

## **Official position of Ukraine**

### **Ongoing Impunity in the Case of Killed Journalists Andrea Rocchelli, Andrei Mironov and Wounded Photographer William Roguelon**

The Security Service of Ukraine in Donetsk region is processing criminal proceeding № 120140510001523 of 25 May 2014 on the fact of the committed crime as defined by Article 258, par 3 of the Criminal Code of Ukraine.

The said criminal proceeding was submitted to the National Register of Pre-Trial Investigations on 25 May 2014 by the Investigation Section of the Sloviansk branch of the General Directorate of the Ministry of the Interior of Ukraine in Donetsk region based on the elements of criminal offense as defined by Article 115, par 2, subpar 1 of the Criminal Code of Ukraine.

The criminal proceeding was registered on the grounds of a report from the Sloviansk city hospital of 25 May 2014 stating that on 24 May 2014, during the anti-terrorist operation on the territory of the city of Sloviansk near a railway crossing near the village of Andriyivka of Sloviansk district, the following persons were fatally wounded during artillery shelling: Andrei Mironov, citizen of the Russian Federation, born 31 March 1954, and Andrea Rocchelli, citizen of Italy, born 27 September 1983.

The prejudicial inquiry has established that on 24 May 2014 at around 4:30 p.m. Andrei Mironov, citizen of the Russian Federation, together with Andrea Rocchelli, journalist, citizen of Italy, and William Roguelon, journalist and photographer of the "Wostok Press" publishing agency, citizen of France, arrived by a taxi car Deawoo Nexia driven by Yevhen Koshman, citizen of Ukraine, to the territory near JSC "Zeus Ceramica" at 7 Goncharna St., Sloviansk, near the village of Andriyivka, Sloviansk district, which is 300 to 500 meters away from the railway bridge across the Suhyi Torets River, to photograph the territories that had suffered artillery shelling the day before.

After that at approximately 5:00 p.m. unidentified persons opened fire on them, first with automatic firearms and then the mortar strike on the territory where they were located commenced.

In consequence of the said artillery shelling, Andrei Mironov, citizen of the Russian Federation, and Andrea Rocchelli, citizen of Italy, suffered fatal injuries and died at the scene.

On 24 May 2014, the aforementioned persons stayed at the "Sloviansk" hotel in Sloviansk, Donetsk region. A key to hotel room 213 was found on one of them.

According to testimony by a physician from the Sloviansk city hospital, the bodies of A.Rocchelli and A.Mironov were transported to the morgue by two men carrying automatic firearms, who introduced themselves as militiamen of the unrecognized military group of "DNR".

The autopsy of bodies of Andrea Rocchelli and Andrei Mironov was carried out by I.Yakimov, forensic expert, who, according to the State Border Service, moved to the Russian Federation by personal car through the Goptivka checkpoint on 11 June 2014, together with his family, and has not reentered the territory of Ukraine by now, and whose whereabouts have not been established. The criminal proceeding file does not contain the findings of the forensic medical examination since I.Yakimov did not provide them to the investigation.

In the course of the prejudicial inquiry, people who live immediately near the death place of A. Mironov and A. Rocchelli were interrogated. Some of them reported to be absolutely unaware of the death of those individuals and of the very fact of the shelling of the said site on 24 May 2014. Some of them directly point out that they did not hear about any military action on the site where the said individuals died despite the fact that they live nearby.

In the course of the investigative experiment, which was carried out by the police investigators on 28 September 2016, involving victim Yevhen Koshman, and assisted by an expert on heavy artillery weapons, the site where Andrea Rocchelli and Andrei Mironov suffered fatal injuries was examined. However, the flight trajectory of projectiles and traces of shell burst were not identified.

Consequently, as of now the investigation has not established the cause-effect relationship between the military action that took place between Ukrainian military units and illegal military groups of the "DNR" terrorist organization, and the actions that led to the death of A. Mironov and A. Rocchelli on that day.

According to the answer to request No. 999 of 9 December 2015 by the "C" Joint Unit of the National Guard of Ukraine, on 24 May 2014, units of the 95<sup>th</sup>

Airmobile Brigade of the Armed Forces of Ukraine, 48 servicemen of the National Guard of Ukraine, and 6 members of the Special Police of the Department of the Ministry of Internal Affairs of Ukraine in Ivano-Frankivsk region were deployed on the mountain of Karachun, equipped with small arms only.

Types of weapon which were used by representatives of illegal military groups of the "DNR" terrorist organization, unlawfully acting in the city of Sloviansk and its surroundings, have not been identified by the investigation.

The solving of the criminal proceeding has been impeded by the untimely performance of immediate investigative actions due to the anti-terrorist operation, the active phase of military action and the control of the territory of the city of Sloviansk, where A. Rocchelli and A. Mironov died, by representatives of illegal military groups of the "DNR" terrorist organization at the time when the crime was committed.

In particular, the crime scene was examined only 6 months after the crime was committed. During the examination no traces of crime were identified and no fragment of projectiles was seized, which in its turn does not enable appropriate expert analysis in order to establish the nature of the shelling, the trajectory of the projectiles etc.

As of now, the findings of the forensic medical examination were not attached to the criminal proceeding file because the autopsy was carried out in the morgue in Sloviansk, controlled by representatives of "DNR" at that time. Due to the fact that the forensic expert left for the Russian Federation it is impossible to establish his whereabouts and interrogate him on the autopsy and the location the findings of the forensic medical examination.

The prejudicial inquiry into the circumstances of death of A. Rocchelli and A. Mironov continues. Within the criminal proceeding, operational-investigative activities aimed at identifying individuals who may be implicated in the above crime are carried out.

We express hope that the active stance of the Council of Europe and the OSCE Special Monitoring Mission to Ukraine will help accomplish the investigation involving all individuals concerned, making it possible to identify those implicated in the crime.