

# MH17 Trial Begins With Emotion and Legal Technicalities

None of the murder suspects will be present for the hearings.

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Judges in the courtroom Monday. **AP**

SCHIPHOL, The Netherlands — In a crowded and heavily guarded court near Schiphol, the airport MH17 took off from six years ago, a murder trial opened against four men charged with the killing of 298 victims on the ill-fated flight.

The first day of proceedings saw the head judge, the prosecutors and defense team present their opening statements in a courtroom filled with journalists from around the world and family members of the dead.

"Many people have long waited for this day," Head Judge Hendrik Steenhuis said in his opening remarks, before confirming earlier media reports that none of the suspects would be present for the hearings.

Russians Sergey Dubinsky, Oleg Pulatov and Igor Girkin, and Ukrainian Leonid Kharchenko all held senior posts in the pro-Russian militias in eastern Ukraine in 2014, and are suspected of being instrumental in the downing of flight MH17 using a Russian BUK missile system.

Steenhuis said Pulatov is the sole suspect who has asked to be represented in court. A representative of the court told *The Moscow Times* that the three suspects will not be given a defense representative.

Pulatov's Dutch defense team was present in court, however his lawyers said they had no time to file a statement of objections because they have not had enough time to discuss the file with the defendant.

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The two Dutch lawyers defending Pulatov stressed the need for a proper defense opportunity and asked the judges not to fall into the trap of wanting to “punish their client.” In their opening statements, the defense team questioned Ukraine's decision to keep airspace open above 9,754 meters at the time of the shooting down of the plane, arguing that it went against international advice.

### **Trial in absentia**

The judge early on ruled that the trial of the four suspects could continue despite none of the four suspects being present. The court decided that the indictment sent to it was valid, timely, and that enough had been done to make the suspects aware of the charges.

The mood in the courtroom darkened during opening statements from prosecutor Dedy Woei-a-Tsoi, who took 20 minutes to solemnly read out the names of those who died when MH17 crashed in eastern Ukraine, most of them Dutch nationals. Family members of the victims told *The Moscow Times* they found the reading “moving” and “intense.” The judges said 49 relatives are expected to testify during the hearings.

"The silence in this court during the reading of all the names of the victims makes the impact of [the MH-17 disaster] clear once again," said Steenhuis.

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In their opening statements, the prosecution, quoting Soviet dissident Aleksandr Solzhenitsyn, argued that it is of essence to find out the truth of what happened to prevent future incidents.

The prosecutors said they will focus on the four suspects they believe were the main culprits involved in the downing of the passenger plane, adding that it is unlikely they will bring more cases. The prosecution further argued that Russia-backed rebels in Donetsk suspected of the MH17 shooting were “not entitled to claim combat immunity,” and should therefore be tried under ordinary criminal law.

“A mandate — or immunity — for deadly violence is only exceptionally provided. To date, the

defendants in this case have never asserted that in July 2014 they were regular military personnel acting on behalf of a state in Ukraine,” the prosecutor said.

While the trial is being conducted in Dutch, the judge and the prosecutors repeatedly stressed that the case is of international significance. A live English translation was provided while a live stream could be accessed around the world.

On Russian state media, the start of the trial received limited attention, as the country is being rocked by a currency crisis. The Kremlin has repeatedly questioned the legitimacy of the court case.

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