

Passionate Professionals: The Dutch Police Response to the Shooting Down of Malaysian Airlines' MH17 in the Ukraine (2014)

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On 17th July 2014 my life changed as it did for many with me. At a stroke I lost through the crash with the MH17 my dear, life loving parents ---- My life was suddenly turned upside down. The extended and complex aftermath was intensive and exhausting. What exactly would I get back of my parents and when? Many people that I had never known before suddenly started to play an important role in your life. Day in and day out they tried with heart and soul to bring the victims back. What an incredible bunch of people. They have meant such a great deal to us ---- I'm eternally grateful to them. (Family member of victims: Meulenbroek and Poley: 2015: 13).¹

(i) Introduction: Out of the blue

This article is about an unforeseen event that was not among anyone's disaster scenarios. For literally out of the blue, an unprecedented disaster for the Netherlands occurred in 2014: and responding to it meant entering unknown territory for police and many other agencies. For the Dutch this brought something of the impact that 9/11 had for the US or 7/7 had for the UK, although this was not on home territory. It was in fact the shooting down of Malaysian Airlines' Flight MH17 from Amsterdam to Kuala Lumpur with 298 people on board of whom 196 passengers were Dutch. All on that flight died when the plane was hit by a missile above a conflict zone in East Ukraine. It was one of those indelible calamities that unite the Dutch nation – like the catastrophic floods of 1953 with some 1800 fatalities – and it touched everyone and moved many abroad. Responding to it required a swift and concerted effort at many levels, by many agencies and by many actors. Here, however, the focus is primarily on one particular facet of the calamity: namely the recovery of victims and the identification process. In that a pivotal role was played by a specialized police unit - the "LTFO"- which contains highly skilled and even "passionate" professionals.

¹ This book entitled *MH17- The Voyage Home / MH17- De thuisreis* is based on interviews with relatives of the victims and members of the LTFO. The Dutch police magazine *Blauw / Blue* has an extensive reconstruction of the MH17 project with quotes from leading players in the LTFO (29 November 2014). It covers various operational elements of the project as well as communications and relations with the families. I have drawn on these considerably along with other material from the Dutch media.

LTFO stands for National Team for Forensic Investigation / *Landelijk Team Forensische Opsporing* which contains within it "Disaster Victim Identification" members known as "DVIers". It was set up in 2007 to deal with the aftermath of terrorist attacks and following a specific, high-profile murder case leading to a recommendation for a more central and effective forensic response. It is part of the National Police (NP²) since 2013 which falls under the jurisdiction of the Ministry of Security and Justice which also houses the Public Prosecution Service / *Openbaar Ministerie* - hereafter the "PPS". The LTFO cooperates in partnership with the Ministry of Defence and the NFI / National Forensic Institute / *Nationaal Forensisch Instituut*. The civilian specialists of the NFI conduct all the specialist forensic investigations requested by the NP, PPS and other government agencies.

The LTFO unit comprises about 150 members of diverse expertise who work regularly in their respective domains but are on call to respond to incidents at very short notice.³ The specialisms cover investigations related to explosions, fire, explosives, explosions and bombings and the recovery and identification of bodies or body parts. It comprises two types of core member. Next to the forensic police specialists there are also external affiliated specialists: Laurens Tinsel, for instances, is a forensic periodontologist who works in a dental clinic in Utrecht but is also a core member of the LTFO and is on call for working with it at home and abroad (*Algemeen Dagblad*, 24 January 2015). The bulk of the staff are officers of the NP with a diverse range of forensic expertise: there are also officers seconded from the *Koninklijke Marechaussee* / Royal Military Constabulary. The latter is referred to as the "Kmar" and answers to the Ministry of Defence as it is an integral part of the Dutch Armed Forces. It consists of military trained police who perform diverse tasks including border control, royal protection, support to the regular police, investigations within the military and accompanying military and civil missions abroad. The Kmar also provided an escort for Dutch officials and LTFOers in the Ukraine from its "BSB" for Brigade for Special Protection Duties / *Brigade Speciale Beveiligingsopdrachten*.

The LTFO is, then, the primary focus here. On a broader scale, however, what happened after the shooting down of MH 17 changed the lives of many people for ever. It further demanded an intense and immediate effort from multiple agencies in a number of countries and from many diverse actors. This high pressure and trying commitment stretched institutions, and people, to the full. This was, however, especially the case in the Netherlands. The Dutch Prime Minister (Mark Rutte) and his Cabinet played an important role: and there were key functions too for the Ministries of Defence, Foreign Affairs and Justice (formally "Security and Justice"). Some elements of the disaster and its aftermath were played out at the highest level of international politics and diplomacy within the EU, NATO and the UN. Indeed, the diverse investigations could have serious geo-political consequences with the audit trail possibly

² The Dutch Police Service had just become a national force in 2013 meaning that there was a single force for the whole country with one central headquarters and one Chief Commissioner in The Hague.

³ They can be away from their office for months on end.

reaching to disquieting locations, including Moscow. Hence the stakes were both high and daunting.

But there was the immediate and pressing issue of reaching the crash-site, retrieving the bodies and possessions, identifying the victims, relaying information to the relatives, recovering the debris of the plane and starting technical and criminal investigations. An important role was also to be played by police officers referred to as "family detectives" – in the UK known as "family liaison officers" – who formed a relationship with the families of the victims. Alongside this effort there was the key role played by the agency "Victim Support" / *Slachtofferhulp* - hereafter "VSN" - which provided case-workers for the families and performed other important functions (and this will be covered below).

(ii) Malaysian Airlines' MH17 Disappears from the Radar

On Thursday 17th July 2014 Malaysian Airlines' flight MH17 departed from Schiphol Amsterdam Airport bound for Kuala Lumpur. It was a Boeing 777 and there were 298 people on board, passengers and crew. For many it was the start of a vacation and there were some 20 family groups in the plane including 59 children aged between 1-17 years. There were 10 nationalities on the passenger list with the largest group comprising Dutch citizens (196): there followed people from Malaysia (42), Australia (27), Indonesia (11), UK (10), Belgium (4), Germany (3), Philippines (3), New Zealand (1) and Canada (1). A number had double nationality. About two hours into the flight the plane was crossing Ukraine's airspace where below there was a battle taking place between Ukrainian armed forces and East Ukrainian separatists with Russian backing. This had followed the Russian annexation of the Crimea and the declaration of a separate "state" in the part of Eastern Ukraine with a large Russian population and a border with the Crimea. This in turn was the Russian response following regime change in Ukraine with a more European oriented government installed and with the ousting of the Russian oriented president. Hostilities had broken out between Ukrainian and Separatist forces and the latter were often led by local war-lords commanding militias in certain areas: in the Donbas region where the plane came down, for example, the so-called "Donbas People's Militia" were in control. In the weeks prior to 17/7 several Ukrainian military planes and helicopters had been shot down during hostilities in various parts of East Ukraine but this had occurred at relatively low altitudes. Subsequently civil airliners were advised to fly above 30,000 feet which was assumed to be safe and above the range of the missiles thought to be available to the Separatists.⁴ Some airlines

⁴ There was much discussion about the required safety level, and later why the air space had not been closed to all carriers, but some airlines decided to continue flying across the area for economic reasons while the Ukrainian government was earning income from all carriers entering its airspace. The height set varied but on that particular day MH17 had been told by air traffic control for the region to fly above 33,000 feet on entering the airspace above the conflict zone. Warnings about the risk factor in the area had earlier been issued by the

had decided to fly around the contested region but Malaysian Airlines was one of the many companies which had decided to fly over it. At around 13.20 radio contact was lost with MH17 and it disappeared from the radar.⁵

Given the large number of Dutch citizens on board the Dutch government soon took on a central function. At many levels there would have been intense political, diplomatic, security and technically related communications taking place to arrange this. Each country had to be kept up to date and also had to perform certain tasks to comply with the diverse activities being coordinated in the Netherlands. This meant, for example, taking DNA samples from families and establishing identities in the various countries concerned. The government's "war room" within the Ministry of Justice in The Hague was in operation within an hour and leading ministers and officials of the National Core Team Crisis Communication / *Nationaal Kernteam Crisiscommunicatie* / NKC were present.⁶ All formal communications relating to the MH17 case were directed and prepared from the NKC in The Hague. Furthermore, prior to any major police pre-planned operation or after any other large-scale incident, a "SGBO" for Staff Large-scale Exceptional Operation / *Staf Grootschalig Bijzonder Optreden* is set up to coordinate communications and decisions and that soon came into action.

Following agreement with the Ukrainian government and those governments with victims of the crash, the following was agreed:

- Dutch specialists were to supervise a multi-national team to investigate the technical cause of the crash: this comprised technical aeronautical specialists with expertise in investigating plane accidents with colleagues from Belgium, Ukraine, Australia, Malaysia, UK, Germany and the US.⁷ This work was conducted predominantly off-site

International Civil Aviation Unit / ICAU and US Federal Aviation Agency /FAA: and the Ukrainian authorities also warned airlines three days before the disaster that one of their transport planes, an AN26, had been shot down over East Ukraine. But there is no central international agency which conveys the risk level and which is universally followed. Individual countries decide such safety levels for their own airspace and airlines decide how to respond to the risk level.

⁵ It was the second disappearance that year of a Malaysian Airlines' plane as Flight 370 had gone missing earlier on 8th March 2014 en route from Kuala Lumpur to Beijing and has to date not been traced. It's devastating for an airline to lose two planes within months and under such extreme circumstances.

⁵ This is rather like Whitehall's COBRA for *Cabinet Office Briefing Room A* which is used for high level crisis committee meetings of the government.

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⁷ One victim had dual nationality with US citizenship and hence the American FAA, with a high level of experience and expertise, was also invited to take part.

- An inquiry by the Dutch Safety Board / *Onderzoeksraad voor Veiligheid*, hereafter DSB, into the cause of the crash would be held: this is routine after any Dutch relevant calamity at home or abroad
- There would be an international criminal investigation related to possible criminal offences and suspects. This Joint Investigation Team / JIT would be supervised by the Dutch PPS along with counterparts from Malaysia, Belgium, Australia and Ukraine: but each participating country remained legally independent. Forming this along with the Ukraine meant that Dutch, Australian and other police and judicial investigators could operate within the Ukraine. The final report from the Dutch PPS is expected later in 2016.
- The Dutch were also given responsibility for the immediate and urgent effort to recover all the bodies of the victims and to identify them. This would be the task of the LTFO with cooperation from some other countries
- The Dutch government with others called on the UN Security Council to launch an international tribunal to investigate the shooting down of MH 17 but this was – predictably – vetoed by Russia. The Dutch also called for a war crimes commission to aid in prosecuting the guilty but this was – equally predictably – vetoed by Russia. The Dutch and German governments, however, decided to launch unilateral war crimes investigations. War crimes are defined by the Treaty of Rome and are adjudicated by international tribunals and for Europe by the European Court for Human Rights / ECHR.

This crash was the largest disaster in recent Dutch history, not counting WWII and natural calamities; the criminal investigation became the largest ever undertaken by the PPS: and the recovery and identification process was the most demanding ever dealt with by the LTFO. But what made this case especially significant was that the plane had crashed in a conflict area at a time of increasing tension between Russia and Ukraine. Would the LTFO be granted access and would it be able to carry out its work properly and, above all, safely?

(iii) Immediate response

The sudden disappearance of a plane from the radar without any emergency communication from the cockpit mostly means a catastrophic failure of some sort such as acute mechanical or structural failure, an explosion on board or a mid-air collision. There can also be fatal “pilot error” of some sort leading to a crash or indeed a pilot committing suicide by deliberately crashing the plane. Moreover, a number of passenger planes have been shot down in the past above various countries by ground-to-air or air-to-air missiles either deliberately or by accident.⁸

⁸ Two of the most controversial missile attacks on civil airlines were the shooting down of Iranian Airlines Flight 655 by a missile from the US warship *Vincennes* in the Persian Gulf in 1988, having mistaking it for an attacking fighter plane, with 290 people killed: and the shooting down of Korean Airlines Flight 007 in 1983 when the

The ravage caused by an explosion on board a large, inter-continental plane with many passengers followed by disintegration of the aircraft, was graphically and gruesomely evident when Pan AM Flight 103 broke apart above the small Scottish town of Lockerbie in December 1988 (Punch and Markham: 2000). The Boeing 747 was en route from Frankfurt to New York JFK via London and was flying at 31,000 feet with a ground speed of 500 mph: many passengers were returning to the US for Christmas including 35 students from Syracuse University. Some 10,000 pieces of debris and 259 bodies were spread out over 2000 square kilometres / 770 square miles: and there were a further 11 fatalities and severe damage to property in Lockerbie itself. When it soon became probable that a bomb had caused the explosion a highly complex criminal investigation was started which eventually led to court cases with two Libyan suspects: but the intricate and prolonged legal proceedings have still not been completed some 28 years on. Disasters and terrorist-related attacks on civil and other targets can, indeed, have an extended and sometimes inconclusive audit trail with regard to liability, prosecution and sanctioning (in civil and criminal courts depending on the case). Until 2014 Lockerbie was the prime example of dealing with a terrorist attack on a civil airliner above land with much loss of life; with the involvement of many local, national and international aeronautical and security agencies; with the massive attention of the international media; and with a sharp learning curve related to dealing with the many grieving relatives. But Lockerbie was not in a conflict zone but in rural, peaceful Scotland: and within hours and days expertise, facilities and resources were readily at hand.

Once the alarm about MH17 was raised by Air Traffic Control for the region on 17th July, a protocol would have been followed to alert Schiphol Amsterdam and Kuala Lumpur airports, Malaysian Airlines, the DSB and the many appropriate national and international authorities and agencies. Given the exceptional circumstances this would have meant domestically the Dutch Prime Minister and Cabinet and particularly the Ministries of Defence, Justice and Foreign Affairs. However, the LTFO had informally, and soon formally, started to mobilize itself within a very short time after the first news about the crash was broadcast. Its members are highly committed to their area of expertise: they see themselves as work addicts (*vakidioten*) and form something of a separate tribe within the wider criminal justice fraternity. They are constantly filtering the news while they go about their regular work or individually when off-duty. And they are ready to be deployed at short notice. As soon as the first reports of the missing plane appeared in the media on the afternoon of 17/7 they started phoning one another.

There had long been a Dutch police "DVI" unit for the recovery and identification of bodies following a calamity with an important element being the disaster site as a possible crime scene with an eye to an eventual criminal investigation and

passenger plane was brought down by a missile from a USSR fighter plane after the Korean plane had strayed into USSR air-space - all 269 on board were killed.

prosecution. It was initially known as the "R. I. T." – for Disaster Identification Team / *Rampen Identificatie Team* and it has been involved in dealing with calamities at home and abroad. These included domestically:

- The Bijlmer plane crash in 1992 when an El Al Boeing 747 cargo plane crashed onto a block of flats in the Amsterdam Bijlmer area following structural failure although initially terrorism was considered given that it was an Israeli carrier (43 deaths, 25 injured)
- The Enschede explosion in 2000 when a devastating explosion at a fireworks factory in a residential area caused many casualties and much damage (23 deaths, 900 injured)
- And the Turkish Airlines crash at Schiphol in 2009 when a technical error caused a crash just prior to landing at the airport (9 deaths, 121 injured).
- Abroad the unit was involved in dealing with a range of calamities including:
- The Faro plane crash in 1992 when a Dutch plane crashed in Portugal in severe weather conditions (56 deaths and 106 seriously injured)
- The Afriqijah Airlines crash at Tripoli in 2010, with 70 Dutch passengers on board (only one person survived, a Dutch citizen), due to pilot error⁹
- And the Asian Tsunami 2004 which caused massive destruction and huge loss of life in several Asian countries. An estimated 230,000 people died as a result and there was a large international effort of recovery and of identification of victims.

The RIT had been widely praised for its professional expertise during the international identification effort following the Tsunami while the later LTFO enjoys a sound reputation as a leading unit in the recovery, identification and criminal forensics field.

Late on the first evening of the crash the core members of the LTFO met at Schiphol Airport at the premises of the Police Airborne Unit. At that point there was very little information and they could only discuss possible scenarios. A pivotal matter was that the plane had gone down in a conflict zone: this led to two essential questions – could they gain access to the site and would it be possible to conduct their identification work safely and professionally in the Ukraine? If the answer to the second question was "no" then they would have to consider repatriating the bodies to the Netherlands. This had never been done before and would require complex legal agreements and a substantial logistical operation.

(iv) Mobilizing in response to the crash

In those first few days, then, there was a great deal of uncertainty. However, some foreign and Dutch journalists had rapidly reached the crash scene and it

⁹ *Rouwen is ontzettend hard werk (Slachtofferhulp Nederland / Victim Support Netherlands: 2012).*

was clear there could be no survivors. The smouldering debris of the plane was spread over a large area of countryside and small villages (roughly 50 square kilometres / 19 square miles) while personal possessions – open suitcases, children’s books and toys, travel guides, duty free products, passports, clothes, etc. – lay poignantly in the fields. The LTFO rapidly shifted into operational mode. An operational leader for the MH17 project, Arie de Bruijn, was appointed for all matters including the logistics, accommodation and personnel for the separate assignments. For instance, Noud Schuurung was to prepare the moratorium for identification in the Netherlands: and a project leader for the Ukraine recovery mission, Peter van Vliet, was selected.¹⁰ De Bruin began straightaway to mobilize facilities and resources for various eventualities. This was a so-called “closed” calamity as it was restricted to those on board, unlike the “open” Tsunami, and an immediate task was to confirm who was on board as there are sometimes discrepancies between the passenger list and those actually on the flight: and that had caused some unfortunate mistakes in the past. Within two days it was confirmed who was on board.

Family detectives had been immediately primed to contact and start a relationship with the families of the victims: they were to form the essential link between the PPS and police with the families. There were 106 of them working in couples and the coordination was in the hands of Theo Vermeulen, who chaired the National Working Group of Family Detectives. Each couple would have to work with probably two families as some families were divided for various reasons and sometimes a couple had a third member to cover for a colleague on leave. Indeed, this was holiday time so it was not easy to find enough people while family detectives normally do this work next to their regular work. For a time they were allowed to concentrate on the families full-time and were continually kept up to date on developments through SMS communications to save time coming to central briefings.

Many distraught relatives had arrived late in the evening at Schiphol on 17/7 for a hastily arranged meeting: they must have been stunned by the news and in a state of some distress. At the airport some had no idea where to go and had to run the gauntlet of the media: but members of the Kmar were present throughout the airport to meet them and quickly took the relatives to the meeting place. But there was little information at that stage to give them except that there were no survivors. However, it was plain that the relationship with the “relatives” - covering family members and other intimates - would be a pivotal factor throughout. At the next meeting the relatives were carefully kept away from the media and from then on every effort was made to take their plight and needs into consideration.

A fundamental factor to be decided was whether or not the identification could be carried out in Kiev, the capital of the Ukraine. To answer that Peter van Vliet was

¹⁰ He has over 30 years of experience in the forensic area and is a team leader *Forensic Investigations* in the Middle Netherlands Unit of the NP.

dispatched on a fact-finding mission to the Ukraine. However, if the identification was to take place in the Netherlands – which from day one was a possibility and for some preferable - then there had to be a suitable location. In Hilversum there are barracks, originally built by the Germans in WWII, which are used for the medical training of military personnel. Earlier the leafy, spacious complex had been prepared for emergency medical use during the Nuclear Security Summit / NSS held in The Hague a few month before.¹¹ The *Korporaal van Oudheusden Kazerne* (hereafter the “KVO” Barracks) had the appropriate facilities and was on an enclosed complex in a central location: it was considered ideal. If the remains were taken there it would be declared a scene of crime with restricted access. Preparations were started immediately for the eventual use of the barracks. A large number of experts from all over the world offered their services but it was decided to accept only people from the countries directly involved.

Three delegations were ordered to the Ukraine as part of the repatriation mission. Formally, this was a Defence led mission as it provided the logistics and protection in a conflict zone but it was presented more as a mission of unarmed police to make it appear more low key.

- First, the day after the crash (Friday 18th) the Dutch government Fokker 70 was dispatched to Kiev with the polyglot Foreign Minister Frans Timmermans on board with his team, specialists of the DSB and members of the LTFO.¹² Timmermans was to negotiate with the Ukrainian government and other officials. On the 22nd July he made an emotional speech at the UN in New York with a plea for the repatriation of the victims without delay. This had already been discussed on the government’s plane on its way to the Ukraine on 18/2 and would have been ironed out before the UN speech with the Ukrainian government and with those governments of countries with victims on board MH17. For the coordination of the mission in the Ukraine the Amsterdam Police Chief (NP), Pieter-Jaap Aalbersberg, was later made in overall charge and he was also the main spokesperson in Kiev for dealing with the Dutch and international media
- Second, a group from the LTFO flew direct to Kharkov (Ukraine) to see if there was a facility that could be made ready to receive the bodies from the crash site. Its leader, Noud Schuurin, only had one and a half hours’ notice that he was to leave on Sunday with a team of seven comprising diverse

¹¹ A massive security operation had been mounted for the NSS with some 60 heads of state attending including President Obama and with some 5,000 delegates and 3,000 journalists: every eventuality had been taken into account including dealing with casualties.

¹² It is a considerable advantage that many Dutch officials speak several languages and Timmermans speaks English, German, French, Italian and Russian with remarkable fluency: his English is impeccable. Unfortunately he let slip in a TV interview that one of the plane’s victims had been found with an oxygen mask around his neck suggesting that he may have been conscious: this caused much consternation among the relatives – it was assumed that the explosions would have led to an immediate loss of cabin pressure and near instant unconsciousness of all passengers - and he had to apologize for this precipitous remark. It is assumed the masks came down automatically and this one fell over the person’s head and remained there during the descent.

areas of expertise. After a night's sleep in Kharkov they encountered in the hotel the next morning about 50 DVIers from a number of countries: they asked them to help out in receiving the train with body bags (see below). The train would have to move from the area controlled by separatists into Ukraine in order to arrive in Kharkov

- And, third, Peter van Vliet of the LTFO was just unpacking from a family holiday but found himself packing again to travel on that Dutch government plane on the way to Kiev just one day after the crash. He and a handful of LTFO colleagues, eight in all, were accompanied by members of the Kmar's BSB who were to be their escort.

Van Vliet's task was crucial to the entire enterprise and his fact-finding mission had three vital purposes. The first was how to locate those bodies which had already been collected by the authorities in the area of the crash, establish in what condition they were and remove them to Ukrainian territory. The second was to gain access to the crash site and continue the recovery work. And the third was if they would be able to conduct their identification work properly in the Ukraine. The LTFO had always worked in the country where the calamity had taken place so that would have been new for everyone.¹³ Back in the Netherlands and in the Ukraine diverse diplomats and officials would also have been occupied with logistics, accommodation, communications, media relations, protection and the many other political, legal and practical aspects of facilitating the three groups.

(v) Ukraine: Kiev, Kharkov, Donetsk, Torez and the Crash-site

The key agency for van Vliet and his colleagues was the *Organization for Security and Cooperation in Europe* / OSCE which conducted the negotiations between the Ukrainian Government and the Separatists, who were formally not communicating with one another, for access to the Donbas region. Without the fiat of the OSCE the Dutch team could not move. In that region it turned out that there was a refrigerated train containing those bodies that had been collected and which was standing on a siding near the small town of Torez. The State Emergency Services / SES in the crash site area had immediately after the crash gone into action, had mobilized around 600 people (including many miners and farmers) to search the crash site, had collected bodies and body parts and put them in refrigerated waggons. SES had also kept notes on maps about where the remains had been found which proved most valuable to the LTFO but also to relatives later who wanted information about what happened to their relative

¹³ Gaining access to the Tripoli crash site had been thought to be problematic with Colonel Kaddafi still in power in Libya in 2010 but with growing unrest against his regime spreading in the country; also the trial of the Libyan suspects had been held in the Netherlands albeit under Scottish law. However, the unit was granted access and the Dutch DVIers could conduct their work safely.

(*Blauw*: 2014: 19). There was much negative publicity in the media about a poor response to the crash by the local authorities and alleged plundering: but the Dutch recovery teams were most complimentary about the solid work the SES and many local volunteers had done. To have left the bodies in open fields with a temperature of 35 degrees would have greatly hampered their identification work. After the initial collection of bodies local volunteers continued to place sticks with white ribbons to mark spots where they had located human remains or possible remains. The local people in this fairly poor, unpopulated area had experienced the grim reality of falling debris and bodies – sometimes close by or even on top of their homes – and generally responded in a most respectful manner to the deceased and their possessions. Some set up small shrines and prayed for the dead. There were reports of militiamen taking valuables and alcohol from among the debris but days later there still were possessions of value left untouched suggesting there was no widespread pillaging despite the fact that the large and dispersed site was not tightly controlled. Van Vliet told the international press that the SES disaster team supported by the local population had done “a hell of a job in a hell of a place” (*Blauw*: 2014: 12).

From the moment of arrival in the Ukraine to the completion of the LTFO mission there were constant negotiations, frustrating delays and sporadic access to the crash site which at times was under fire between the warring combatants. At times the sounds of war were clearly audible and on one occasion everyone – press and LTFOers – lay in a ditch while shells from the warring enemies were exchanged over their heads. But LTFOers are by training and disposition – and on humanitarian grounds – always desperate to get to the site for the longer it takes the more difficult their task will be and the longer the families will have to wait for news. And here the site was open to all and sundry with no coherent cordoning to restrict access: that would have been difficult anyway given the size of the debris trail but here there were no police to be seen but only the militia and its members were distracted by involvement in, and the threat from, the armed conflict nearby. Indeed, the site was largely avoided by both sides in the conflict because it was attracting so many outsiders, primarily international experts and the world’s media, and doubtless the combatants did not want observers or casualties among the foreigners. But there were occasional artillery duels between both sides with shells and rockets crossing over the site.

Van Vliet’s forward group of three LTFOers had to travel in a bullet-proof vehicle of the BSB with a three man BSB escort. It was a long drive of 700 kilometres to Kharkov which was fairly close to the unofficial “border” with the separatists. Following contact with The Hague van Vliet was asked if he was prepared to go with just one colleague and one escort across the border into a conflict zone and negotiate access to the train at Torez.¹⁴ The choice was theirs to make. He decided to push on regardless and said later “I felt I had to go”: all concerned

¹⁴ As he was entering a conflict zone he was informed by the Defence Ministry that it was usual to write a farewell letter to one’s spouse that would be kept in case something drastic happened: he also phoned his wife and stated that these were the “darkest hours” in his life (*Blauw*: 2014: 10).

agreed that they owed it to the victims and their relatives that they should take this risk. This was courageous of them. On Sunday 20th, they set off to meet OSCE representatives in Izum near the border who would take them to Donetsk where the headquarters of the Donbas separatists was located. On arrival at the meeting place with the OSCE the translator assigned to them refused to go further. At 04.00 hours after a short rest they set off with the OSCE members in an OSCE vehicle accompanied by a truck full of Ukrainian soldiers. Towards the border they encountered road blocks, burned out houses, the twisted debris of military equipment and tanks dug in hull-down. The Ukrainian soldiers were not prepared to go further. The Dutch trio changed to a bullet-proof OSCE vehicle with the warning that they might come under fire. They did not encounter any firing and met their first group of separatists who were heavily armed with assault rifles and with their faces partly concealed with balaclavas. They could only proceed with this separatist escort in order to navigate the numerous road-blocks.

It must have been bizarre, if not scary, to be transmitted suddenly from a peaceful Netherlands to an active war zone. And it was even surrealistic when they crossed the "border" and arrived in Donetsk where their escort immediately took up firing positions: yet just up the street the café terraces were packed with the international media. The immediate aim was to set up a base in Donetsk, to arrange accommodation and resources, to gain access to the train and then to the crash site. On Sunday 21st they were able to set off and, after encountering numerous road-blocks with hostile scrutiny, they reached Torez. At a rather dilapidated railway station they encountered on a siding four waggons with human remains in body bags and an engine for the cooling system. There was also a horde of inquisitive journalists milling around. Van Vliet insisted that the journalists keep their distance in order to be able to pay respect to the dead and held a minutes silence before starting work. They were able to inspect the waggons and body bags and van Vliet estimated that there were about 200 bags: it was likely, however, that there were more victims still at the site.

Van Vliet also went to the crash site for the first time passing through several heavily armed road-blocks and saw the plane's wreckage and the scattered debris of personal possessions. He was relieved to see few human remains indicating that the SES had carried out a thorough sweep. For the first two days OSCE and Ukrainian experts had been prevented from examining the site – with shots in the air to warn them off – yet a horde of journalists and photographers was swarming around unhindered. This presence of the world's media was a prominent feature of the entire operation (*Blauw*: 2014: 12).

However, on returning to Donetsk the team discovered that communications between the two sides were tense and there had been no decision on moving the train to either Kharkov or Mariupol. To arrange its departure of the train they met with Alexander Borodai, the leader of the so-called "Peoples' Republic of Donetsk", who was surrounded by heavily armed body-guards. The following

day, Tuesday 22nd, they were awoken at 03.00 to find the train already in Donetsk and were able to leave with the train across the border. They were not told of the destination and for a second time van Vliet had to take a leap in the dark – the “biggest gamble we took” (*Blauw*, 2014: 13). He gave the GSP coordinates from his mobile phone regularly to the operations room of the BSB in Kiev which signalled back when they were clearly on their way to Kharkov. At one point soldiers banged on the doors and rushed inside but fortunately they turned out to be Ukrainians: they had safely crossed the border. In Kharkov the remains in body-bags were unloaded and taken to a disused factory where they were photographed and placed in coffins. By this time the decision had already been taken to repatriate all the remains to the Netherlands and that the identification work for all the deceased would be carried out at the KVO Barracks in Hilversum. Van Vliet and his two colleagues were exhausted after 72 hours with almost no sleep and took a rest: their initial work there was finished and was now taken over by the second LTFO team that had been preparing for the arrival of the remains and their repatriation to the Netherlands.

That team under Schuurin in Kharkov received excellent support and some not very modern but adequate equipment through the Ukrainian liaison officer. A motley collection of about 160 personnel were soon put to work – local police, specialists from Europol and Interpol, nurses and ambulance teams, a pathologist, customs officers, fire officers and Malaysian police officers – working around 18 hours a day. All the body bags were x-rayed to establish what they contained. They were repacked in plastic after every bag with the accompanying paper-work had been photographed and placed in coffins (body bags are not allowed on planes). The flights with the coffins to the Netherlands could begin.

As it was about four hour’s drive from Kharkov to the crash-site, leaving little time for searching, a forward post was set in Soledar and the Defence personnel sorted out accommodation, catering and a disc for communications there. Schuurin, van Vliet and their colleagues returned home briefly but were soon back in Kharkov to deal with luggage and possessions. This was tackled in the same way that the coffins with body-bags had been treated. When that was completed they returned home on 15th August but were back within two weeks to keep an eye on developments for a short period. From then on Dutch officers remained in the Ukraine for some time on stand-by for recovery work at the site and to help in recovery of the wreckage where body parts might also be found.

Both Schuurin and van Vliet speak of pride in what they accomplished. The comment in the police magazine *Blauw / Blue* (2014: 14-15) is, “in the Ukraine van Vliet was in a continuous rush of adrenaline and he had to constantly shift and anticipate for totally unanticipated circumstances. There are no protocols for what he encountered”. Indeed, in retrospect it all sounds more organized and smooth than it was as early on much was unclear and a great deal had to be improvised on the hoof with displays of situational determination and leadership until support structures and facilities were put in place. De Bruijn said of his

multi-tasked role in Hilversum that at times it was like “speed chess on twenty boards at once”. Van Vliet himself remarked of his immersion in the uncertain Ukraine situation:

I reacted from my heart --- I lived in a sort of trance ---- I could have said totally wrong things. But looking back I'm super proud and glad that it worked out well ---- If I had to do it again I'd do exactly the same. We got the train away from there and the bodily remains brought back to the relatives. That's why we did it all.

(vi) “Bringing Them Home”

On Wednesday 23rd July two air-force planes – a Dutch C 130 Hercules and an Australian C 17 Globemaster – flew from Kharkov to Eindhoven with the first batch of 40 coffins. Operation “Bringing Them Home” had begun. A day of national mourning had been called - the first since 1962 - with a minute of silence throughout the nation. There was a delegation present at the airfield comprising the King, Queen, Prime Minister, ministers and various officials from all the countries involved. Around 1000 relatives and others were present: they were screened from view but some could be heard weeping. There were over 500 members of the media which is exceptional for the Netherlands. The planes taxied to a halt before a line of 40 hearses. The plane’s loading ramps were lowered and the coffins were carried out one by one by teams of eight military bearers and a supervising officer: an airman played the last post. Each coffin was carefully loaded into a hearse. A line of police and military personnel paid their respects on the tarmac as the long column of hearses with a police motor-cycle escort set off for the KVO Barracks in Hilversum. The roads, motorway and bridges were full of people throwing flowers, applauding and crying. Against advice many people had stopped along the motorway which was partly closed. It was an intensely emotional day for the nation.

The last plane to arrive with remains was on 2nd May 2015 as there had been a halt to searching at the crash site during the winter period. Each time a plane arrived there was always a delegation of Dutch and foreign officials even when there was only one coffin. The ceremonial receipt of the victim’s coffins was conducted with ritual, dignity and compassion which were the characteristics for dealing with each arrival of the victims’ remains along with consideration for the relatives.

(vii) Relatives: Grief, mourning and support

A focal feature of the entire enterprise was dealing with the families and others close to the victims: and this was conducted by each country individually. It is difficult to convey the impact of sudden loss of life in a disaster on relatives and

others: some cope reasonably well while others have major difficulties but all are touched in some way permanently by the loss. Also this disaster was not caused by an accident or an error of some sort but was as a result of Russia's illegal expansionism in the area and destabilization of the Ukraine, a presumed mistake by a Russian operated anti-aircraft battery supporting anti-Ukraine militias and by the decision by the airline to fly over a conflict zone for economic reasons while other carriers were avoiding it. That must have made acceptance difficult if not impossible for many with a feeling not only that it could have been avoided but also that the guilty were evading justice. It was important, then, that all the Dutch agencies involved should work optimally in the interests of the relatives.

As mentioned this was for many a holiday flight and there were many families on board. These included a variety of compositions. There was a Dutch family of six - parents and children; a divorced mother with her three daughters from an earlier marriage; and a family group from Australia comprising two grandparents and their two grandchildren. The parents of those children had, then, lost not only their children but also two of their own parents. This also happened to a Dutch couple, the "Jansens".¹⁵ They had brought the family to the airport; had been in SMS contact with them until departure and had received a video-clip from friends of the plane climbing past their flat after leaving Schiphol. The news was devastating: on return from that holiday their son was planning to apply to the Royal Military Academy and their daughter was to start studying medicine after the vacation. Two promising futures had been eradicated along with the loss of two well-loved (grand)-parents. Some children lost their parents and their siblings. But then every family and relative had a narrative while many communities, schools and workplaces had lost someone in the disaster.

The families sought above all information and certainty - perhaps hoping that for some reason their relative(s) hadn't boarded or it was another plane that had gone down; required support in various ways; and wished to have their relatives' remains returned. But initially the remains of their dear ones lay among the debris of a plane crash in a foreign location where a war was being fought and where it was uncertain when the bodies of victims, or what remained of them, might be recovered, identified and returned. The experience of disasters is that relatives want the bodies returned - or something tangible such as clothing or possessions¹⁶ - in order to be able to put them to rest in an appropriate fashion. This meant that identifying the victims and conveying that to the relatives was of

¹⁵ Their real names are in Meulenbroek and Poley (2015) but here pseudonyms are used.

¹⁶ In the early 1990s I attended a course on the Management of Disasters and Civil Emergencies / MODACE at the British Police Staff College, Bramshill, where relatives of victims or survivors - from the interest group "Disaster Action" - were invited to talk to the officers. The relative of someone who was killed in the Lockerbie crash was scathing about the poor response of the US airline company, Pan Am (now defunct). And the rural Scottish police force with primacy in dealing with the disaster was the smallest in the UK and was clearly overwhelmed in trying to cope with the relatives, not to mention the media. One feature mentioned at the course was that often the clothes of those involved in a disaster, often torn and stained, had been disposed of: but some family members wanted to have them returned and it has become the practice to clean them and offer them to the relatives.

great significance and put pressure on the LTFO to deliver on identification and on the family detectives to establish a sound relationship with the relatives.

People cope with trauma, grief and mourning in various ways – say through the wider family, local community, school or church – and some are more resilient than others. It might be assumed that their wishes and demands are well catered for nowadays: that was certainly not always the case in the Netherlands (Leferink and Sardeman: 2010). Furthermore, disasters can occur on “awkward” days of the year, in diverse cultures and time-zones and with involved agencies responding in a variety of ways. Airlines and other companies may be parsimonious with information following legal advice to avoid liability. And in the Asian Tsunami there was typically a poor infrastructure that simply could not be relied upon. In most western countries, however, there is emergency planning and resources for disasters and civil emergencies with inter-agency simulations and exercises. The Netherlands, in particular, has in recent decades become more of a caring society¹⁷ with attention both to the needs of victims and victims’ relatives and to the needs of police, other emergency workers, social welfare personnel and counsellors who have encountered a calamity first-hand or dealt with its aftermath. Post-Traumatic Stress Syndrome / PTSS, moreover, has entered the vocabulary and has increasingly been taken seriously in many societies. In response to the MH17 disaster the relatives had two formal channels of support.

First, there was the agency Victim Support Netherlands / *Slachtofferhulp Nederland* / VSN and a number of other related support agencies for all involved that VSN could mobilize. VSN is for the victims of crimes and road accidents, as well as when someone goes missing, and their families: it is financed by the Ministry of Justice, town councils and the Fund for Victims. VSN mediated in providing case-workers for the families and importantly served as the central conduit for information via an IVC - Information and Contact Centre / *Informatie en Verwijs Centrum*. This IVC was quickly up and running – and very soon in English – and had an open access part for journalists and anyone interested and a closed section for relatives. Government, Police, PPS, Malaysian Airlines and social welfare agencies all fed information into this IVC.

Second, there were the family detectives. They worked in pairs and had the double task of collecting material for the investigation into identity while also being the permanently contactable people for information about the retrieval and identity of victims and other relevant information. They were available 24/7 by mobile phone. It is a difficult and demanding role requiring professional distance but many family detectives become close and important to the family: the relationship can at times simply not gel but by all accounts it here mostly worked

¹⁷ Leferink and Sardeman (2010: 45) give examples of earlier Dutch disasters where relatives were treated coldly – or with suspicion if they asked for the return of personal possessions – and their predicament was never addressed at work or in the community. Having to bottle up their emotions and needs without an outlet often had long-term consequences. There was little awareness of PTSS until comparatively recently.

well. One family were not contacted for a week which was frustrating but after that the relationship went smoothly (Meulenbroek and Poley: 2015: 43). In the early phase it was about collecting DNA samples from the relatives and from the victims' personal attributes (toothbrushes, combs, etc.); seeking photos to aid in identification, as well as medical and dental records; and asking about personal possessions taken on board (books, watches, jewellery, suitcases) and clothes, underclothes, shoes, etc. worn for the journey. Later it was more about passing on information about meetings, ceremonies and the progress of retrieval and repatriation.

There are many varied stories to be told on the MH17 case which involved multiple agencies and a wide range of professionals and others including those in other countries. Here I have selected just one social agency, VSN, as its role was crucial within the nexus of government, police and civilian agencies. As with many calamities the early information was inaccurate with VSN initially being informed of a low number of Dutch victims: this went from 5 to 50 and then nearly 200.¹⁸ As soon as it became clear that there were many victims – far more than in the Afriqijah Airlines crash (70 Dutch citizens) - it meant that an exceptional response from VSN would be required. Surprisingly there was no protocol within VSN for such a large-scale calamity drawing on the Libyan experience but there is now one based on the lessons learned from the MH17 case. VSN routinely provides support for the families of victims of violent crime with about 140 murders annually leading to requests for support. This is usually with individual families and sometimes long after the crime has been committed when remains have been found and identified and the suspect has been convicted. There is a protocol for this involving the OM, Police and VSN and that determines when the VSN case managers and the family detectives are to be mobilized. Here, within a very short period of time, VSN was put under considerable pressure given that the first coffins were to arrive at Eindhoven six days after the crash. The response required leadership, direction, coordination, resources and personnel. As with the LTFO and the NFI, people were suddenly working long hours and with intense involvement.

In negotiation with the Ministry of Justice VSN immediately offered three resources. First, was to provide social-psychological support at the meetings for relatives with a major one planned for the Wednesday after the crash, 23 July, when the first coffins were to arrive. Second, was to provide case managers which normally meant after identification following a calamity. And third was to set up an IVC. In principle the police family detectives have specified duties primarily related to identification but can informally also play an important social role. This implies that there has to be sound coordination between the police and VSN. VSN takes the position that the families should not be inundated with diverse support, that they should be given the opportunity to display inner

¹⁸ This section leans on a meeting with Victor Jammers, member of the two person Management Board of VSN, whom I would like to thank for his cooperation and for supplying material relating to the Libyan and MH17 crashes.

resilience and that it is especially disturbing for them if there is poor coordination and communication between the agencies. And third was to set up an IVC / Information and Contact Centre. Within days, however, it became clear that the identification would take some time and the decision was taken to employ the family detectives immediately in order to allow VSN time to mobilize its personnel. VSN works with professionals specialized in this area of work and also with volunteers who are under the guidance of the professionals. In the early stage the family detectives were also aided by VSN professionals. The IVC was set up within hours but there was some delay as government wanted first to control certain aspects of the information dissemination: there`s often a certain reluctance, and even a measure of distrust, within central ministries about devolving this responsibility to a social agency. But within days everyone concerned was cooperating fully.

The volunteers have become practised at assessing if an individual or family is in need of support. And at the first meeting with relatives in Eindhoven they mingled and moved to talk to any family group which looked especially distressed or if someone appeared to be on their own. This was a highly emotional event as the first coffins had arrived and this was the first formal occasion when so many relatives and close friends were present (about a thousand). For all those involved on behalf of VSN there was a debriefing followed by an informal meal where the personnel could ventilate their experiences, feelings and concerns. It turned out later that too little attention was paid to the catering and other staff who had found it distressful to be confronted with so many deeply grieving people: learning from that was included in the protocol for calamities. There was also concern within VSN about exposing personnel to highly emotional experiences with the families that might in turn lead to the risk of PTSS: and psychological support was available including information on looking out for the signs of PTSS. Of interest is that the focus in most cases is largely on the two main agencies – law enforcement and public health – but here a NGO played a key role along with volunteers, local communities, schools and sports clubs.

Each country involved also had to perform certain tasks to comply with the diverse activities being coordinated in the Netherlands: this meant taking DNA samples from families and collecting information and possessions to aid in identification.

The first identities were established in August 2014 and the last was conveyed in March 2015. Finally all but two of the victims were identified – both Dutch – meaning 296 had been positively identified. Information about identity was always first given by the family detectives who would accompany family members who wished to see the remains. It was soon clear that not all of the bodies were intact and also that those who had sat above the wings and kerosene tanks had been badly burned: indeed, with the permission of relatives, mention is made of “body parts” in Meulenbroek and Poley (2015). Relatives had

the choice of viewing the remains in the coffin or on a screen or waiting for a later date: the digital archive of remains is due to be retained for 50 years. Some relatives received the news fairly early but others had to wait some time: and in two cases they were never to hear confirmation which was hard to bear (Meulenbroek and Poley: 2015: 105-6). The remains were released to relatives for burial or cremation. Given that remains were being found over a period of time it could happen that a victim's remains were buried or cremated on two occasions as new remains were identified or that several victims from one family were buried at intervals. This, along with the delays, could be quite stressful.

(viii) Victim Identification

For the very first time the LTFO was to repatriate the victims of a disaster and identify them on home soil (Meulenbroek en Poley: 2015: 46-87). For weeks and even months the LTFOers and others became confined to the KVO Barracks in Hilversum. At its high point about 500 people were working there and some preferred to stay overnight rather than go home given the emotional intensity of the work. There was a central group of around 150 with another regular group of about 100 in immediate support roles. People worked for twelve hours and many had to be stopped from going on longer. It was a multinational assembly of people of diverse nationalities, ethnic origins, religions and cultures. Once engrossed in the task such differences faded away as did deference to rank. The KVO became something of a temporary, egalitarian community which was enhanced by the fact that so many people were in white overalls and were wearing mask as the remains has been treated with formalin. The identification process passed through three stages:

- AM, ante mortem
- PM, post mortem
- REC, reconciling AM and PM.

The AM procedure started with a detailed list that family detectives took to relatives. It covered every item or piece of information that could be of use in the PM identification process such as clothes, jewellery, piercings, tattoos, scars, medical history (including operations, broken bones and hip replacements) , dental records and personal attributes (length, weight, eye and hair colour, etc.). DNA swabs were taken from victim's possessions and from relatives. There was excellent cooperation from the victim's medical professionals in supplying records (Meulenbroek and Poley: 2015: 44).

The PM procedure commenced with the placing of the coffins in cooled containers. On the first opening of the coffins there was a CBRNE measurement taken for any chemical, biological, radio-active, nuclear or explosive qualities. Then the body-bags were opened and put through a CT scan and sometimes also an x-ray photo was taken. Any metal objects were passed on to those concerned

with the criminal investigation. What was in each coffin – an almost intact body or body parts – was photographed and given a PM number: this was a substantial administrative operation. Then a quick scan was made for anything noticeable – such as a ring, tattoo or scar - and if anything stood out contact was made with the “Recon” / Reconstruction team to see if that feature was recorded for a specific person. This could lead to a possible early match.

After this quick scan the remains entered the PM process proper with a kind of assembly line with four “streets” each of which contained four sections:

- The first section was for finger-prints: this was done entirely digitally and usable prints could even be taken from fingers in poor condition. Through institutional channels access was gained to a US government site with prints of everyone who has entered the US.¹⁹ This already brought up a fair number of matches
- The second was particular qualities of the body parts and for clothes and possessions
- The third was for DNA and the samples were forwarded to the NFI
- The fourth street was for dental inspection and forensic periodontologists took x-rays of the sets of teeth.

At each stage there were specialists present. And at the end there was also quality control to ensure that nothing had been missed. The process was highly streamlined and matters speeded up considerably when two further streets were added for the smaller parts. Finally all parts were returned to the coffin and put back in the refrigerated container. Although much was to be achieved by DNA this process is expensive and relatively slow so that dactylography and periodontology remained central here. This holds true for other disasters especially when the bodies were in relatively good condition.

Each day began with a briefing and ended with a debriefing with all the nationalities present. All were dedicated professionals – “inquisitive, perfectionist people who together wanted to optimise the identification process” (Meulenbroek and Poley: 2015: 52). They all had had to learn professionally to distance themselves for what they were seeing and handling in their line of work. But now and then someone was moved by a song, toy or a photo and needed a brief time-out. For some dealing with babies and young children could prove difficult especially if the child was the same age as their own children.²⁰ Laurens Tinsel, the periodontologist, spent almost four weeks working in the barracks and he

¹⁹ Meaning of course legally and through those borders using compulsory finger-printing which was introduced after the “nine eleven” attacks in 2001.

²⁰ During a radio programme when listeners could request a song in memory of the MH17 victims a well-known children’s song was broadcasted: a woman working at the NFI was moved and burst into tears – “I myself have a small girl and my thoughts went out to all the little children who had died, and all those little bones I had had to see ---- But that moment also strengthened me in my mission: to help bring back all 298 victims to their families” (Meulenbroek en Poley: 2015: 57).

consciously avoided meeting relatives and attending ceremonies of remembrance in order to preserve that distance as did others (*Algemeen Dagblad*, 24 January 2015). Counselling was permanently available.

Much of the time they were dealing with bone although muscle tissue was preferable. But the remains had been in a field for several days or more with a warm temperature while some body parts had been burned. There was, then, a considerable reliance on bone and dental identification. Everything in the PM phase went immediately into the computer aided by a German ICT expert. One programme that saved much time after disasters and was used by the LTFO here was *Bonaparte*.²¹ It works with family trees and is able to match a large number of parts to identities by seeking through AM and PM data but especially DNA profiles. The first profiles were completed on the 2nd August 2014 and the last on 20th March 2015. *Bonaparte* saved a great deal of work and had been used before, as at the Tripoli crash, but this was a far larger and more complex project than Tripoli: hence it was a godsend of technology.

Completing the process was the "Recon"/ reconstruction team which used this computer system to compare the AM and PM data with a high reliance on DNA. After disasters the identification criterion is often based on primary characteristics which are usually sufficient. These are based on the three "d"s - dacty (prints), dental (teeth) and DNA. Secondary characteristics can also be used such as jewels, clothes and tattoos. Here it was decided to use both and at times a second DNA test was also carried out for certainty.

This was the largest ever DNA testing carried out under NFI supervision with the 7500 tests divided over four locations – the NFI itself and three abroad. Normally the NFI receives 4-5 pieces of bone per week whereas now it was several hundred. The poor quality of some of the fragments also meant that the lab had to put it through a fairly complex and at times lengthy process to be able to extract the DNA. Then the Minister of Justice announced on 23 April 2015 that the identification process had to be completed by July 2015 despite the fact that a large number of new samples had yet to reach the NFI. It was decided to contract three agencies abroad and these were the International Commission for Missing Persons / ICMP in Sarajevo; LGC Forensics in the UK; and Bode Cellmark Forensics in the US. The latter had been involved in DIV work related to the two aerial attacks on the Twin Towers in New York on 9/11 and the ICMP had wide experience of identification following the war in the Balkans including the recovery of bodies from mass graves. When the remains went abroad for DNA samples they were at all times accompanied by Dutch officials and / or diplomats and treated with the same respect shown for the arrival of coffins at Eindhoven. Eventually the NFI announced that the 7500 tests had provided 420 AM profiles and 4900 PM profiles: DNA testing had greatly aided in the 98.5% identification

²¹ It's named after Napoleon who in 1811 - the country was then occupied by the French - ordered compulsory name registration for the first time in the Netherlands (Meulenbroek en Poley: 2015: 59).

with 130 identifications based on DNA alone (Meulenbroek en Poley: 2015: 78-79).²²

Finally, the Reconstruction process led to an Identification Board of six people – a Public Prosecutor and five DVIers from five countries - while later a DNA expert from the NFI was added. If the board gave its fiat then the family was informed by family detectives and the procedure for the release of the remains was implemented with the issue of a death certificate. This meant the families could start making arrangements for a funeral and, to the extent that people could start mourning and could find some measure of closure, it relied on having their relative identified, returned to them (however small the coffin) and that they could conduct a farewell ceremony – burial or cremation – for the tangible remains of their relative.

In Kharkov and the Netherlands similar care and attention was given to sorting out the luggage and possessions. And a similar triage took place as with the remains by dividing the material in relation to evidence, identity and return. In Kharkov every item was searched, photographed, logged and labelled. On arrival in the Netherlands the containers were taken to a secure and obscure location where everything was sorted for return to the families: clothes and other items that required cleaning were dealt with through Malaysian Airlines. Some forty volunteers were selected from the many that applied and worked solidly to return material to the relatives (*Blauw*, 29 November: 24-26).

This had been a considerable achievement. This was not a natural disaster or a crash but a shooting down of a civilian plane of a nation not involved in any hostilities. And it was unique that the identification took place in another country than the one where the plane came down: and with so many fragmented body parts. This meant a huge logistical operation. Those involved felt they were pioneering and in an area for which there was no legislation. There were, for example, the complex technicalities of dealing with death certificates and insurance matters in relation to victims from a range of countries.

(ix) Technical and Criminal Investigations

From day one, as was to be expected, there was speculation about the causes of the crash especially as the Ukrainian government issued on day one what appeared to be communications overheard from the separatists in which they spoke of shooting down a civilian airliner mistakenly taken for a Ukrainian warplane. Journalistic sources also produced photo and eye-witness testimony of a "BUK" ground-to-air mobile missile system crossing the Russian border not far from the incident and rapidly departing back across the border soon afterwards

²² In contrast, it remains the case that some 40% of the victims of the attacks on the WTC Twin Towers on 9/11 have never been identified. But this had involved the catastrophic collapse of two skyscrapers accompanied by intense heat.

but missing one missile. As mentioned above this disaster was followed by a bevy of technical and criminal investigations. Most of these are ongoing but the technical one by the DSB was completed in October 2015.

The end-report of the DSB concluded that the plane been hit by an exploding BUK ground-to-air missile that had been fired from East Ukraine. This mobile, anti-aircraft missile system was in use in the Russia military and in former Soviet satellite countries. The DSB was only concerned with the technical cause of the shooting down and not the issue of guilt. Those findings were enhanced by a second, informal source. This was from "Bellcat" which is a website of a group of investigative journalists who scour intensely the formal media, the social media and the internet in order to expose abuse by governments. It claimed that it could trace the base where the BUK system came from, which unit was involved, who was operating it, where it crossed the border, where it was fired from and it's return route across the border. Other sources maintained that they could also provide confirming evidence of this version. Bellcat stated on its site (retrieved 30rd March, 2016):

Based on the information above, it can be concluded that on July 17, 2014 a Buk missile launcher, originating from the 53rd Brigade near Kursk, Russia, travelled from Donetsk to Snizhne. It was then unloaded and drove under its own power to a field south of Snizhne, where at approximately 4:20 pm it launched a surface-to-air missile that hit Malaysia Airlines Flight 17 as it flew over Ukraine. On the morning of July 18, the Buk missile launcher was driven from Luhansk, Ukraine, across the border to Russia. Alternative scenarios presented by the Russian Ministry of Defense and Almaz-Antey [manufacturers of the BUK] are at best deeply flawed, and at worst show a deliberate attempt to mislead using fabricated evidence.

This profoundly sensitive background elevated the cause and implications of the crash to a tense matter of geo-politics. The crash-site of the plane was a crime scene as was the barracks in Hilversum: and all the forensic, investigative and prosecutorial efforts were geared not only to identifying the victims but also to tracing those suspected of the crime. Those directly responsible for the deaths of many innocent people were those who commanded the operators of the BUK to launch a missile and the military personnel who launched it. But it was conceivable that those ultimately responsible for the crime reside in the Kremlin. This - in the context of the Russia-Ukraine crisis - raised the spectre of a return to the previous "Cold War" between the former Soviet Union and the Western powers.

This also made it most unlikely that anyone would stand trial for this mass murder. That doubtless leaves a sour feeling among all the investigators – that their work will not resulted in convictions – and a bitter feeling among the relatives that the guilty will not be arrested, prosecuted, tried, convicted and

punished. In that absence it became all the more important that the recovery, identification and care for the relatives should be conducted in an optimal fashion.

(x) Conclusion

The MH17 disaster came at a time of major change in the Dutch political landscape. Government ministries and related institutions were undergoing a process of restructuring accompanied by austerity measures. The Armed Forces, for instance, had been shrinking and had been forced to sell all off its tanks while on one occasion the Army had even run out of ammunition for exercises. Furthermore, the Dutch Police had just gone national in 2013 meaning that there was a single force for the whole country with one central headquarters and one Chief Commissioner in The Hague. This was a major restructuring operation and the reorganization was absorbing much time and energy: since the change the NP had for the first time come under the Ministry of Justice. Previously since 1993 there had been regional forces under dual ministerial authority, the Ministry of the Interior along with Justice, while for a short period prior to the centralization of 2013 primacy was solely under Interior (van Dijk, Hoogewoning and Punch: 2015). So this was the second switch of ministry within a couple of years. Along with the huge police reorganization, now with 60,000 personnel making the police larger than the Dutch Armed Forces, there was a move to narrowing the mandate towards crime control and a cutting back on the social role of the police which had long been the hall-mark of Dutch policing. There was a critical media focus on the drawbacks of the new system while the unions complained that the insecurity brought about by the slow and cumbersome restructuring with a top-down leadership style had fostered unrest, demoralization and high absenteeism through illness. By 2015 the reorganization had to be revived by a new police chief and increased funding. In short, there has been much dissatisfaction and considerable criticism surrounding the new NP.

Interestingly, those negative features are not noticeable – or are not visible – in the public material on dealing with the MH17 disaster. What explains this seemingly positive outlook of those in the LFTO and associated with it: and the clear evidence of élan, motivation and work satisfaction?

- LFTO members are specialists who are committed to responding to crime scenes – sometimes gruesome and complex – and to a range of disasters at short notice. This in itself requires considerable expertise and commitment to the job
- Also forensics has become fashionable with the trendy spate of “CSI” TV series and while the DVIers might tell us that much of their specialist work is routine and unglamorous, it must surely be stimulating to be transported to Asia to contribute in identification following one of the greatest national

disasters in recorded history. Moreover, forensics has become increasingly sophisticated and important in prosecutions and especially in gaining convictions. Hence the LTFOers and DVIers had a specific area of competence based partly on science, research and technology and with continual advances being made which enhanced the chances of success and achieving results

- By all accounts these LTFOers are motivated and work in multi-skilled teams where there has to be good coordination and a degree of harmony given that the members will be in very close contact for intensive periods of time and sometimes under difficult circumstances. Given the sporadic and unpredictable occurrence of disasters, moreover, these can be ad hoc, temporary teams of experts from several countries which require steering. Leadership, then, has to be based on expertise but also on the pragmatic ability to take charge in fluctuating circumstances and with shifting compositions in the team
- Indeed, team spirit is a recurring theme in the material. For example, Arie de Bruijn commented:

It means a lot to me to be able to function in a team of passionate professionals with just one aim and who for that are ready to put everything aside----- With regard to that the MH17 was an example of good cooperation ---- What was exceptional was the fascinating mix. The team consisted of so many nationalities and cultures, so many religions and so many conceited individuals from so many different disciplines ----- But the team-spirit, the motivation, and the unity in the group was phenomenal. We worked very long days. But everyone wanted to finish this task together, in order to give something back of their loved ones to the relatives. (Meulenbroek en Poley: 2015: 85)

- There has, then, to be a large measure of “can do”, flexible pragmatism allied to leadership qualities to cope with tough circumstances. In responding to the MH 17 crash people were rapidly transplanted to an unstable environment with a life-threatening element. Decisions were made on the hoof which displayed courage, flexibility, clarity on what needed to be done and hands-on leadership qualities
- The LTFOers are, moreover, part of an international community of like-minded specialists which enhances cooperation on site, as in the barracks at Hilversum, but this also shapes a continuous learning process from criminal cases and disasters occurring in other countries and dealt with by other teams. When the disaster was announced offers of support came in from all over the globe because each disaster is unique and LTFOers want to be involved to practice their skills and to learn from the latest calamity. It aids motivation and self-esteem that the Dutch have a sound reputation for solid work at a range of disasters. They could bring valuable expertise to the joint

enterprise enabling them to play the leading role in coordinating the international effort in response to MH17

- This case was a prime example of “transnational” policing. There were officers from the diverse countries involved with a large contingent from Australia and a group from the Metropolitan Police (London). Moreover, the expertise of the LFTO has been evident in its significant contribution to refreshing the guidelines for tackling identification at disasters which are periodically updated and distributed through Interpol
- It was also an excellent example of the increasingly important role of technology and science in policing
- The LFTOers had here also a specific reference group in a definable “constituency” of the thousand or more relatives who were affected by the disaster. Instead of a single victim or a couple of victims in a routine criminal investigation they had here 298 victims of whom 196 were Dutch and those Dutch relatives were recognized by the Dutch government as requiring support and the delivery of results. The relatives, moreover, soon formed a committee which represented the group and which could communicate with the media and make its wishes known - *Stichting Vliegcramp MH17 / Plane Disaster MH17 Association*
- The motivation of the LFTOers was in a way to give their relative back to those families by identifying the relative and by returning remains and possessions. Their work, then, had a clear and overriding goal which gave satisfaction and it was driven by that aim. This also applied to others involved in the case with a researcher at the NFI, who came back early from vacation to work on the MH17 project, stating:

I did it with affection. For this was far more than ordinary work, because I knew precisely what I was doing it for -----I am really proud that I could help with the identification. I did that with passion, in order to give the relatives something back of their deceased family. (Meulenbroek en Poley: 2015: 13-14).

In short, these LFTOers and DVIers plainly have skills, motivation, professionalism and pursue clear goals. They form an enclave of smart cops - and skilled civilian specialists - who can shift instantly from routine into a running start to tackle complex assignments in tough circumstances. Their work also exemplifies that it is difficult to draw a line between policing geared to law enforcement and a public oriented, social-welfare function (Punch: 1979: James and Punch: 2016). In the UK, for example, the former Home Secretary Theresa May had lambasted the police not be “social workers” but to be “no-nonsense crime-fighters” whose sole objective was “success in cutting crime” (van Dijk, Hoogewoning and Punch: 2015: 1). This ideologically driven standpoint goes against decades of evidence that police do not spend most of their time on fighting crime. This was exemplified in the dual role of the family detectives who here in the MH17 case - but also many other criminal cases and large-scale

calamities - were of great importance to the family. They formed the supportive, human face that could be turned to when relatives faced the multiple emotional and practical consequences of loss, mourning and grieving. Indeed, throughout the LFTO and others were driven by concern and compassion for the victims and their relatives. The remains of the victims were always treated with dignity and respect and the interests of the relatives – after their messy reception at Schiphol on the first evening – were always treated with concern, consideration and well-thought out rituals of remembrance and mourning. Feeding into that was the utmost determination of the LTFO to deliver the identity and remains of the victims to their relatives. This case is, then, an example of what police can achieve despite the general sense of demoralization and disillusion which is said to afflict the wider organization.

In the particular case of the MH17 disaster this was clearly a national calamity which elicited an energetic and concerted effort from central government. This can be compared with the resolute conduct of the Chilean government following the earthquake of 2013 (Useem, Kunreuther and Michel-Kerjan: 2015). Indeed, there is an implicit hierarchy of disasters – which starts with “how many of our citizens are on board?” – and this was “mega” because it was an international incident of immense political significance with a large number of Dutch victims and attracting the eyes of the world. However, in recent years Dutch society has changed from being highly caring in many respects to becoming politically more of a neo-liberal style administration cutting back on government expenditure in diverse areas including health and welfare. There had also been the rise of populist politics which had moved the political debate to the right with an anti-immigrant focus and a tougher law enforcement programme: this too had put pressure on central government.

Here, however, the Prime Minister, government, ministers, ministries, diplomats and others all functioned to aid the work of the LTFO, PPS, DSB and to support the relatives. In terms of hierarchy the Royal Family also performed a highly symbolic role in elevating the calamity and in symbolizing the deep sympathy of the nation for the victims and relatives. This national commitment involved a considerable investment in time and resources with the JIT investigation alone absorbing a significant amount of the PPS’s capacity. Without being cynical one can note that politicians, and other leading officials, tend to seek the limelight and the chance to show their ability before international colleagues and the global media: that might lead to interesting posts in the EU or NATO or, more prosaically, to votes at home. Foreign Minister Timmermans, with his powerful speech at the UN, could show why he was fit to become First Vice-President of the European Commission. The Minister of Defence, Jeanine Hennis, doubtless felt that the urgent need to send personnel and material to a war zone was a powerful signal to her government to invest in ships, planes, equipment and personnel rather than disposing of them. And the Minister of Justice, plagued by affairs and mired in the sluggish reform of the police, could at least point to one

well-functioning unit and to an internationally operating PPS. Indeed, there was praise for the PPS and the NP when the JIT gave the *Presentation preliminary results criminal investigation MH17* on 28 September 2016. The combined efforts of the five countries involved, coordinated by the Dutch, came to the firm conclusion that MH17 had been shot down by a BUK rocket fired from a Russian unit which had crossed the border into the Ukraine and returned to Russia shortly after the rocket was launched. The BUK rocket was fired from a location within separatist held territory and not, as Russian sources claimed, from the within Ukraine. This preliminary report did not identify suspects but its content clearly amplified the geo-political implications of the JIT investigation and report.

The LTFO played a central role in this complex and demanding case, as outlined above, and deserves high recognition. This holds also for the family detectives, VSN - and the case managers and volunteers it mobilized - as well as other social welfare agencies. The focus here has been very much on "law enforcement" as part of a wider initiative on "law enforcement and public health" which will lead to the conference in Amsterdam (October 2016) and a special edition on that theme in *Policing and Society*.²³ Outside of those two institutional areas, it is clear that many other institutions can play a role in caring for victims and their relatives in varying roles and at various times including NGOs, churches / Salvation Army, undertakers, schools, sports clubs, volunteers and ad hoc support groups.²⁴ In the MH17 mega-case there was, moreover, wide support and willing cooperation from diverse agencies in other countries. This was particularly in the Ukraine and domestically from many within government and the ministries; the NP; Armed Forces (as at Eindhoven Airport and in the Ukraine); logistics and protection from the Kmar's BSB; diplomats and their support staff and mayors and town councils.

All this committed involvement and collective concern was primarily geared to the interests of the many relatives of the victims. For this was a truly national tragedy - yet with a strong international dimension - which elicited a concerted, caring and impressive national response in the Netherlands which drew on the commitment and expertise of passionate professionals.

²³ Including the articles already published on-line: James and Punch (2016), van Dijk and Crofts (2016) and Wood and Watson (2016).

²⁴ The prime agency in this field is VSN / *Victim Support Netherlands* and its position is not to "overload" relatives immediately after a calamity as grief and mourning are highly personal and hence the response to it should be shaped by allowing space to relatives to commence the recovery process on their own with judicious selective support. Some individuals and families might prefer privacy and might find it difficult to take various collective signs of support however well-meaning. The social media can play a role here and may take on a momentum of its own outside of the wishes of the relatives: Wilmot (2016) powerfully makes the point that "sites like Facebook and Twitter are poorly suited to grief's strangeness".

Abbreviations

BSB	Kmar's Brigade for Special Protection Duties / <i>Brigade Speciale Beveiligingsopdrachten</i>
CAA	(UK) Civil Aviation Authority
DSB	Dutch Safety Board / <i>Onderzoeksraad voor Veiligheid</i>
DVI	Disaster Victim Identification
FAA	(US) Federal Aviation Authority
ICAU	International Civil Aviation Unit
JIT	Joint Investigation Team / JIT into criminal responsibility to be supervised by the Dutch PPS along with counterparts from Malaysia, Belgium, Australia
Kmar	Royal Military Constabulary / <i>Koninklijke Marechaussee</i>
KVO	Corporal van Oudheusden Barracks (Hilversum) / <i>Korporaal van Oudheusden Kazerne</i>
LTFO	National Team for Forensic Investigation / <i>Landelijk Team Forensisch Opsporing</i> including a "Disaster Victim Identification Unit"
NFI	National Forensic Institute / <i>Nationaal Forensisch Instituut</i>
NKC	National Core Team Crisis Communication / <i>Nationaal Kernteam Crisiscommunicatie</i>
NP	National Police / <i>Nationale Politie</i>
OSCE	Organization for Security and Cooperation in Europe
PPS	Public Prosecution Service/ <i>Openbaar Ministerie</i>
SGBO	Staff Large-scale Exceptional Operation / <i>Staf Grootschalig Bijzonder Optreden</i>
VSN	Victim Support Netherlands / <i>Slachtofferhulp Nederland</i>

Time-line

2014

- 17th July MH17 disappears from the radar when flying over East Ukraine
- 18th July Dutch political mission and LTFO members to Kiev

- 19th July First LTFO team sets off for Donetsk: second LTFO team arrives in Kharkov
- 20th July First LTFO team reaches the train in Torez with victims of the crash in four waggons: the train is not allowed to leave
- 21st July The Dutch King, Queen and Prime Minister meet victims' relatives: members of the OSCE and LTFO inspect the body-bags in the train in Torez and gain access to the crash-site. Decision made to repatriate the bodies to the Netherlands
- 22nd July Train arrives in Kharkov. "Black boxes" from the plane given to Malaysian delegation by separatist leader, Borodai
- 23rd July Two planes with coffins arrive in Eindhoven
- 24th July Two more planes with coffins arrive in Eindhoven
- 25th July Two planes with coffins arrive in Eindhoven
- 26th July Two planes with coffins arrive in Eindhoven: LTFO team is prevented by separatists from reaching the crash site
- 27th July Fighting in the area of the crash-site makes access to the site impossible
- 28th July Again access to crash-site proves impossible
- 30th July Vehicles of the OSCE are prevented from reaching the site
- 31st July Vehicles of the OSCE are allowed through to the site with LTFO members who take DNA samples and recover personal possessions
- 1st August LTFO team again reaches the crash-site: no human remains found
- 2nd August LTFO team at the crash-site
- 4th August LTFO at crash-site but has to withdraw when shelling begins
- 6th August Prime Minister Rutte withdraws the search mission as new hostilities in the area make continuing the recovery work too hazardous
- 8th August Members of the repatriation mission arrive back in the Netherlands
- 9th Sept. Provisional results of the DSB investigation indicate that MH17 was brought down by a large number of objects penetrating the plane causing it to break-up
- 26th Oct. Area of the crash-site sees heavy fighting
- 8th Nov. In previous weeks personal possession and human remains have been found and are transported to Hilversum

- 10th Nov. On a day of national remembrance for the victims the Prime Minister addresses 1600 relatives and others who have been invited to the occasion. All flags are at half-mast
- 16th Nov. Recovery of the remnants of the plane begin and last until 23rd November after which they are transported to the Netherlands, some by plane and the larger parts by truck. The plane will be reconstructed as much as possible with regard to the civil and criminal investigations
- 28th Nov. Seventh occasion that coffins are flown back to the Netherlands
- 5th Dec. Prime Minister halts all recovery work as winter has set in and the area remains hazardous
- 11th Dec. Almost all the victims have been identified: only four remain unidentified

2015

- 2nd Feb. A Dutch team recovers some human remains near Grabovo
- 7th Feb. One coffin is flown back to the Netherlands
- 3rd March MH17 has been reconstructed as much as possible and relatives are allowed to view it
- 19th March Dutch media report that MH17 was shot-down by a BUK-rocket given the fragments of munition recovered
- 30th April Dutch recovery work at the site is declared completed
- 2nd May Seven coffins and personal possession are flown to Eindhoven
- 29th June Dutch government considers it unlikely that the last two victims will be identified: the final total is 296 victims identified
- 17th July Ceremony marking first anniversary of the crash with about 1500 relatives in the presence of the Prime Minister: organized with *Stichting Vliegramp MH17 / Plane Disaster MH17 Association*
- 13th Oct. DSB Final Report concludes that the plane was hit by an exploding BUK ground-to-air missile that had been fired from East Ukraine

2016

- 17th July Ceremony marking second anniversary of the crash with about 1000 relatives in the presence of the Prime Minister
- 28th Sept. Presentation of preliminary results of criminal investigation MH17

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²⁵ The highly critical report, following a number of controversial cases, was part of the response of the Dutch Minister of Justice to the Second Chamber / *Tweede Kamer* in Parliament regarding reported weaknesses in the NP's investigative capacity and level of competence.

Other Sources

There are two publications of VSN drawing on the Libyan and MH17 crashes respectively: for Libya *Rouwen is ontzettend hard werk (Slachtofferhulp Nederland / Victim Support Netherlands: 2012)* and for MH17 *Er is geen draaiboek voor verdriet (Slachtofferhulp Nederland / Victim Support Netherlands: 2012)*

There is detailed information by searching internet sites simply with "MH17": this is also the case on diverse Dutch sites in English of which the most important official ones are:

- The central Dutch government website – www.government.nl/topics/mh17-incident/
- The site of the PPS, within the Ministry of Justice, about the criminal investigation – [www.om.nl/onderwerpen - mh17-crash/](http://www.om.nl/onderwerpen-mh17-crash/) - including the *Presentation preliminary results criminal investigation MH17 28-09-2016*
- The Dutch Safety Board's site, with its final report on the technical causes of the crash – www.onderzoeksraad.nl under *MH17: IRC Plane Crash Ukraine*
- Through Victim Support's *Information and Contact Centre / IVC* – www.slachtofferhulp.nl

Then there's the Bellingcat site – www.bellingcat.com/tag/mh17/

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