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Summary of conversation with Demjin DORESCHENKO, 4 March 2015,
Intercontinental Hotel, Kyiv.
Primo 170-470 and 170-401

P=Primo Member

DORESCHENKO was at the Intercontinental Hotel speaking with members of Australian Department of Foreign Affairs and Trade in relation to his Visa.

Introductions.

P. Mr. DORESCHENKO have you got 5 minutes to have a quick chat to us about your computers and your status here?

A. The stuff that got stolen, yeah and money.

P. Do you have time for a chat?

A. I do

P. What we are hoping to talk to you about is your willingness to take part in a follow up witness interview with ourselves and the SBU similar to the one that occurred in November last year.

A. With DSC---, yes

P. Would you be willing to come to the SBU office tomorrow and take part in a witness interview?

A. I'm going back to Debaltsevo tomorrow, leaving early in the morning.

P. How long are you going back to Debaltsevo for?

A. I'll be there for a week, I've got some work to do with the SBU who have requested me to continue on with my work there.

P. You said before something about money?

A. When I was taken by the Ukrainian Border Security they stole my computers, money and hard drives and other things. I was promised to get them back, I submitted a complete incident report but nothing has happened since the 6th of January. A similar incident happened on the 17th or 18th of January, while they worked out who I was and called my SBU handler and say he's fine, he's with us, let him go.

P. Your computer contains information and photographs which are of interest to us. This makes your computers of evidentiary value to the investigation and you as the owner of the computers of interest to the investigation from a witness perspective. We would like to have access to all the information on your computers so we can make any comments based on what we find.

A. So am I right in understanding that the computers that were taken from me back in January and promised their return to me in Kyiv have somehow managed to find their way into the hands of the JIT?

P. The computers have not made their way into the hands of the JIT but we have viewed the contents of the computers and they have been found to contain images that may be of value so it would be unrealistic for you to expect to get your computers back at this time and we need the chance to ask you some questions about them.

A. I see, interesting, it's a bit of a merry go round isn't it.

P. Not really, you've taken some good photos that is of interest to us, we're trying to solve this.

A. I worked on the sight for 5 months.

P. That's right, your goal and our goal is to solve this thing. If you have got information on those computers that helps us to prove who is responsible for this then I can't see how it doesn't make sense to you to come and have a chat to us and tell us what you know and help us so that together we can get somewhere with this.

A. But I have a few problems with the Dutch. The Dutch, realising when they were in Donetsk when I showed them some of the things said I was someone who was not stupid and well versed in forensics and forensic objectives. I told them I had studied forensics for three years since the 2011 Christchurch earthquakes. It is an area I have done a lot of research in and if I wasn't doing this I'd probably be doing forensic medicine. They said that my work was exemplary and we'd like you to work with us and we'll pay you. That unfortunately hasn't happened yet although the promises still remain. I spent twenty thousand Euro working on the sight, it 'll be great to get paid by the Dutch and their promise to pay for the work I've done which is great. It hasn't happened and Dutch Safety Board said they would pay as well and that hasn't happened either. So anyway it went around in a circular way for a while and then on the 26th of November I was contacted by the Dutch solicitors office representing the victims. They said we understand you have items and photographs of the plane crash, we represent a large section of the Dutch victims, we advise you legally because this is mostly a Dutch initiative, that you are not to hand over any items to the JIT and if they want to know why they can talk to us directly. I notified the JIT of this and didn't get a response.

P. Who from the JIT did you advise?

A. Ah... Chief Inspector Marchand. I believe he is the head of the JIT for the Dutch and he's one of the most senior policemen in Holland so I'm assuming he would be at the top of the food chain. I didn't get a response back about what the Dutch lawyers had said to me so everything since the 26th of November has been frozen. So I've collected a few more things, taken a few pictures, still trying to triangulate where the rocket motor of the BUK is. Have got very close to it, have got physical pieces of the missile as evidence to give to the JIT but the engine is of course the smoking gun, we need it because it has all the serial numbers that will implicate Russia to the letter.

P. So that brings up the topics that were discussed in your interview last year, that you claim to have some physical evidence, bits of the rocket etc..and you

have a computer full of images. Given what has been said about trying to solve this thing I don't see the impediment to you participating in the interview and handing over the evidence so we can properly have it examined and put into the brief. Surely we have a common goal going.

A. Yeah we do, I've been here a long time, I've been promised yes we'd like you to work with us and we'd like to pay you for your services. Are the Dutch going to do it or not?

P. Promises aside, and whether or not you have been promised anything we have an incident on a global scale that has killed hundreds of people

A. 298 to be precise

P. We just want to solve this. I don't understand why an offer to work with us or to be paid by us is playing on your mind as to whether you're going to assist us. Surely you just want to assist us because it's the right thing to do.

A. It's the right thing to do yes, but I mean handing over intellectual property that I've put together over 9 months on the site, if I hand it over what do I have, nothing.

P. How long are you going away for?

A. About 5 days

P. Are you coming back to Kyiv?

A. I have to come back to Kyiv to do another report for what's going on out there.

P. I know back in November when we had this conversation and you said you'd come back and you didn't come back. So whilst you're here I want to take this opportunity to say we're here, we're happy to do another interview, we'd like you to take part in an interview. We'd like you to tell us about your computer, we can't do it tonight because I don't have anything with me. We'd love you to hand over this evidence that you say you have, we'd love you to hand over the belongings because they might have evidentiary value. We have to get past this. We are not going to pay you, the JIT is not going to pay you. That's been specifically talked about and I'm here to tell you the JIT will not be paying you for that. And as the senior Australian representative here I am telling you that with absolute fact.

A. So why was I offered by the DSB and the JIT?

P. I can't speak for that but the JIT never offered it and I know that for a fact because I've been here for a long time too. The JIT never offered you money

A. But I had an interview

P. You had a conversation with the Dutch recovery team.

A. With Hans

P. Who is not a member of the JIT, that was told to you in November.

A. He said he was and I have that on tape.

P. He is not a member of the Joint Investigation Team, he never spoke for the Joint Investigation Team, he couldn't offer you money on behalf of the Joint Investigation Team and I tell that to you again.

A. Okay well why did he say categorically that he was a member of JIT. Why

did he do that?

P. I can't speak for what Hans said, I wasn't there, I can't speak to that.

A. I have it recorded.

P. Mr DORESCHENKO I can't speak to that, I can only speak to what the position of the accredited JIT in Ukraine is, of which I am one of the heads. That is not on the table so if we put that aside, what is left for you is a civic responsibility to assist us when we ask and we are asking for your assistance.

A. Ok, so..

P. And we'd like you to do that at some stage, not in a month or two months or forget about it, we'd like you to commit to come back to talk to us about it so we can have anything and we can get on with the interview and you can bring the evidence in and we can get it bagged and send it off for a proper forensic examination.

A. The engine is the smoking gun.

P. Parts of the rocket are trust me so why would you not want to assist in that, would that not be the culmination of what you have done?

A. I have to ask one question though

P. Yes.

A. You're a senior member of the JIT team

P. I am

A. Of which I heard there are 5. Why has the JIT team not come to Donetsk to do the forensic identification of the crime scene?

P. The forensic evaluation of the crime scene will take place when it is considered safe for that to happen.

A. I worked on it for 5 months

P. That's fine but you asked me what the official position is and I've just given you what the official position is.

A. So it's ok for me to be there but not you guys.

P. You are an individual doing it by your own choice, you have chosen to go down there and help, we are here as members of an Australian Government contingent, we are bound by what the Australian Government decides is safe for us.

P. And it's not safe for us right now. Which is why we have given you warning after warning about your own position down there and advised you not to go back and that's been well documented as well. And again I say you should not be down there, it's not safe.

A. Well this is my country as well and I do work for this country.

P. We're off target anyway, the target is your willingness hopefully to do the right thing and assist us with some information with products that you say you hold and a discussion about what's on your computers.

A. I'll have to speak to the Dutch legal team representing the victims and their position about what you've both said today and they can say we know and yes it's good or no it's not and we'll talk to the JIT and the Dutch Safety Board and we'll organise something. I have been categorically by them not to hand

anything over to the JIT at all.

P. I'd be very careful about listening to the advice of lawyers supposedly representing the victims when the JIT is responsible for investigating this. That means we are responsible for processing evidence. If you have anything from the crash site, from the victims that has anything to do with this investigation then it forms evidence and therefore we are entitled to have that. For a lawyer to turn around and say don't hand that over to the police it leave him in a predicament himself, they're interfering with an investigation. So for you to take the advice of them over us, I would tread carefully.

A. But the issue is under Ukrainian law, the Australian Federal Police has no jurisdiction.

P. No we haven't which is why we are not compelling you to do anything.

A. Ok, well would you at least let me? I'll contact these Dutch guys because I don't want things to blow up and I become responsible for some legal thing because the Dutch have got up in arms about these guys and the victims are suing the Dutch Government and suing the JIT team and anyone else that may be involved in any what they can see as inappropriate actions done by you guys. So I have to cover all bases. Do you understand?

P. Do what you feel that you have to do Mr DORESCHENKO but this will not go away.

A. I know that.

P. And I can tell you now your computers aren't coming back to you at the moment because they've got evidence on them and I'm happy to tell you that as well, we'd love you to come talk to us about them.

A. Why were they taken in the first place?

P. I can't speak to that as I was not there at the time but the fact is that we believe they contain evidence of value to us.

A. But they shouldn't have been taken out of my possession and given to a third party, that's a criminal offence because the information that I have on those computers is my own personal information plus information I have gathered from this war from the last eleven months. It's all my work, my stories, my documentaries, my articles to the Australian press to give them a clear and concise view of what's going on here. It's stopped me from submitting those articles therefore it's stopped me from getting a reasonable income from doing this type of work, apart from what I do for the Ukrainian government. Plus it's got their information as well so it's quite a clouded thing. I just find it strange that when I was released by the SBU on the 7th of January and they said we will send you to Kyiv and your computers will go with this guy who is also going to Kyiv because that's the way we do things and when you get there we will give them back to you. They took copies and screen shots of things on my computer, my skype contacts, emails I had sent to people, they even read some emails from the JIT and other things that they said they wanted to do at the time, and thought that was unusual as it's actually against Ukrainian law but that's another matter. It's just very unusual

that its gone from SBU's control to out of their control to a third party without any authorisation or knowledge being passed on to me. Having tried for the past month or so to find out about the computers and money etc..and having no luck.

P. Who did you contact about the computers?

A. I contacted the SBU office, one person I know there but he said he didn't know and for me to speak to the guys in Krasnoarmiis'k because they handled you're equipment. I did that and along with another journalist who also had his camera taken who speaks Russian was told to submit a report in Kyiv which he also attempted to do but was told it wasn't the case. So he got the run around as well. It's become a matter for concern for myself and him. And to now discover that its somehow ended up in the hands of the JIT guys it's like..great! But I actually did write to the SBU guy at the time (inaudible conversation).

P. That's right because the SBU are part of the JIT and we do share information and we do know what's going on and we would like to talk to you about it and know what you know, get a bit of the evidence that you say you have.

A. Well, I should have been on the JIT team for Ukraine.

P. Again, can't answer to that. However, how is the best way to move this forward, what can we do? Otherwise this is just gonna bounce around.

A. Umm, I have my job to do here for the Government, ok? very specific and people with my training don't really exist in Ukraine. It's that simple. So after I've done this particular task we can discuss this further.

P. I need a time frame on that, there's no point having an open book because you talked about this with my colleagues in November and here we are in March, 4 months later and we are still talking about it, this is a conversation you could have had with Alex and Trevor last year and I don't want to hand it over to the next crew that comes in.

A. Of course, you want to go home with something to be happy with.

P. I'm already happy with what I've done here, this is but a small part of it but it's an important part. I'd like it answered and make you as happy as we can and make us even happier and everybody wins to a degree.

A. To a degree!

P. I did put to a degree in, I didn't say you were going to get what you want. If you need to disappear for a time that's fine but I want you to lock in and assure me you are going to come back at a time and a date and present yourself or at least look me in the eye and say I either will or I will not participate in an interview because I can't compel you and if you look me in the eye and say you know what, I don't want to take part in an interview then we're done. You can leave and I will never speak to you again. That is the option I give you, I'm not here to force you to do something .

A. I have always said that I will participate because this is a crime that must be brought to justice and I have never not once reputed that to anybody, okay

because it has to be dealt with. I'm just sorry that I've basically been the only man in the field to do the work that I've done and it's unfortunate that you guys have not had the opportunity in seven months. So I am quite happy to participate and this is something that needs to happen. As for a time frame, well that's an issue, it could be in the next ten days or next 2 weeks.

P. We only need a couple of hours.

A. I know. The best I can do is to contact you and I assume you have my contact details, for you to contact me on Monday while I'm running around surrounded by Russians and I can talk about returning to Kyiv at that point. between now and Monday afternoon I'll be back in the Debaltsevo area, and swinging past the crash site.

P. Which is a crime scene and you shouldn't be going by.

A. Because winter has subsided and it a good time to continue looking for our little smoking gun.

P. Which you may already have but I can't seem to convince you of that or to give it to us.

A. Well the engine is important because the serial numbers.

P. The engine might be important but so is what you have now. We can't say whether it's important or not, that why I need to see it. I respect that you know some things about forensics but I would challenge you that you're not a post blast expert or a weapons expert or a military expert so I would doubt that you would know exactly what you have. And I suggest that we could get far better information than what you have.

P. And you have to understand that as much work as you may have done down there, we have as much work up here in a completely different way. We have a lot of information that we have put together that combined with what you have that you may not think is overly important, to us could be very important.

A. It's a jigsaw puzzle, you have to put all the pieces together. It could be so and so in Torez saw X Y Z and some guy in Shakhtarsk saw that. Okay we connected those two points together, that's how a crime scene is built up, the picture becomes coherent.

P. That's why we'd like to see what you've got.

P. But if you're holding out and waiting for that last piece of the puzzle being the engine and you think that is what is going to tip us over the edge what you have at the moment may assist with what we've already got to the point where we can go forward with this investigation a lot quicker than what we currently are.

A. In terms of specialisation I'm actually highly specialised in explosives and firearms so you'd be quite surprised by what I can do, my skill set is quite extensive.

P. Regardless of all of that unfortunately we are authorised to take part in this investigation, you're not, but the information you may have will assist us. So as much expertise as I'm sure you do have and no one is disputing the fact

that you are a knowledgeable man because having listened to your interviews and seeing some of the things you've written I have no doubt that you know a lot about a lot of things but bottom line is we are charged with investigating this thing, you are not. You possess information that may provide vital information for us in investigating this matter, we just want to get our hands on it. Simple as that. We just want you to do the right thing as a concerned person who wants to see this thing solved by handing it over to us, not expecting anything in return except for our gratitude and the knowledge within yourself that the information that you provided help to solve one of the biggest crimes of the century so far.

A. Yes we know, and I also pity the guys on MH370, that's another one.

Another thing to discuss with you guys is that there is still a lot of stuff out there that has been collected over the winter months and I'll be bringing that back from there to Donetsk and then from Donetsk hopefully back to Kyiv.

P. Because you already have quite a bit of stuff down there is my understanding? and I know you been asked on a number of occasions to hand it over to the Dutch recovery team.

A. These guys will not hand it over to you.

P. No we want you to hand it over to the Dutch recovery team because they are personal items of the victims and it really does need to be handed over so it can be returned to the victims' families. I know you were asked to do that last year and it hasn't eventuated.

A. No they stopped talking.

P. I ask you again to make those items available to the Dutch recovery team or to JIT investigators so we can arrange to have those items transported to the Netherlands and returned to the peoples families.

A. And the Australian stuff?

P. All the stuff, everything goes back to the Netherlands for processing.

A. I know it should do but the Ukrainians are saying hand it over to the Australians and split it up.

P. And I'm saying to you if you want to hand it over to the JIT investigators we are quite happy to take it off your hands and we will send it over to the Netherlands for processing. and that includes evidence, rocket parts, anything else you find or if you have any items of value, personal belonging etc...

P. One thing I can guarantee you, and I can't speak on behalf of the other organisations involved in the Joint Investigation Team but as Australians, and you being a fellow Australian, if you hand things over to — and myself, I can guarantee you that it will go to the right people. There is no question about that at all.

A. Because I did hand over some items to some AFP guys who were in in July some items, we forensically handed them over, that's how we handed things over. They were quite happy with the way I had forensically dealt with each item.

P. I give you the assurance that if you are willing to hand the items over to us

we will ensure they are processed correctly and sent back to the relevant families wherever they may be and that includes evidentiary items of any nature.

P. But in saying that, remember that there is an investigation going on so that doesn't mean they are going to be handed back straight away so going back to your question before about the glasses, chances are they are still part of the investigation. All we can guarantee is that it will make it back to the right people for the right reasons.

A. All I will say is that with regard to the personal items that were collected and there are quite a few, I was able to do so before the weather destroyed any evidence of their existence as has happened now.

P. So you can understand the importance of them and aren't surprised that we have asked you to come back. And so I don't understand why you are holding out on that. I understand money is an issue.

A. Money is not the most important thing it's the lawyers.

P. Forget the lawyers, you've got to remember that lawyers representing the families of crash victims have other motives than just seeing an end result. They will work towards compensation issues and that type of stuff. That is why you have to be very careful about what advice you take from them. They are lawyers not law enforcement officers, they are not involved in the investigation into this crime, we are. So you have to think which ones are you going to trust, the people charged with investigating it or the people representing the families of the people that were killed in it.

P. At the end of the day Demjin we are just asking you to do the right thing, do the morally correct thing, that's all, there's nothing more we can say to you other than that.

A. I will write to Inspector Marchand, I will write to Van de Gough and Advocart in Holland and see what conversations they have had in the past 4 months about this particular issue and if they all agree and then the Dutch Government is put into a multi-billion dollar law suit or something stupid like that which I have been told is quite possible for their mishandling of this whole thing and they can sort it out and if they decide to hand over X Y Z to these guys then that will be the end of it. I have to cover my arse essentially. I don't want to have some Dutch guys extradite me to Holland to face court over me handing over items that some family members were really pissed off about and now they're going to sue me for 10 million Euros, I don't really want that sort of future.

P. It would be a very brave lawyer to sue you over you handing the items over to the investigation.

P. That's why you are better off handing them over to the relevant authorities so you can be accused of holding onto to them or holding out.

P. What better defense than to say I handed them over to the Joint Investigation Team investigating this crash.

P. Putting all that aside

P. You want us to contact you on Monday?

A. Contact me on Monday

P. I'm going to text you.

A. Texting is good

P. You're happy with that?

A. Yep

P. Mr. DORESCHENKO a couple of things, firstly I'm going to roll out the same Government warnings given to an Australian Citizen. The Australian Government website advises against travel down to the eastern part of Ukraine so I would ask you to respect the Australian Governments advice and not travel to the Donetsk, Lugansk and Donbass region of Ukraine.

I will also warn you against going back to the crash site, going through the crash site, collecting any more items from the crash site. I have now satisfied my obligation to give you those warnings. Do you understand what I've just warned you about?

A. I do.

P. I will make a report of our conversation today because that is my job. I will outline that you were here visiting embassy staff and we spoke to you and asked you to have a chat and that your position is that you are not prepared to take part in an interview today or tomorrow but I am to contact you on Monday in anticipation of you returning to Kyiv to take part in an interview. That is going to be my report, is that correct or not correct?

A. That is correct.

As DORESCHENKO rose from his seat he drew attention to the body armour he was wearing.

A. This body armour will stop a sniper round.

A. Yes, I have enough body armour to stop a fired round but the DNR respect me and actually know the job I'm doing and they are really pissed of that you guys haven't come there. The commander in Torez of Oplot, he watched me go every day, 10 hours a day, backwards and forwards, photographing, he said why aren't the Australians coming? I said they're in Kharkiv.