

Search Among The Sunflowers: Episode 4 – Bow Ties and Buttonholes

Narrator: Before we start, a word of warning that this podcast contains content some people may find distressing. It contains depictions of real-life traumatic events, including commentary around significant injuries and death. This episode contains language that may be offensive for some people and is not suitable for children. Listener discretion is advised.

Brian McDonald: The crash site was strewn with fuselage, and I think it was Hilda that showed me that there was a bit of fuselage that made it quite obvious that the plane had been shot down.

Hilda Sirec: That was the first time that I really saw something that would have convinced me completely that an external force, not from the plane's own doing, had impacted the side of the fuselage.

Simon Walsh: We knew that if we could examine that particular piece of fuselage that would have significant forensic relevance.

Narrator: This is Search Among the Sunflowers, looking for truth in the world's biggest crime scene. A story of courage, determination and humanity, and the lifelong connections that can come from tragedy. It's also a story about the unwavering dedication of the Australian Federal Police to provide investigative, intelligence and forensic expertise, in pursuit of justice for victims of crime, and the families left behind.

Episode 4.

In the immediate aftermath of the MH17 tragedy, families, governments and people the world over were hungry for answers. And across an enormous crime scene in the middle of an active conflict, international law enforcement were working around the clock to find those answers.

AFP Assistant Commissioner Hilda Sirec was a Detective Sergeant at the time and one of the first to access the crash site. Together with her AFP colleagues, Hilda scoured the site for any clues that would bring them closer to understanding just what had brought down MH17.

Hilda Sirec: We were able to retrieve, it was like an olive green piece. It was like a bow tie, a bow tie fragment piece, which we saw lodged into pieces of the fuselage. And when we went around and saw other big pieces of the aircraft, we could see similar holes matching this type of fragmentation piece. We had a hypothesis that this

fragmentation, these little bow tie things weren't indigenous to the planes, that they were probably introduced into these planes. You could clearly see that these fragments had caused the fuselage to peel from the outside in. They were quite uniform. It didn't even feel like that they were really that affected by, um, charring or fire or anything like that.

Being a bomb technician, that's quite often how explosives or shotgun shells or something like that introduce impact to cause damage to things. And that is by introducing an external property to accompany the explosive and it causes damage. So we collected these, put 'em in the plastic bag and just took them from the crash site. The fragments later were identified as, and they call them bow tie fragmentation, consistent with a Buk missile.

Hilda Sirec: We saw a piece of fuselage which looked like the door of the side of the plane and it was lent up against a telegraph pole. And for me, that was the first time that I really saw something that would have convinced me completely that an external force, not from the plane's own doing, had impacted the side of the fuselage. And I saw these indents and holes in the side of the fuselage around the door area and they had been really curved in quite significantly. It was unmistakable that there was kind of the pocking of an external sort of fragmentation on the fuselage consistent with an external force hitting the side of the plane at that area.

Narrator: Having trained as a bomb technician with knowledge around the characteristics of explosives, Hilda knew this piece of the aircraft was critical evidence.

Hilda Sirec: And I started to take not only photos, but measurements. And my only way to give scale and perspective was through a pen that I had with me at a time. My forensics kit didn't have a ruler with me, so I started to take some scale and some perspective photos of it. And I thought to myself, that's it. For me, when I had a hypothesis that something had impacted the side of the plane, in terms of someone else is responsible for the bringing down of the plane, that's the one that really crystallized it for me. I was so interested in that piece and it was so important for us that I remember I said, this is, this is gonna tell the story. This is what we need to take.

Narrator: Hilda's photos from the crash site – along with others taken by both investigators and journalists – would be invaluable to the AFP forensic team, led by Chief Forensic Scientist, Dr Simon Walsh.

Simon Walsh: There were key images where we knew that if we could examine that particular piece of fuselage that would have significant forensic relevance. So in amongst those images, some of those images would have metadata all available openly. That metadata told us where that image was. So our team here provided intelligence and provided guidance and ultimately really helped to direct the search

strategy, so that when we had members available and able to search the incident site in Ukraine, that search could be targeted where possible to particular relevant items for the forensic investigation.

Narrator: The eventual recovery of the pock-marked fuselage, together with the signature bow-tie fragments which had earlier been collected from the crash site, would change the course of the investigation. It would soon become clear that MH17 had been struck by a Buk surface-to-air missile.

As the search for truth continued, more and more experts from around the world would join the investigation.

Gerrit Thiry: My name is Gerrit Thiry. I'm a Superintendent working for the National Crimes Squad, uh, of the National Police in the Netherlands. And from day one, I'm the coordinating team leader, the senior investigating officer of the MH17 investigation.

Narrator: The MH17 Joint Investigation Team, otherwise known as the JIT, was formed in early August 2014. It would bring together some of the most experienced investigative and forensic specialists from across the globe. The team was led by Dutch police officer, Gerrit Thiry.

Gerrit Thiry: I think on the 8th of August, we had the first meeting at the office of, uh, Eurojust. And the decision was made that we would work together with the five countries. Of course, Ukraine, because the accident was in Ukraine. Malaysia, because it was Malaysia Airlines. Uh, Belgium, because if you want to start a joint investigation team, you need two member states, and we know the Belgians very well, we speak the same language so that made it pretty easy. And Australia because they also had a loss of a lot of citizens. And because of the fact that the Netherlands had 196 Dutch passengers on board, a decision was taken that Netherlands would take the lead in the investigation would be the JIT leader. And later on it was also decided that the Dutch prosecutors would prosecute.

Narrator: At the time, Federal Agent Ian Nelson was the AFP's Police Liaison Officer stationed in the Netherlands.

Ian Nelson: We formed the Joint Investigation Team in August 2014. So although we actually were on the ground and already starting to collect what evidence we could from the crash site, it was important that we had a situation where we had a legal framework that, as this information and evidence was, was gathered, was placed into a format that could be used in whatever jurisdiction or whatever tribunal that ultimately was gonna be determined in a criminal way, or indeed to assist with, um, the Dutch Safety Board investigation into the crash itself.

So that painstaking collection of evidence crossed the complete scope of the policing capabilities from the Dutch, Australian, Ukrainian, and the Malaysian experts and our Belgian colleagues, and each country contributed certain expertise. So we were all working towards as best common standard as we could, and the highest standard that we could. But that collection of evidence went for years it wasn't just looking at the crash sites in 2014 and 2015 for the brief time we were able to get back.

But in terms of the things that you saw in court in relation to the experts that were analysing the material that was located, the forensic investigation continued for another couple of years. The review of telecom was going right up until the point where material was being provided up until the commencement of the trial. So we continued to speak to witnesses as they came forward over the years. Talking to witnesses was occurring right through and up until the beginning of the trial and shortly after the trial started if there was somebody available to speak to us, we'd review what type of information they might have had and then we interviewed them.

Narrator: The JIT had the complex task of establishing what had happened to MH17, to try and identify who was responsible, and to deliver an irrefutable brief of evidence for a criminal prosecution. It would be a long process.

Gerrit Thiry: Everything cost extra time, because we validated all the information. And normally, intercept information, uh, is accepted as evidence in the Netherlands, for example. And we put a lot of energy in validating all kinds of information so that was a problem. Of course, the language was a problem. Um, we had to translate a lot of, uh, information from Russian and or Ukraine language into English or the Dutch language, so that cost us quite a lot of energy. Same with the prosecutors. Of course, you can say eight years is a long time but yeah, that explains why it took so long.

Gerrit Thiry: I really felt the responsibility. You can do this only once in a good way. I mean, you don't have a, a second chance. I wanted to try to give the answers the next of kin were looking for. I still remember very well the first time when we gave a international presentation on the 28th of September 2016, the first time that we came out with information. And, uh, we got goosebumps when the presentation was finished, all the next of kin stand up and started to applause. That was, um, for me, at least a moment that I said, well, this is what you are doing it for. Um, yeah, that was quite uh, a moment.

Narrator: In 2014, Assistant Commissioner Peter Crozier was the AFP's Commander in charge of counter terrorism operations. He says working with international partners on investigations such as MH17 has long been part of the organisation's fabric.

Peter Crozier: I think one of the things that's really important to note is our relationship with the Dutch National Police and, and its predecessors didn't start in July 2014. These have been long developed relationships and ones of absolute confidence. Importantly, they're relationships that are built in the good and the bad times. We were familiar with each other's systems, although our systems are very different, and the way that we work can be sometimes quite different. But our values are the same. Our mission is the same. And I think irrespective of whether you're the AFP or the NPN or the RMP or the Belgian National Police or the Ukrainians, our values and our missions are all aligned, and that is the protection of our communities.

Narrator: It didn't take long for theories to start emerging about who was responsible for bringing down MH17. Proving those theories would require evidence, international support, and incredible amounts of patience. At a time when conflict was raging in Ukraine, for Australian officials like then Foreign Minister Julie Bishop, pursuing a criminal case also required precise international diplomacy.

Julie Bishop: We didn't have an embassy in Ukraine <laugh>, a point the Ukrainians made to me many times over. And we set up a pop-up embassy that had not only Australian Defence Force and special forces and federal police, but people from Prime Minister and Cabinet, from Attorney General, obviously DFAT. We had people from all over the public service who were spending that time in Ukraine focusing their skills and efforts to achieve the outcome of recovering the bodies and then commencing an investigation that would ultimately seek to hold those responsible to account.

Russia was obfuscating. They were disrupting processes. They were objecting to everything we did. They had a propaganda campaign that suggested the investigation was biased, it lacked integrity. So it was, you know, August, September? I can't remember when the ASEM meeting was, the Asia Europe meeting in Milan. And Tony Abbott was asked by the Australian media what he would do about President Putin disrupting the investigation. And Tony said somewhat obliquely that he would 'shirt front' him. I assumed it was some sort of sporting analogy. But the next person to meet with President Putin was me.

And I was sent to that ASEM meeting, which was only for leaders, but they made an exception that I was allowed to attend. So there were about 30 leaders, probably 15 from Europe, 15 from Asia, loosely speaking, in a room. And each leader was surrounded by advisors. And some with security and some with translators. But at one point, the Italian Chair asked for all advisors to leave. And I looked across and Putin was alone. Not even his interpreter was with him. He was sitting alone at the table. So I thought, this is the only opportunity I'll probably ever get to confront President Putin and give him Australia's perspective on the way Russia was behaving.

And so I hot-footed it around to the other side of the table, I leant forward and said, President Putin, I'm Julie Bishop Australia's Foreign Minister. He said, "I know who you are." He spoke perfect English. He stood up, we walked away from the microphone, and we had about a, I would say, 15 minute conversation. I put to him Australia's position and I also said, I remember this clearly, that Russia, as a permanent member of the Security Council, had a special responsibility to uphold international peace and security. And it was not doing that by virtue of the stance it was taking over the investigation into MH17. I, uh, answered a number of questions. He spoke slowly and deliberately. He stares, he doesn't blink, and his eyes did never leave my face. And then after I'd finished putting Australia's position, he just shrugged and said, "So this is what you call a shirt front". Mocking. And I said no, it's more of a buttonholing.

Narrator: While Julie Bishop was 'buttonholing' Vladimir Putin, investigators were working to bring evidence from the Ukrainian fields back to the Netherlands. Back to the temporary mortuary inside the military base of Hilversum, where some of the world's leading forensic experts were waiting, including the AFP's Chief Forensic Scientist, Dr Simon Walsh. In parallel to the victim identification process, they were building a considerable collection of debris – enough to begin the intricate process of literally piecing together what had happened to MH17.

Simon Walsh: Our counterparts from agencies like the Defence Science and Technology Group were really critical 'cause they're experts in warfare systems, missile systems. They're experts in how those missile systems impact airplanes and what would happen afterwards and so on, so all of that type of advice and expertise was really important.

Then we had other information that was recovered from the crash site, such as pieces of fuselage, and ultimately that was brought back to the Netherlands in a large scale recovery effort and the plane was reconstructed as possible. And that was a really key aspect and opportunity to examine those pieces of evidence as well.

So essentially we had to find the ground truth material and see whether or not any of that's been recovered in the incident. So the ground truth material meant actually deconstructing Buk missiles in the Ukraine, finding the fragments of shrapnel that were used in those missiles, characterising them forensically and chemically and otherwise, and seeing whether or not they're the same fragments that we thought we'd recovered from victims or from the fuselage and so on. So that type of analysis was some of the work that was done to ultimately confirm the manner in which the plane was brought down and have that confirmed forensically and ultimately accepted by the court.

Gerrit Thiry: The first time that we got pieces of, uh, the weapon, so that we knew that, uh, MH17 was shot down with a Buk missile, that was a moment of happiness, of course, for us.

Narrator: In 2015, Julie Bishop would begin her push for the United Nations Security Council to condemn the incident and hold those responsible to account in an international criminal tribunal. She'd already successfully lobbied the Council to vote in favour of Resolution 2166, which allowed investigators access to the crash site in 2014. Hopes were high of repeating that success one year on.

Julie Bishop: We got 2166 through with the Russian support, but by the time we got to another vote in July of 2015, Russia's position had hardened considerably. Russia vetoed every attempt to set up an international criminal court or any kind of international investigation with UN Security Council backing. So ultimately, we had lawyers working relentlessly to find ways and means of bringing those responsible to account. But we had a number of investigations first. There was the Dutch Transport Board. Ukraine then had to hand over its rights under civil aviation laws to investigate the crash site because normally it would be the country where the crash occurred but Russia wouldn't accept that. So there were a lot of legal and technical issues that had to be resolved just in order for the investigations to take place to gather the evidence.

There were five countries that set up the Joint Investigation Team - Australia, Netherlands, Malaysia, Belgium, and Ukraine. And those five countries had to work to do the investigation. There were about 20 grieving nations who we also had to keep informed of what we were doing. And then, of course, keeping the families informed every step of the way.

I guess the decision that was handed down was bittersweet in that it confirmed that Russian military were involved with Russian military hardware. But if they will ever be actually tried and convicted and receive punishment is a moot question. Mind you, it can sometimes take decades to bring people to account. And it does happen. It can happen, and it does happen.

Narrator: Bringing people to account relied heavily on the collaboration and expertise of the five countries involved in the MH17 Joint Investigation Team.

Digna Van Boetzelaer is a Dutch Deputy Chief Prosecutor who, from 2019, led the MH17 prosecution on behalf of the JIT. For Digna and her team, that international collaboration was critical.

Digna Van Boetzelaer: I think the, uh, sort of endurance in this investigation, it was so helpful but also important that it wasn't just the Dutch. That we were there together in

this, in this joint investigation. And that you sort of always felt that it's not only the Netherlands, but that it was an international effort. And I think that the Australians really also felt it that way, and that the endurance or the sort of commitment, uh, I felt with the Australians was important. So that we sort of, we were not alone on this.

There was a lot of information, but information is not really immediately evidence, because what was special in this case is that there were lots of wiretap conversations because it was wartime and the Ukrainian, uh, security service had been wiretapping lots of persons. So there was a lot of information and wiretapped phone calls. But finding your way in this big heap of phone calls, that is of course difficult work. And there was a lot of information on social media, like people who tweeted or had made photos or films or, uh snapshots of the Buk or whatever, that was also a lot of information but you had to retrieve that and then of course, see is it true or is it not true?

And then finding witnesses, that was a real job and difficult because also of the security risks for the witnesses. So there was a lot, but finding your way in it and what means what, and is it true or is it disinformation? That is where the work comes in.

Narrator: For the AFP's Ian Nelson, it was the early work on the ground in Ukraine from officers including Hilda Sirec, Brian McDonald and others that made it possible to forge ahead with criminal charges.

Ian Nelson: I think it was the combination of the physical evidence that was found, the wealth of information that was obtained from witnesses either directly or indirectly in terms of videos and photographs and descriptions of what they saw, to be able to piece together such a critical part of the evidence. So the stronger it got, the more confident we, we were that the right outcome had been placed. Which is why it, you know, it had been announced before the criminal trial that we had our very strong convictions of what had actually occurred to the flight based on the Dutch Safety Board report, the criminal investigation from the JIT.

So we were very confident about what had happened. We were just then preparing what we needed to look at the individuals involved. So that validation of those questions was, was critical for us in terms of looking at the wealth of evidence that we had collected over the years.

Narrator: Around 8,000 fragments were eventually recovered from the crash site, some large and intact, others merely shreds, and a full-scale reconstruction began in a Dutch hangar. At its completion in 2020, the reconstruction of MH17 showed that shrapnel had ripped through the cockpit, tearing it apart from the rest of the plane.

102 holes were found in the pilot's window.

After the cockpit was torn away, the body of the plane continued to fly... for another minute and a half.

Ian Nelson: Our purpose was to find the truth. And sometimes the truth isn't always the outcome that people want to hear, but it's important that we made sure for the next of kin that the investigation was as professional and as thorough as we possibly could. They understand the challenges that we had from day one. They knew that from, uh, the media. They knew that from what we were telling them, what was happening. We give them what we can at the time, the most appropriate and thorough briefings that we can to make sure that they have a sense of comfort that what we're doing is appropriate and correct.

Narrator: In the Netherlands at the time in the Netherlands, Deputy Chief Constable Andy Kraag was Head of the Dutch Police National Criminal Division and led the country's MH17 investigation working as part of the JIT.

Andy Kraag: This is an international investigation like no other. Um, everything that we'd done in the investigation of MH17, um, is international with all the partnership. If it wasn't for the partnership with the JIT partners, for instance, with the Australians, with the cooperation, then we wouldn't have succeeded. We wouldn't have come so far as we've come in now at this point.

Narrator: Having suffered the greatest loss of life in the MH17 tragedy, it was only natural that Dutch authorities would work day in, day out, in pursuit of an outcome that would have significant meaning for everyone involved. It would be an exhaustive investigation lasting more than 8 years.

Andy Kraag: I cannot imagine for the, the family side, of course. And compared to the family, it is just a slight toll. And even for me, myself, I think the hardest toll was on the investigators themselves. They've been in there from day one for more than eight years, and it's their life goal actually for the last eight years. So, there hasn't been a lot of investigators who've been working on a case for eight years this intensively day in, day out. And also this internationally with all our partners, including the AFP.

Narrator: Three years after MH17 was destroyed over farmland in Eastern Ukraine, an announcement was made that the five JIT countries would prosecute any suspects under Dutch law.

On the 19th of June 2019, three Russians and one Ukrainian were charged with 298 counts of murder.

In the District Court of The Hague, on the 9th of March 2020, the trial began. None of the defendants were in court to hear the names of those they were accused of murdering read out loud.

This announcement alone would take an eerie seventeen and a half minutes. In the courtroom, you could hear a pin drop.

The District Court of The Hague would spend the next two and half years carefully assessing the evidence collected over the course of the investigation. In the end, there was no doubt. The authenticity and validity of the evidence was undeniable – a Russian-made Buk missile had shot down MH17, killing all on board.

Three of the suspects were handed multiple life sentences.

Narrator: When the AFP's Hilda Sirec reflects on her time in Ukraine, it's a bittersweet memory.

Hilda Sirec: This would undoubtedly rank as one of the standouts of my career and will probably remain. It's the most unusual, surreal thing that I think any police officer gets to be involved in, will probably be involved in. It's the most sort of internationally focused, scrutinised incident that I've ever been involved in.

But more importantly, I've never been involved in a incident that has so many victims, but so many family and friends searching for the truth. The trust that they unwittingly put in me and others to find out the truth is what will always stick with me.

Narrator: In the months and years following the crash, the MH17 tragedy would continue to reverberate around the world. For the families and next of kin of those who were on board, theirs would be a deep and painful journey into the cycle of grief. But they would not have to go through it alone.

In Australia, AFP FILOs were assigned to all those immediately impacted by the tragedy. And as days became weeks, and weeks stretched into months, it would be these AFP officers helping the next of kin take the first steps towards healing.

Meryn O'Brien: Yeah. I just always had this sense of everybody did their job and like, yeah, all these systems like started and people weren't like mushy or sentimental.

Jon O'Brien: They're not sentimental.

Meryn O'Brien: Or, or fake.

Jon O'Brien: But they're caring.

Meryn O'Brien: But just calm and competent and honest and, and human. Um, yeah, and I'm forever thankful for that.

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Australian Police Officers and other emergency workers can also seek assistance from support services available within their organisation, or from the National Emergency Worker Support Service.

You can learn more about this service at blackdoginstitute.org.au.

Search Among The Sunflowers is a Media Heads production, produced in conjunction with the AFP.

This episode was written by Anna Spargo-Ryan, with additional research by Dave Carter.

Audio and sound design by Dom Evans and Josh Newth at Earsay.

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