

МИНИСТЕРСТВО ТРАНСПОРТА
РОССИЙСКОЙ ФЕДЕРАЦИИ
ФЕДЕРАЛЬНОЕ АГЕНТСТВО
ВОЗДУШНОГО ТРАНСПОРТА



MINISTRY OF TRANSPORT
OF THE RUSSIAN FEDERATION
FEDERAL
AIR TRANSPORT AGENCY

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To the kind attention of the
President of Council of ICAO
to Mr. Olumuyiwa Benard Aliu

Dear Sir,

We are addressing to you on the issue concerning the actions of the Council for Safety of the Kingdom of the Netherlands (DSB) investigating the crash of the Boeing 777 aircraft operated flight MH17 in the air space of Ukraine on July 17, 2014, which cause our deep regret and bewilderment.

The Netherlands party so far not in full volume and extremely partly uses the comprehensive information relating to investigation provided by the Russian side in accordance to the standard 5.14 of the Appendix 13. We already draw the attention of DSB, that the Russian Federation is one of the few countries, having practical experience of investigation of aviation incidents, including fighting defeat of the civil aircraft, received in connection with Tupolev 154 plane accident over the Black Sea in October, 2001. However our knowledge in this very specific area is ignored.

The approach accepted by DSB breaks one of the basic principles of investigation of aviation incidents, i.e. the principle of sequence of conclusions. Instead of study consecutively the nature of fighting damages of fuselage's front part, DSB sets as a purpose of the investigation to prove, that the aircraft was defeated by the "BUK" rocket, and from the location called right after accident - even before any researches in spite of the fact that characteristics of the warhead, which has brought down the plane, were not clarified. Basic data and methods of the definition of a place of rocket's start are not named by DSB.

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In these non-professional attempts to establish the cause of accident, the objective data declared by DSB of the arms, which were designed by the Russian enterprises, are keeping secret.

During the two meetings, the Russian enterprise JSC Almaz-Antey Concern - the designer and the manufacturer of rockets "BUK" - in details and with deep arguments explained the principles of design of a ground-to-air rockets 9M38 and 9M38M1 of the "BUK" type, conditions and aims of their fighting utilization, feature of technical, flight and ballistic characteristics, algorithms of work of a radio detonator, feature of a design of a warhead, results of real experiments on blasting a warhead of the rocket were submitted. It is necessary to emphasize separately, that especially for the investigation these data were declassified by the Russian side and were transferred to the commission without any restrictions for further use what was the first similar case in the history of the international cooperation and investigation of aviation incidents in civil aviation.

In the presence of the commission's members, the Concern's specialists presented the detailed calculations showing under what corner, with what fragmental field the striking elements "BUK" rockets could hit the target. There were some scenarios of hitting the plane by the rocket.

All these calculations are denied by DSB. As a result, DSB make conclusions which contradict the common sense and the design's principles of the arms systems of arms of this type. It belongs to a definition of a detonation point and the structure of pre-formed fragments of the rocket warhead. The Russian experts from the Air Force Central Research Institute of the Ministry of Defense of the Russian Federation and JSC Almaz-Antey Concern made these calculations separately from each other, but received the identical distance at which the detonation could be happen. Moreover, during a trip in August of this year our experts demonstrated it evidently to the members of the commission using fuselage's fragments. Trasological investigations showed that the measured distance completely coincided with conclusions made by the Russian side (explosion happened at a distance of at most 1,6 m from a pilot's cabin while the commission initially insisted on 4 m - without any objective justifications of this distance).

There is absolutely not clearly, what methods were using to calculate a point of rocket firing. In particular, based on the information on a "BUK" rocket fragments area, the specialist of Concern calculated (and presented all calculations to the commission) that in case of rocket start from the Snezhnoe locality and in case it was a "BUK" rocket, on what the commission insisted from the very beginning, the nature of defeats would be absolutely different. The rocket would approach on a head

course, and, in particulars, the left side of a pilot's cabin, at which the vitrescence even remained, would be completely destroyed.

Results of all these researches do not cause DSB experts interest and are completely ignored by them. The invitations to come to Russia and to examine independently the basic data for carrying out such calculations were remained without any answer.

The pre-formed fragments allegedly found on a place of aviation incident, were submitted half a year after the investigation beginning. The confirmation, prescribed by the appropriate document, including a detection place, primary examination and withdrawing of pre-formed fragments are not shown in the final report.

The Russian side several times draw the attention to the necessity to identify the pre-formed fragments, their form, weight, the sizes and material type, but such work was not carried out. As a result, a year after the accident, there is no fact or proof what could connect the found pre-formed fragments with rockets of any types.

There is a doubt that these pre-formed fragments are linked to the accident due to the weight 5,5 grams of one of the presented pre-formed fragment similar to the bow-tie or "butterfly". Thus the initial weight of elements of this fraction makes 8 grams while the natural experiments made by Almaz-Antey Concern showed that as a result of detonation the pre-formed fragments lose up to 10% of weight - but not 40%. Moreover, the carried-out experimental detonation showed that fragments of heavy fraction of bow-tie leave the characteristic holes in the form of the butterfly, but any similar holes are not found in the remained fragments of the aircraft.

There is a lot of questions regarding the researches (not so full) of the metal of which these elements are made. The Russian side urged to conduct these researches firstly since based on the type of steel it is possible to clarify precisely the type of the rocket to which the element belongs, but the commission did not start these investigation for the whole year without any reasons. But also the data presented during the last trip cause many questions. In particular, in the presented data the content of a number of the basic chemical elements is not indicated without what it is not possible to define the material's type of the pre-formed fragments. On our question, whether more detailed researches of a metal which will precisely allow to establish rocket type were conducted, the Russian side received the answer, that "such task did not stand".

Taking the above mentioned into consideration, we would like to draw your attention, that currently there is no proof that this aircraft was destroyed by the "BUK" rocket.

Besides the presented data of JSC Almaz-Antey Concern, specialists of the Russian Central Research Air Defense Institute of the Ministry of Defense of the Russian

Federation, having studied during a trip to the Netherlands aircraft fragments, conducted their own research and also calculated characteristics of the weapon with which the plane was destroyed, the weight and number of pre-formed fragments, and the conditions of its contact with the aircraft.

According to these calculations, the weight of the warhead was no more than 33 kg, and the main warhead was equipped with pre-formed fragments with weight around 3 g in a quantity of 2000-4000 pieces approximately. These characteristics do not correspond to the "BUK" rocket warhead parameters at all. All calculations were also submitted to the investigational commission, but unfortunately were absolutely ignored.

We would like also to point out, that while providing the data on "BUK" rocket 9M38 and 9M38M1 characteristics we were based on the UN Security Council resolution No. 2166(2014) and in this regard we were waiting for the mutual openness from the DSB experts. However any our questions and proposals on carrying out the researches what can allow to indentify the warhead studying the pre-formed fragments, remained without any answer referring to the absence of tasks and restricted information received during the criminal investigation.

This unprecedented closeness of the investigation and partly announced information concerning new facts, even for the members of investigation, keeping us very surprised.

For example, on July 02, 2015 in accordance to the Annex 13 to the Chicago Convention DSB started the official consultations on the draft of the final report with the member states of investigation. As a result of consultations, on August 11, 2015 it became known from DSB official public statements, that among segments taken out from a place of aviation incident there were found the additional important proofs, i.e. the fragments which probably belong to the ground-to-air "BUK" rocket. Based on DSB statement, in accordance with the Annex 13 during the investigation the research of the mentioned fragments is not provided, due to the special interest to them announced by the Joint Investigation Team (JIT) carrying out the criminal investigation.

Providing on a later stage the data on a detection of rocket's fragments and DSB refusal of their appropriate investigation in line with the other data received, can be considered as violation of standards 5.4 and 5.10 of the Annex 13, requesting from the investigation carrying state, to analyze all relevant information on this aviation incident, as well as to provide coordination with the legal authorities, paying the

attention to the respective proves which demand the immediate registration and the analysis for the investigation's success.

In this regard it is required to initiate works for establishment of the area in which the rocket fragments were found (if they were found), to identify the rocket on the signs, known to the designer and the manufacturer, and also to investigate its movement between military units after its going out from the factory.

We would like to remind, that in the beginning of investigation the Russian Federation draw the attention, that during the investigation is required to analyze the utilization of the "BUK" rockets in the Ukrainian army. However, according to our information, this job was not done. Additionally it was not submitted neither information concerning the radio exchange between the Ukrainian military ATC controllers on a day of incident nor plans of the Ukrainian military aviation flights, there was only a statement unsupported by evidence that there was no flights, what was disproved several times by many witnesses. Also, based on our information, Ukrainian side did not submit the information regarding the data on the use of all types of arms including both, "ground-to-air" and "air-to-air" rocket types, and also their location at the time of plane crash.

Due to concentrated on unsuccessful attempts and restricted for Russian arms specialists the information on aircraft damage, the time to understand what had happened with the flights MH17 was missed. Therefore the data submitted in two months before the announced the publication date of the final report by DSB on a rocket fragments (fragments were not shown to members of the commission) are considered by us as the last attempt to create public opinion in order to justify earlier made conclusions and statements.

In addition to the above mentioned faults, the draft of the final report does not contain any the analysis of the measures taken by the Ukrainian authorities providing flight safety over an armed conflict zone. There is no answer to a question - why the air space was not closed, despite the utilization of the military aviation and other types of heavy arms in the east of Ukraine. We think reasonable that the answers to these questions should form the base of conclusions and recommendations to be included in the final report. In our opinion, this question unfairly remained beyond the scope of the investigation made by DSB.

Based on the mentioned in the resolution of the UN Security Council No. 2166(2014) the importance to apply full, careful and independent international investigation of incident with the Boeing 777 aircraft, the flight MH17, strictly in accordance with the leading principles of the international civil aviation and the crucial role of

International Civil Aviation Organization, the Aeronautical Authorities of the Russian Federation would like to ask you, Mr. President, to consider a situation with the investigation of the specified accident which is carried out by Council for Safety of the Kingdom of the Netherlands (DSB).

We hope that intervention of such an authoritative organization as ICAO, will not allow to falsify the investigation as it so at present and to fully ignore the provisions of the Chicago Convention. At the present moment the Russian Federation is connected by norms of carrying out investigation therefore we have the right to address only in the closed mode to members of investigation. Certainly, after the end of investigation, in case of an unchanged of the described approaches, we will do our best in order to provide to the world community all truth about said investigation.

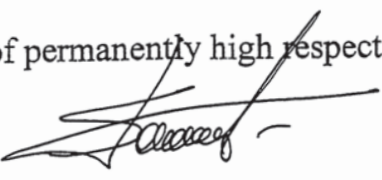
We also send to you the Russian side comments to the draft of the commission final report with the detailed statements and justification of all our remarks.

The Russian side again would like to confirm its invitation to foreign experts to come to Russia and to study basic data of all researches and calculations as well as to visit the factory - producer of "BUK" rockets in order to examine visually the principle of their activities. We are also ready to provide you any equipment for carrying out the necessary tests, including metal dealing, and we suggest you to analyze together with the foreign experts the obtained data to exactly define what type of arm was used the aircraft struck.

Providing this information, the Russian side takes an opportunity to assure you once again in our full support of the resolution of the UN Security Council No. 2166(2014) and ICAO efforts, as leading international professional organization, what coordinates actions of the states which are taking part in the international investigation of the Boeing 777 aircraft, the flight MH17, crash.

Attachment: 48 pages

Please accept assurances of permanently high respect,


Oleg G. Storchevoy,
Accredited Representative of the Russian Federation
in the International Investigation Team of MH17 crash,
Deputy Director of the Federal Air Transport Agency