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MH-17 Probe Relies on Principal Suspect Ukraine for Evidence

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The Dutch-led investigation into the 2014 shoot-down of Malaysia Airlines Flight 17 relies heavily on information provided by the Ukrainian security service and operates primarily from a field office in Kiev, despite the fact that Ukraine should be a principal suspect in the mystery of who was responsible for killing 298 people.

The cozy relationship between the Joint Investigation Team (JIT) and the Ukrainian government's secret service emerges from a JIT report presented to Dutch families of MH-17 victims in the last few days, a portion of which was made available to me.

What was perhaps most startling in the breezy travelogue-style "e-zine" report was how dependent the investigation has become on data supplied by Ukraine's security and intelligence service, the SBU, which also is an active participant in the war against ethnic Russian rebels in eastern Ukraine and is responsible for protecting state secrets.



Image: A Malaysia Airways' Boeing 777 like the one that crashed in eastern Ukraine on July 17, 2014. (Photo credit: Aero Icarus from Zürich, Switzerland)

Yet, according to the report, the SBU has helped shape the MH-17 investigation by supplying a selection of phone intercepts and other material that would presumably not include sensitive secrets that would implicate the SBU's political masters in Ukraine. But the JIT report seems oblivious to this obvious conflict of interest, saying:

> "Since the first week of September 2014, investigating officers from The Netherlands and Australia have worked here [in Kiev]. They work in close cooperation here with the Security and Investigation Service of the Ukraine

> (SBU). Immediately after the crash, the SBU provided access to large numbers of tapped telephone conversations and other data. …
>
> "At first rather formal, cooperation with the SBU became more and more flexible. 'In particular because of the data analysis, we were able to prove our added value', says [Dutch police official Gert] Van Doorn. 'Since then, we notice in all kinds of ways that they deal with us in an open way. They share their questions with us and think along as much as they can.'"

The JIT report continued:

> "With the tapped telephone conversations from SBU, there are millions of printed lines with metadata, for example, about the cell tower used, the duration of the call and the corresponding telephone numbers. The investigating officers sort out this data and connect it to validate the reliability of the material.
>
> "When, for example, person A calls person B, it must be possible to also find this conversation on the line from person B to person A. When somebody mentions a location, that should also correlate with the cell tower location that picked up the signal. If these cross-checks do not tally, then further research is necessary.
>
> "By now, the investigators are certain about the reliability of the material. 'After intensive investigation, the material seems to be very sound', says Van Doorn, 'that also contributed to the mutual trust.'"

So, despite the fact that some "cross-checks do not tally" and require "further research," the JIT has decided that the SBU's material is "very sound" and underpins a "mutual trust."

Personnel Concern

Another personnel concern is that the long assignments of investigators in Kiev over a period of almost two years could create compromising situations, especially considering Kiev's reputation as a European hotbed for prostitution and sex tourism as well as the possibility of less transactional human interaction.

According to the JIT report, four investigating officers from Australia are stationed in Kiev on three-month rotations while Dutch police rotate in two teams of about five people each for a period of a "fortnight," or two weeks.



Image: A photograph of a Russian BUK missile system that U.S. Ambassador to Ukraine Geoffrey Pyatt published on Twitter in support of a claim about Russia placing BUK missiles in eastern

Ukraine, except that the image appears to be an AP photo taken at an air show near Moscow two years earlier.

The relative isolation of the Australian investigators further adds to their dependence on their Ukrainian hosts. According to the report, "The Australian investigators find themselves a 26 hour flight away from their home country and have to deal with a large time difference. 'For us Australians, it is more difficult to get into contact with our home base, which is why our operation is quite isolated in Kiev', says [Andrew] Donoghoe," a senior investigating officer from the Australian Federal Police.

Despite the collegial dependence on the SBU's information, it has not led to a quick resolution of the mystery of MH-17. Last week, the JIT informed Dutch family members that its investigative report on the case has been postponed again, now not expected until after the summer, more than two years after the disaster, and even then the report will not be open for public examination.

The long delays in the investigation and the curious failure of the U.S. government to share usable data from its own intelligence services have caused concerns among some family members that the inquiry into who was responsible for shooting down the plane has been compromised by geopolitical pressures.

Immediately after the shoot-down of the flight from Amsterdam to Kuala Lumpur, the U.S. government sought to pin the blame on ethnic Russian rebels in eastern Ukraine and their Russian government backers, but – as more evidence emerged – the possible role of a Ukrainian military unit became more plausible.

For instance, according to the Dutch intelligence service in a report released last October, the only anti-aircraft missiles in eastern Ukraine on July 17, 2014, capable of hitting a plane flying at 33,000 feet belonged to the Ukrainian military.

Nevertheless, Ukraine was invited to join the JIT and play a key role in the investigation along with the investigators from Australia and the Netherlands. Under the JIT agreement, participating governments, which also include Belgium and Malaysia, have the right to block the release of information to the public.

Meanwhile, after CIA analysts had time to evaluate U.S. satellite, electronic and other intelligence data, the U.S. government went curiously silent about what it had discovered, including the possible identity of the people who were responsible. The U.S. reticence, after the initial rush to judgment blaming Russia, suggested that the more detailed findings undercut those original claims.

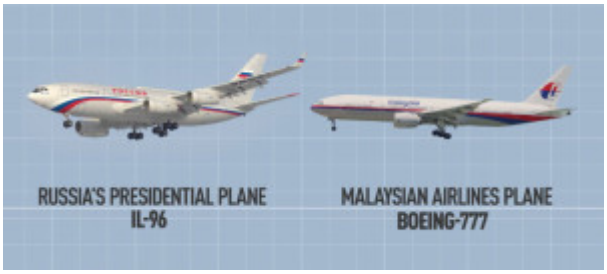


Image: A side-by-side comparison of the Russian presidential jetliner and the Malaysia Airlines plane.

A source who was briefed by U.S. intelligence analysts told me that the CIA's conclusion

pointed toward a rogue Ukrainian operation involving a hard-line oligarch with the possible motive of shooting down Russian President Vladimir Putin's official plane returning from South America that day, with similar markings as MH-17. But I have been unable to determine if that assessment represented a dissident or consensus view inside the U.S. intelligence community.

Ignoring Substance

The new JIT report doesn't address much of substance, such as the findings of Dutch (i.e., NATO) intelligence that the Ukrainian military had several powerful anti-aircraft missile batteries in eastern Ukraine on July 17, 2014, and that the Russian-backed rebels had none, nor does it reference the dog-not-barking silence of U.S. intelligence.

Still, the JIT "e-zine" report bubbles enthusiastically about the investigators' comradeship with their Ukrainian hosts, despite some early difficulties.

> "An incredible amount of research material; differing legal systems and initial unfamiliarity with each other. Despite this, both Australian and Dutch members working in the Field Office in Kiev have managed to build good relations with each other and with the Ukraine to effectively conduct the investigation into the MH17 crash,"

the report said.

> "In an office building in Kiev, Australian and Dutch investigating officers are working in cramped conditions in a small room. The working conditions are far from perfect, but the small room has a great advantage: the investigating officers cannot possibly get round each other.
>
> "They are professionals who recognize each other's love for the police work. They understand each other's circumstances. And they are, regardless of their country of origin, motivated to do their utmost to uncover the truth. …
>
> "Beyond the investigation area of the MH17 investigators office is a long narrow room filled with desks, after which there is another small room. Not exactly a room like you may imagine on the basis of the name 'Field Office', but still, it is the name used for this accommodation. …
>
> "'The thing is to see how you can keep it workable", says Van Doorn, 'we like practical solutions. That means 'poldering' [the Dutch practice of policy-making by consensus]."

It's clear that the JIT investigators from Australia and the Netherlands have fallen into routines from their long stints in Kiev, as the "e-zine" report describes in its golly-gee-whiz style:

> "Every morning, a minibus brings investigating officers from the hotel to the Field Office and back again in the evening after their long days. In the meantime, the investigating officers make various interesting discoveries. Every time persons or locations are identified, they experience a eureka moment, especially if after several checks all data prove to be correct.
>
> "'This is the most complex and difficult investigation I have ever been involved

with in my police career', says Donoghoe, 'but we are all extremely motivated to do the best investigation possible. We won't stop before the perpetrators of this tragedy can be brought to court.'"



Image: President Barack Obama talks with President Petro Poroshenko of Ukraine and Commerce Secretary Penny Pritzker following a bilateral meeting in the Oval Office, Sept. 18, 2014. (Official White House Photo by Pete Souza)

But the question is whether the investigation has been so tainted by its reliance on the SBU, an intelligence service which is controlled by a chief suspect (the Ukrainian government) and whose responsibilities include shielding the state secrets of that suspect. The SBU is also directly engaged in warfare against the other chief suspect (the ethnic Russian rebels).

That obvious conflict of interest should have prompted the JIT to establish clear parameters that guaranteed the independence of the investigation. But the new report makes clear that no such lines were drawn or observed.

[For more background on this controversy, see Consortiumnews.com's "More Game-Playing on MH-17."]

Investigative reporter Robert Parry broke many of the Iran-Contra stories for The Associated Press and Newsweek in the 1980s. You can buy his latest book, America's Stolen Narrative, either in print here or as an e-book (from Amazon and barnesandnoble.com).

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