent with our view. We continue to demand that international investigators be allowed to return safely to the crash site of Flight MH-17, consistent with resolution 2166 (2014). Australia is committed to returning to the site, once it is safe to do so, in the company of our Dutch and Malaysian partners.

We are deeply concerned by reports that OSCE observers were gravely endangered during the course of a recently agreed monitoring mission. The observers were shelled en route to the site and later threatened with violence by armed groups. Such incidents show that it is still unsafe to return to the site. Let me be clear. The security situation around the site and in much of eastern Ukraine has deteriorated because of Russian support to armed separatist groups. That support continues. It must cease.

In adopting resolution 2166 (2014), the Council demanded unanimously that those responsible for the atrocity be held to account. The international community and, above all, the victims' families, expect that this will happen, and this must happen.

Mr. Asselborn (Luxembourg) (*spoke in French*): I thank Under-Secretary-General Jeffrey Feltman for his presentation. I thank my friend and colleague Franciscus Timmermans, Minister for Foreign Affairs of the Netherlands, for the information he provided. I salute his commitment and that of Ms. Julie Bishop, Minister for Foreign Affairs of Australia, and Mr. Anifah Aman, Minister for Foreign Affairs of Malaysia.

In adopting resolution 2166 (2014), the Security Council condemned the destruction of the Malaysia Airlines aircraft in Ukraine, which resulted, as we know, in the tragic death of 298 people. The Council expressed deep sympathy and condolences to the families of the victims of that disaster. It is clear that the absolute priority was the repatriation of remains and identification of victims. It is essential to continue that work to enable the families and friends of all the victims to know with certainty the fate of their loved ones.

In resolution 2166 (2014), the Security Council called for a comprehensive, thorough and independent international investigation into the accident in accordance with international civil aviation guidelines. The conduct of that investigation has been delegated by Ukraine to the Netherlands. We have full confidence in the investigation by the Dutch Safety Board, in cooperation with international experts of

the International Civil Aviation Organization and in accordance with the relevant provisions of the Chicago Convention. We welcome the serious and independent work of by the Board that led to the publication, on 9 September 2014, of an interim report containing the first results of the investigation.

We regret that illegal armed groups have hindered access to the crash site in the days following the tragedy. That has wasted valuable time and made the investigation more difficult. We also regret that the work of the investigators on the site was suspended on 6 August due to the deteriorating security situation. Armed groups that control the site of the accident and the surrounding area must permit the investigation to resume without delay, giving full, safe and unhindered access to investigators. That is a key provision of resolution 2166 (2014). It is encouraging to see that Russia is also insistently demanding the same thing, as the representative of the Russian Federation has just stated, and that it too is thus working in that direction.

Those who shot down Flight MH-17, those responsible for this heinous act, will be held accountable. Indeed, the United Nations High Commissioner for Human Rights highlighted on 28 July the fact that this act could constitute a war crime. We welcome the work by the courts of the affected countries that have opened criminal investigations. All Member States must be fully involved in the efforts to establish responsibility for the tragedy. We owe it to the victims and their families, for justice to be done, as was just energetically highlighted by Frans Timmermans.

Let me conclude by emphasizing the urgency of ending the conflict in Ukraine. Its tally in terms of lives lost is overwhelming. More than 3,000 people have died in eastern Ukraine since the conflict began. Repeated attacks against the sovereignty and territorial integrity of Ukraine by pro-Russian separatists and their external supporters claim new victims every day.

The conclusion of a fragile ceasefire on 5 September was a step in the right direction. Under the auspices of the Organization for Security and Cooperation in Europe, talks are ongoing within the trilateral contact group, but we must now redouble our efforts. We are encouraged by the concrete steps taken by the President and Government of Ukraine to implement the commitments undertaken in Minsk. It is high time that the illegal armed groups to respect their own and withdraw from the territory of Ukraine, as was agreed in Minsk.

Mrs. Ogwu (Nigeria): I thank Under-Secretary-General Feltman for his briefing.

We commend the collaborative work of the Dutch-led international team of air safety investigators. They have been very successful in rendering the preliminary report on the downing of Flight MH-17 in spite of the formidable challenges of a difficult security environment. We believe that further investigation into the crash will provide even greater insight into the sequence of events leading to the accident and offer a more conclusive outcome. That is essential for the elimination of doubt and conjecture, and in our view, will provide the basis for accountability and justice in consonance with the provisions of resolution 2166 (2014).

More significantly, we encourage the parties to be unrelenting in the search for a mutually acceptable solution to the crisis in eastern Ukraine. With President Poroshenko's concession of self-rule and amnesty to the separatists, we are optimistic that the conditions on the ground will improve sufficiently to enable a thorough, transparent and unimpeded investigation. What is required now is restraint and perseverance by all parties concerned to advance the process to a logical conclusion. That is what the international community owes to the memory of the victims of the ill-fated flight MH-17.

Sir Mark Lyall Grant (United Kingdom): I thank Mr. Feltman for his briefing and acknowledge the presence in the Security Council this morning of the Foreign Ministers of the Netherlands, Australia and Luxembourg.

The United Kingdom welcomes the Dutch Safety Board's preliminary report of 9 September and would like once again to send our deepest condolences to the friends and families of those who died on Malaysia Airlines Flight MH-17. Last month, I had to honour to lay a wreath on behalf of all Security Council members at the memorial site in Schiphol airport in honour of the 298 victims of the tragedy.

We commend the Dutch Safety Board for having produced a report that is thorough, professional and based firmly on the facts. While it is a preliminary report with a limited mandate, the conclusions drawn from the evidence available to the investigators are clear. The

report rules out any operational or technical causes for the crash. The damage discovered on the wreckage of Flight MH-17 is consistent with the damage that would be expected from a large number of high-energy objects penetrating the aircraft from the outside. From that we can draw only one conclusion: Malaysia Airlines Flight MH-17, a civilian airliner carrying 283 passengers and 15 crew, was hit by a blast fragmentation warhead, which is typically fitted to surface-to-air missiles.

Neither the preliminary report nor the final report will seek to attribute culpability. But we know that seconds before Flight MH-17 dropped out of contact, a surface-to-air missile launch was detected from a separatist-controlled area in south-eastern Ukraine. We also know from an intercepted conversation that a known separatist leader was overheard claiming that a separatist faction had shot down an aircraft at the time of MH-17's disappearance. Another separatist leader claimed on Twitter to have shot down an aircraft around the same time. We have seen on social media, shortly after the crash, an SA-11 missile system missing at least one missile travelling back towards Russia, and we also know that separatist fighters trained, equipped and armed by Russia shot down more than a dozen Ukrainian aircraft in the months before the tragedy of MH-17.

I, and others, have spoken before in the Council about Russia's supply of significant quantities of advanced weapons, including tanks, armoured personnel carriers and artillery to separatist groups in Ukraine. And there is evidence that Russia has been providing training to separatist fighters at a facility in south-western Russia, including training on how to use air defence systems. The Russian Federation bears significant responsibility for the violence and instability in south-eastern Ukraine — responsibility that, at the very least, means Russia has questions to answer about the tragic downing of MH-17.

Assertions promoted heavily in domestic Russian media that Ukraine had some degree of culpability in bringing down MH-17 simply do not stand up. They are sham arguments that attempt to distort the facts. We have heard contradictory stories that MH-17 was brought down by a Ukrainian Su-25 fighter jet, either by missile or by gunfire, or that it shadowed MH-17, using its crew and passengers as human shields. But the damage found on the wreckage of MH-17 is not consistent with the behaviour of an air-to-air missile, nor does it relate to a gun attack. Radar evidence shows only three commercial aircraft in the vicinity of MH-17 before the occurrence which led to its breakup. There was no Su-25 visible on any Ukrainian radar data, and international investigators regard that data as accurate and reliable. That Russian version of events is pure fiction.

Russian allegations of the malign intentions of Ukrainian air traffic control and insinuations that air traffic control records were subsequently being withheld also do not add up. There is no evidence of any unusual activity in the management of flights in that area at the time, and the preliminary report contains a full transcript of the conversations between MH-17 and Ukrainian air traffic control. The transcripts of the Ukrainian side have been fully confirmed by data that was traced back from the black box.

We have also heard Russian suggestions that the Dutch Safety Board report is not fully independent or impartial and has ignored the opinion of Russian investigators. That also is untrue. The Board is a fully independent organization. As we have heard this morning, it was assisted in its investigation by experts from 12 aviation agencies, including experts from Russia, and it has been advised by the International Civil Aviation Organization to ensure that its report complied fully with international standards and recommended practices.

The Dutch Safety Board has set out particular areas in the report that require further analysis if this important investigation is to make progress. That will require full and safe access to the crash site, as demanded by the Council in resolution 2166 (2014). That is also needed for the separate criminal investigation, which will determine culpability and ensure accountability. Firing on OSCE monitors, such as occurred last weekend near the crash site, does not create the conditions for a resumption of the investigation into how MH-17 came down and who was responsible.

If the Russian Federation shares the wish of the international community to see progress on both the Dutch Safety Board final report and resolution 2166 (2014), then we call on them to ensure that the separatists allow safe full access to the crash site immediately.

Mr. Barros Melet (Chile) (*spoke in Spanish*): We thank the Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, for his briefing and we appreciate the work that the Secretary-General continues to do to shed light on the facts surrounding the downing of

Malaysian Airlines Flight MH-17. We are also grateful for the work carried out by the Dutch Safety Board, as well as the valuable contributions of all countries who have provided human and technical support for the investigation.

Two months after the downing of the aeroplane, my delegation reaffirms the unequivocal message of resolution 2166 (2014) on the need for a full, thorough and independent international investigation to be carried out in accordance with international law. Chile notes that the provisions of the Security Council are starting to pay off with the issuance of this preliminary report. Along with highlighting its findings, we urge the Board to proceed to gather more background information to allow it establish the truth of what happened on 17 July. In particular, we need to know what kind of projectile hit the Malaysian Airlines aeroplane and what are its characteristics to make it possible to trace the object and determine, definitively, who are responsible for that heinous attack on civilians. We also hope that the Council will remain seized of this matter.

We appreciate that the legislative measures adopted by Ukraine, within the framework of dialogue with the separatist groups in the east and the ceasefire, do not include an amnesty for those responsible for the MH-17 disaster. The family members of the victims have the right to know the truth. Once again, we urge all States, in accordance with their obligations under international law and relevant Security Council resolutions, to cooperate actively with the relevant authorities.

Finally, we call upon the parties involved in the conflict in Ukraine to allow unrestricted access and ensure safety for as long as is needed by the investigators at the disaster site so that they can continue with and further develop their investigation. We hope that the ceasefire between the Government of Ukraine and the armed groups that control the area where the disaster occurred will provide the conditions necessary for the continuation of the investigation.

Mrs. Kawar (Jordan) (*spoke in Arabic*): We would like to wholeheartedly thank Under-Secretary-General Jeffrey Feltman for his valuable briefing on the preliminary report on the crash of MH-17. We would also like to welcome the presence of Mr. Franciscus Timmermans, Minister for Foreign Affairs of the Netherlands, at this meeting and thank him for his valuable briefing.

Jordan would like to express its appreciation to the Dutch authorities for their efforts in investigating the MH-17 crash in eastern Ukraine and in drafting the preliminary report on the incident. The technical findings make clear that the aircraft was struck from the outside by a missile and that further investigations must be carried out to know who is responsible for launching the missile and whether or not the launching was deliberate. Many other questions must be answered. We therefore stress the need to continue the investigations in order to arrive at a definitive understanding and to prepare the final report.

In that regard, we call on all parties to cooperate and to allow unfettered access to the crash site so that the investigation may be completed and the parties responsible for the crash may be identified, brought to justice at the international leve and held accountable for their criminal act. This issue should be given priority because any complacency will result in direct consequences for the safety and security of civil aviation and would encourage targeting flights in different parts of the world. The investigation is a legal matter and should not be viewed or addressed as a way to achieve political advantages by any party.

Jordan welcomes the ceasefire agreed at a meeting of the contact group in Minsk on 5 September, and in particular its provisions on the importance of continued national dialogue over the release of all prisoners, the withdrawal of illegitimate armed groups and the disarming of those groups. In that context, we urge all armed groups to respect the conditions and provisions of the ceasefire to end to the violence and show credibility in the implementation of its provisions. We would also like to stress Ukraine's right to its sovereignty, territorial integrity and stability.

We would like to stress once again the importance of a political and diplomatic solution to the crisis. We do not believe that a military solution is the means to realize peace and security. Rather, it would lead to destruction, division, social disintegration and an exacerbation of the humanitarian, economic and political situation in the Ukraine. Guaranteeing the rights of all the citizens of Ukraine, including the rights of minorities, is the only way to bring about an honourable exit from the crisis.

We call on the Ukrainian Government to develop sustainable solutions that respond to the legitimate demands of all groups. We call on all parties to assist

Ukraine in implementing political, legal and social reforms and to work on enacting a sustainable ceasefire so that we can agree to and arrive at a sustainable solution.

Mr. Lamek (France) (*spoke in French*): I too thank Mr. Feltman for his briefing. I also thank the Minister for Foreign Affairs of the Netherlands, Mr. Timmermans, for his briefing and his participation in our work.

Two months have passed since the tragedy of Flight MH-17. The memory of the victims and their shattered futures does not go away. Today I reiterate the solidarity of France with the relatives of the passengers in their ongoing ordeal. We join in their grief and we offer them our full support. In the face of that disaster, the international community had requested that everything be done to shed light on the circumstances of the tragedy. Through resolution 2166 (2014), the Security Council has stressed the importance of quickly conducting the investigation into the circumstances of that abominable act. It was a first step towards the elucidation of the tragedy, towards establishing accountability and the need for justice.

According to the Chicago Convention on International Civil Aviation, it is up to Ukraine, together with the support of all those affected by the disaster and, in particular, experts from the International Civil Aviation Organization, to conduct the work of the international investigation. The Ukrainian Government has diligently discharged that responsibility. As early as 24 July, it had entered into a memorandum of understanding with the Government of the Netherlands entrusting the Dutch Safety Board with task of conducting the investigation. Ukraine then hosted in Kyiv a group of international experts who offered their assistance.

We commend the Dutch Safety Board for the quality of their experts' work. Their professionalism in collecting information and their impartiality are exemplary. We now eagerly await the publication of the final report. Confident in the process and the results it will produce, we fully support the investigation and we urge all parties to cooperate fully with investigators.

The findings of the preliminary report are serious. The investigating commission has excluded the hypothesis of a technical error, saying that the disruption of the aircraft is the result of contact with "a large number of high-energy objects". It thus clearly points to the hypothesis that the destruction of Flight MH-17 was by a surface-to-air missile, confirming the worst fears that had already been expressed to the Council. A surface-to-air missile pointed at a civilian airliner? From that, we should draw all conclusions about those who handled that weapon system and those who gave the order to fire, but also those who allowed such weapons to be used by criminals.

Resolution 2166 (2014) also required that everything be done to enable the work of investigators. All the parties and all the States in the region should guarantee immediate and unhindered access to the disaster site, the remains of the victims and material items useful for the investigation. We are sadly off the mark. Separatists have not cooperated with the Ukrainian authorities in the searches. The safe, immediate and full access to investigators was not granted. That is not only a violation of the resolution 2166 (2014), but also of what had been decided between the Contact Group — Ukraine, Russia and the Organization for Security and Cooperation in Europe — and the separatist representatives themselves. As proof, we cite the security detachments from the Netherlands, Australia and Malaysia that were to be deployed to the crash site to secure it but which were unable to be deployed because of obstacles put in place by the separatists. That lack of cooperation is more powerful and evocative than any propagandistic speech of separatists and their supporters.

This tragedy, as we have said, occurred against a backdrop of chaos, but that chaos did not appear all by itself. By the time the plane was shot down, the violent fighting in eastern Ukraine had intensified. The separatists, who had been thoughtlessly armed, were bringing about terror and desolation. Now, all those responsible for abuses will be held accountable. And let there be no mistake. Questioning the quality of work done by the investigators and the findings of the preliminary report would be a return to methods that we hoped were long gone — denying the obvious, twisting the facts — old tricks that no longer fool anyone. Such manipulations move us away from the worthy debate we want to have today.

In conclusion, I would like to say that the ceasefire applied since Friday, 5 September should be respected. We remain vigilant. But the silence of weapons is only the prerequisite for the implementation of the settlement plan for the Ukrainian crisis. To achieve a long-term solution, the discussions in the Contact Group should continue. The resolution of the conflict can only be achieved by stopping shipments of weapons to the

separatists by Russia, the establishment of a lasting and verified ceasefire, the control of the border and the pursuit of political dialogue. Russia has a responsibility in that regard that it cannot avoid. It is essential to move quickly on those various issues.

Ms. Paik Ji-ah (Republic of Korea): I thank Under-Secretary-General Jeffrey Feltman for his briefing. We also welcome the Foreign Ministers of the Netherlands, Australia, Luxembourg and Malaysia to the Security Council.

By adopting resolution 2166 (2014) on the tragic downing of Malaysia Airlines Flight MH-17, the Security Council asserted with one voice that we must ensure that the tragedy is fully investigated. In that regard, the Republic of Korea welcomes the preliminary report of the international investigation team. We especially appreciate the Government of the Netherlands, the International Civil Aviation Organization and all the independent international experts who have worked on the investigation. We have full confidence in those experts' credibility and independence in carrying out their duties.

We take this opportunity once again to call attention to the importance of establishing the solid facts and bringing those responsible to justice. In order to shed full light on the tragic event, the investigation team must gain safe access to the crash site once again and complete its work. We further hope that the horrible incident leads to collective efforts to reinforce the current regime for the safety and security of civil aviation.

With the important elections scheduled in October, we would like to reiterate that an inclusive political process is the essential foundation for a stable and democratic future for all Ukrainian people. In that regard, we welcome the progressive steps made by the Ukrainian Government in implementing the provisions of the Minsk protocol. Notably, the draft law that grants special status to the eastern region is an important step towards a more inclusive political process, which we hope can provide a sound basis for the de-escalation of tensions.

In conclusion, we are encouraged by ongoing diplomatic efforts towards the stabilization of Ukraine, in particular those of the United Nations, the Organization for Security and Cooperation in Europe, the European Union and other bilateral partners. We encourage all parties to continue such efforts to seek a peaceful political solution.

Mr. Oyarzábal (Argentina) (*spoke in Spanish*): I thank Under-Secretary-General Jeffrey Feltman for his briefing on the situation in Ukraine and the preliminary report published by the Dutch Safety Board on the tragic incident of Malaysia Airlines Flight MH-17. We also extend our thanks to and acknowledge the leadership of the Netherlands through Foreign Minister Franciscus Timmermans, whom we welcome to the Security Council.

Argentina supported and co-sponsored resolution 2166 (2014) adopted on 21 July, in which the Security Council, highlighting the need for a full, thorough and independent international investigation into the incident, recognized the efforts to undertake an international investigation of the incident. In that context, we welcome the briefing on the preliminary report on the investigation of the incident coordinated by the Dutch Safety Board, in which experts from the International Civil Aviation Organization, the European Aviation Safety Agency and concerned Member States took part. We take note of the preliminary conclusions and await the presentation of the final report with interest. We hope those conclusions will enable us to determine unequivocally and objectively what led to the downing of the plane. It is also important that the possibility that there is criminal responsibility for this be clarified, and if that should be the case, that those responsible be held accountable for their actions to the full extent of the law. In order to ensure that the investigation can continue to progress, safe, full and unhindered access to the site of the crash must be guaranteed.

The downing of Flight MH-17 took place against a backdrop of fighting between Ukraine and armed groups, and it is believable that if the circumstances had been different, the story would also have been different. Argentina is very concerned about the deterioration of the security and human rights situations in eastern and southern Ukraine, and about the effects of renewed violence on the civilian population. We emphasize the importance of finding a peaceful solution to the difficult situation Ukraine is dealing with through dialogue and negotiation. For that reason we take a positive view of the memorandum of understanding between Ukraine, Russia and the Organization for Security and Cooperation in Europe.

However, we must acknowledge that we are concerned about the fragility of the ceasefire that has been achieved so far. Given the difficulty in reaching the agreement, we insist that there can be no peaceful solution to Ukraine's difficult situation through any unilateral acts, and we therefore call on all parties to implement the measures agreed on in the memorandum. The only possible settlement can be one reached through dialogue and negotiation, with due respect for Ukraine's autonomy in handling its domestic affairs and avoiding any confrontational rhetoric or intervention in a State's internal affairs, whether political, military or economic. The parties must respect human rights and international humanitarian law without exceptions, and must guarantee due accountability for any violations or abuse of them.

Mr. Mangaral (Chad) (*spoke in French*): I would like to thank Under-Secretary-General Jeffrey Feltman for his briefing. I welcome the presence of the Ministers for Foreign Affairs of the Netherlands, Australia, Luxembourg and Malaysia at this meeting. I would also like to thank the international team for its work and expertise on the Dutch investigation.

We take note of the fact that the information in the report is preliminary and that the information and results may be subject to change if additional evidence emerges. First, we welcome the work being done in searching for and identifying the bodies of the victims, and hope that the work is concluding so that the bodies may be returned to the families for dignified burial. However, we also note that the report indicates that the damage to the airliner suggests that it was penetrated from the outside by a large number of high-energy objects. In that regard, we urge that the investigation continue so that those responsible can be identified and the victims compensated. It is time for justice to be done. Since our last meeting on this matter (S/PV.7253), in August, we note that the parties have made efforts to ensure security at the crash site and the integrity of the area, so that investigations pursuant to resolution 2166 (2014) can continue.

The progress made in this area contrasts with the political and security situation in Ukraine, particularly in the Donetsk and Luhansk regions in the east. In spite of President Poroshenko's peace plan of 16 September, which included a ceasefire, we are informed that the ceasefire is continually being violated on the ground, with hundreds of civilian and military every day. We welcome the spirit of compromise shown by the Ukrainian Government in the Verkhovna Rada's vote on 16 September on a special statute giving the Donetsk and Luhansk region more autonomy and independence, as well as a conditional amnesty for combatants in the eastern part of the country.

In conclusion, we urge the parties to the conflict to act with restraint in order to seek a political solution to the crisis, which should be achieved through direct, inclusive dialogue that respects the territorial integrity and sovereignty of a unified Ukraine, in accordance with the Charter of the United Nations.

Ms. Murmokaité (Lithuania): In August, many of us on the Council had an opportunity to visit the memorial at Schiphol International Airport dedicated to the victims of Malaysia Airlines Flight MH-17. No one can forget the haunting, powerful emotions expressed of love, loss and longing for those who perished, as Under-Secretary-General Feltman said, in somebody else's war. I would like to take this opportunity to once again express my country's heartfelt condolences to the families in the Netherlands, Malaysia, Australia, Indonesia, the United Kingdom, Germany, Belgium, the Philippines, New Zealand and Canada who lost their loved ones in the downing of MH-17. As the Prime Minister of the Netherlands said,

> "we owe it to the victims' next of kin to do everything in our power ... to achieve clarity about the circumstances of this tragedy, and to bring those responsible to justice".

Resolution 2166 (2014), adopted by the Council in response to the tragedy, demands a full, thorough and independent international investigation. It also demands that those responsible for the incident be held to account. We must ensure that the resolution is fully implemented. There can be no impunity for the perpetrators of this horrific crime.

Lithuania welcomes the preliminary findings of the independent investigation under the leadership of the Dutch Safety Board, with the participation of a dozen countries and agencies. The International Civil Aviation Organization was consulted to ensure that the investigation strictly complied with international standards and practices. As we know, the purpose of the investigation is to establish the facts, with the goal of ensuring the prevention of such accidents in future. It was not meant to assign blame or liability to any party, and it is still ongoing. We fully agree that any attempt to interfere with, influence or put pressure

on the investigation are inappropriate and totally unacceptable. The international experts must be able to carry out their work free of political pressures or attempts to sway the results of the investigation.

We find it incomprehensible that there should be claims of a lack of transparency or of selectivity and bias in the investigation. The democratically elected Governments of the countries affected have a special responsibility to their citizens and the victims' families to establish the truth. We have full confidence in their assessment of the investigation and their determination to proceed until justice is done. The Foreign Minister of the Netherlands and the representative of Australia could not have been clearer on this matter.

We reiterate our concern about the lack of access to the crash site, which is in the hands of pro-Russian insurgents. Time is running out. These illegal armed groups bear full responsibility for the successful completion of this investigation, and for providing full, unhindered, immediate access to the evidence and remains that are still in the field.

While Russia is trying to cast doubt on the integrity of the investigation, the creeping invasion of Ukraine continues. Nearly 400 incidents of violation by the insurgents of the ceasefire regime have been registered since it came into effect. How could investigators return to the site? Reports of lawlessness, extrajudicial executions and systematic human rights violations in the rebel-held areas abound. Russian aid convoys come and go as they please across a sovereign country's borders. We have become so inured to such violations of Ukraine's borders, sovereignty and territorial integrity that they barely make it into the news. Russian soldiers fight against Ukraine on Ukraine's soil, while those who investigate their deaths are attacked and intimidated. Their mothers deny the truth about the circumstances of their death.

The situation of Crimean Tartars, for whom Crimea is the only place they can call their homeland, continues to deteriorate. They are being increasingly prosecuted, their homes raided, documents seized, their leaders banned from returning home, their Mejlis impounded, offices closed down, property confiscated. While Ukraine's Government is offering amnesty to the rebels and extensive autonomy to its eastern regions, self-proclaimed leaders of the illegal armed groups insist on fighting to the end.

Those are only some of the inconvenient truths that should be gleaned through the smokescreen of Russia's concerns about the investigation.

An undeclared war against the sovereign State of Ukraine is at the root of the tragedy of Flight MH-17. The ultimate responsibility for the tragic loss of nearly 300 passenger lives as well as for the massive destruction, death and displacement of the population in eastern Ukraine lies with those who, driven by the dangerous ambition to redraw the borders of modern Europe, continue to fuel that war in spite of the ceasefire and the various agreements achieved.

The people of Ukraine, whose unity, sovereignty and territorial integrity are non-negotiable, have the right to determine their future without any foreign interference. The people of Ukraine have made their choice, and Russia's continued aggression will only reinforce that choice.

Mr. Wang Min (China) (*spoke in Chinese*): I would like to thank Under-Secretary-General Feltman for his briefing.

The downing of Malaysia Airlines Flight MH-17 in eastern Ukraine on 17 July is a tragedy that caused 298 deaths. China has taken note of the preliminary report of the investigation issued by the Dutch Safety Board on 9 September. China hopes that, through an independent, just, objective and transparent international investigation, the truth can be established and justice served for victims and their loved ones at an early date. China calls upon the parties concerned to offer cooperation and coordination with the investigation in accordance with the relevant Council resolution and provide objective, authentic and verifiable evidence in order to ensure that the result of the investigation is credible and able to withstand any scrutiny. International specialized agencies, such as International Civil Aviation Organization, should continue their pivotal role in the investigation.

Objectively speaking, the continuous improvement in the situation in Ukraine is conducive to the smooth conduct of the international investigation of the incident. China welcomes the recent signing between the Government of Ukraine and the militias in the east of the Minsk ceasefire agreement, which is in conformity with the fundamental, long-term interests of the Ukrainian people.

China has also taken note of the bill recently adopted by the Ukrainian Parliament that grants special status to the eastern part of Ukraine. China hopes that in the next phase the parties concerned will continue their constructive efforts to ensure the effective implementation of the Minsk ceasefire agreement. In the meantime, inclusive dialogue should be initiated as soon as possible in order to find a balanced, lasting and comprehensive political settlement that takes into consideration the common interests of various ethnic groups and regions in Ukraine.

Mr. Nduhungirehe (Rwanda): I would like to thank you, Madam President, for convening this emergency meeting. I also wish to thank Mr. Feltman, Under-Secretary-General for Political Affairs, for his briefing on the preliminary report of the Dutch Safety Board on the investigation into the crash of Malaysia Airlines Flight MH-17.

We welcome the statement delivered by His Excellency Mr. Frans Timmermans, Minister for Foreign Affairs of the Kingdom of the Netherlands, and we acknowledge the important leadership of his country in the investigation. We also acknowledge the presence among us of Her Excellency Ms. Julie Bishop, Minister for Foreign Affairs of Australia, and His Excellency Mr. Jean Asselborn, Minister for Foreign and European Affairs of Luxembourg.

We have taken note of the preliminary findings of the investigation. We consider them to be an important step towards the implementation of resolution 2166 (2014). According to the report, damage observed in the forward section of the aircraft appears to indicate that it was penetrated by large, high-energy objects from outside the aircraft. There is now little doubt that it was indeed shot down.

We deplore the fact that, two months after the crash, all the remains of the victims were not recovered. However, we commend the investigators on the ground for identifying most of the victims. We hope that all the countries concerned will continue to cooperate with the investigation to ensure that all victims are recovered, identified and brought home for proper burial.

Although the purpose of this report was not to apportion blame or liability in respect of any party, it is important that criminal investigations be carried out expeditiously to establish the perpetrators. As we look forward to the final findings of the investigation, it is important to remind ourselves that what the families of the 298 victims expect from the investigators and from the international community as a whole is to name the perpetrators and hold them accountable, in line with paragraph 11 of resolution 2166 (2014). In that regard, we welcome the launch of a criminal investigation by the Netherlands Public Prosecution Service in close cooperation with the investigation and prosecution authorities of the affected countries.

I want to welcome the signing, on 5 September, of the Minsk protocol agreement, under the auspices of the Organization for Security and Cooperation in Europe (OSCE), and the ceasefire in eastern Ukraine. We regret, however, the continued reports of ceasefire violations by the warring parties. Other than security, human rights and humanitarian consequences, the fighting continues to hamper the work of the investigations team, and nothing can guarantee that all the necessary evidence will be found more than two months after the crash.

In the same vein, we deplore the fact that, due to resumption of the fighting, the lives of OSCE monitors were put in danger as they were caught in crossfire and threatened by armed separatists. We therefore reiterate our call to the parties concerned to cease hostilities in conformity with the agreement and in accordance with paragraph 7 of resolution 2166 (2014), by which the Council demands that all military activities, including by armed groups, immediately cease in the immediate areas surrounding the crash site to allow for the security and safety of the international investigation.

To conclude, Rwanda once again urges the armed separatists to lay down their arms, respect the independence, the sovereignty and territorial integrity of Ukraine and engage constructively with the Ukrainian Government, which, with the proposed amnesty and self-governance bill to separatist-held areas, has demonstrated goodwill to finding a political settlement to this crisis.

The President: I shall now make a statement in my national capacity as the representative of the United States.

I wish to thank Under-Secretary-General Feltman for his informative briefing. I also thank Ministers Timmermans, Bishop and Asselborn for being here and signalling the importance of this issue with their presence.

First, on behalf of the United States, let us once again convey our condolences to the loved ones of the

victims of Malaysia Airlines Flight MH-17. We do not presume to grasp the depth of their grief, but we mourn the lives of those they lost.

We convene today for an update on the investigation into a crime that abruptly ended too many lives. The purpose of the investigation is to determine the truth about what brought down that plane.

For any investigation to be credible, we all agree that it must be thorough, impartial and professional. Ukraine and the whole international community turned to the Dutch Safety Board because we believed it was more than capable of meeting those standards. The Board's preliminary findings reflect its independence and its expertise. Those findings, submitted to the Security Council on 9 September, include the following.

First, the aircraft was brought down by "a large number of high-energy objects that penetrated the aircraft from the outside." Secondly, there were no engine warnings, aircraft system warnings or distress messages detected. Thirdly, the damage to the aircraft is "not consistent with any known failure mode of the aircraft, its engines or systems." Fourthly, the only planes identified in the report that were in the vicinity of Malaysia Airlines Flight MH-17 were commercial aircraft.

Based on those preliminary findings one can rule out that Flight MH-17 was brought down by a bomb on board. It was not. Russian claims that the flight was brought down by a Ukrainian fighter jet are also not supported by evidence in the report. Moreover, ground photography is consistent with the expected damage from a surface-to-air missile, but does not correspond with the damage that a short-range air-to-air missile from a smaller warhead would produce.

Those facts are important because they contradict the fiction that has been propagated by Russia. The Dutch Safety Board's findings are consistent, however, with evidence gathered by a group of countries, including the United States, pointing to the fact that Flight MH-17 was shot down by a surface-to-air missile fired from territory controlled by Russian-backed separatists.

Russia called for today's meeting under the pretence of being briefed on the status of the investigation. The representative of the Russian Federation today has appealed for what he calls "an objective and transparent investigation." But in its intervention today Russia made clear that its real intention is not to learn about the investigation, but to discredit it. Russia is seeking to play the role of forensic aviation investigator, but cannot do so in an impartial and objective manner. Russian-backed separatists denied access to the crash site for days after Flight MH-17 was downed. Russian-backed separatists then restricted access after initially letting outside officials in. That is not consistent with an objective and transparent investigation.

The representative of the Russian Federation today complained about the timeliness of the voice recordings being processed. Yet telephone conversations intercepted by the Ukrainian Government indicate that the commander of a pro-Russian separatist unit told local state emergency service employees that Moscow wanted to find the black boxes, and he enlisted the support of those local officials to help recover the boxes. That is not consistent with the desire to ensure the sanctity of the recordings, which today the Russian representative professes a desire to protect.

The Russian representative says that the report does not contain "convincing information." In order to be convinced of facts one must acknowledge them. In order to be convinced of truth one must allow it to surface. One can be convinced if one confronts the facts as they are established and proven, not as one may wish they were. It is time to allow facts, however inconvenient, to be uncovered, and it is time to stop all attempts to undermine the credibility of a thorough, impartial and independent investigation that the international community has no reason to doubt.

Russia does not have the track record to play the credible investigator here. Russia has repeatedly misled the Council, its own people and the world about its support for illegal armed groups and its own military incursions into Ukraine. Just read the records of the previous 24 Security Council meetings on Russia's actions in Ukraine. Read Russia's denials that it was arming and training separatists in Crimea, and later its denials that it had deployed troops to Crimea. Read Russia's denials that it was arming and training separatists in eastern Ukraine, and later its denials that it had deployed troops to eastern Ukraine.

The Dutch Safety Board has been delegated the authority by Ukraine, in line with the International Civil Aviation Authority standards, to investigate this crash. If Russia has evidence that it believes can help identify who shot down Flight MH-17 it has

a responsibility to share that information with the independent investigators. Too many lives have been lost, and this conflict has gone on for too long. It is time for Russia to bring its intervention to an end. That is why we fully support the ceasefire and agreements signed in Minsk, which aim to de-escalate the conflict that has taken approximately 3,000 lives. We fully support a negotiated political solution to this crisis, as we have asserted since Russia's incitements created the conflict.

We welcome reports that Russia is decreasing its troop levels in eastern Ukraine, even if Russia continues to deny that its troops were there in the first place. We also welcome Russia's recent statements expressing support for the ceasefire. However, we cannot lose sight of the fact that the crisis in eastern Ukraine, just like the occupation and annexation of Crimea before it, was manufactured by Moscow. No country should support carving off pieces of sovereign Ukraine and handing them to the aggressors. The territorial integrity of Ukraine is non-negotiable.

Ukraine has demonstrated remarkably good faith in meeting its commitments. This week, notwithstanding the aggression against the State by the separatists and by Russian forces, Ukraine's Parliament passed legislation granting certain districts in eastern Ukraine special status, which includes greater self-governance, economic control and Russian-language rights. Now it is Russia's turn. Russia must immediately withdraw all of its forces and equipment from Ukraine, including Crimea, and cease all forms of support and training for separatist groups. Russia and the separatists it backs must release all of their hostages and prisoners. Russia must finally close its borders to the flow of soldiers, separatists, tanks, artillery and other machinery of war. It must grant Ukraine control over its own border. Russia and the groups it backs must create an environment that allows the Organization for Security and Cooperation in Europe to fulfil its monitoring and verification mandate.

There is one very important imperative we must remember, which brings us back as to why we convened today — truth. Two hundred and ninety-eight innocent people were killed on 17 July. The international community has identified an independent investigative body to uncover the truth about what happened to Flight MH-17. Today we join the chorus of Member States in reiterating our full support for the Dutch Safety Board's investigation, and we reject Russia's efforts to disparage it or to hinder its progress.

The next step is the pursuit of justice, and when those responsible for this horrific crime are eventually identified, they will be punished.

I now resume my functions as President of the Council.

I give the floor to Dato Sri Anifah Aman, Minister for Foreign Affairs of Malaysia.

Mr. Aman (Malaysia): Thank you, Madam President, for convening this meeting and for this opportunity to address the Security Council. I also wish to convey my appreciation to Under-Secretary-General Jeffrey Feltman for his briefing on the latest developments in Ukraine.

I recognize my colleagues, Her Excellency Ms. Julie Bishop of Australia, His Excellency Mr. Jean Asselborn of Luxembourg and His Excellency Mr. Frans Timmermans of the Netherlands. I wish to thank Ms. Bishop for her tireless efforts in seeking justice for the victims and closure for their families. I also wish to also thank Mr. Timmermans for the comprehensive briefing and for the Netherlands leadership in this international investigation.

Over the past few months, we and our Governments have worked very closely in various areas, including on the recovery and repatriation of the remains of victims as well as the ongoing investigation on the downing of Malaysia Airlines Flight MH-17. I hope that, over the coming days, we will continue such cooperation in order to ultimately bring closure to this tragic incident.

I wish to take this opportunity to convey my deepest and heartfelt sympathy and condolences to the families and loved ones of those who lost their lives on board that ill-fated plane.

The downing of Flight MH-17 starkly highlights the tragic consequences when a situation deteriorates into violent armed conflict. In that connection, Malaysia welcomes the announcement of the ceasefire agreement between the parties concerned on 5 September, including those in eastern Ukraine, where Flight MH-17 was downed and where its wreckage still lies, more than two months later.

As highlighted in Under-Secretary-General Feltman's briefing earlier, the situation on the ground remains fragile. In that regard, Malaysia urges all parties

to exercise maximum restraint to prevent a further escalation of the conflict. Malaysia also reiterates the call on all parties to respect the ceasefire agreement and spare no effort to work towards a sustainable peace. In Malaysia's view, a sustained ceasefire, particularly in eastern Ukraine, is crucial so as to enable a full, thorough and independent international investigation into the incident, as demanded by the Council in resolution 2166 (2014).

In the immediate aftermath of the downing of Flight MH-I7, Malaysia was very clear on its priorities. Primarily, those were to secure assurances on, first, the recovery of the remains of the victims; secondly, the recovery of the flight data and cockpit voice recorders; and, thirdly, safe access by international investigators to the crash site. In seeking to achieve those objectives, Malaysia reached out to all the parties concerned. For Malaysia, the humanitarian and human element was of first and foremost concern.

Consequently, an understanding was reached on the three priorities I just mentioned. Thus far, the first two assurances have been implemented. Unfortunately, coordinated and unfettered access to the crash site by the international team of air safety investigators has not yet been possible, due to the ongoing fighting in and around the crash site.

With regard to the ongoing efforts to identify the remains of the victims, as stated by the Netherlands Foreign Minister earlier, to date 225 out of a total of 298 victims have been identified. Of the 43 Malaysian victims, 40 have been identified and 35 of them have been repatriated to Malaysia.

On that note, I wish to extend the heartfelt appreciation of the people and the Government of Malaysia to the Dutch authorities for making that possible. As we speak, forensic experts are relentlessly undertaking the painstaking work of identifying the remaining victims, with a view to reuniting them with their loved ones as soon as possible.

Malaysia welcomes the preliminary report of the independent international investigation team led by the Dutch Safety Board, which was released just last week. Among other things, the report confirms that the aircraft was flying in unrestricted airspace, was following the route and flying at the altitude prescribed by the air traffic control authorities. The report also confirms that the aircraft was in an airworthy condition at departure. There were no indications of any technical problems or actions by the crew that could have contributed to the crash. The report also concludes that the aircraft was hit by a large number of high-energy objects that pierced it from the outside, causing the aircraft to disintegrate in the air.

The findings of the report notwithstanding, crucial questions remain unanswered, including the following. Who was responsible for the downing of the aircraft? What exactly happened when communications between Flight MH-17 and the air traffic controllers stopped abruptly at 13.20 hours on 17 July?

In the light of such lingering questions, last week Malaysia dispatched a high-level delegation, led by its Defence Minister, to Ukraine, Russia and the Netherlands to further explore the possibility of affording the international investigation team safe and unfettered access to the crash site. Malaysia wishes to inform the Council that it has secured renewed commitment and assurances from the Governments of Ukraine and Russia to assist in facilitating safe passage to the wreckage area. We hope that such assurances will be translated into concrete action as soon as possible.

Time is of the essence. The approaching winter could severely hamper recovery and investigation efforts. Malaysia will not rest until justice is done. It would be totally unacceptable for the families and loved ones of the victims to experience the unimaginable pain of losing their loved ones, only to learn that the perpetrators might not be held to account due to our inaction. The international community owes it to the victims' families and loved ones to ensure that those responsible for this heinous crime be swiftly brought to justice. We need to cooperate fully to establish accountability for the perpetrators of this crime. I strongly reiterate the importance of transparency, impartiality and thoroughness in the conduct of the investigation to ensure that the truth prevails.

The President: I now give the floor to the representative of Ukraine.

Mr. Sergeyev (Ukraine): Thank you, Madam President, for the opportunity to participate in the discussion of such an important issue for my country. I would also like to thank Under-Secretary-General Jeffrey Feltman and Mr. Frans Timmermans, Minister for Foreign Affairs of the Netherlands, for their briefings.

Two days ago marked two months since a terrible tragedy in the Ukrainian sky took the lives of about 300 people. Nothing can heal the pain of that terrible loss. No words of condolence can soothe the families and friends of the victims of the tragedy. Our duty is to find the perpetrators of the crime and to hold them accountable, for the sake of justice, and to ensure that such tragedies will not happen in future.

From the very first day of the tragedy, Ukraine has demonstrated its openness and commitment to transparent, inclusive international cooperation in order to establish the true cause of the crash. Following the adoption of resolution 2166 (2014), which Ukraine co-sponsored, and given the fact that the vast majority of the victims were citizens of the Netherlands, we transferred the right to investigate the air crash to the Dutch Safety Board. By so doing we contributed to ensuring a fair, objective and impartial investigation. The Dutch Safety Board is being assisted by experts from Australia, Indonesia, Malaysia, Ukraine, the United Kingdom, the United States, Russia, the International Civil Aviation Organization, the European Aviation Safety Agency and other parties concerned.

In addition, the relevant Ukrainian authorities have been providing necessary support to the international mission in order to safeguard the investigation established by an agreement between Ukraine and the Kingdom of the Netherlands to facilitate the recovery of the remains of the victims and to conduct an investigation as called for by resolution 2166 (2014).

Contrary to what the Russian representative said today about the late submission of materials and about the negotiations between the Board and air traffic control centres in Ukraine, I should remind the Council that a week after the crash, on 23 July, an international group of experts was provided electronic and paper records of negotiations between the flight crew and staff from the Lviv, Kyiv and Dnipropetrovsk control centres involved in the air traffic control of the aircraft, as well as various types of radar materials. Most probably, that was mentioned by Ambassador Churkin at the end of August. With regard to the additional request made by the Netherlands, we provided additional materials involving the recordings of conversations between the flight crew and Ukrainian air traffic controllers.

Ukraine remains committed to resolution 2166 (2014), calling for full respect for the ceasefire and for ensuring the security and safety of the international investigation in the immediate area surrounding the crash site. However, the illegal armed groups that control the crash site have been jeopardizing the efforts of the investigators. Before the international investigators arrived at the crash site for the first time, Russian-controlled militants had already been at work at the site — as it were, to clear it of evidence. They were not interested in revealing the truth, which could obviously be harmful to them and to those who support them.

The preliminary report of the Dutch Safety Board establishes that external factors caused the accident of Flight MH-17. That adds to our conviction that Flight MH-17 was shot down by a surface-to-air missile. In the very first days after the crash, we submitted evidence we had collected that it was a Russian missile launched by Russian mercenaries.

The Russian Federation continues to send powerful air defence systems to support militants in the east of Ukraine. Those facts are repeatedly recorded not only by Ukrainian intelligence, but also by intelligence agencies of other countries. A recent fact is that militants received from Russia a Pantsir armoured rocket launcher that is capable of hitting targets at an altitude of 15 kilometres. We must therefore reiterate that the tragedy of Flight MH-17 would not have happened if militants had not acquired access to sophisticated Russian weapons, such as air-defence systems capable of hitting targets at high altitudes.

Unfortunately, the tragedy of Flight MH-17 has not taught Russia a good lesson. Moscow continues to deny that it is arming terrorists with heavy weaponry. All attempts by Russia to shift the responsibility for that terrible attack onto someone else do not withstand criticism. The Russian leadership persists in repeating the necessity of stopping the bloodshed, while it continues to contribute to the escalation of the conflict by supporting terrorists, sending in mercenaries and regular troops, violating Ukraine-Russia border and shutting Ukrainian troops out of their territory.

None of the provisions of the Minsk protocol of 5 September have been implemented by Russia. On a daily basis, we have been recording numerous ceasefire violations by Russian troops and the Moscow-controlled militants. In total, they have broken the ceasefire and shelled Ukrainian miltary and civilians 480 times since the truce started. As a result, 22 Ukrainian military personnel have been killed and 138 wounded. Russia

continues its military build-up along the border with Ukraine, as well as in temporarily occupied Crimea. The Russian artillery and mortar shelling of the territory of Ukraine, which, inter alia, was confirmed by monitors from the Organization for Security and Cooperation in Europe, have become a daily threat to Ukrainian servicemen and civilians on the ground.

We therefore urge both Russia and the Russian-controlled militants to comply with their commitments, including those undertaken in accordance with the Minsk protocol to ensure the success of the international mission to the crash site and the safety and security of international civil aviation flights. We expect that the final results of the investigation, the impartiality of which is beyond any doubt, will make it possible to affirm the real cause of the catastrophe and to establish the perpetrators of that brutal terrorist act in order to bring them to justice.

The President: I now give the floor to the representative of Canada.

Mr. Rishchynski (Canada) (*spoke in French*): Canada welcomes the preliminary report released on 9 September by the Dutch Safety Board and commends the investigation team, whose work has been exemplary despite the difficulties that they encountered in pursuing their important task. The report was prepared despite the initial efforts of the Russian-backed insurgents in control of the area to hinder the work of the investigation and despite the limited access to the crash site due to the violence caused by the insurgents.

(*spoke in English*)

As we now know, the investigation has found no evidence of problems with the aircraft or with the crew before the tragedy. Its findings are consistent with what we and others have asserted since the tragedy on 17 July, namely, that the flight was destroyed by an anti-aircraft missile following an increased flow of heavy weaponry, including rocket launchers, from Russia into insurgent-controlled areas in Ukraine.

The tragedy is but one of many examples of the cost of Russia's reckless behaviour in Ukraine, where more than 3,000 people have died since Russian-sponsored violence erupted in April. Its actions there undermine the most basic norms of international conduct. They pose a grave threat not only to the security of eastern Europe but also to the rules-based international system.

The Russian Federation can end the ongoing tragedy in Ukraine. We support the ceasefire agreement reached on 5 September and commend the Government of Ukraine for acting on its commitments to secure lasting peace. Russia and the insurgents must begin acting in good faith and do the same. The task of the Flight MH-17 investigation team is not yet complete. We look forward to its final report, as well as to the outcome of the work also under way within the International Civil Aviation Organization. The need for answers and justice and respect for the victims and their grieving friends and family members from all the countries affected, including Canada, should unite all Member States in support of those efforts.

In July, we joined others in sponsoring resolution 2166 (2014). Today, we call once again on Russia and the insurgents to allow access to the crash site. We reiterate the need for those responsible for the tragedy to be brought to justice. As we continue to mourn the victims, Canada stands ready to contribute further to the investigation.

The President: I now give the floor to the representative of Germany.

Mr. Thoms (Germany): At the outset, I would like to thank Foreign Minister Frans Timmermans and Under-Secretary-General Jeffrey Feltman for their insightful briefings.

More than two months have passed since the downing of Flight MH-17. A total of 298 lives, including four German citizens, were tragically lost. We grief with those who have lost loved ones and extend our deepest condolences to our friends in the Netherlands, Malaysia, Australia and all the other countries that are mourning the loss of their citizens.

Although two months have passed, the downing of Flight MH-17 will not be forgotten. By adopting resolution 2166 (2014), the Council has reacted and sent out a clear signal, namely, that we must establish the facts. We want to know who is responsible. We must bring them to justice.

We commend the Netherlands for taking the lead in a thorough and inclusive international investigation into the downing of Flight MH-17. The preliminary report clearly affirms that the plane did not crash as a result of technical or human failure. However, too many questions remain unanswered. It is outrageous that the investigations on the ground and the repatriation

of human remains are still being hampered by armed separatist groups. That is a clear violation of resolution 2166 (2014) and an insult to the victims and the Council. All parties with influence on the ground must do everything possible to allow for a quick return of the experts to the crash site.

We hope that the provisions of the Minsk protocol of 5 September, especially the mutually agreed ceasefire, will also improve the situation at the crash site. That agreement offers the best opportunity we have to end the bloodshed, to embark on a political process and to bring about a political solution to the conflict. Its crucial elements are the following.

First, the Russian-Ukrainian border must be secured. We call on Russia to end fully and unconditionally its military activities on or directed against Ukrainian territory, to halt the continuing flow of weapons and fighters across the border and to take a constructive role in stabilizing Ukraine. Secondly, we call for the full reintegration of eastern Ukraine into Ukraine's State structures, while empowering local self-government under Ukrainian law. Thirdly, we urge full respect for Ukraine's sovereignty and territorial integrity. In that regard, I reiterate our condemnation of the illegal annexation of Crimea, which we will not recognize.

Germany has committed itself to supporting Ukraine in such difficult times. We will continue to work closely with our partners in the European Union, the Group of Seven (G-7) and the United Nations, as well as the Organization for Security and Cooperation in Europe, which has played a key role in helping to de-escalate the crisis. It is our deep conviction that the crisis can be solved only politically, in accordance with international law and in full respect for Ukraine's sovereignty, territorial integrity and independence. It is the responsibility of all members of the Council to uphold those principles.

The President: I now give the floor to the representative of Indonesia.

Mr. Percaya (Indonesia): Let me first convey my delegation's appreciation to you, Madam President, for having convened this important meeting. I also wish to thank the Under-Secretary-General for Political Affairs for his briefing and to acknowledge the presence of the Foreign Ministers of Australia, Luxembourg, Malaysia and the Netherlands.

Almost two months ago, in this very Chamber, all of us were mourning and paying tribute to the innocent victims of Malaysia Airlines Flight MH-17 (see S/PV.7221). We grieved with the families and friends who had lost loved ones, and supported them in their pain.

Today, the sorrow remains and the bereaved are anxious to seek solace. The international community owes them justice, and we need to reassure the victims' families that we still stand with them. The Security Council in particular needs to continue its support for and strong commitment to the implementation of resolution 2166 (2014), working together with all the relevant actors.

Indonesia welcomes the preliminary report on the tragedy of Flight MH-17 conducted by the Dutch Safety Board, together with other investigation teams. We support the objective of the investigation to examine the cause of the accident and to prevent similar incidents. We also take note of the findings that, at the time of the incident, Flight MH-17 was flying in unrestricted airspace above the restricted area mentioned by the aviation authority and that the aircraft was in an airworthy condition at departure, with no technical malfunctions.

While there has been little progress in the coordinated access to the wreckage site by the international team of air safety investigators, we support the intention of the Dutch Safety Board to conduct a further investigation of the site should the possibility arise. Indonesia stands ready to continue to render our assistance through our National Transportation Safety Committee for the ongoing investigation. In that context, we wish to underscore the importance of a thorough and comprehensive investigation with a strong emphasis on transparency and impartiality.

We are cognizant of the fact that the report is preliminary. However, it is based on the initial findings that "the aircraft was penetrated by a large number of high-energy objects from outside". Evidently, more work needs to be undertaken. It is important to emphasize that the investigation must include unrestricted access to the immediate site and ensure the safety and security of the investigation team. Therefore, we request that a detailed and thorough investigation of the crash of Malaysian Airlines Flight MH-17 continue. At the same time, we also reiterate our strong demand that those responsible for the incident be held accountable.

The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): As we initiated today's meeting, and as a number of assertions have been made concerning, in one way or another, with the content of our statement and the Russian position, I would like to make a few remarks.

First, in some statements, there were affirmations that Russia, in its statement in today's meeting, sought somehow to call into question the investigations conducted by the Dutch Safety Board, and that is absolutely not true. However, the Council will agree that it is somewhat strange that the Board has published a preliminary report in which there is not even one reference to resolution 2166 (2014). In the report, the Board, as the Minister for Foreign Affairs noted, very accurately, professionally and correctly formulated the targets of its work so as to prevent the recurrence of such an incident in the future, and that is quite right. However, let us be honest. We are not experts, but I think that everyone here today knows what is necessary to ensure that such a tragedy does not happen again. Flights should not be sent into conflict areas, and civilian aircraft should not be targeted.

However, as our German colleague rightly stated, there are many pending questions, and these questions, we believe, lie in the area between the Dutch investigation and resolution 2166 (2014). We are not proposing abolishing the Board or creating a new one. The first thing we are going to do is send our questions to the Board. Then we shall continue to work with it, with the broader participation of international bodies such as the International Civil Aviation Organization, which is mentioned in resolution 2166 (2014), and draw on all the resources that the United Nations has to offer. The need for cooperation is also mentioned in the resolution.

Now, some rather strange bits of information were cited that I must comment on. Our Ukrainian colleague, for example, said that rebels at the crash site attempted to somehow hide evidence, and the United States representative surprisingly quoted something a rebel had allegedly said to the effect that Moscow wanted the black boxes. If Moscow had wanted those black boxes, why did they end up London? If my colleagues are going to be so literary in their expressions, I would ask them to follow the chronology. Two or three days after the crash, the black boxes were transferred entirely intact to the Malaysians present at the crash site, and the Malaysians then provided them to London. Now, how could Moscow receive those black boxes from London, when the report states that they were indeed intact? We should in fact thank the rebels that the black boxes were kept intact and transferred to the experts who are now working with them.

The United States also accused Russia of blocking access to the crash site for 10 days. That is not true. The Australian delegation, I think, can underscore that this is not the case, because as soon as resolution 2166 (2014) was adopted, the question of the security of the area arose. Telephone calls were made between the President of Russia and the Prime Ministers of the Netherlands and Australia. During those phone calls, we discussed the possibility of adopting yet another Council resolution that would ensure a presence at the crash site that would guarantee the security of the investigations. Moreover, with our Australian colleagues, we even presented a draft text on that issue. I recall that we asked them if they might care like to author the draft resolution and did not insist that it be our draft, but stated that if they wanted something, there it was. We offered to adopt it that very day. However, Australia and the Netherlands took a different decision, as was their right. They decided to start negotiations with the Ukrainian side. Why did those talks go on for 10 days? That is their right and a question of their relations with Ukraine, but Russia was ready to do everything in its power to ensure that international investigators came promptly to the crash site.

Certain questions have been raised regarding security. Once again, the rebels have somehow been blamed for everything. The rebels controlled the area of the crash site. Why was there gunfire at the site? The most important security issue was ensuring that the Kyiv authorities did not attempt to seize that area in violation of resolution 2166 (2014). Moreover, Russia twice attempted to stop such incursions into the crash site so that the investigation might proceed normally. On 28 July, when Kyiv threatened to seize the area of the crash site, we proposed a draft press statement for the Security Council calling for the implementation of resolution 2166 (2014), and for some reason three Security Council members blocked it. On 7 August, when the Ukrainian Government had declared that it would bypass the ceasefire regime, and that its decision

had been approved by the investigating countries, we again convened a Council meeting and called for compliance with the resolution. For some reason, Council members could not agree once again. So if security has not been upheld, Russia is not to blame. The sponsors of the Kyiv Government and their military actions are the ones to blame.

Regarding the shots fired on the monitors of the Organization for Security and Cooperation in Europe on 14 September, for some reason people said that the rebels were responsible. That is not right. There were two shots, coming from the north, which was the position of the Ukrainian armed forces, and one of those shots happened at a border crossing point that was controlled by rebels. The rebels would not have been shooting at themselves, would they?

Another issue has been raised that I do not think is appropriate for the Security Council, since we are not here to discuss various versions of what happened. However, as some colleagues have allowed themselves to get into such analyses, I must respond. Our United Kingdom colleague, for example, said that a Buk missile system with three missiles instead of four was seen, as he affirmed, moving towards Russia, and that it was that system that shot down the Malaysian aircraft. Indeed, such images were distributed by the Kyiv authorities and made their way around the world. But why would one believe that the Buk missile system was heading for Russia? The most important thing here is that it was clear from those images that the launch system was heading west, towards an area controlled by the rebels. The Kyiv authorities were therefore incriminating themselves by claiming that the Malaysian aircraft was shot down by that system. That would have meant that they had launched the missile.

Once again, Russian officials have accused no one. We shared our information. We asked questions and asked for clarifications, but we did not accuse anyone, and we said that there should be investigations. Some colleagues were hasty in saying that the investigations had shown that the aeroplane was shot down by a rocket. We do not see anything about that in the preliminary report. It speaks of three civilian aircraft in the area of the Malaysian aeroplane, but we do not see any evidence stating that there was no military aircraft.

With regard to the information provided by our Ministry for Foreign Affairs, we wonder if there has been any contact at all between the Board and the Ukrainian armed forces. We do not know. Perhaps, under the Board's standard working regulations, they cannot be in contact with military officers but only with civilian representatives. In that case, the Security Council might do something to broaden the scope of the work and ensure that they are in contact with those who can respond to those questions.

Furthermore, with regard to the exclusion of the type of aircraft in the preliminary report, I recall that representatives of the Organization for Security and Cooperation in Europe who saw the remains in the very first days said that even an amateur could understand that the aircraft had been shot down by an air-to-air system. I am no specialist, but that is what the evidence indicated.

Now if we want to talk about the versions put forward recently in the German Parliament, an answer to the question posed by a Deputy of Parliament was put forth. The answer was based on information provided by NATO, which had said that it could have been a different anti-aircraft rocket system that is not used by the Russian army but is used by the Ukrainian army. Once again, the Security Council is not the place for members to be putting forward various hypotheses. It is a place to assist with the investigations and clarify the questions to which we want answers. I repeat, we will send our questions to the Dutch Safety Board and hope that they will be addressed credibly and transparently and that the questions will be distributed as a Security Council document.

Let the entire world work collectively to ensure that this tragic incident is fully clarified without any insinuations, intimations or references to evidence that has not been brought forth. If members are not sharing information, what they are providing is not an eyewitness account, but rather fiction. That is not suitable evidence for the investigation.

The President: I would now like to make a further statement in my national capacity.

I have only one response to the representative from the Russian Federation. Russia is fighting in Ukraine. Russia has provided artillery and surface-to-air missiles to separatists in Ukraine. It has trained separatists on those surface-to-air missiles. It has moved troops into Ukraine. Russia has no standing to offer advice on this investigation, and it has no credibility before the Council in its professions, as its story has shifted for months.

I now resume my functions as President of the Council.

The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): While you hold the presidency, Madam President, you do not have the right to pass judgment on the status of the Russian Federation in the Security Council. The second part of your statement only shows that you are attempting to dilute the circumstances. Let me put it this way. Even if everything you just said is right, that has nothing to do with the investigation into the downed flight. So let us not get into various political issues and insinuations beyond the scope of the investigation, because we might have different opinions in that regard. Let us concentrate on the required investigation.

The President: The representative of Ukraine has asked for the floor to make a further statement. I give him the floor.

Mr. Sergeyev (Ukraine): When we found out that it was Russia that took the initiative to convene today's Security Council meeting, we asked ourselves why. Having heard the same old rhetoric from the Russian side today, which denies any involvement in the crime and blames everyone but itself, I cannot help but remember the old saying that a guilty mind is never at ease.

The President: The representative of the United Kingdom has asked for the floor to make a further statement.

Sir Mark Lyall Grant (United Kingdom): I think that the fact that the representative of the Russian Federation has come to the Council on multiple occasions and said things that have subsequently proved to be untrue is relevant when we are discussing his attitude towards this investigation. I will not repeat all the things that my colleague from the United States said in her initial statement, but all the statements that Ambassador Churkin has made in the Council about the fact that there were no additional Russian forces in Crimea just before the military annexation of Crimea, that there was no supply of weapons into eastern Ukraine, that there was no training of eastern Ukrainian separatists in Russia and that there were no Russian troops in Ukraine have been demonstrated to have been false statements.

However, let me just return to the subject of today's discussion, which is the investigation. Ambassador Churkin said to the press on 10 September, "I have to conclude that a real international investigation did not take place". If that is not trying to undermine this independent credible investigation, I do not know what is.

The President: The representative of the Lithuania has asked for the floor to make a further statement.

Ms. Murmokaitė (Lithuania): As I was listening to the representatives of the countries affected, what struck me basically was that every single country affected that has lost its citizens and whose people are waiting for justice and closure has expressed its full support for the Netherlands-led investigation. Not a single country has raised doubts about that investigation or claimed that its integrity is flawed. Therefore, I find it extremely surprising that countries that have very direct stakes in the investigation are satisfied with its course, while somebody who has no stake in the investigation or seemingly no stake in the investigation is spreading doubts and openly questioning the credibility and integrity of the investigation. That probably says something about their true motives, but I will not speculate on those motives. I think we have to be very careful, honestly speaking, about how we proceed with the debate.

Behind the investigation, we have real people, real names. We have those who have lost their dear ones. They want clarity, they want closure. They want justice. Obfuscations and claims that the investigation is flawed and that there has to be another investigation and that there has to be assistance hurts those people and puts them in doubt. That is not what we, as the Council, can allow. We should not add additional grief to those who already lost their dear ones.

Therefore, I think that any speculation on the process and on the credibility of the investigation and attempts to raise additional questions and establish additional structures, which will encumber the process, is, as our German colleague said when speaking about something else, "a slap in the face". It is damaging to the memory of the people and to the course of justice. And justice, I think, is what we all want in this case.

The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I would just like to respond to the statement made just now by the representative of Lithuania and then to the representative of the United Kingdom.

I do not really understand why the representative of Lithuania is raising the question. Why would Russia not convene the meeting? She blamed us for this incident, but then when we have questions about the course of the investigations, she says that this is somehow insulting to the memory of the victims. That is, indeed, some kind of extreme cynicism. The best way to pay due tribute to the memory of the victims is by answering all the questions by undertaking an investigation in accordance with resolution 2166 (2014).

With regard to the statement made by our English colleague, one of his great approaches is not to dispute what we say in the Council, but to interpretat what I said or might have said in the press somewhere. However, let us carefully look at what was said in the Council.

As to my somehow not having spoken truthfully, take all the records of our meetings and highlight the areas where I did not speak truthfully and show them to me. I am talking about transcriptions, because what my colleague has said about my statements was totally inaccurate.

The President: The Minister for Foreign Affairs of Australia has asked for the floor to make a further statement. I now call on her.

Ms. Bishop (Australia): Russia called for a transparent and accountable investigation. Russia is participating in it now. The Under-Secretary-General said that the United Nations was confident that the investigation was being conducted in accordance with International Civil Aviation Organization guidelines. Those are the very guidelines that the international community has carefully established to ensure an objective investigation.

I point out that resolution 2166 (2014) does not create the investigation; it supports the need for an investigation, for an investigation is automatically required under the Chicago Convention. Through resolution 2166 (2014), the Council supports that independent international investigation. We demanded integrity. We wanted access to the site — unrestricted, full access to the site — and a cessation of violence.

It is in Russia's power to call off the separatists so that we have access to the site. Let us get on with it. Give the independent investigators access to the site. The Netherlands, Malaysia and Australia stand ready to return to the site, give comfort to the grieving families and allow the investigation to continue. It is established, it is independent — the United Nations says it is — the other countries involved have given support, so we call on Russia to enable the investigation to continue by ensuring that the ceasefire is maintained and that we can have secure, safe access to the site.

The President: The representative of the Russian Federation has asked for the floor to make a further statement.

Mr. Churkin (Russian Federation) (*spoke in Russian*): First of all, we are coming to the end of the meeting and finally we are ending on a positive note. I am very happy to hear the Foreign Minister of Australia say that experts are ready to go back to the crash site. That is indeed what we have called for in our statement today.

But the Minister should understand that Russia — and I have already said this — has attempted to do everything possible to ensure security. But if the Kyiv forces are shelling the area, then we say that we, as the Security Council, should tell them not to do that. But some Council members say, "No, we cannot call upon the Kyiv authorities not to shell". Well, then, how is Russia is going to ensure security in that case? How can it?

I cited a specific example of how two times we proposed that the Security Council call upon the Ukrainian armed forces, when they said they wanted to go into the area of the crash site, not to do so. But the Council did not want to. Russia is doing everything it can and drawing on the contacts it has with representatives in the Donetsk and Luhansk People's Republics.

The President: There are no more names inscribed on the list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 12.20 p.m.