

**INTERNATIONAL COURT OF JUSTICE**

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**CASE CONCERNING  
APPLICATION OF THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION  
OF THE FINANCING OF TERRORISM AND OF THE INTERNATIONAL CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

**(UKRAINE V. RUSSIAN FEDERATION)**

**VOLUME XI OF THE ANNEXES  
TO THE MEMORIAL  
SUBMITTED BY UKRAINE**

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# Annex 359

FATF, International Standards on Combating Money Laundering and the Financing of  
Terrorism & Proliferation: The FAFT Recommendations (2012)



FATF



INTERNATIONAL STANDARDS  
ON COMBATING MONEY LAUNDERING  
AND THE FINANCING OF  
TERRORISM & PROLIFERATION

**The FATF Recommendations**

Updated February 2018



FINANCIAL ACTION TASK FORCE

The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard.

For more information about the FATF, please visit the website: [www.fatf-gafi.org](http://www.fatf-gafi.org)

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INTERNATIONAL STANDARDS  
ON COMBATING MONEY LAUNDERING  
AND THE FINANCING  
OF TERRORISM & PROLIFERATION

**THE FATF RECOMMENDATIONS**

**ADOPTED BY THE FATF PLENARY IN FEBRUARY 2012**

Updated February 2018

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## THE FATF RECOMMENDATIONS

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2	R.31	National cooperation and coordination
<b>B – MONEY LAUNDERING AND CONFISCATION</b>		
3	R.1 & R.2	Money laundering offence *
4	R.3	Confiscation and provisional measures *
<b>C – TERRORIST FINANCING AND FINANCING OF PROLIFERATION</b>		
5	SRII	Terrorist financing offence *
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1. The 'old number' column refers to the corresponding 2003 FATF Recommendation.

\* Recommendations marked with an asterisk have interpretive notes, which should be read in conjunction with the Recommendation.

Version as adopted on 15 February 2012.



## INTRODUCTION

The Financial Action Task Force (FATF) is an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions. The mandate of the FATF is to set standards and to promote effective implementation of legal, regulatory and operational measures for combating money laundering, terrorist financing and the financing of proliferation, and other related threats to the integrity of the international financial system. In collaboration with other international stakeholders, the FATF also works to identify national-level vulnerabilities with the aim of protecting the international financial system from misuse.

The FATF Recommendations set out a comprehensive and consistent framework of measures which countries should implement in order to combat money laundering and terrorist financing, as well as the financing of proliferation of weapons of mass destruction. Countries have diverse legal, administrative and operational frameworks and different financial systems, and so cannot all take identical measures to counter these threats. The FATF Recommendations, therefore, set an international standard, which countries should implement through measures adapted to their particular circumstances. The FATF Recommendations set out the essential measures that countries should have in place to:

- identify the risks, and develop policies and domestic coordination;
- pursue money laundering, terrorist financing and the financing of proliferation;
- apply preventive measures for the financial sector and other designated sectors;
- establish powers and responsibilities for the competent authorities (e.g., investigative, law enforcement and supervisory authorities) and other institutional measures;
- enhance the transparency and availability of beneficial ownership information of legal persons and arrangements; and
- facilitate international cooperation.

The original FATF Forty Recommendations were drawn up in 1990 as an initiative to combat the misuse of financial systems by persons laundering drug money. In 1996 the Recommendations were revised for the first time to reflect evolving money laundering trends and techniques, and to broaden their scope well beyond drug-money laundering. In October 2001 the FATF expanded its mandate to deal with the issue of the funding of terrorist acts and terrorist organisations, and took the important step of creating the Eight (later expanded to Nine) Special Recommendations on Terrorist Financing. The FATF Recommendations were revised a second time in 2003, and these, together with the Special Recommendations, have been endorsed by over 180 countries, and are universally recognised as the international standard for anti-money laundering and countering the financing of terrorism (AML/CFT).

Following the conclusion of the third round of mutual evaluations of its members, the FATF has reviewed and updated the FATF Recommendations, in close co-operation with the FATF-Style Regional Bodies (FSRBs) and the observer organisations, including the International Monetary Fund, the World Bank and the United Nations. The revisions address new and emerging threats, clarify and strengthen many of the existing obligations, while maintaining the necessary stability and rigour in the Recommendations.

The FATF Standards have also been revised to strengthen the requirements for higher risk situations, and to allow countries to take a more focused approach in areas where high risks remain or implementation could be enhanced. Countries should first identify, assess and understand the risks of money laundering and terrorist finance that they face, and then adopt appropriate measures to mitigate the risk. The risk-based approach allows countries, within the framework of the FATF requirements, to adopt a more flexible set of measures, in order to target their resources more effectively and apply preventive measures that are commensurate to the nature of risks, in order to focus their efforts in the most effective way.

Combating terrorist financing is a very significant challenge. An effective AML/CFT system, in general, is important for addressing terrorist financing, and most measures previously focused on terrorist financing are now integrated throughout the Recommendations, therefore obviating the need for the Special Recommendations. However, there are some Recommendations that are unique to terrorist financing, which are set out in Section C of the FATF Recommendations. These are: Recommendation 5 (the criminalisation of terrorist financing); Recommendation 6 (targeted financial sanctions related to terrorism & terrorist financing); and Recommendation 8 (measures to prevent the misuse of non-profit organisations). The proliferation of weapons of mass destruction is also a significant security concern, and in 2008 the FATF's mandate was expanded to include dealing with the financing of proliferation of weapons of mass destruction. To combat this threat, the FATF has adopted a new Recommendation (Recommendation 7) aimed at ensuring consistent and effective implementation of targeted financial sanctions when these are called for by the UN Security Council.

The FATF Standards comprise the Recommendations themselves and their Interpretive Notes, together with the applicable definitions in the Glossary. The measures set out in the FATF Standards should be implemented by all members of the FATF and the FSRBs, and their implementation is assessed rigorously through Mutual Evaluation processes, and through the assessment processes of the International Monetary Fund and the World Bank – on the basis of the FATF's common assessment methodology. Some Interpretive Notes and definitions in the glossary include examples which illustrate how the requirements could be applied. These examples are not mandatory elements of the FATF Standards, and are included for guidance only. The examples are not intended to be comprehensive, and although they are considered to be helpful indicators, they may not be relevant in all circumstances.

The FATF also produces Guidance, Best Practice Papers, and other advice to assist countries with the implementation of the FATF standards. These other documents are not mandatory for assessing compliance with the Standards, but countries may find it valuable to have regard to them when considering how best to implement the FATF Standards. A list of current FATF Guidance and Best

Practice Papers, which are available on the FATF website, is included as an annex to the Recommendations.

The FATF is committed to maintaining a close and constructive dialogue with the private sector, civil society and other interested parties, as important partners in ensuring the integrity of the financial system. The revision of the Recommendations has involved extensive consultation, and has benefited from comments and suggestions from these stakeholders. Going forward and in accordance with its mandate, the FATF will continue to consider changes to the standards, as appropriate, in light of new information regarding emerging threats and vulnerabilities to the global financial system.

The FATF calls upon all countries to implement effective measures to bring their national systems for combating money laundering, terrorist financing and the financing of proliferation into compliance with the revised FATF Recommendations.

## THE FATF RECOMMENDATIONS

### A. AML/CFT POLICIES AND COORDINATION

#### 1. Assessing risks and applying a risk-based approach \*

Countries should identify, assess, and understand the money laundering and terrorist financing risks for the country, and should take action, including designating an authority or mechanism to coordinate actions to assess risks, and apply resources, aimed at ensuring the risks are mitigated effectively. Based on that assessment, countries should apply a risk-based approach (RBA) to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified. This approach should be an essential foundation to efficient allocation of resources across the anti-money laundering and countering the financing of terrorism (AML/CFT) regime and the implementation of risk-based measures throughout the FATF Recommendations. Where countries identify higher risks, they should ensure that their AML/CFT regime adequately addresses such risks. Where countries identify lower risks, they may decide to allow simplified measures for some of the FATF Recommendations under certain conditions.

Countries should require financial institutions and designated non-financial businesses and professions (DNFBPs) to identify, assess and take effective action to mitigate their money laundering and terrorist financing risks.

#### 2. National cooperation and coordination

Countries should have national AML/CFT policies, informed by the risks identified, which should be regularly reviewed, and should designate an authority or have a coordination or other mechanisms that is responsible for such policies.

Countries should ensure that policy-makers, the financial intelligence unit (FIU), law enforcement authorities, supervisors and other relevant competent authorities, at the policy-making and operational levels, have effective mechanisms in place which enable them to cooperate, and, where appropriate, coordinate and exchange information domestically with each other concerning the development and implementation of policies and activities to combat money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. This should include cooperation and coordination between relevant authorities to ensure the compatibility of AML/CFT requirements with Data Protection and Privacy rules and other similar provisions (e.g. data security/localisation).

## B. MONEY LAUNDERING AND CONFISCATION

### 3. Money laundering offence \*

Countries should criminalise money laundering on the basis of the Vienna Convention and the Palermo Convention. Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences.

### 4. Confiscation and provisional measures \*

Countries should adopt measures similar to those set forth in the Vienna Convention, the Palermo Convention, and the Terrorist Financing Convention, including legislative measures, to enable their competent authorities to freeze or seize and confiscate the following, without prejudicing the rights of *bona fide* third parties: (a) property laundered, (b) proceeds from, or instrumentalities used in or intended for use in money laundering or predicate offences, (c) property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations, or (d) property of corresponding value.

Such measures should include the authority to: (a) identify, trace and evaluate property that is subject to confiscation; (b) carry out provisional measures, such as freezing and seizing, to prevent any dealing, transfer or disposal of such property; (c) take steps that will prevent or void actions that prejudice the country's ability to freeze or seize or recover property that is subject to confiscation; and (d) take any appropriate investigative measures.

Countries should consider adopting measures that allow such proceeds or instrumentalities to be confiscated without requiring a criminal conviction (non-conviction based confiscation), or which require an offender to demonstrate the lawful origin of the property alleged to be liable to confiscation, to the extent that such a requirement is consistent with the principles of their domestic law.

## C. TERRORIST FINANCING AND FINANCING OF PROLIFERATION

### 5. Terrorist financing offence \*

Countries should criminalise terrorist financing on the basis of the Terrorist Financing Convention, and should criminalise not only the financing of terrorist acts but also the financing of terrorist organisations and individual terrorists even in the absence of a link to a specific terrorist act or acts. Countries should ensure that such offences are designated as money laundering predicate offences.

### 6. Targeted financial sanctions related to terrorism and terrorist financing \*

Countries should implement targeted financial sanctions regimes to comply with United Nations Security Council resolutions relating to the prevention and suppression of terrorism and terrorist financing. The resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds or other assets are made available, directly or indirectly, to or for the benefit of, any person or entity either (i) designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, including in accordance with resolution 1267 (1999) and its successor resolutions; or (ii) designated by that country pursuant to resolution 1373 (2001).

### 7. Targeted financial sanctions related to proliferation \*

Countries should implement targeted financial sanctions to comply with United Nations Security Council resolutions relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. These resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations.

### 8. Non-profit organisations \*

Countries should review the adequacy of laws and regulations that relate to non-profit organisations which the country has identified as being vulnerable to terrorist financing abuse. Countries should apply focused and proportionate measures, in line with the risk-based approach, to such non-profit organisations to protect them from terrorist financing abuse, including:

- (a) by terrorist organisations posing as legitimate entities;
- (b) by exploiting legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset-freezing measures; and
- (c) by concealing or obscuring the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.

## D. PREVENTIVE MEASURES

### 9. Financial institution secrecy laws

Countries should ensure that financial institution secrecy laws do not inhibit implementation of the FATF Recommendations.

## CUSTOMER DUE DILIGENCE AND RECORD-KEEPING

### 10. Customer due diligence \*

Financial institutions should be prohibited from keeping anonymous accounts or accounts in obviously fictitious names.

Financial institutions should be required to undertake customer due diligence (CDD) measures when:

- (i) establishing business relations;
- (ii) carrying out occasional transactions: (i) above the applicable designated threshold (USD/EUR 15,000); or (ii) that are wire transfers in the circumstances covered by the Interpretive Note to Recommendation 16;
- (iii) there is a suspicion of money laundering or terrorist financing; or
- (iv) the financial institution has doubts about the veracity or adequacy of previously obtained customer identification data.

The principle that financial institutions should conduct CDD should be set out in law. Each country may determine how it imposes specific CDD obligations, either through law or enforceable means.

The CDD measures to be taken are as follows:

- (a) Identifying the customer and verifying that customer's identity using reliable, independent source documents, data or information.
- (b) Identifying the beneficial owner, and taking reasonable measures to verify the identity of the beneficial owner, such that the financial institution is satisfied that it knows who the beneficial owner is. For legal persons and arrangements this should include financial institutions understanding the ownership and control structure of the customer.
- (c) Understanding and, as appropriate, obtaining information on the purpose and intended nature of the business relationship.
- (d) Conducting ongoing due diligence on the business relationship and scrutiny of transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the institution's knowledge of the customer, their business and risk profile, including, where necessary, the source of funds.

Financial institutions should be required to apply each of the CDD measures under (a) to (d) above, but should determine the extent of such measures using a risk-based approach (RBA) in accordance with the Interpretive Notes to this Recommendation and to Recommendation 1.

Financial institutions should be required to verify the identity of the customer and beneficial owner before or during the course of establishing a business relationship or conducting transactions for occasional customers. Countries may permit financial institutions to complete the verification as soon as reasonably practicable following the establishment of the relationship, where the money laundering and terrorist financing risks are effectively managed and where this is essential not to interrupt the normal conduct of business.

Where the financial institution is unable to comply with the applicable requirements under paragraphs (a) to (d) above (subject to appropriate modification of the extent of the measures on a risk-based approach), it should be required not to open the account, commence business relations or perform the transaction; or should be required to terminate the business relationship; and should consider making a suspicious transactions report in relation to the customer.

These requirements should apply to all new customers, although financial institutions should also apply this Recommendation to existing customers on the basis of materiality and risk, and should conduct due diligence on such existing relationships at appropriate times.

## 11. Record-keeping

Financial institutions should be required to maintain, for at least five years, all necessary records on transactions, both domestic and international, to enable them to comply swiftly with information requests from the competent authorities. Such records must be sufficient to permit reconstruction of individual transactions (including the amounts and types of currency involved, if any) so as to provide, if necessary, evidence for prosecution of criminal activity.

Financial institutions should be required to keep all records obtained through CDD measures (e.g. copies or records of official identification documents like passports, identity cards, driving licences or similar documents), account files and business correspondence, including the results of any analysis undertaken (e.g. inquiries to establish the background and purpose of complex, unusual large transactions), for at least five years after the business relationship is ended, or after the date of the occasional transaction.

Financial institutions should be required by law to maintain records on transactions and information obtained through the CDD measures.

The CDD information and the transaction records should be available to domestic competent authorities upon appropriate authority.



## ADDITIONAL MEASURES FOR SPECIFIC CUSTOMERS AND ACTIVITIES

### 12. Politically exposed persons \*

Financial institutions should be required, in relation to foreign politically exposed persons (PEPs) (whether as customer or beneficial owner), in addition to performing normal customer due diligence measures, to:

- (a) have appropriate risk-management systems to determine whether the customer or the beneficial owner is a politically exposed person;
- (b) obtain senior management approval for establishing (or continuing, for existing customers) such business relationships;
- (c) take reasonable measures to establish the source of wealth and source of funds; and
- (d) conduct enhanced ongoing monitoring of the business relationship.

Financial institutions should be required to take reasonable measures to determine whether a customer or beneficial owner is a domestic PEP or a person who is or has been entrusted with a prominent function by an international organisation. In cases of a higher risk business relationship with such persons, financial institutions should be required to apply the measures referred to in paragraphs (b), (c) and (d).

The requirements for all types of PEP should also apply to family members or close associates of such PEPs.

### 13. Correspondent banking \*

Financial institutions should be required, in relation to cross-border correspondent banking and other similar relationships, in addition to performing normal customer due diligence measures, to:

- (a) gather sufficient information about a respondent institution to understand fully the nature of the respondent's business and to determine from publicly available information the reputation of the institution and the quality of supervision, including whether it has been subject to a money laundering or terrorist financing investigation or regulatory action;
- (b) assess the respondent institution's AML/CFT controls;
- (c) obtain approval from senior management before establishing new correspondent relationships;
- (d) clearly understand the respective responsibilities of each institution; and
- (e) with respect to "payable-through accounts", be satisfied that the respondent bank has conducted CDD on the customers having direct access to accounts of the correspondent bank, and that it is able to provide relevant CDD information upon request to the correspondent bank.

Financial institutions should be prohibited from entering into, or continuing, a correspondent banking relationship with shell banks. Financial institutions should be required to satisfy themselves that respondent institutions do not permit their accounts to be used by shell banks.

#### **14. Money or value transfer services \***

Countries should take measures to ensure that natural or legal persons that provide money or value transfer services (MVTS) are licensed or registered, and subject to effective systems for monitoring and ensuring compliance with the relevant measures called for in the FATF Recommendations. Countries should take action to identify natural or legal persons that carry out MVTS without a license or registration, and to apply appropriate sanctions.

Any natural or legal person working as an agent should also be licensed or registered by a competent authority, or the MVTS provider should maintain a current list of its agents accessible by competent authorities in the countries in which the MVTS provider and its agents operate. Countries should take measures to ensure that MVTS providers that use agents include them in their AML/CFT programmes and monitor them for compliance with these programmes.

#### **15. New technologies**

Countries and financial institutions should identify and assess the money laundering or terrorist financing risks that may arise in relation to (a) the development of new products and new business practices, including new delivery mechanisms, and (b) the use of new or developing technologies for both new and pre-existing products. In the case of financial institutions, such a risk assessment should take place prior to the launch of the new products, business practices or the use of new or developing technologies. They should take appropriate measures to manage and mitigate those risks.

#### **16. Wire transfers \***

Countries should ensure that financial institutions include required and accurate originator information, and required beneficiary information, on wire transfers and related messages, and that the information remains with the wire transfer or related message throughout the payment chain.

Countries should ensure that financial institutions monitor wire transfers for the purpose of detecting those which lack required originator and/or beneficiary information, and take appropriate measures.

Countries should ensure that, in the context of processing wire transfers, financial institutions take freezing action and should prohibit conducting transactions with designated persons and entities, as per the obligations set out in the relevant United Nations Security Council resolutions, such as resolution 1267 (1999) and its successor resolutions, and resolution 1373(2001), relating to the prevention and suppression of terrorism and terrorist financing.

## RELIANCE, CONTROLS AND FINANCIAL GROUPS

### 17. Reliance on third parties \*

Countries may permit financial institutions to rely on third parties to perform elements (a)-(c) of the CDD measures set out in Recommendation 10 or to introduce business, provided that the criteria set out below are met. Where such reliance is permitted, the ultimate responsibility for CDD measures remains with the financial institution relying on the third party.

The criteria that should be met are as follows:

- (a) A financial institution relying upon a third party should immediately obtain the necessary information concerning elements (a)-(c) of the CDD measures set out in Recommendation 10.
- (b) Financial institutions should take adequate steps to satisfy themselves that copies of identification data and other relevant documentation relating to the CDD requirements will be made available from the third party upon request without delay.
- (c) The financial institution should satisfy itself that the third party is regulated, supervised or monitored for, and has measures in place for compliance with, CDD and record-keeping requirements in line with Recommendations 10 and 11.
- (d) When determining in which countries the third party that meets the conditions can be based, countries should have regard to information available on the level of country risk.

When a financial institution relies on a third party that is part of the same financial group, and (i) that group applies CDD and record-keeping requirements, in line with Recommendations 10, 11 and 12, and programmes against money laundering and terrorist financing, in accordance with Recommendation 18; and (ii) where the effective implementation of those CDD and record-keeping requirements and AML/CFT programmes is supervised at a group level by a competent authority, then relevant competent authorities may consider that the financial institution applies measures under (b) and (c) above through its group programme, and may decide that (d) is not a necessary precondition to reliance when higher country risk is adequately mitigated by the group AML/CFT policies.

### 18. Internal controls and foreign branches and subsidiaries \*

Financial institutions should be required to implement programmes against money laundering and terrorist financing. Financial groups should be required to implement group-wide programmes against money laundering and terrorist financing, including policies and procedures for sharing information within the group for AML/CFT purposes.

Financial institutions should be required to ensure that their foreign branches and majority-owned subsidiaries apply AML/CFT measures consistent with the home country requirements implementing the FATF Recommendations through the financial groups' programmes against money laundering and terrorist financing.

## 19. Higher-risk countries \*

Financial institutions should be required to apply enhanced due diligence measures to business relationships and transactions with natural and legal persons, and financial institutions, from countries for which this is called for by the FATF. The type of enhanced due diligence measures applied should be effective and proportionate to the risks.

Countries should be able to apply appropriate countermeasures when called upon to do so by the FATF. Countries should also be able to apply countermeasures independently of any call by the FATF to do so. Such countermeasures should be effective and proportionate to the risks.

## REPORTING OF SUSPICIOUS TRANSACTIONS

### 20. Reporting of suspicious transactions \*

If a financial institution suspects or has reasonable grounds to suspect that funds are the proceeds of a criminal activity, or are related to terrorist financing, it should be required, by law, to report promptly its suspicions to the financial intelligence unit (FIU).

### 21. Tipping-off and confidentiality

Financial institutions, their directors, officers and employees should be:

- (a) protected by law from criminal and civil liability for breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, if they report their suspicions in good faith to the FIU, even if they did not know precisely what the underlying criminal activity was, and regardless of whether illegal activity actually occurred; and
- (b) prohibited by law from disclosing (“tipping-off”) the fact that a suspicious transaction report (STR) or related information is being filed with the FIU. These provisions are not intended to inhibit information sharing under Recommendation 18.

## DESIGNATED NON-FINANCIAL BUSINESSES AND PROFESSIONS

### 22. DNFBPs: customer due diligence \*

The customer due diligence and record-keeping requirements set out in Recommendations 10, 11, 12, 15, and 17, apply to designated non-financial businesses and professions (DNFBPs) in the following situations:

- (a) Casinos – when customers engage in financial transactions equal to or above the applicable designated threshold.
- (b) Real estate agents – when they are involved in transactions for their client concerning the buying and selling of real estate.

- (c) Dealers in precious metals and dealers in precious stones – when they engage in any cash transaction with a customer equal to or above the applicable designated threshold.
- (d) Lawyers, notaries, other independent legal professionals and accountants – when they prepare for or carry out transactions for their client concerning the following activities:
- buying and selling of real estate;
  - managing of client money, securities or other assets;
  - management of bank, savings or securities accounts;
  - organisation of contributions for the creation, operation or management of companies;
  - creation, operation or management of legal persons or arrangements, and buying and selling of business entities.
- (e) Trust and company service providers – when they prepare for or carry out transactions for a client concerning the following activities:
- acting as a formation agent of legal persons;
  - acting as (or arranging for another person to act as) a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;
  - providing a registered office, business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;
  - acting as (or arranging for another person to act as) a trustee of an express trust or performing the equivalent function for another form of legal arrangement;
  - acting as (or arranging for another person to act as) a nominee shareholder for another person.

### 23. DNFBPs: Other measures \*

The requirements set out in Recommendations 18 to 21 apply to all designated non-financial businesses and professions, subject to the following qualifications:

- (a) Lawyers, notaries, other independent legal professionals and accountants should be required to report suspicious transactions when, on behalf of or for a client, they engage in a financial transaction in relation to the activities described in paragraph (d) of Recommendation 22. Countries are strongly encouraged to extend the reporting requirement to the rest of the professional activities of accountants, including auditing.

- (b) Dealers in precious metals and dealers in precious stones should be required to report suspicious transactions when they engage in any cash transaction with a customer equal to or above the applicable designated threshold.
- (c) Trust and company service providers should be required to report suspicious transactions for a client when, on behalf of or for a client, they engage in a transaction in relation to the activities referred to in paragraph (e) of Recommendation 22.

## **E. TRANSPARENCY AND BENEFICIAL OWNERSHIP OF LEGAL PERSONS AND ARRANGEMENTS**

### **24. Transparency and beneficial ownership of legal persons \***

Countries should take measures to prevent the misuse of legal persons for money laundering or terrorist financing. Countries should ensure that there is adequate, accurate and timely information on the beneficial ownership and control of legal persons that can be obtained or accessed in a timely fashion by competent authorities. In particular, countries that have legal persons that are able to issue bearer shares or bearer share warrants, or which allow nominee shareholders or nominee directors, should take effective measures to ensure that they are not misused for money laundering or terrorist financing. Countries should consider measures to facilitate access to beneficial ownership and control information by financial institutions and DNFBCs undertaking the requirements set out in Recommendations 10 and 22.

### **25. Transparency and beneficial ownership of legal arrangements \***

Countries should take measures to prevent the misuse of legal arrangements for money laundering or terrorist financing. In particular, countries should ensure that there is adequate, accurate and timely information on express trusts, including information on the settlor, trustee and beneficiaries, that can be obtained or accessed in a timely fashion by competent authorities. Countries should consider measures to facilitate access to beneficial ownership and control information by financial institutions and DNFBCs undertaking the requirements set out in Recommendations 10 and 22.

## F. POWERS AND RESPONSIBILITIES OF COMPETENT AUTHORITIES, AND OTHER INSTITUTIONAL MEASURES

### REGULATION AND SUPERVISION

#### 26. Regulation and supervision of financial institutions \*

Countries should ensure that financial institutions are subject to adequate regulation and supervision and are effectively implementing the FATF Recommendations. Competent authorities or financial supervisors should take the necessary legal or regulatory measures to prevent criminals or their associates from holding, or being the beneficial owner of, a significant or controlling interest, or holding a management function in, a financial institution. Countries should not approve the establishment, or continued operation, of shell banks.

For financial institutions subject to the Core Principles, the regulatory and supervisory measures that apply for prudential purposes, and which are also relevant to money laundering and terrorist financing, should apply in a similar manner for AML/CFT purposes. This should include applying consolidated group supervision for AML/CFT purposes.

Other financial institutions should be licensed or registered and adequately regulated, and subject to supervision or monitoring for AML/CFT purposes, having regard to the risk of money laundering or terrorist financing in that sector. At a minimum, where financial institutions provide a service of money or value transfer, or of money or currency changing, they should be licensed or registered, and subject to effective systems for monitoring and ensuring compliance with national AML/CFT requirements.

#### 27. Powers of supervisors

Supervisors should have adequate powers to supervise or monitor, and ensure compliance by, financial institutions with requirements to combat money laundering and terrorist financing, including the authority to conduct inspections. They should be authorised to compel production of any information from financial institutions that is relevant to monitoring such compliance, and to impose sanctions, in line with Recommendation 35, for failure to comply with such requirements. Supervisors should have powers to impose a range of disciplinary and financial sanctions, including the power to withdraw, restrict or suspend the financial institution's license, where applicable.

#### 28. Regulation and supervision of DNFBPs \*

Designated non-financial businesses and professions should be subject to regulatory and supervisory measures as set out below.

- (a) Casinos should be subject to a comprehensive regulatory and supervisory regime that ensures that they have effectively implemented the necessary AML/CFT measures. At a minimum:
  - casinos should be licensed;



- competent authorities should take the necessary legal or regulatory measures to prevent criminals or their associates from holding, or being the beneficial owner of, a significant or controlling interest, holding a management function in, or being an operator of, a casino; and
  - competent authorities should ensure that casinos are effectively supervised for compliance with AML/CFT requirements.
- (b) Countries should ensure that the other categories of DNFBPs are subject to effective systems for monitoring and ensuring compliance with AML/CFT requirements. This should be performed on a risk-sensitive basis. This may be performed by (a) a supervisor or (b) by an appropriate self-regulatory body (SRB), provided that such a body can ensure that its members comply with their obligations to combat money laundering and terrorist financing.

The supervisor or SRB should also (a) take the necessary measures to prevent criminals or their associates from being professionally accredited, or holding or being the beneficial owner of a significant or controlling interest or holding a management function, e.g. through evaluating persons on the basis of a “fit and proper” test; and (b) have effective, proportionate, and dissuasive sanctions in line with Recommendation 35 available to deal with failure to comply with AML/CFT requirements.

## OPERATIONAL AND LAW ENFORCEMENT

### 29. Financial intelligence units \*

Countries should establish a financial intelligence unit (FIU) that serves as a national centre for the receipt and analysis of: (a) suspicious transaction reports; and (b) other information relevant to money laundering, associated predicate offences and terrorist financing, and for the dissemination of the results of that analysis. The FIU should be able to obtain additional information from reporting entities, and should have access on a timely basis to the financial, administrative and law enforcement information that it requires to undertake its functions properly.

### 30. Responsibilities of law enforcement and investigative authorities \*

Countries should ensure that designated law enforcement authorities have responsibility for money laundering and terrorist financing investigations within the framework of national AML/CFT policies. At least in all cases related to major proceeds-generating offences, these designated law enforcement authorities should develop a pro-active parallel financial investigation when pursuing money laundering, associated predicate offences and terrorist financing. This should include cases where the associated predicate offence occurs outside their jurisdictions. Countries should ensure that competent authorities have responsibility for expeditiously identifying, tracing and initiating actions to freeze and seize property that is, or may become, subject to confiscation, or is suspected of being proceeds of crime. Countries should also make use, when necessary, of permanent or temporary multi-disciplinary groups specialised in financial or asset investigations. Countries should ensure that, when necessary,

cooperative investigations with appropriate competent authorities in other countries take place.

### **31. Powers of law enforcement and investigative authorities**

When conducting investigations of money laundering, associated predicate offences and terrorist financing, competent authorities should be able to obtain access to all necessary documents and information for use in those investigations, and in prosecutions and related actions. This should include powers to use compulsory measures for the production of records held by financial institutions, DNFBPs and other natural or legal persons, for the search of persons and premises, for taking witness statements, and for the seizure and obtaining of evidence.

Countries should ensure that competent authorities conducting investigations are able to use a wide range of investigative techniques suitable for the investigation of money laundering, associated predicate offences and terrorist financing. These investigative techniques include: undercover operations, intercepting communications, accessing computer systems and controlled delivery. In addition, countries should have effective mechanisms in place to identify, in a timely manner, whether natural or legal persons hold or control accounts. They should also have mechanisms to ensure that competent authorities have a process to identify assets without prior notification to the owner. When conducting investigations of money laundering, associated predicate offences and terrorist financing, competent authorities should be able to ask for all relevant information held by the FIU.

### **32. Cash couriers \***

Countries should have measures in place to detect the physical cross-border transportation of currency and bearer negotiable instruments, including through a declaration system and/or disclosure system.

Countries should ensure that their competent authorities have the legal authority to stop or restrain currency or bearer negotiable instruments that are suspected to be related to terrorist financing, money laundering or predicate offences, or that are falsely declared or disclosed.

Countries should ensure that effective, proportionate and dissuasive sanctions are available to deal with persons who make false declaration(s) or disclosure(s). In cases where the currency or bearer negotiable instruments are related to terrorist financing, money laundering or predicate offences, countries should also adopt measures, including legislative ones consistent with Recommendation 4, which would enable the confiscation of such currency or instruments.

**GENERAL REQUIREMENTS****33. Statistics**

Countries should maintain comprehensive statistics on matters relevant to the effectiveness and efficiency of their AML/CFT systems. This should include statistics on the STRs received and disseminated; on money laundering and terrorist financing investigations, prosecutions and convictions; on property frozen, seized and confiscated; and on mutual legal assistance or other international requests for cooperation.

**34. Guidance and feedback**

The competent authorities, supervisors and SRBs should establish guidelines, and provide feedback, which will assist financial institutions and designated non-financial businesses and professions in applying national measures to combat money laundering and terrorist financing, and, in particular, in detecting and reporting suspicious transactions.

**SANCTIONS****35. Sanctions**

Countries should ensure that there is a range of effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, available to deal with natural or legal persons covered by Recommendations 6, and 8 to 23, that fail to comply with AML/CFT requirements. Sanctions should be applicable not only to financial institutions and DNFBPs, but also to their directors and senior management.

## G. INTERNATIONAL COOPERATION

### 36. International instruments

Countries should take immediate steps to become party to and implement fully the Vienna Convention, 1988; the Palermo Convention, 2000; the United Nations Convention against Corruption, 2003; and the Terrorist Financing Convention, 1999. Where applicable, countries are also encouraged to ratify and implement other relevant international conventions, such as the Council of Europe Convention on Cybercrime, 2001; the Inter-American Convention against Terrorism, 2002; and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2005.

### 37. Mutual legal assistance

Countries should rapidly, constructively and effectively provide the widest possible range of mutual legal assistance in relation to money laundering, associated predicate offences and terrorist financing investigations, prosecutions, and related proceedings. Countries should have an adequate legal basis for providing assistance and, where appropriate, should have in place treaties, arrangements or other mechanisms to enhance cooperation. In particular, countries should:

- (a) Not prohibit, or place unreasonable or unduly restrictive conditions on, the provision of mutual legal assistance.
- (b) Ensure that they have clear and efficient processes for the timely prioritisation and execution of mutual legal assistance requests. Countries should use a central authority, or another established official mechanism, for effective transmission and execution of requests. To monitor progress on requests, a case management system should be maintained.
- (c) Not refuse to execute a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.
- (d) Not refuse to execute a request for mutual legal assistance on the grounds that laws require financial institutions or DNFBPs to maintain secrecy or confidentiality (except where the relevant information that is sought is held in circumstances where legal professional privilege or legal professional secrecy applies).
- (e) Maintain the confidentiality of mutual legal assistance requests they receive and the information contained in them, subject to fundamental principles of domestic law, in order to protect the integrity of the investigation or inquiry. If the requested country cannot comply with the requirement of confidentiality, it should promptly inform the requesting country.

Countries should render mutual legal assistance, notwithstanding the absence of dual criminality, if the assistance does not involve coercive actions. Countries should consider adopting such measures as may be necessary to enable them to provide a wide scope of assistance in the absence of dual criminality.

Where dual criminality is required for mutual legal assistance, that requirement should be deemed to be satisfied regardless of whether both countries place the offence within the same category of offence, or denominate the offence by the same terminology, provided that both countries criminalise the conduct underlying the offence.

Countries should ensure that, of the powers and investigative techniques required under Recommendation 31, and any other powers and investigative techniques available to their competent authorities:

- (a) all those relating to the production, search and seizure of information, documents or evidence (including financial records) from financial institutions or other persons, and the taking of witness statements; and
- (b) a broad range of other powers and investigative techniques;

are also available for use in response to requests for mutual legal assistance, and, if consistent with their domestic framework, in response to direct requests from foreign judicial or law enforcement authorities to domestic counterparts.

To avoid conflicts of jurisdiction, consideration should be given to devising and applying mechanisms for determining the best venue for prosecution of defendants in the interests of justice in cases that are subject to prosecution in more than one country.

Countries should, when making mutual legal assistance requests, make best efforts to provide complete factual and legal information that will allow for timely and efficient execution of requests, including any need for urgency, and should send requests using expeditious means. Countries should, before sending requests, make best efforts to ascertain the legal requirements and formalities to obtain assistance.

The authorities responsible for mutual legal assistance (e.g. a Central Authority) should be provided with adequate financial, human and technical resources. Countries should have in place processes to ensure that the staff of such authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.

### **38. Mutual legal assistance: freezing and confiscation \***

Countries should ensure that they have the authority to take expeditious action in response to requests by foreign countries to identify, freeze, seize and confiscate property laundered; proceeds from money laundering, predicate offences and terrorist financing; instrumentalities used in, or intended for use in, the commission of these offences; or property of corresponding value. This authority should include being able to respond to requests made on the basis of non-conviction-based confiscation proceedings and related provisional measures, unless this is inconsistent with fundamental principles of their domestic law. Countries should also have effective mechanisms for managing such property, instrumentalities or property of corresponding value, and arrangements for coordinating seizure and confiscation proceedings, which should include the sharing of confiscated assets.

### 39. Extradition

Countries should constructively and effectively execute extradition requests in relation to money laundering and terrorist financing, without undue delay. Countries should also take all possible measures to ensure that they do not provide safe havens for individuals charged with the financing of terrorism, terrorist acts or terrorist organisations. In particular, countries should:

- (a) ensure money laundering and terrorist financing are extraditable offences;
- (b) ensure that they have clear and efficient processes for the timely execution of extradition requests including prioritisation where appropriate. To monitor progress of requests a case management system should be maintained;
- (c) not place unreasonable or unduly restrictive conditions on the execution of requests; and
- (d) ensure they have an adequate legal framework for extradition.

Each country should either extradite its own nationals, or, where a country does not do so solely on the grounds of nationality, that country should, at the request of the country seeking extradition, submit the case, without undue delay, to its competent authorities for the purpose of prosecution of the offences set forth in the request. Those authorities should take their decision and conduct their proceedings in the same manner as in the case of any other offence of a serious nature under the domestic law of that country. The countries concerned should cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecutions.

Where dual criminality is required for extradition, that requirement should be deemed to be satisfied regardless of whether both countries place the offence within the same category of offence, or denominate the offence by the same terminology, provided that both countries criminalise the conduct underlying the offence.

Consistent with fundamental principles of domestic law, countries should have simplified extradition mechanisms, such as allowing direct transmission of requests for provisional arrests between appropriate authorities, extraditing persons based only on warrants of arrests or judgments, or introducing a simplified extradition of consenting persons who waive formal extradition proceedings. The authorities responsible for extradition should be provided with adequate financial, human and technical resources. Countries should have in place processes to ensure that the staff of such authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.

### 40. Other forms of international cooperation \*

Countries should ensure that their competent authorities can rapidly, constructively and effectively provide the widest range of international cooperation in relation to money laundering, associated predicate offences and terrorist financing. Countries should do so both spontaneously and upon request, and there should be a lawful basis for providing

cooperation. Countries should authorise their competent authorities to use the most efficient means to cooperate. Should a competent authority need bilateral or multilateral agreements or arrangements, such as a Memorandum of Understanding (MOU), these should be negotiated and signed in a timely way with the widest range of foreign counterparts.

Competent authorities should use clear channels or mechanisms for the effective transmission and execution of requests for information or other types of assistance. Competent authorities should have clear and efficient processes for the prioritisation and timely execution of requests, and for safeguarding the information received.

## INTERPRETIVE NOTES TO THE FATF RECOMMENDATIONS

### INTERPRETIVE NOTE TO RECOMMENDATION 1 (ASSESSING RISKS AND APPLYING A RISK-BASED APPROACH)

1. The risk-based approach (RBA) is an effective way to combat money laundering and terrorist financing. In determining how the RBA should be implemented in a sector, countries should consider the capacity and anti-money laundering/countering the financing of terrorism (AML/CFT) experience of the relevant sector. Countries should understand that the discretion afforded, and responsibility imposed on, financial institutions and designated non-financial bodies and professions (DNFBPs) by the RBA is more appropriate in sectors with greater AML/CFT capacity and experience. This should not exempt financial institutions and DNFBPs from the requirement to apply enhanced measures when they identify higher risk scenarios. By adopting a risk-based approach, competent authorities, financial institutions and DNFBPs should be able to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified, and would enable them to make decisions on how to allocate their own resources in the most effective way.
2. In implementing a RBA, financial institutions and DNFBPs should have in place processes to identify, assess, monitor, manage and mitigate money laundering and terrorist financing risks. The general principle of a RBA is that, where there are higher risks, countries should require financial institutions and DNFBPs to take enhanced measures to manage and mitigate those risks; and that, correspondingly, where the risks are lower, simplified measures may be permitted. Simplified measures should not be permitted whenever there is a suspicion of money laundering or terrorist financing. Specific Recommendations set out more precisely how this general principle applies to particular requirements. Countries may also, in strictly limited circumstances and where there is a proven low risk of money laundering and terrorist financing, decide not to apply certain Recommendations to a particular type of financial institution or activity, or DNFBP (see below). Equally, if countries determine through their risk assessments that there are types of institutions, activities, businesses or professions that are at risk of abuse from money laundering and terrorist financing, and which do not fall under the definition of financial institution or DNFBP, they should consider applying AML/CFT requirements to such sectors.



**A. Obligations and decisions for countries**

3. **Assessing risk** - Countries<sup>1</sup> should take appropriate steps to identify and assess the money laundering and terrorist financing risks for the country, on an ongoing basis and in order to: (i) inform potential changes to the country's AML/CFT regime, including changes to laws, regulations and other measures; (ii) assist in the allocation and prioritisation of AML/CFT resources by competent authorities; and (iii) make information available for AML/CFT risk assessments conducted by financial institutions and DNFBPs. Countries should keep the assessments up-to-date, and should have mechanisms to provide appropriate information on the results to all relevant competent authorities and self-regulatory bodies (SRBs), financial institutions and DNFBPs.
4. **Higher risk** - Where countries identify higher risks, they should ensure that their AML/CFT regime addresses these higher risks, and, without prejudice to any other measures taken by countries to mitigate these higher risks, either prescribe that financial institutions and DNFBPs take enhanced measures to manage and mitigate the risks, or ensure that this information is incorporated into risk assessments carried out by financial institutions and DNFBPs, in order to manage and mitigate risks appropriately. Where the FATF Recommendations identify higher risk activities for which enhanced or specific measures are required, all such measures must be applied, although the extent of such measures may vary according to the specific level of risk.
5. **Lower risk** - Countries may decide to allow simplified measures for some of the FATF Recommendations requiring financial institutions or DNFBPs to take certain actions, provided that a lower risk has been identified, and this is consistent with the country's assessment of its money laundering and terrorist financing risks, as referred to in paragraph 3.

Independent of any decision to specify certain lower risk categories in line with the previous paragraph, countries may also allow financial institutions and DNFBPs to apply simplified customer due diligence (CDD) measures, provided that the requirements set out in section B below ("Obligations and decisions for financial institutions and DNFBPs"), and in paragraph 7 below, are met.

6. **Exemptions** - Countries may decide not to apply some of the FATF Recommendations requiring financial institutions or DNFBPs to take certain actions, provided:
  - (a) there is a proven low risk of money laundering and terrorist financing; this occurs in strictly limited and justified circumstances; and it relates to a particular type of financial institution or activity, or DNFBP; or
  - (b) a financial activity (other than the transferring of money or value) is carried out by a natural or legal person on an occasional or very limited basis (having regard to quantitative and absolute criteria), such that there is low risk of money laundering and terrorist financing.

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<sup>1</sup> Where appropriate, AML/CFT risk assessments at a supra-national level should be taken into account when considering whether this obligation is satisfied.

While the information gathered may vary according to the level of risk, the requirements of Recommendation 11 to retain information should apply to whatever information is gathered.

7. **Supervision and monitoring of risk** - Supervisors (or SRBs for relevant DNFBPs sectors) should ensure that financial institutions and DNFBPs are effectively implementing the obligations set out below. When carrying out this function, supervisors and SRBs should, as and when required in accordance with the Interpretive Notes to Recommendations 26 and 28, review the money laundering and terrorist financing risk profiles and risk assessments prepared by financial institutions and DNFBPs, and take the result of this review into consideration.

## **B. Obligations and decisions for financial institutions and DNFBPs**

8. **Assessing risk** - Financial institutions and DNFBPs should be required to take appropriate steps to identify and assess their money laundering and terrorist financing risks (for customers, countries or geographic areas; and products, services, transactions or delivery channels). They should document those assessments in order to be able to demonstrate their basis, keep these assessments up to date, and have appropriate mechanisms to provide risk assessment information to competent authorities and SRBs. The nature and extent of any assessment of money laundering and terrorist financing risks should be appropriate to the nature and size of the business. Financial institutions and DNFBPs should always understand their money laundering and terrorist financing risks, but competent authorities or SRBs may determine that individual documented risk assessments are not required, if the specific risks inherent to the sector are clearly identified and understood.
9. **Risk management and mitigation** - Financial institutions and DNFBPs should be required to have policies, controls and procedures that enable them to manage and mitigate effectively the risks that have been identified (either by the country or by the financial institution or DNFBP). They should be required to monitor the implementation of those controls and to enhance them, if necessary. The policies, controls and procedures should be approved by senior management, and the measures taken to manage and mitigate the risks (whether higher or lower) should be consistent with national requirements and with guidance from competent authorities and SRBs.
10. **Higher risk** - Where higher risks are identified financial institutions and DNFBPs should be required to take enhanced measures to manage and mitigate the risks.
11. **Lower risk** - Where lower risks are identified, countries may allow financial institutions and DNFBPs to take simplified measures to manage and mitigate those risks.
12. When assessing risk, financial institutions and DNFBPs should consider all the relevant risk factors before determining what is the level of overall risk and the appropriate level of mitigation to be applied. Financial institutions and DNFBPs may differentiate the extent of measures, depending on the type and level of risk for the various risk factors (e.g. in a particular situation, they could apply normal CDD for customer acceptance measures, but enhanced CDD for ongoing monitoring, or vice versa).

### INTERPRETIVE NOTE TO RECOMMENDATION 3 (MONEY LAUNDERING OFFENCE)

1. Countries should criminalise money laundering on the basis of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 (the Vienna Convention) and the United Nations Convention against Transnational Organized Crime, 2000 (the Palermo Convention).
2. Countries should apply the crime of money laundering to all serious offences, with a view to including the widest range of predicate offences. Predicate offences may be described by reference to all offences; or to a threshold linked either to a category of serious offences; or to the penalty of imprisonment applicable to the predicate offence (threshold approach); or to a list of predicate offences; or a combination of these approaches.
3. Where countries apply a threshold approach, predicate offences should, at a minimum, comprise all offences that fall within the category of serious offences under their national law, or should include offences that are punishable by a maximum penalty of more than one year's imprisonment, or, for those countries that have a minimum threshold for offences in their legal system, predicate offences should comprise all offences that are punished by a minimum penalty of more than six months imprisonment.
4. Whichever approach is adopted, each country should, at a minimum, include a range of offences within each of the designated categories of offences. The offence of money laundering should extend to any type of property, regardless of its value, that directly or indirectly represents the proceeds of crime. When proving that property is the proceeds of crime, it should not be necessary that a person be convicted of a predicate offence.
5. Predicate offences for money laundering should extend to conduct that occurred in another country, which constitutes an offence in that country, and which would have constituted a predicate offence had it occurred domestically. Countries may provide that the only prerequisite is that the conduct would have constituted a predicate offence, had it occurred domestically.
6. Countries may provide that the offence of money laundering does not apply to persons who committed the predicate offence, where this is required by fundamental principles of their domestic law.
7. Countries should ensure that:
  - (a) The intent and knowledge required to prove the offence of money laundering may be inferred from objective factual circumstances.
  - (b) Effective, proportionate and dissuasive criminal sanctions should apply to natural persons convicted of money laundering.
  - (c) Criminal liability and sanctions, and, where that is not possible (due to fundamental principles of domestic law), civil or administrative liability and sanctions, should apply to legal persons. This should not preclude parallel criminal, civil or administrative proceedings with respect to legal persons in countries in which more than one form of

liability is available. Such measures should be without prejudice to the criminal liability of natural persons. All sanctions should be effective, proportionate and dissuasive.

- (d) There should be appropriate ancillary offences to the offence of money laundering, including participation in, association with or conspiracy to commit, attempt, aiding and abetting, facilitating, and counselling the commission, unless this is not permitted by fundamental principles of domestic law.

## **INTERPRETIVE NOTE TO RECOMMENDATIONS 4 AND 38 (CONFISCATION AND PROVISIONAL MEASURES)**

Countries should establish mechanisms that will enable their competent authorities to effectively manage and, when necessary, dispose of, property that is frozen or seized, or has been confiscated. These mechanisms should be applicable both in the context of domestic proceedings, and pursuant to requests by foreign countries.

## INTERPRETIVE NOTE TO RECOMMENDATION 5 (TERRORIST FINANCING OFFENCE)

### A. Objectives

1. Recommendation 5 was developed with the objective of ensuring that countries have the legal capacity to prosecute and apply criminal sanctions to persons that finance terrorism. Given the close connection between international terrorism and, *inter alia*, money laundering, another objective of Recommendation 5 is to emphasise this link by obligating countries to include terrorist financing offences as predicate offences for money laundering.

### B. Characteristics of the terrorist financing offence

2. Terrorist financing offences should extend to any person who wilfully provides or collects funds or other assets by any means, directly or indirectly, with the unlawful intention that they should be used, or in the knowledge that they are to be used, in full or in part: (a) to carry out a terrorist act(s); (b) by a terrorist organisation; or (c) by an individual terrorist.
3. Terrorist financing includes financing the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.
4. Criminalising terrorist financing solely on the basis of aiding and abetting, attempt, or conspiracy is not sufficient to comply with this Recommendation.
5. Terrorist financing offences should extend to any funds or other assets, whether from a legitimate or illegitimate source.
6. Terrorist financing offences should not require that the funds or other assets: (a) were actually used to carry out or attempt a terrorist act(s); or (b) be linked to a specific terrorist act(s).
7. Countries should ensure that the intent and knowledge required to prove the offence of terrorist financing may be inferred from objective factual circumstances.
8. Effective, proportionate and dissuasive criminal sanctions should apply to natural persons convicted of terrorist financing.
9. Criminal liability and sanctions, and, where that is not possible (due to fundamental principles of domestic law), civil or administrative liability and sanctions, should apply to legal persons. This should not preclude parallel criminal, civil or administrative proceedings with respect to legal persons in countries in which more than one form of liability is available. Such measures should be without prejudice to the criminal liability of natural persons. All sanctions should be effective, proportionate and dissuasive.
10. It should also be an offence to attempt to commit the offence of terrorist financing.
11. It should also be an offence to engage in any of the following types of conduct:
  - (a) Participating as an accomplice in an offence, as set forth in paragraphs 2 or 9 of this Interpretive Note;

- (b) Organising or directing others to commit an offence, as set forth in paragraphs 2 or 9 of this Interpretive Note;
  - (c) Contributing to the commission of one or more offence(s), as set forth in paragraphs 2 or 9 of this Interpretive Note, by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: (i) be made with the aim of furthering the criminal activity or criminal purpose of the group, where such activity or purpose involves the commission of a terrorist financing offence; or (ii) be made in the knowledge of the intention of the group to commit a terrorist financing offence.
12. Terrorist financing offences should apply, regardless of whether the person alleged to have committed the offence(s) is in the same country or a different country from the one in which the terrorist(s)/terrorist organisation(s) is located or the terrorist act(s) occurred/will occur.

## INTERPRETIVE NOTE TO RECOMMENDATION 6 (TARGETED FINANCIAL SANCTIONS RELATED TO TERRORISM AND TERRORIST FINANCING)

### A. OBJECTIVE

1. Recommendation 6 requires each country to implement targeted financial sanctions to comply with the United Nations Security Council resolutions that require countries to freeze, without delay, the funds or other assets, and to ensure that no funds and other assets are made available to or for the benefit of: (i) any person<sup>2</sup> or entity designated by the United Nations Security Council (the Security Council) under Chapter VII of the Charter of the United Nations, as required by Security Council resolution 1267 (1999) and its successor resolutions<sup>3</sup>; or (ii) any person or entity designated by that country pursuant to Security Council resolution 1373 (2001).
2. It should be stressed that none of the obligations in Recommendation 6 is intended to replace other measures or obligations that may already be in place for dealing with funds or other assets in the context of a criminal, civil or administrative investigation or proceeding, as is required by Recommendation 4 (confiscation and provisional measures)<sup>4</sup>. Measures under Recommendation 6 may complement criminal proceedings against a designated person or entity, and be adopted by a competent authority or a court, but are not conditional upon the existence of such proceedings. Instead, the focus of Recommendation 6 is on the preventive measures that are necessary and unique in the context of stopping the flow of funds or other assets to terrorist groups; and the use of funds or other assets by terrorist groups. In determining the limits of, or fostering widespread support for, an effective counter-terrorist financing regime, countries must also respect human rights, respect the rule of law, and recognise the rights of innocent third parties.

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<sup>2</sup> Natural or legal person.

<sup>3</sup> Recommendation 6 is applicable to all current and future successor resolutions to resolution 1267(1999) and any future UNSCRs which impose targeted financial sanctions in the terrorist financing context. At the time of issuance of this Interpretive Note, (February 2012), the successor resolutions to resolution 1267 (1999) are resolutions: 1333 (2000), 1363 (2001), 1390 (2002), 1452 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and 1989 (2011).

<sup>4</sup> Based on requirements set, for instance, in the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)(the Vienna Convention)* and the *United Nations Convention against Transnational Organised Crime (2000) (the Palermo Convention)*, which contain obligations regarding freezing, seizure and confiscation in the context of combating transnational crime. Additionally, the *International Convention for the Suppression of the Financing of Terrorism (1999)(the Terrorist Financing Convention)* contains obligations regarding freezing, seizure and confiscation in the context of combating terrorist financing. Those obligations exist separately and apart from the obligations set forth in Recommendation 6 and the United Nations Security Council Resolutions related to terrorist financing.



## B. IDENTIFYING AND DESIGNATING PERSONS AND ENTITIES FINANCING OR SUPPORTING TERRORIST ACTIVITIES

3. For resolution 1267 (1999) and its successor resolutions, designations relating to Al-Qaida are made by the 1267 Committee, and designations pertaining to the Taliban and related threats to Afghanistan are made by the 1988 Committee, with both Committees acting under the authority of Chapter VII of the Charter of the United Nations. For resolution 1373 (2001), designations are made, at the national or supranational level, by a country or countries acting on their own motion, or at the request of another country, if the country receiving the request is satisfied, according to applicable legal principles, that a requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee meets the criteria for designation in resolution 1373 (2001), as set forth in Section E.
4. Countries need to have the authority, and effective procedures or mechanisms, to identify and initiate proposals for designations of persons and entities targeted by resolution 1267 (1999) and its successor resolutions, consistent with the obligations set out in those Security Council resolutions<sup>5</sup>. Such authority and procedures or mechanisms are essential to propose persons and entities to the Security Council for designation in accordance with Security Council list-based programmes, pursuant to those Security Council resolutions. Countries also need to have the authority and effective procedures or mechanisms to identify and initiate designations of persons and entities pursuant to S/RES/1373 (2001), consistent with the obligations set out in that Security Council resolution. Such authority and procedures or mechanisms are essential to identify persons and entities who meet the criteria identified in resolution 1373 (2001), described in Section E. A country's regime to implement resolution 1267 (1999) and its successor resolutions, and resolution 1373 (2001), should include the following necessary elements:
  - (a) Countries should identify a competent authority or a court as having responsibility for:
    - (i) proposing to the 1267 Committee, for designation as appropriate, persons or entities that meet the specific criteria for designation, as set forth in Security Council resolution 1989 (2011) (on Al-Qaida) and related resolutions, if that authority decides to do so and believes that it has sufficient evidence to support the designation criteria;
    - (ii) proposing to the 1988 Committee, for designation as appropriate, persons or entities that meet the specific criteria for designation, as set forth in Security Council resolution 1988 (2011) (on the Taliban and those associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan) and related resolutions, if that authority decides to do so and believes that it has sufficient evidence to support the designation criteria; and

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<sup>5</sup> The relevant Security Council resolutions do not require countries to identify persons or entities and submit these to the relevant United Nations Committees, but to have the authority and effective procedures and mechanisms in place to be able to do so.

- (iii) designating persons or entities that meet the specific criteria for designation, as set forth in resolution 1373 (2001), as put forward either on the country's own motion or, after examining and giving effect to, if appropriate, the request of another country, if the country receiving the request is satisfied, according to applicable legal principles, that a requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee meets the criteria for designation in resolution 1373 (2001), as set forth in Section E.
- (b) Countries should have a mechanism(s) for identifying targets for designation, based on the designation criteria set out in resolution 1988 (2011) and resolution 1989 (2011) and related resolutions, and resolution 1373 (2001) (see Section E for the specific designation criteria of relevant Security Council resolutions). This includes having authority and effective procedures or mechanisms to examine and give effect to, if appropriate, the actions initiated under the freezing mechanisms of other countries pursuant to resolution 1373 (2001). To ensure that effective cooperation is developed among countries, countries should ensure that, when receiving a request, they make a prompt determination whether they are satisfied, according to applicable (supra-) national principles, that the request is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee meets the criteria for designation in resolution 1373 (2011), as set forth in Section E.
- (c) The competent authority(ies) should have appropriate legal authorities and procedures or mechanisms to collect or solicit as much information as possible from all relevant sources to identify persons and entities that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation in the relevant Security Council resolutions.
- (d) When deciding whether or not to make a (proposal for) designation, countries should apply an evidentiary standard of proof of "reasonable grounds" or "reasonable basis". For designations under resolutions 1373 (2001), the competent authority of each country will apply the legal standard of its own legal system regarding the kind and quantum of evidence for the determination that "reasonable grounds" or "reasonable basis" exist for a decision to designate a person or entity, and thus initiate an action under a freezing mechanism. This is the case irrespective of whether the proposed designation is being put forward on the relevant country's own motion or at the request of another country. Such (proposals for) designations should not be conditional upon the existence of a criminal proceeding.
- (e) When proposing names to the 1267 Committee for inclusion on the Al-Qaida Sanctions List, pursuant to resolution 1267 (1999) and its successor resolutions, countries should:
  - (i) follow the procedures and standard forms for listing, as adopted by the 1267 Committee;

- (ii) provide as much relevant information as possible on the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice;
  - (iii) provide a statement of case which contains as much detail as possible on the basis for the listing, including: specific information supporting a determination that the person or entity meets the relevant criteria for designation (see Section E for the specific designation criteria of relevant Security Council resolutions); the nature of the information; supporting information or documents that can be provided; and details of any connection between the proposed designee and any currently designated person or entity. This statement of case should be releasable, upon request, except for the parts a Member State identifies as being confidential to the 1267 Committee; and
  - (iv) specify whether their status as a designating state may be made known.
- (f) When proposing names to the 1988 Committee for inclusion on the Taliban Sanctions List, pursuant to resolution 1988 (2011) and its successor resolutions, countries should:
- (i) follow the procedures for listing, as adopted by the 1988 Committee;
  - (ii) provide as much relevant information as possible on the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of individuals, groups, undertakings, and entities, and to the extent possible, the information required by Interpol to issue a Special Notice; and
  - (iii) provide a statement of case which contains as much detail as possible on the basis for the listing, including: specific information supporting a determination that the person or entity meets the relevant designation (see Section E for the specific designation criteria of relevant Security Council resolutions); the nature of the information; supporting information or documents that can be provided; and details of any connection between the proposed designee and any currently designated person or entity. This statement of case should be releasable, upon request, except for the parts a Member State identifies as being confidential to the 1988 Committee.
- (g) When requesting another country to give effect to the actions initiated under the freezing mechanisms that have been implemented pursuant to resolution 1373 (2001), the initiating country should provide as much detail as possible on: the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of persons and entities; and specific information supporting a determination that the person or entity meets the relevant criteria for designation (see Section E for the specific designation criteria of relevant Security Council resolutions).

- (h) Countries should have procedures to be able to operate ex parte against a person or entity who has been identified and whose (proposal for) designation is being considered.

### **C. FREEZING AND PROHIBITING DEALING IN FUNDS OR OTHER ASSETS OF DESIGNATED PERSONS AND ENTITIES**

5. There is an obligation for countries to implement targeted financial sanctions without delay against persons and entities designated by the 1267 Committee and 1988 Committee (in the case of resolution 1267 (1999) and its successor resolutions), when these Committees are acting under the authority of Chapter VII of the Charter of the United Nations. For resolution 1373 (2001), the obligation for countries to take freezing action and prohibit the dealing in funds or other assets of designated persons and entities, without delay, is triggered by a designation at the (supra-)national level, as put forward either on the country's own motion or at the request of another country, if the country receiving the request is satisfied, according to applicable legal principles, that a requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee meets the criteria for designation in resolution 1373 (2001), as set forth in Section E.
6. Countries should establish the necessary legal authority and identify domestic competent authorities responsible for implementing and enforcing targeted financial sanctions, in accordance with the following standards and procedures:
- (a) Countries<sup>6</sup> should require all natural and legal persons within the country to freeze, without delay and without prior notice, the funds or other assets of designated persons and entities. This obligation should extend to: all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular terrorist act, plot or threat; those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities; and the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities, as well as funds or other assets of persons and entities acting on behalf of, or at the direction of, designated persons or entities.
- (b) Countries should prohibit their nationals, or any persons and entities within their jurisdiction, from making any funds or other assets, economic resources, or financial or other related services, available, directly or indirectly, wholly or jointly, for the benefit of designated persons and entities; entities owned or controlled, directly or indirectly, by designated persons or entities; and persons and entities acting on behalf of, or at the direction of, designated persons or entities, unless licensed, authorised or

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<sup>6</sup> In the case of the European Union (EU), which is a supra-national jurisdiction under Recommendation 6, the EU law applies as follows. The assets of designated persons and entities are frozen by the EU regulations and their amendments. EU member states may have to take additional measures to implement the freeze, and all natural and legal persons within the EU have to respect the freeze and not make funds available to designated persons and entities.

otherwise notified in accordance with the relevant Security Council resolutions (see Section E below).

- (c) Countries should have mechanisms for communicating designations to the financial sector and the DNFBBs immediately upon taking such action, and providing clear guidance, particularly to financial institutions and other persons or entities, including DNFBBs, that may be holding targeted funds or other assets, on their obligations in taking action under freezing mechanisms.
- (d) Countries should require financial institutions and DNFBBs<sup>7</sup> to report to competent authorities any assets frozen or actions taken in compliance with the prohibition requirements of the relevant Security Council resolutions, including attempted transactions, and ensure that such information is effectively utilised by the competent authorities.
- (e) Countries should adopt effective measures which protect the rights of *bona fide* third parties acting in good faith when implementing the obligations under Recommendation 6.

#### **D. DE-LISTING, UNFREEZING AND PROVIDING ACCESS TO FROZEN FUNDS OR OTHER ASSETS**

- 7. Countries should develop and implement publicly known procedures to submit de-listing requests to the Security Council in the case of persons and entities designated pursuant to resolution 1267(1999) and its successor resolutions that, in the view of the country, do not or no longer meet the criteria for designation. In the event that the 1267 Committee or 1988 Committee has de-listed a person or entity, the obligation to freeze no longer exists. In the case of de-listing requests related to Al-Qaida, such procedures and criteria should be in accordance with procedures adopted by the 1267 Committee under Security Council resolutions 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1989 (2011), and any successor resolutions. In the case of de-listing requests related to the Taliban and related threats to the peace, security and stability of Afghanistan, such procedures and criteria should be in accordance with procedures adopted by the 1988 Committee under Security Council resolutions 1730 (2006), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and any successor resolutions.
- 8. For persons and entities designated pursuant to resolution 1373 (2001), countries should have appropriate legal authorities and procedures or mechanisms to delist and unfreeze the funds or other assets of persons and entities that no longer meet the criteria for designation. Countries should also have procedures in place to allow, upon request, review of the designation decision before a court or other independent competent authority.
- 9. For persons or entities with the same or similar name as designated persons or entities, who are inadvertently affected by a freezing mechanism (i.e. a false positive), countries should develop and implement publicly known procedures to unfreeze the funds or other assets of

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<sup>7</sup> Security Council resolutions apply to all natural and legal persons within the country.

such persons or entities in a timely manner, upon verification that the person or entity involved is not a designated person or entity.

10. Where countries have determined that funds or other assets of persons and entities designated by the Security Council, or one of its relevant sanctions committees, are necessary for basic expenses, for the payment of certain types of fees, expenses and service charges, or for extraordinary expenses, countries should authorise access to such funds or other assets in accordance with the procedures set out in Security Council resolution 1452 (2002) and any successor resolutions. On the same grounds, countries should authorise access to funds or other assets, if freezing measures are applied to persons and entities designated by a (supra-)national country pursuant to resolution 1373 (2001) and as set out in resolution 1963 (2010).
11. Countries should provide for a mechanism through which a designated person or entity can challenge their designation, with a view to having it reviewed by a competent authority or a court. With respect to designations on the Al-Qaida Sanctions List, countries should inform designated persons and entities of the availability of the United Nations Office of the Ombudsperson, pursuant to resolution 1904 (2009), to accept de-listing petitions.
12. Countries should have mechanisms for communicating de-listings and unfreezings to the financial sector and the DNFBPs immediately upon taking such action, and providing adequate guidance, particularly to financial institutions and other persons or entities, including DNFBPs, that may be holding targeted funds or other assets, on their obligations to respect a de-listing or unfreezing action.

#### E. UNITED NATIONS DESIGNATION CRITERIA

13. The criteria for designation as specified in the relevant United Nations Security Council resolutions are:
  - (a) **Security Council resolutions 1267 (1999), 1989 (2011) and their successor resolutions**<sup>8</sup>:
    - (i) any person or entity participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materiel to; recruiting for; or otherwise supporting acts or activities of Al-Qaida, or any cell, affiliate, splinter group or derivative thereof<sup>9</sup>; or

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<sup>8</sup> Recommendation 6 is applicable to all current and future successor resolutions to resolution 1267(1999). At the time of issuance of this Interpretive Note, (February 2012) , the successor resolutions to resolution 1267 (1999) are: resolutions 1333 (2000), 1367 (2001), 1390 (2002), 1455 (2003), 1526 (2004), 1617 (2005), 1735 (2006), 1822 (2008), 1904 (2009), 1988 (2011), and 1989 (2011).

<sup>9</sup> OP2 of resolution 1617 (2005) further defines the criteria for being “associated with” Al-Qaida or Usama bin Laden.

- (ii) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under subsection 13(a)(i), or by persons acting on their behalf or at their direction.
- (b) **Security Council resolutions 1267 (1999), 1988 (2011) and their successor resolutions:**
  - (i) any person or entity participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of; supplying, selling or transferring arms and related materiel to; recruiting for; or otherwise supporting acts or activities of those designated and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan; or
  - (ii) any undertaking owned or controlled, directly or indirectly, by any person or entity designated under subsection 13(b)(i) of this subparagraph, or by persons acting on their behalf or at their direction.
- (c) **Security Council resolution 1373 (2001):**
  - (i) any person or entity who commits or attempts to commit terrorist acts, or who participates in or facilitates the commission of terrorist acts;
  - (ii) any entity owned or controlled, directly or indirectly, by any person or entity designated under subsection 13(c) (i) of this subparagraph; or
  - (iii) any person or entity acting on behalf of, or at the direction of, any person or entity designated under subsection 13(c) (i) of this subparagraph.

## INTERPRETIVE NOTE TO RECOMMENDATION 7 (TARGETED FINANCIAL SANCTIONS RELATED TO PROLIFERATION)

### A. OBJECTIVE

1. Recommendation 7 requires countries to implement targeted financial sanctions<sup>10</sup> to comply with United Nations Security Council resolutions that require countries to freeze, without delay, the funds or other assets of, and to ensure that no funds and other assets are made available to, and for the benefit of, any person<sup>11</sup> or entity designated by the United Nations Security Council under Chapter VII of the Charter of the United Nations, pursuant to Security Council resolutions that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction.<sup>12</sup>
2. It should be stressed that none of the requirements in Recommendation 7 is intended to replace other measures or obligations that may already be in place for dealing with funds or other assets in the context of a criminal, civil or administrative investigation or proceeding, as is required by international treaties or Security Council resolutions relating to weapons of mass destruction non-proliferation.<sup>13</sup> The focus of Recommendation 7 is on preventive measures that are necessary and unique in the context of stopping the flow of funds or other assets to proliferators or proliferation; and the use of funds or other assets by proliferators or proliferation, as required by the United Nations Security Council (the Security Council).

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<sup>10</sup> Recommendation 7 is focused on targeted financial sanctions. These include the specific restrictions set out in Security Council resolution 2231 (2015) (see Annex B paragraphs 6(c) and (d)). However, it should be noted that the relevant United Nations Security Council Resolutions are much broader and prescribe other types of sanctions (such as travel bans) and other types of financial provisions (such as activity-based financial prohibitions, category-based sanctions and vigilance measures). With respect to targeted financial sanctions related to the financing of proliferation of weapons of mass destruction and other types of financial provisions, the FATF has issued non-binding guidance, which jurisdictions are encouraged to consider in their implementation of the relevant UNSCRs.

<sup>11</sup> Natural or legal person.

<sup>12</sup> Recommendation 7 is applicable to all current Security Council resolutions applying targeted financial sanctions relating to the financing of proliferation of weapons of mass destruction, any future successor resolutions, and any future Security Council resolutions which impose targeted financial sanctions in the context of the financing of proliferation of weapons of mass destruction. At the time of issuance of this Interpretive Note (June 2017), the Security Council resolutions applying targeted financial sanctions relating to the financing of proliferation of weapons of mass destruction are: resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2356 (2017). Resolution 2231 (2015), endorsing the Joint Comprehensive Plan of Action, terminated all provisions of resolutions relating to Iran and proliferation financing, including 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), but established specific restrictions including targeted financial sanctions. This lifts sanctions as part of a step by step approach with reciprocal commitments endorsed by the Security Council. Implementation day of the JCPOA was on 16 January 2016.

<sup>13</sup> Based on requirements set, for instance, in the *Nuclear Non-Proliferation Treaty*, the *Biological and Toxin Weapons Convention*, the *Chemical Weapons Convention*, and Security Council resolutions 1540 (2004) and 2235 (2016). Those obligations exist separately and apart from the obligations set forth in Recommendation 7 and its interpretive note.



## B. DESIGNATIONS

3. Designations are made by the Security Council in annexes to the relevant resolutions, or by the Security Council Committees established pursuant to these resolutions. There is no specific obligation upon United Nations Member States to submit proposals for designations to the Security Council or the relevant Security Council Committee(s). However, in practice, the Security Council or the relevant Committee(s) primarily depends upon requests for designation by Member States. Security Council resolution 1718 (2006) provides that the relevant Committee shall promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution and its successor resolutions. Resolution 2231 (2015) provides that the Security Council shall make the necessary practical arrangements to undertake directly tasks related to the implementation of the resolution.
4. Countries could consider establishing the authority and effective procedures or mechanisms to propose persons and entities to the Security Council for designation in accordance with relevant Security Council resolutions which impose targeted financial sanctions in the context of the financing of proliferation of weapons of mass destruction. In this regard, countries could consider the following elements:
  - (a) identifying a competent authority(ies), either executive or judicial, as having responsibility for:
    - (i) proposing to the 1718 Sanctions Committee, for designation as appropriate, persons or entities that meet the specific criteria for designation as set forth in resolution 1718 (2006) and its successor resolutions<sup>14</sup>, if that authority decides to do so and believes that it has sufficient evidence to support the designation criteria (see Section E for the specific designation criteria associated with relevant Security Council resolutions); and
    - (ii) proposing to the Security Council, for designation as appropriate, persons or entities that meet the criteria for designation as set forth in resolution 2231 (2015) and any future successor resolutions, if that authority decides to do so and believes that it has sufficient evidence to support the designation criteria (see Section E for the specific designation criteria associated with relevant Security Council resolutions).
  - (b) having a mechanism(s) for identifying targets for designation, based on the designation criteria set out in resolutions 1718 (2006), 2231 (2015), and their successor and any future successor resolutions (see Section E for the specific designation criteria of relevant Security Council resolutions). Such procedures should ensure the determination, according to applicable (supra-)national principles, whether reasonable grounds or a reasonable basis exists to propose a designation.

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<sup>14</sup> Recommendation 7 is applicable to all current and future successor resolutions to resolution 1718 (2006). At the time of issuance of this Interpretive Note (June 2017), the successor resolutions to resolution 1718 (2006) are: resolution 1874 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016) and resolution 2356 (2017).

- (c) having appropriate legal authority, and procedures or mechanisms, to collect or solicit as much information as possible from all relevant sources to identify persons and entities that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation in the relevant Security Council resolutions.
- (d) when deciding whether or not to propose a designation, taking into account the criteria in Section E of this interpretive note. For proposals of designations, the competent authority of each country will apply the legal standard of its own legal system, taking into consideration human rights, respect for the rule of law, and in recognition of the rights of innocent third parties.
- (e) when proposing names to the 1718 Sanctions Committee, pursuant to resolution 1718 (2006) and its successor resolutions, or to the Security Council, pursuant to resolution 2231 (2015) and any future successor resolutions, providing as much detail as possible on:
  - (i) the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of persons and entities; and
  - (ii) specific information supporting a determination that the person or entity meets the relevant criteria for designation (see Section E for the specific designation criteria of relevant Security Council resolutions).
- (f) having procedures to be able, where necessary, to operate ex parte against a person or entity who has been identified and whose proposal for designation is being considered.

### **C. FREEZING AND PROHIBITING DEALING IN FUNDS OR OTHER ASSETS OF DESIGNATED PERSONS AND ENTITIES**

- 5. There is an obligation for countries to implement targeted financial sanctions without delay against persons and entities designated:
  - (a) in the case of resolution 1718 (2006) and its successor resolutions, by the Security Council in annexes to the relevant resolutions, or by the 1718 Sanctions Committee of the Security Council<sup>15</sup>; and
  - (b) in the case of resolution 2231 (2015) and any future successor resolutions by the Security Council,

when acting under the authority of Chapter VII of the Charter of the United Nations.

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<sup>15</sup> As noted in resolution 2270 (2016) (OP32) this also applies to entities of the Government of the Democratic People's Republic of Korea or the Worker's Party of Korea that countries determine are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolution 1718 (2006) and successor resolutions.

6. Countries should establish the necessary legal authority and identify competent domestic authorities responsible for implementing and enforcing targeted financial sanctions, in accordance with the following standards and procedures:
- (a) Countries<sup>16</sup> should require all natural and legal persons within the country to freeze, without delay and without prior notice, the funds or other assets of designated persons and entities. This obligation should extend to: all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation; those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities; and the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities, as well as funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.
  - (b) Countries should ensure that any funds or other assets are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant Security Council resolutions (see Section E below).
  - (c) Countries should have mechanisms for communicating designations to financial institutions and DNFBPs immediately upon taking such action, and providing clear guidance, particularly to financial institutions and other persons or entities, including DNFBPs, that may be holding targeted funds or other assets, on their obligations in taking action under freezing mechanisms.
  - (d) Countries should require financial institutions and DNFBPs<sup>17</sup> to report to competent authorities any assets frozen or actions taken in compliance with the prohibition requirements of the relevant Security Council resolutions, including attempted transactions, and ensure that such information is effectively utilised by competent authorities.
  - (e) Countries should adopt effective measures which protect the rights of bona fide third parties acting in good faith when implementing the obligations under Recommendation 7.
  - (f) Countries should adopt appropriate measures for monitoring, and ensuring compliance by, financial institutions and DNFBPs with the relevant laws or

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<sup>16</sup> In the case of the European Union (EU), which is considered a supra-national jurisdiction under Recommendation 7 by the FATF, the assets of designated persons and entities are frozen under EU Common Foreign and Security Policy (CFSP) Council decisions and Council regulations (as amended). EU member states may have to take additional measures to implement the freeze, and all natural and legal persons within the EU have to respect the freeze and not make funds available to designated persons and entities.

<sup>17</sup> Security Council resolutions apply to all natural and legal persons within the country.

enforceable means governing the obligations under Recommendation 7. Failure to comply with such laws, or enforceable means should be subject to civil, administrative or criminal sanctions.

#### **D. DE-LISTING, UNFREEZING AND PROVIDING ACCESS TO FROZEN FUNDS OR OTHER ASSETS**

7. Countries should develop and implement publicly known procedures to submit de-listing requests to the Security Council in the case of designated persons and entities, that, in the view of the country, do not or no longer meet the criteria for designation. Once the Security Council or the relevant Sanctions Committee has de-listed the person or entity, the obligation to freeze no longer exists. In the case of resolution 1718 (2006) and its successor resolutions, such procedures and criteria should be in accordance with any applicable guidelines or procedures adopted by the Security Council pursuant to resolution 1730 (2006) and any successor resolutions, including those of the Focal Point mechanism established under that resolution. Countries should enable listed persons and entities to petition a request for delisting at the Focal Point for de-listing established pursuant to resolution 1730 (2006), or should inform designated persons or entities to petition the Focal Point directly.
8. For persons or entities with the same or similar name as designated persons or entities, who are inadvertently affected by a freezing mechanism (i.e., a false positive), countries should develop and implement publicly known procedures to unfreeze the funds or other assets of such persons or entities in a timely manner, upon verification that the person or entity involved is not a designated person or entity.
9. Where countries have determined that the exemption conditions set out in resolution 1718(2006) and resolution 2231 (2015) are met, countries should authorise access to funds or other assets in accordance with the procedures set out therein.
10. Countries should permit the addition to the accounts frozen pursuant to resolution 1718 (2006) or resolution 2231 (2015) of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.
11. Freezing action taken pursuant to resolution 1737 (2006) and continued by resolution 2231 (2015), or taken pursuant to resolution 2231 (2015), shall not prevent a designated person or entity from making any payment due under a contract entered into prior to the listing of such person or entity, provided that:
  - (a) the relevant countries have determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in resolution 2231 (2015) and any future successor resolutions;
  - (b) the relevant countries have determined that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B to resolution 2231 (2015); and

- (c) the relevant countries have submitted prior notification to the Security Council of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorisation.<sup>18</sup>
12. Countries should have mechanisms for communicating de-listings and unfreezings to the financial sector and the DNFBPs immediately upon taking such action, and providing adequate guidance, particularly to financial institutions and other persons or entities, including DNFBPs, that may be holding targeted funds or other assets, on their obligations to respect a de-listing or unfreezing action.

#### E. UNITED NATIONS DESIGNATION CRITERIA

13. The criteria for designation as specified in the relevant United Nations Security Council resolutions are:
- (a) **On DPRK - Resolutions 1718 (2006), 2087 (2013), 2094 (2013) and 2270 (2016):**
- (i) any person or entity engaged in the Democratic People's Republic of Korea (DPRK)'s nuclear-related, other WMD-related and ballistic missile-related programmes;
  - (ii) any person or entity providing support for DPRK's nuclear-related, other WMD-related and ballistic missile-related programmes, including through illicit means;
  - (iii) any person or entity acting on behalf of or at the direction of any person or entity designated under subsection 13(a)(i) or subsection 13(a)(ii)<sup>19</sup>;
  - (iv) any legal person or entity owned or controlled, directly or indirectly, by any person or entity designated under subsection 13(a)(i) or subsection 13(a)(ii)<sup>20</sup>;
  - (v) any person or entity that has assisted in the evasion of sanctions or in violating the provisions of resolutions 1718 (2006) and 1874 (2009);
  - (vi) any person or entity that has contributed to DPRK's prohibited programmes, activities prohibited by the DPRK-related resolutions, or to the evasion of provisions; or

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<sup>18</sup> In cases where the designated person or entity is a financial institution, jurisdictions should consider the FATF guidance issued as an annex to *The Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter the Proliferation of Weapons of Mass Destruction, adopted in June 2013*.

<sup>19</sup> The funds or assets of these persons or entities are frozen regardless of whether they are specifically identified by the Committee. Further, resolution 2270 (2016) OP23 expanded the scope of targeted financial sanctions obligations under resolution 1718 (2006), by applying these to the Ocean Maritime Management Company vessels specified in Annex III of resolution 2270 (2016).

<sup>20</sup> Ibid.

- (vii) any entity of the Government of the DPRK or the Worker's Party of Korea, or person or entity acting on their behalf or at their direction, or by any entity owned or controlled by them, that countries determine are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolution 1718 (2006) and successor resolutions.
- (b) **On Iran - Resolution 2231 (2015):**
- (i) any person or entity having engaged in, directly associated with or provided support for Iran's proliferation sensitive nuclear activities contrary to Iran's commitments in the Joint Comprehensive Plan of Action (JCPOA) or the development of nuclear weapon delivery systems, including through the involvement in procurement of prohibited items, goods, equipment, materials and technology specified in Annex B to resolution 2231 (2015);
  - (ii) any person or entity assisting designated persons or entities in evading or acting inconsistently with the JCPOA or resolution 2231 (2015); and
  - (iii) any person or entity acting on behalf or at a direction of any person or entity in subsection 13(b)(i), subsection 13(b)(ii) and/or subsection 13(b)(iii), or by any entities owned or controlled by them.

## INTERPRETIVE NOTE TO RECOMMENDATION 8 (NON-PROFIT ORGANISATIONS)

### A. INTRODUCTION

1. Given the variety of legal forms that non-profit organisations (NPOs) can have, depending on the country, the FATF has adopted a functional definition of NPO. This definition is based on those activities and characteristics of an organisation which put it at risk of terrorist financing abuse, rather than on the simple fact that it is operating on a non-profit basis. For the purposes of this Recommendation, NPO refers to a legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works”. Without prejudice to Recommendation 1, this Recommendation only applies to those NPOs which fall within the FATF definition of an NPO. It does not apply to the entire universe of NPOs.
2. NPOs play a vital role in the world economy and in many national economies and social systems. Their efforts complement the activity of the governmental and business sectors in providing essential services, comfort and hope to those in need around the world. The FATF recognises the vital importance of NPOs in providing these important charitable services, as well as the difficulty of providing assistance to those in need, often in high risk areas and conflict zones, and applauds the efforts of NPOs to meet such needs. The FATF also recognises the intent and efforts to date of NPOs to promote transparency within their operations and to prevent terrorist financing abuse, including through the development of programmes aimed at discouraging radicalisation and violent extremism. The ongoing international campaign against terrorist financing has identified cases in which terrorists and terrorist organisations exploit some NPOs in the sector to raise and move funds, provide logistical support, encourage terrorist recruitment, or otherwise support terrorist organisations and operations. As well, there have been cases where terrorists create sham charities or engage in fraudulent fundraising for these purposes. This misuse not only facilitates terrorist activity, but also undermines donor confidence and jeopardises the very integrity of NPOs. Therefore, protecting NPOs from terrorist financing abuse is both a critical component of the global fight against terrorism and a necessary step to preserve the integrity of NPOs and the donor community. Measures to protect NPOs from potential terrorist financing abuse should be targeted and in line with the risk-based approach. It is also important for such measures to be implemented in a manner which respects countries’ obligations under the Charter of the United Nations and international human rights law.
3. Some NPOs may be vulnerable to terrorist financing abuse by terrorists for a variety of reasons. NPOs enjoy the public trust, have access to considerable sources of funds, and are often cash-intensive. Furthermore, some NPOs have a global presence that provides a framework for national and international operations and financial transactions, often within or near those areas that are most exposed to terrorist activity. In some cases, terrorist organisations have taken advantage of these and other characteristics to infiltrate some NPOs and misuse funds and operations to cover for, or support, terrorist activity.

## B. OBJECTIVES AND GENERAL PRINCIPLES

4. The objective of Recommendation 8 is to ensure that NPOs are not misused by terrorist organisations: (i) to pose as legitimate entities; (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; or (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes, but diverted for terrorist purposes. In this Interpretive Note, the approach taken to achieve this objective is based on the following general principles:
- (a) A risk-based approach applying focused measures in dealing with identified threats of terrorist financing abuse to NPOs is essential given the diversity within individual national sectors, the differing degrees to which parts of each sector may be vulnerable to terrorist financing abuse, the need to ensure that legitimate charitable activity continues to flourish, and the limited resources and authorities available to combat terrorist financing in each country.
  - (b) Flexibility in developing a national response to terrorist financing abuse of NPOs is essential, in order to allow it to evolve over time as it faces the changing nature of the terrorist financing threat.
  - (c) Past and ongoing terrorist financing abuse of NPOs requires countries to adopt effective and proportionate measures, which should be commensurate to the risks identified through a risk-based approach.
  - (d) Focused measures adopted by countries to protect NPOs from terrorist financing abuse should not disrupt or discourage legitimate charitable activities. Rather, such measures should promote accountability and engender greater confidence among NPOs, across the donor community and with the general public, that charitable funds and services reach intended legitimate beneficiaries. Systems that promote achieving a high degree of accountability, integrity and public confidence in the management and functioning of NPOs are integral to ensuring they cannot be abused for terrorist financing.
  - (e) Countries are required to identify and take effective and proportionate action against NPOs that either are exploited by, or knowingly supporting, terrorists or terrorist organisations taking into account the specifics of the case. Countries should aim to prevent and prosecute, as appropriate, terrorist financing and other forms of terrorist support. Where NPOs suspected of, or implicated in, terrorist financing or other forms of terrorist support are identified, the first priority of countries must be to investigate and halt such terrorist financing or support. Actions taken for this purpose should, to the extent reasonably possible, minimise negative impact on innocent and legitimate beneficiaries of charitable activity. However, this interest cannot excuse the need to undertake immediate and effective actions to advance the immediate interest of halting terrorist financing or other forms of terrorist support provided by NPOs.
  - (f) Developing cooperative relationships among the public and private sectors and with NPOs is critical to understanding NPOs' risks and risk mitigation strategies, raising awareness, increasing effectiveness and fostering capabilities to combat terrorist



financing abuse within NPOs. Countries should encourage the development of academic research on, and information-sharing in, NPOs to address terrorist financing related issues.

### C. MEASURES

5. Without prejudice to the requirements of Recommendation 1, since not all NPOs are inherently high risk (and some may represent little or no risk at all), countries should identify which subset of organisations fall within the FATF definition of NPO. In undertaking this exercise, countries should use all relevant sources of information in order to identify features and types of NPOs, which, by virtue of their activities or characteristics, are likely to be at risk of terrorist financing abuse.<sup>21</sup> It is also crucial to identify the nature of threats posed by terrorist entities to the NPOs which are at risk as well as how terrorist actors abuse those NPOs. Countries should review the adequacy of measures, including laws and regulations, that relate to the subset of the NPO sector that may be abused for terrorism financing support in order to be able to take proportionate and effective actions to address the risks identified. These exercises could take a variety of forms and may or may not be a written product. Countries should also periodically reassess the sector by reviewing new information on the sector's potential vulnerabilities to terrorist activities to ensure effective implementation of measures.
6. There is a diverse range of approaches in identifying, preventing and combating terrorist financing abuse of NPOs. An effective approach should involve all four of the following elements: (a) sustained outreach, (b) targeted risk-based supervision or monitoring, (c) effective investigation and information gathering and (d) effective mechanisms for international cooperation. The following measures represent examples of specific actions that countries should take with respect to each of these elements, in order to protect NPOs from potential terrorist financing abuse.
  - (a) Sustained outreach concerning terrorist financing issues
    - (i) Countries should have clear policies to promote accountability, integrity and public confidence in the administration and management of NPOs.
    - (ii) Countries should encourage and undertake outreach and educational programmes to raise and deepen awareness among NPOs as well as the donor community about the potential vulnerabilities of NPOs to terrorist financing abuse and terrorist financing risks, and the measures that NPOs can take to protect themselves against such abuse.
    - (iii) Countries should work with NPOs to develop and refine best practices to address terrorist financing risks and vulnerabilities and thus protect them from terrorist financing abuse.

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<sup>21</sup> For example, such information could be provided by regulators, tax authorities, FIUs, donor organisations or law enforcement and intelligence authorities.

(iv) Countries should encourage NPOs to conduct transactions via regulated financial channels, wherever feasible, keeping in mind the varying capacities of financial sectors in different countries and in different areas of urgent charitable and humanitarian concerns.

(b) Targeted risk-based supervision or monitoring of NPOs

Countries should take steps to promote effective supervision or monitoring. A “one-size-fits-all” approach would be inconsistent with the proper implementation of a risk-based approach as stipulated under Recommendation 1 of the FATF Standards. In practice, countries should be able to demonstrate that risk-based measures apply to NPOs at risk of terrorist financing abuse. It is also possible that existing regulatory or other measures may already sufficiently address the current terrorist financing risk to the NPOs in a jurisdiction, although terrorist financing risks to the sector should be periodically reviewed. Appropriate authorities should monitor the compliance of NPOs with the requirements of this Recommendation, including the risk-based measures being applied to them.<sup>22</sup> Appropriate authorities should be able to apply effective, proportionate and dissuasive sanctions for violations by NPOs or persons acting on behalf of these NPOs.<sup>23</sup> The following are some examples of measures that could be applied to NPOs, in whole or in part, depending on the risks identified:

- (i) NPOs could be required to license or register. This information should be available to competent authorities and encouraged to be available to the public.<sup>24</sup>
- (ii) NPOs could be required to maintain information on: (1) the purpose and objectives of their stated activities; and (2) the identity of the person(s) who own, control or direct their activities, including senior officers, board members and trustees. This information could be publicly available either directly from the NPO or through appropriate authorities.
- (iii) NPOs could be required to issue annual financial statements that provide detailed breakdowns of incomes and expenditures.
- (iv) NPOs could be required to have appropriate controls in place to ensure that all funds are fully accounted for, and are spent in a manner that is consistent with the purpose and objectives of the NPO’s stated activities.
- (v) NPOs could be required to take reasonable measures to confirm the identity, credentials and good standing of beneficiaries<sup>25</sup> and associate NPOs and that

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<sup>22</sup> In this context, rules and regulations may include rules and standards applied by self-regulatory organisations and accrediting institutions.

<sup>23</sup> The range of such sanctions might include freezing of accounts, removal of trustees, fines, de-certification, de-licensing and de-registration. This should not preclude parallel civil, administrative or criminal proceedings with respect to NPOs or persons acting on their behalf where appropriate.

<sup>24</sup> Specific licensing or registration requirements for counter terrorist financing purposes are not necessary. For example, in some countries, NPOs are already registered with tax authorities and monitored in the context of qualifying for favourable tax treatment (such as tax credits or tax exemptions).

they are not involved with and/or using the charitable funds to support terrorists or terrorist organisations<sup>25</sup>. However, NPOs should not be required to conduct customer due diligence. NPOs could be required to take reasonable measures to document the identity of their significant donors and to respect donor confidentiality. The ultimate objective of this requirement is to prevent charitable funds from being used to finance and support terrorists and terrorist organisations.

- (vi) NPOs could be required to maintain, for a period of at least five years, records of domestic and international transactions that are sufficiently detailed to verify that funds have been received and spent in a manner consistent with the purpose and objectives of the organisation, and could be required to make these available to competent authorities upon appropriate authority. This also applies to information mentioned in paragraphs (ii) and (iii) above. Where appropriate, records of charitable activities and financial operations by NPOs could also be made available to the public.
- (c) Effective information gathering and investigation
- (i) Countries should ensure effective cooperation, coordination and information-sharing to the extent possible among all levels of appropriate authorities or organisations that hold relevant information on NPOs.
  - (ii) Countries should have investigative expertise and capability to examine those NPOs suspected of either being exploited by, or actively supporting, terrorist activity or terrorist organisations.
  - (iii) Countries should ensure that full access to information on the administration and management of a particular NPO (including financial and programmatic information) may be obtained during the course of an investigation.
  - (iv) Countries should establish appropriate mechanisms to ensure that, when there is suspicion or reasonable grounds to suspect that a particular NPO: (1) is involved in terrorist financing abuse and/or is a front for fundraising by a terrorist organisation; (2) is being exploited as a conduit for terrorist financing, including for the purpose of escaping asset freezing measures, or other forms of terrorist support; or (3) is concealing or obscuring the clandestine diversion of funds intended for legitimate purposes, but redirected for the benefit of terrorists or terrorist organisations, that this information is promptly shared with relevant competent authorities, in order to take preventive or investigative action.

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<sup>25</sup> The term beneficiaries refers to those natural persons, or groups of natural persons who receive charitable, humanitarian or other types of assistance through the services of the NPO.

<sup>26</sup> This does not mean that NPOs are expected to identify each specific individual, as such a requirement would not always be possible and would, in some instances, impede the ability of NPOs to provide much-needed services

- (d) Effective capacity to respond to international requests for information about an NPO of concern. Consistent with Recommendations on international cooperation, countries should identify appropriate points of contact and procedures to respond to international requests for information regarding particular NPOs suspected of terrorist financing or involvement in other forms of terrorist support.

#### D. RESOURCES FOR SUPERVISION, MONITORING, AND INVESTIGATION

7. Countries should provide their appropriate authorities, which are responsible for supervision, monitoring and investigation of their NPO sector, with adequate financial, human and technical resources.

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#### Glossary of specific terms used in this Recommendation

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<b>Appropriate authorities</b>	refers to competent authorities, including regulators, tax authorities, FIUs, law enforcement, intelligence authorities, accrediting institutions, and potentially self-regulatory organisations in some jurisdictions.
<b>Associate NPOs</b>	includes foreign branches of international NPOs, and NPOs with which partnerships have been arranged.
<b>Beneficiaries</b>	refers to those natural persons, or groups of natural persons who receive charitable, humanitarian or other types of assistance through the services of the NPO.
<b>Non-profit organisation or NPO</b>	refers to a legal person or arrangement or organisation that primarily engages in raising or disbursing funds for purposes such as charitable, religious, cultural, educational, social or fraternal purposes, or for the carrying out of other types of “good works”.
<b>Terrorist financing abuse</b>	refers to the exploitation by terrorists and terrorist organisations of NPOs to raise or move funds, provide logistical support, encourage or facilitate terrorist recruitment, or otherwise support terrorists or terrorist organisations and operations.

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## INTERPRETIVE NOTE TO RECOMMENDATION 10 (CUSTOMER DUE DILIGENCE)

### A. CUSTOMER DUE DILIGENCE AND TIPPING-OFF

1. If, during the establishment or course of the customer relationship, or when conducting occasional transactions, a financial institution suspects that transactions relate to money laundering or terrorist financing, then the institution should:
  - (a) normally seek to identify and verify the identity<sup>27</sup> of the customer and the beneficial owner, whether permanent or occasional, and irrespective of any exemption or any designated threshold that might otherwise apply; and
  - (b) make a suspicious transaction report (STR) to the financial intelligence unit (FIU), in accordance with Recommendation 20.
2. Recommendation 21 prohibits financial institutions, their directors, officers and employees from disclosing the fact that an STR or related information is being reported to the FIU. A risk exists that customers could be unintentionally tipped off when the financial institution is seeking to perform its customer due diligence (CDD) obligations in these circumstances. The customer's awareness of a possible STR or investigation could compromise future efforts to investigate the suspected money laundering or terrorist financing operation.
3. Therefore, if financial institutions form a suspicion that transactions relate to money laundering or terrorist financing, they should take into account the risk of tipping-off when performing the CDD process. If the institution reasonably believes that performing the CDD process will tip-off the customer or potential customer, it may choose not to pursue that process, and should file an STR. Institutions should ensure that their employees are aware of, and sensitive to, these issues when conducting CDD.

### B. CDD – PERSONS ACTING ON BEHALF OF A CUSTOMER

4. When performing elements (a) and (b) of the CDD measures specified under Recommendation 10, financial institutions should also be required to verify that any person purporting to act on behalf of the customer is so authorised, and should identify and verify the identity of that person.

### C. CDD FOR LEGAL PERSONS AND ARRANGEMENTS

5. When performing CDD measures in relation to customers that are legal persons or legal arrangements<sup>28</sup>, financial institutions should be required to identify and verify the identity of

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<sup>27</sup> Reliable, independent source documents, data or information will hereafter be referred to as "identification data."

<sup>28</sup> In these Recommendations references to legal arrangements such as trusts (or other similar arrangements) being the customer of a financial institution or DNFBP or carrying out a transaction, refers to situations where a natural or legal person that is the trustee establishes the business relationship or carries out the transaction on the behalf of the beneficiaries or according to the terms of the trust. The normal CDD requirements for customers that are natural or legal persons would continue

the customer, and understand the nature of its business, and its ownership and control structure. The purpose of the requirements set out in (a) and (b) below, regarding the identification and verification of the customer and the beneficial owner, is twofold: first, to prevent the unlawful use of legal persons and arrangements, by gaining a sufficient understanding of the customer to be able to properly assess the potential money laundering and terrorist financing risks associated with the business relationship; and, second, to take appropriate steps to mitigate the risks. As two aspects of one process, these requirements are likely to interact and complement each other naturally. In this context, financial institutions should be required to:

- (a) Identify the customer and verify its identity. The type of information that would normally be needed to perform this function would be:
  - (i) Name, legal form and proof of existence – verification could be obtained, for example, through a certificate of incorporation, a certificate of good standing, a partnership agreement, a deed of trust, or other documentation from a reliable independent source proving the name, form and current existence of the customer.
  - (ii) The powers that regulate and bind the legal person or arrangement (e.g. the memorandum and articles of association of a company), as well as the names of the relevant persons having a senior management position in the legal person or arrangement (e.g. senior managing directors in a company, trustee(s) of a trust).
  - (iii) The address of the registered office, and, if different, a principal place of business.
- (b) Identify the beneficial owners of the customer and take reasonable measures<sup>29</sup> to verify the identity of such persons, through the following information:
  - (i) For legal persons<sup>30</sup>:
    - (i.i) The identity of the natural persons (if any – as ownership interests can be so diversified that there are no natural persons (whether acting alone or together) exercising control of the legal person or arrangement through ownership) who ultimately have a controlling ownership interest<sup>31</sup> in a legal person; and

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to apply, including paragraph 4 of INR.10, but the additional requirements regarding the trust and the beneficial owners of the trust (as defined) would also apply.

<sup>29</sup> In determining the reasonableness of the identity verification measures, regard should be had to the money laundering and terrorist financing risks posed by the customer and the business relationship.

<sup>30</sup> Measures (i.i) to (i.iii) are not alternative options, but are cascading measures, with each to be used where the previous measure has been applied and has not identified a beneficial owner.

<sup>31</sup> A controlling ownership interest depends on the ownership structure of the company. It may be based on a threshold, e.g. any person owning more than a certain percentage of the company (e.g. 25%).

- (i.ii) to the extent that there is doubt under (i.i) as to whether the person(s) with the controlling ownership interest are the beneficial owner(s) or where no natural person exerts control through ownership interests, the identity of the natural persons (if any) exercising control of the legal person or arrangement through other means.
  - (i.iii) Where no natural person is identified under (i.i) or (i.ii) above, financial institutions should identify and take reasonable measures to verify the identity of the relevant natural person who holds the position of senior managing official.
- (ii) For legal arrangements:
- (ii.i) Trusts – the identity of the settlor, the trustee(s), the protector (if any), the beneficiaries or class of beneficiaries<sup>32</sup>, and any other natural person exercising ultimate effective control over the trust (including through a chain of control/ownership);
  - (ii.ii) Other types of legal arrangements – the identity of persons in equivalent or similar positions.

Where the customer or the owner of the controlling interest is a company listed on a stock exchange and subject to disclosure requirements (either by stock exchange rules or through law or enforceable means) which impose requirements to ensure adequate transparency of beneficial ownership, or is a majority-owned subsidiary of such a company, it is not necessary to identify and verify the identity of any shareholder or beneficial owner of such companies.

The relevant identification data may be obtained from a public register, from the customer or from other reliable sources.

#### **D. CDD FOR BENEFICIARIES OF LIFE INSURANCE POLICIES**

6. For life or other investment-related insurance business, financial institutions should, in addition to the CDD measures required for the customer and the beneficial owner, conduct the following CDD measures on the beneficiary(ies) of life insurance and other investment related insurance policies, as soon as the beneficiary(ies) are identified/designated:
- (a) For beneficiary(ies) that are identified as specifically named natural or legal persons or legal arrangements – taking the name of the person;
  - (b) For beneficiary(ies) that are designated by characteristics or by class (e.g. spouse or children at the time that the insured event occurs) or by other means (e.g. under a will) – obtaining sufficient information concerning the beneficiary to satisfy the

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<sup>32</sup> For beneficiary(ies) of trusts that are designated by characteristics or by class, financial institutions should obtain sufficient information concerning the beneficiary to satisfy the financial institution that it will be able to establish the identity of the beneficiary at the time of the payout or when the beneficiary intends to exercise vested rights.

financial institution that it will be able to establish the identity of the beneficiary at the time of the payout.

The information collected under (a) and/or (b) should be recorded and maintained in accordance with the provisions of Recommendation 11.

7. For both the cases referred to in 6(a) and (b) above, the verification of the identity of the beneficiary(ies) should occur at the time of the payout.
8. The beneficiary of a life insurance policy should be included as a relevant risk factor by the financial institution in determining whether enhanced CDD measures are applicable. If the financial institution determines that a beneficiary who is a legal person or a legal arrangement presents a higher risk, then the enhanced CDD measures should include reasonable measures to identify and verify the identity of the beneficial owner of the beneficiary, at the time of payout.
9. Where a financial institution is unable to comply with paragraphs 6 to 8 above, it should consider making a suspicious transaction report.

#### **E. RELIANCE ON IDENTIFICATION AND VERIFICATION ALREADY PERFORMED**

10. The CDD measures set out in Recommendation 10 do not imply that financial institutions have to repeatedly identify and verify the identity of each customer every time that a customer conducts a transaction. An institution is entitled to rely on the identification and verification steps that it has already undertaken, unless it has doubts about the veracity of that information. Examples of situations that might lead an institution to have such doubts could be where there is a suspicion of money laundering in relation to that customer, or where there is a material change in the way that the customer's account is operated, which is not consistent with the customer's business profile.

#### **F. TIMING OF VERIFICATION**

11. Examples of the types of circumstances (in addition to those referred to above for beneficiaries of life insurance policies) where it would be permissible for verification to be completed after the establishment of the business relationship, because it would be essential not to interrupt the normal conduct of business, include:
  - Non face-to-face business.
  - Securities transactions. In the securities industry, companies and intermediaries may be required to perform transactions very rapidly, according to the market conditions at the time the customer is contacting them, and the performance of the transaction may be required before verification of identity is completed.
12. Financial institutions will also need to adopt risk management procedures with respect to the conditions under which a customer may utilise the business relationship prior to verification. These procedures should include a set of measures, such as a limitation of the number, types and/or amount of transactions that can be performed and the monitoring of large or complex transactions being carried out outside the expected norms for that type of relationship.



## G. EXISTING CUSTOMERS

13. Financial institutions should be required to apply CDD measures to existing customers<sup>33</sup> on the basis of materiality and risk, and to conduct due diligence on such existing relationships at appropriate times, taking into account whether and when CDD measures have previously been undertaken and the adequacy of data obtained.

## H. RISK BASED APPROACH<sup>34</sup>

14. The examples below are not mandatory elements of the FATF Standards, and are included for guidance only. The examples are not intended to be comprehensive, and although they are considered to be helpful indicators, they may not be relevant in all circumstances.

### Higher risks

15. There are circumstances where the risk of money laundering or terrorist financing is higher, and enhanced CDD measures have to be taken. When assessing the money laundering and terrorist financing risks relating to types of customers, countries or geographic areas, and particular products, services, transactions or delivery channels, examples of potentially higher-risk situations (in addition to those set out in Recommendations 12 to 16) include the following:

(a) Customer risk factors:

- The business relationship is conducted in unusual circumstances (e.g. significant unexplained geographic distance between the financial institution and the customer).
- Non-resident customers.
- Legal persons or arrangements that are personal asset-holding vehicles.
- Companies that have nominee shareholders or shares in bearer form.
- Business that are cash-intensive.
- The ownership structure of the company appears unusual or excessively complex given the nature of the company's business.

(b) Country or geographic risk factors:<sup>35</sup>

- Countries identified by credible sources, such as mutual evaluation or detailed assessment reports or published follow-up reports, as not having adequate AML/CFT systems.

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<sup>33</sup> Existing customers as at the date that the national requirements are brought into force.

<sup>34</sup> The RBA does not apply to the circumstances when CDD should be required but may be used to determine the extent of such measures.

<sup>35</sup> Under Recommendation 19 it is mandatory for countries to require financial institutions to apply enhanced due diligence when the FATF calls for such measures to be introduced.

- Countries subject to sanctions, embargos or similar measures issued by, for example, the United Nations.
  - Countries identified by credible sources as having significant levels of corruption or other criminal activity.
  - Countries or geographic areas identified by credible sources as providing funding or support for terrorist activities, or that have designated terrorist organisations operating within their country.
- (c) Product, service, transaction or delivery channel risk factors:
- Private banking.
  - Anonymous transactions (which may include cash).
  - Non-face-to-face business relationships or transactions.
  - Payment received from unknown or un-associated third parties

### Lower risks

16. There are circumstances where the risk of money laundering or terrorist financing may be lower. In such circumstances, and provided there has been an adequate analysis of the risk by the country or by the financial institution, it could be reasonable for a country to allow its financial institutions to apply simplified CDD measures.
17. When assessing the money laundering and terrorist financing risks relating to types of customers, countries or geographic areas, and particular products, services, transactions or delivery channels, examples of potentially lower risk situations include the following:
- (a) Customer risk factors:
- Financial institutions and DNFBPs – where they are subject to requirements to combat money laundering and terrorist financing consistent with the FATF Recommendations, have effectively implemented those requirements, and are effectively supervised or monitored in accordance with the Recommendations to ensure compliance with those requirements.
  - Public companies listed on a stock exchange and subject to disclosure requirements (either by stock exchange rules or through law or enforceable means), which impose requirements to ensure adequate transparency of beneficial ownership.
  - Public administrations or enterprises.
- (b) Product, service, transaction or delivery channel risk factors:
- Life insurance policies where the premium is low (e.g. an annual premium of less than USD/EUR 1,000 or a single premium of less than USD/EUR 2,500).
  - Insurance policies for pension schemes if there is no early surrender option and the policy cannot be used as collateral.

- A pension, superannuation or similar scheme that provides retirement benefits to employees, where contributions are made by way of deduction from wages, and the scheme rules do not permit the assignment of a member's interest under the scheme.
- Financial products or services that provide appropriately defined and limited services to certain types of customers, so as to increase access for financial inclusion purposes.

(c) Country risk factors:

- Countries identified by credible sources, such as mutual evaluation or detailed assessment reports, as having effective AML/CFT systems.
- Countries identified by credible sources as having a low level of corruption or other criminal activity.

In making a risk assessment, countries or financial institutions could, when appropriate, also take into account possible variations in money laundering and terrorist financing risk between different regions or areas within a country.

18. Having a lower money laundering and terrorist financing risk for identification and verification purposes does not automatically mean that the same customer is lower risk for all types of CDD measures, in particular for ongoing monitoring of transactions.

### Risk variables

19. When assessing the money laundering and terrorist financing risks relating to types of customers, countries or geographic areas, and particular products, services, transactions or delivery channels risk, a financial institution should take into account risk variables relating to those risk categories. These variables, either singly or in combination, may increase or decrease the potential risk posed, thus impacting the appropriate level of CDD measures. Examples of such variables include:

- The purpose of an account or relationship.
- The level of assets to be deposited by a customer or the size of transactions undertaken.
- The regularity or duration of the business relationship.

### Enhanced CDD measures

20. Financial institutions should examine, as far as reasonably possible, the background and purpose of all complex, unusual large transactions, and all unusual patterns of transactions, which have no apparent economic or lawful purpose. Where the risks of money laundering or terrorist financing are higher, financial institutions should be required to conduct enhanced CDD measures, consistent with the risks identified. In particular, they should increase the degree and nature of monitoring of the business relationship, in order to determine whether those transactions or activities appear unusual or suspicious. Examples of enhanced CDD measures that could be applied for higher-risk business relationships include:

- Obtaining additional information on the customer (e.g. occupation, volume of assets, information available through public databases, internet, etc.), and updating more regularly the identification data of customer and beneficial owner.
- Obtaining additional information on the intended nature of the business relationship.
- Obtaining information on the source of funds or source of wealth of the customer.
- Obtaining information on the reasons for intended or performed transactions.
- Obtaining the approval of senior management to commence or continue the business relationship.
- Conducting enhanced monitoring of the business relationship, by increasing the number and timing of controls applied, and selecting patterns of transactions that need further examination.
- Requiring the first payment to be carried out through an account in the customer's name with a bank subject to similar CDD standards.

### Simplified CDD measures

21. Where the risks of money laundering or terrorist financing are lower, financial institutions could be allowed to conduct simplified CDD measures, which should take into account the nature of the lower risk. The simplified measures should be commensurate with the lower risk factors (e.g. the simplified measures could relate only to customer acceptance measures or to aspects of ongoing monitoring). Examples of possible measures are:
- Verifying the identity of the customer and the beneficial owner after the establishment of the business relationship (e.g. if account transactions rise above a defined monetary threshold).
  - Reducing the frequency of customer identification updates.
  - Reducing the degree of on-going monitoring and scrutinising transactions, based on a reasonable monetary threshold.
  - Not collecting specific information or carrying out specific measures to understand the purpose and intended nature of the business relationship, but inferring the purpose and nature from the type of transactions or business relationship established.

Simplified CDD measures are not acceptable whenever there is a suspicion of money laundering or terrorist financing, or where specific higher-risk scenarios apply.

**Thresholds**

22. The designated threshold for occasional transactions under Recommendation 10 is USD/EUR 15,000. Financial transactions above the designated threshold include situations where the transaction is carried out in a single operation or in several operations that appear to be linked.

**Ongoing due diligence**

23. Financial institutions should be required to ensure that documents, data or information collected under the CDD process is kept up-to-date and relevant by undertaking reviews of existing records, particularly for higher-risk categories of customers.

## **INTERPRETIVE NOTE TO RECOMMENDATION 12 (POLITICALLY EXPOSED PERSONS)**

Financial institutions should take reasonable measures to determine whether the beneficiaries of a life insurance policy and/or, where required, the beneficial owner of the beneficiary are politically exposed persons. This should occur at the latest at the time of the payout. Where there are higher risks identified, in addition to performing normal CDD measures, financial institutions should be required to:

- a) inform senior management before the payout of the policy proceeds; and
- b) conduct enhanced scrutiny on the whole business relationship with the policyholder, and consider making a suspicious transaction report.

## INTERPRETIVE NOTE TO RECOMMENDATION 13 (CORRESPONDENT BANKING)

The similar relationships to which financial institutions should apply criteria (a) to (e) include, for example those established for securities transactions or funds transfers, whether for the cross-border financial institution as principal or for its customers.

The term *payable-through accounts* refers to correspondent accounts that are used directly by third parties to transact business on their own behalf.

## **INTERPRETIVE NOTE TO RECOMMENDATION 14 (MONEY OR VALUE TRANSFER SERVICES)**

A country need not impose a separate licensing or registration system with respect to natural or legal persons already licensed or registered as financial institutions (as defined by the FATF Recommendations) within that country, which, under such license or registration, are permitted to perform money or value transfer services, and which are already subject to the full range of applicable obligations under the FATF Recommendations.



## INTERPRETIVE NOTE TO RECOMMENDATION 16 (WIRE TRANSFERS)

### A. OBJECTIVE

1. Recommendation 16 was developed with the objective of preventing terrorists and other criminals from having unfettered access to wire transfers for moving their funds, and for detecting such misuse when it occurs. Specifically, it aims to ensure that basic information on the originator and beneficiary of wire transfers is immediately available:
  - (a) to appropriate law enforcement and/or prosecutorial authorities to assist them in detecting, investigating, and prosecuting terrorists or other criminals, and tracing their assets;
  - (b) to financial intelligence units for analysing suspicious or unusual activity, and disseminating it as necessary, and
  - (c) to ordering, intermediary and beneficiary financial institutions to facilitate the identification and reporting of suspicious transactions, and to implement the requirements to take freezing action and comply with prohibitions from conducting transactions with designated persons and entities, as per the obligations set out in the relevant United Nations Security Council resolutions, such as resolution 1267 (1999) and its successor resolutions, and resolution 1373 (2001) relating to the prevention and suppression of terrorism and terrorist financing.
2. To accomplish these objectives, countries should have the ability to trace all wire transfers. Due to the potential terrorist financing threat posed by small wire transfers, countries should minimise thresholds taking into account the risk of driving transactions underground and the importance of financial inclusion. It is not the intention of the FATF to impose rigid standards or to mandate a single operating process that would negatively affect the payment system.

### B. SCOPE

3. Recommendation 16 applies to cross-border wire transfers and domestic wire transfers , including serial payments, and cover payments.
4. Recommendation 16 is not intended to cover the following types of payments:
  - (a) Any transfer that flows from a transaction carried out using a credit or debit or prepaid card for the purchase of goods or services, so long as the credit or debit or prepaid card number accompanies all transfers flowing from the transaction. However, when a credit or debit or prepaid card is used as a payment system to effect a person-to-person wire transfer, the transaction is covered by Recommendation 16, and the necessary information should be included in the message.
  - (b) Financial institution-to-financial institution transfers and settlements, where both the originator person and the beneficiary person are financial institutions acting on their own behalf.

5. Countries may adopt a *de minimis* threshold for cross-border wire transfers (no higher than USD/EUR 1,000), below which the following requirements should apply:
  - (a) Countries should ensure that financial institutions include with such transfers: (i) the name of the originator; (ii) the name of the beneficiary; and (iii) an account number for each, or a unique transaction reference number. Such information need not be verified for accuracy, unless there is a suspicion of money laundering or terrorist financing, in which case, the financial institution should verify the information pertaining to its customer.
  - (b) Countries may, nevertheless, require that incoming cross-border wire transfers below the threshold contain required and accurate originator information.

### C. CROSS-BORDER QUALIFYING WIRE TRANSFERS

6. Information accompanying all qualifying wire transfers should always contain:
  - (a) the name of the originator;
  - (b) the originator account number where such an account is used to process the transaction;
  - (c) the originator's address, or national identity number, or customer identification number<sup>36</sup>, or date and place of birth;
  - (d) the name of the beneficiary; and
  - (e) the beneficiary account number where such an account is used to process the transaction.
7. In the absence of an account, a unique transaction reference number should be included which permits traceability of the transaction.
8. Where several individual cross-border wire transfers from a single originator are bundled in a batch file for transmission to beneficiaries, they may be exempted from the requirements of paragraph 6 in respect of originator information, provided that they include the originator's account number or unique transaction reference number (as described in paragraph 7 above), and the batch file contains required and accurate originator information, and full beneficiary information, that is fully traceable within the beneficiary country.

### D. DOMESTIC WIRE TRANSFERS

9. Information accompanying domestic wire transfers should also include originator information as indicated for cross-border wire transfers, unless this information can be made available to the beneficiary financial institution and appropriate authorities by other means. In this latter

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<sup>36</sup> The customer identification number refers to a number which uniquely identifies the originator to the originating financial institution and is a different number from the unique transaction reference number referred to in paragraph 7. The customer identification number must refer to a record held by the originating financial institution which contains at least one of the following: the customer address, a national identity number, or a date and place of birth.

case, the ordering financial institution need only include the account number or a unique transaction reference number, provided that this number or identifier will permit the transaction to be traced back to the originator or the beneficiary.

10. The information should be made available by the ordering financial institution within three business days of receiving the request either from the beneficiary financial institution or from appropriate competent authorities. Law enforcement authorities should be able to compel immediate production of such information.

## **E. RESPONSIBILITIES OF ORDERING, INTERMEDIARY AND BENEFICIARY FINANCIAL INSTITUTIONS**

### **Ordering financial institution**

11. The ordering financial institution should ensure that qualifying wire transfers contain required and accurate originator information, and required beneficiary information.
12. The ordering financial institution should ensure that cross-border wire transfers below any applicable threshold contain the name of the originator and the name of the beneficiary and an account number for each, or a unique transaction reference number.
13. The ordering financial institution should maintain all originator and beneficiary information collected, in accordance with Recommendation 11.
14. The ordering financial institution should not be allowed to execute the wire transfer if it does not comply with the requirements specified above.

### **Intermediary financial institution**

15. For cross-border wire transfers, financial institutions processing an intermediary element of such chains of wire transfers should ensure that all originator and beneficiary information that accompanies a wire transfer is retained with it
16. Where technical limitations prevent the required originator or beneficiary information accompanying a cross-border wire transfer from remaining with a related domestic wire transfer, a record should be kept, for at least five years, by the receiving intermediary financial institution of all the information received from the ordering financial institution or another intermediary financial institution.
17. An intermediary financial institution should take reasonable measures to identify cross-border wire transfers that lack required originator information or required beneficiary information. Such measures should be consistent with straight-through processing.
18. An intermediary financial institution should have effective risk-based policies and procedures for determining: (i) when to execute, reject, or suspend a wire transfer lacking required originator or required beneficiary information; and (ii) the appropriate follow-up action.

**Beneficiary financial institution**

19. A beneficiary financial institution should take reasonable measures to identify cross-border wire transfers that lack required originator or required beneficiary information. Such measures may include post-event monitoring or real-time monitoring where feasible.
20. For qualifying wire transfers, a beneficiary financial institution should verify the identity of the beneficiary, if the identity has not been previously verified, and maintain this information in accordance with Recommendation 11.
21. A beneficiary financial institution should have effective risk-based policies and procedures for determining: (i) when to execute, reject, or suspend a wire transfer lacking required originator or required beneficiary information; and (ii) the appropriate follow-up action.

**F. MONEY OR VALUE TRANSFER SERVICE OPERATORS**

22. Money or value transfer service (MVTs) providers should be required to comply with all of the relevant requirements of Recommendation 16 in the countries in which they operate, directly or through their agents. In the case of a MVTs provider that controls both the ordering and the beneficiary side of a wire transfer, the MVTs provider:
  - (a) should take into account all the information from both the ordering and beneficiary sides in order to determine whether an STR has to be filed; and
  - (b) should file an STR in any country affected by the suspicious wire transfer, and make relevant transaction information available to the Financial Intelligence Unit.

**Glossary of specific terms used in this Recommendation**

<b>Accurate</b>	is used to describe information that has been verified for accuracy.
<b>Batch transfer</b>	is a transfer comprised of a number of individual wire transfers that are being sent to the same financial institutions, but may/may not be ultimately intended for different persons.
<b>Beneficiary</b>	refers to the natural or legal person or legal arrangement who is identified by the originator as the receiver of the requested wire transfer.
<b>Beneficiary Financial Institution</b>	refers to the financial institution which receives the wire transfer from the ordering financial institution directly or through an intermediary financial institution and makes the funds available to the beneficiary.
<b>Cover Payment</b>	refers to a wire transfer that combines a payment message sent directly by the ordering financial institution to the beneficiary financial institution with the routing of the funding instruction (the cover) from the ordering financial institution to the beneficiary financial institution

## Glossary of specific terms used in this Recommendation

through one or more intermediary financial institutions.

<b>Cross-border wire transfer</b>	refers to any <i>wire transfer</i> where the ordering financial institution and beneficiary financial institution are located in different countries. This term also refers to any chain of <i>wire transfer</i> in which at least one of the financial institutions involved is located in a different country.
<b>Domestic wire transfers</b>	refers to any <i>wire transfer</i> where the ordering financial institution and beneficiary financial institution are located in the same country. This term therefore refers to any chain of <i>wire transfer</i> that takes place entirely within the borders of a single country, even though the system used to transfer the payment message may be located in another country. The term also refers to any chain of <i>wire transfer</i> that takes place entirely within the borders of the European Economic Area (EEA) <sup>37</sup> .
<b>Intermediary financial institution</b>	refers to a financial institution in a serial or cover payment chain that receives and transmits a wire transfer on behalf of the ordering financial institution and the beneficiary financial institution, or another intermediary financial institution.
<b>Ordering financial institution</b>	refers to the financial institution which initiates the wire transfer and transfers the funds upon receiving the request for a wire transfer on behalf of the originator.
<b>Originator</b>	refers to the account holder who allows the wire transfer from that account, or where there is no account, the natural or legal person that places the order with the ordering financial institution to perform the wire transfer.
<b>Qualifying wire transfers</b>	means a cross-border wire transfer above any applicable threshold as described in paragraph 5 of the Interpretive Note to Recommendation 16.
<b>Required</b>	is used to describe a situation in which all elements of required information are present. Subparagraphs 6(a), 6(b) and 6(c) set out the <i>required originator information</i> . Subparagraphs 6(d) and 6(e) set out the <i>required beneficiary information</i> .

<sup>37</sup> An entity may petition the FATF to be designated as a supra-national jurisdiction for the purposes of and limited to an assessment of Recommendation 16 compliance.

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## Glossary of specific terms used in this Recommendation

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<b>Serial Payment</b>	refers to a direct sequential chain of payment where the wire transfer and accompanying payment message travel together from the ordering financial institution to the beneficiary financial institution directly or through one or more intermediary financial institutions (e.g. correspondent banks).
<b>Straight-through processing</b>	refers to payment transactions that are conducted electronically without the need for manual intervention.
<b>Unique transaction reference number</b>	refers to a combination of letters, numbers or symbols, determined by the payment service provider, in accordance with the protocols of the payment and settlement system or messaging system used for the wire transfer.
<b>Wire transfer</b>	refers to any transaction carried out on behalf of an originator through a financial institution by electronic means with a view to making an amount of funds available to a beneficiary person at a beneficiary financial institution, irrespective of whether the originator and the beneficiary are the same person. <sup>38</sup>

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<sup>38</sup> It is understood that the settlement of wire transfers may happen under a net settlement arrangement. This interpretive note refers to information which must be included in instructions sent from an originating financial institution to a beneficiary financial institution, including through any intermediary financial institution, to enable disbursement of the funds to the recipient. Any net settlement between the financial institutions may be exempt under paragraph 4(b).

## INTERPRETIVE NOTE TO RECOMMENDATION 17 (RELIANCE ON THIRD PARTIES)

1. This Recommendation does not apply to outsourcing or agency relationships. In a third-party reliance scenario, the third party should be subject to CDD and record-keeping requirements in line with Recommendations 10 and 11, and be regulated, supervised or monitored. The third party will usually have an existing business relationship with the customer, which is independent from the relationship to be formed by the customer with the relying institution, and would apply its own procedures to perform the CDD measures. This can be contrasted with an outsourcing/agency scenario, in which the outsourced entity applies the CDD measures on behalf of the delegating financial institution, in accordance with its procedures, and is subject to the delegating financial institution's control of the effective implementation of those procedures by the outsourced entity.
2. For the purposes of Recommendation 17, the term *relevant competent authorities* means (i) the home authority, that should be involved for the understanding of group policies and controls at group-wide level, and (ii) the host authorities, that should be involved for the branches/subsidiaries.
3. The term *third parties* means financial institutions or DNFBPs that are supervised or monitored and that meet the requirements under Recommendation 17.

## INTERPRETIVE NOTE TO RECOMMENDATION 18 (INTERNAL CONTROLS AND FOREIGN BRANCHES AND SUBSIDIARIES)

1. Financial institutions' programmes against money laundering and terrorist financing should include:
  - (a) the development of internal policies, procedures and controls, including appropriate compliance management arrangements, and adequate screening procedures to ensure high standards when hiring employees;
  - (b) an ongoing employee training programme; and
  - (c) an independent audit function to test the system.
2. The type and extent of measures to be taken should be appropriate having regard to the risk of money laundering and terrorist financing and the size of the business.
3. Compliance management arrangements should include the appointment of a compliance officer at the management level.
4. Financial groups' programmes against money laundering and terrorist financing should be applicable to all branches and majority-owned subsidiaries of the financial group. These programmes should include measures under (a) to (c) above, and should be appropriate to the business of the branches and majority-owned subsidiaries. Such programmes should be implemented effectively at the level of branches and majority-owned subsidiaries. These programmes should include policies and procedures for sharing information required for the purposes of CDD and money laundering and terrorist financing risk management. Group-level compliance, audit, and/or AML/CFT functions should be provided with customer, account, and transaction information from branches and subsidiaries when necessary for AML/CFT purposes. This should include information and analysis of transactions or activities which appear unusual (if such analysis was done); and could include an STR, its underlying information, or the fact that an STR has been submitted. Similarly, branches and subsidiaries should receive such information from these group-level functions when relevant and appropriate to risk management. Adequate safeguards on the confidentiality and use of information exchanged should be in place, including to prevent tipping-off. Countries may determine the scope and extent of this information sharing, based on the sensitivity of the information, and its relevance to AML/CFT risk management.
5. In the case of their foreign operations, where the minimum AML/CFT requirements of the host country are less strict than those of the home country, financial institutions should be required to ensure that their branches and majority-owned subsidiaries in host countries implement the requirements of the home country, to the extent that host country laws and regulations permit. If the host country does not permit the proper implementation of the measures above, financial groups should apply appropriate additional measures to manage the money laundering and terrorist financing risks, and inform their home supervisors. If the additional measures are not sufficient, competent authorities in the home country should consider additional supervisory actions, including placing additional controls on the financial



group, including, as appropriate, requesting the financial group to close down its operations in the host country.

## INTERPRETIVE NOTE TO RECOMMENDATION 19 (HIGHER-RISK COUNTRIES)

1. The enhanced due diligence measures that could be undertaken by financial institutions include those measures set out in paragraph 20 of the Interpretive Note to Recommendation 10, and any other measures that have a similar effect in mitigating risks.
2. Examples of the countermeasures that could be undertaken by countries include the following, and any other measures that have a similar effect in mitigating risks:
  - (a) Requiring financial institutions to apply specific elements of enhanced due diligence.
  - (b) Introducing enhanced relevant reporting mechanisms or systematic reporting of financial transactions.
  - (c) Refusing the establishment of subsidiaries or branches or representative offices of financial institutions from the country concerned, or otherwise taking into account the fact that the relevant financial institution is from a country that does not have adequate AML/CFT systems.
  - (d) Prohibiting financial institutions from establishing branches or representative offices in the country concerned, or otherwise taking into account the fact that the relevant branch or representative office would be in a country that does not have adequate AML/CFT systems.
  - (e) Limiting business relationships or financial transactions with the identified country or persons in that country.
  - (f) Prohibiting financial institutions from relying on third parties located in the country concerned to conduct elements of the CDD process.
  - (g) Requiring financial institutions to review and amend, or if necessary terminate, correspondent relationships with financial institutions in the country concerned.
  - (h) Requiring increased supervisory examination and/or external audit requirements for branches and subsidiaries of financial institutions based in the country concerned.
  - (i) Requiring increased external audit requirements for financial groups with respect to any of their branches and subsidiaries located in the country concerned.

There should be effective measures in place to ensure that financial institutions are advised of concerns about weaknesses in the AML/CFT systems of other countries

## INTERPRETIVE NOTE TO RECOMMENDATION 20 (REPORTING OF SUSPICIOUS TRANSACTIONS)

1. The reference to criminal activity in Recommendation 20 refers to all criminal acts that would constitute a predicate offence for money laundering or, at a minimum, to those offences that would constitute a predicate offence, as required by Recommendation 3. Countries are strongly encouraged to adopt the first of these alternatives.
2. The reference to terrorist financing in Recommendation 20 refers to: the financing of terrorist acts and also terrorist organisations or individual terrorists, even in the absence of a link to a specific terrorist act or acts.
3. All suspicious transactions, including attempted transactions, should be reported regardless of the amount of the transaction.
4. The reporting requirement should be a direct mandatory obligation, and any indirect or implicit obligation to report suspicious transactions, whether by reason of possible prosecution for a money laundering or terrorist financing offence or otherwise (so called “indirect reporting”), is not acceptable.

## INTERPRETIVE NOTE TO RECOMMENDATIONS 22 AND 23 (DNFBPS)

1. The designated thresholds for transactions are as follows:
  - Casinos (under Recommendation 22) - USD/EUR 3,000
  - For dealers in precious metals and dealers in precious stones when engaged in any cash transaction (under Recommendations 22 and 23) - USD/EUR 15,000.

Financial transactions above a designated threshold include situations where the transaction is carried out in a single operation or in several operations that appear to be linked.

2. The Interpretive Notes that apply to financial institutions are also relevant to DNFBPs, where applicable. To comply with Recommendations 22 and 23, countries do not need to issue laws or enforceable means that relate exclusively to lawyers, notaries, accountants and the other designated non-financial businesses and professions, so long as these businesses or professions are included in laws or enforceable means covering the underlying activities.

## **INTERPRETIVE NOTE TO RECOMMENDATION 22 (DNFBPS – CUSTOMER DUE DILIGENCE)**

1. Real estate agents should comply with the requirements of Recommendation 10 with respect to both the purchasers and vendors of the property.
2. Casinos should implement Recommendation 10, including identifying and verifying the identity of customers, when their customers engage in financial transactions equal to or above USD/EUR 3,000. Conducting customer identification at the entry to a casino could be, but is not necessarily, sufficient. Countries must require casinos to ensure that they are able to link customer due diligence information for a particular customer to the transactions that the customer conducts in the casino.

## INTERPRETIVE NOTE TO RECOMMENDATION 23 (DNFBPS – OTHER MEASURES)

1. Lawyers, notaries, other independent legal professionals, and accountants acting as independent legal professionals, are not required to report suspicious transactions if the relevant information was obtained in circumstances where they are subject to professional secrecy or legal professional privilege.
2. It is for each country to determine the matters that would fall under legal professional privilege or professional secrecy. This would normally cover information lawyers, notaries or other independent legal professionals receive from or obtain through one of their clients: (a) in the course of ascertaining the legal position of their client, or (b) in performing their task of defending or representing that client in, or concerning judicial, administrative, arbitration or mediation proceedings.
3. Countries may allow lawyers, notaries, other independent legal professionals and accountants to send their STR to their appropriate self-regulatory organisations, provided that there are appropriate forms of cooperation between these organisations and the FIU.
4. Where lawyers, notaries, other independent legal professionals and accountants acting as independent legal professionals seek to dissuade a client from engaging in illegal activity, this does not amount to tipping-off.

## INTERPRETIVE NOTE TO RECOMMENDATION 24 (TRANSPARENCY AND BENEFICIAL OWNERSHIP OF LEGAL PERSONS)

1. Competent authorities should be able to obtain, or have access in a timely fashion to, adequate, accurate and current information on the beneficial ownership and control of companies and other legal persons (beneficial ownership information<sup>39</sup>) that are created<sup>40</sup> in the country. Countries may choose the mechanisms they rely on to achieve this objective, although they should also comply with the minimum requirements set out below. It is also very likely that countries will need to utilise a combination of mechanisms to achieve the objective.
2. As part of the process of ensuring that there is adequate transparency regarding legal persons, countries should have mechanisms that:
  - (a) identify and describe the different types, forms and basic features of legal persons in the country.
  - (b) identify and describe the processes for: (i) the creation of those legal persons; and (ii) the obtaining and recording of basic and beneficial ownership information;
  - (c) make the above information publicly available; and
  - (d) assess the money laundering and terrorist financing risks associated with different types of legal persons created in the country.

### A. BASIC INFORMATION

3. In order to determine who the beneficial owners of a company are, competent authorities will require certain basic information about the company, which, at a minimum, would include information about the legal ownership and control structure of the company. This would include information about the status and powers of the company, its shareholders and its directors.
4. All companies created in a country should be registered in a company registry.<sup>41</sup> Whichever combination of mechanisms is used to obtain and record beneficial ownership information (see section B), there is a set of basic information on a company that needs to be obtained and recorded by the company<sup>42</sup> as a necessary prerequisite. The minimum basic information to be obtained and recorded by a company should be:

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<sup>39</sup> Beneficial ownership information for legal persons is the information referred to in the interpretive note to Recommendation 10, paragraph 5(b)(i). Controlling shareholders as referred to in, paragraph 5(b)(i) of the interpretive note to Recommendation 10 may be based on a threshold, e.g. any persons owning more than a certain percentage of the company (e.g. 25%).

<sup>40</sup> References to creating a legal person, include incorporation of companies or any other mechanism that is used.

<sup>41</sup> "Company registry" refers to a register in the country of companies incorporated or licensed in that country and normally maintained by or for the incorporating authority. It does not refer to information held by or for the company itself.

<sup>42</sup> The information can be recorded by the company itself or by a third person under the company's responsibility.

- (a) company name, proof of incorporation, legal form and status, the address of the registered office, basic regulating powers (e.g. memorandum & articles of association), a list of directors; and
  - (b) a register of its shareholders or members, containing the names of the shareholders and members and number of shares held by each shareholder<sup>43</sup> and categories of shares (including the nature of the associated voting rights).
5. The company registry should record all the basic information set out in paragraph 4(a) above.
6. The company should maintain the basic information set out in paragraph 4(b) within the country, either at its registered office or at another location notified to the company registry. However, if the company or company registry holds beneficial ownership information within the country, then the register of shareholders need not be in the country, provided that the company can provide this information promptly on request.

## **B. BENEFICIAL OWNERSHIP INFORMATION**

7. Countries should ensure that either: (a) information on the beneficial ownership of a company is obtained by that company and available at a specified location in their country; or (b) there are mechanisms in place so that the beneficial ownership of a company can be determined in a timely manner by a competent authority.
8. In order to meet the requirements in paragraph 7, countries should use one or more of the following mechanisms:
- (a) Requiring companies or company registries to obtain and hold up-to-date information on the companies' beneficial ownership;
  - (b) Requiring companies to take reasonable measures<sup>44</sup> to obtain and hold up-to-date information on the companies' beneficial ownership;
  - (c) Using existing information, including: (i) information obtained by financial institutions and/or DNFBPs, in accordance with Recommendations 10 and 22<sup>45</sup>; (ii) information held by other competent authorities on the legal and beneficial ownership of companies (e.g. company registries, tax authorities or financial or other regulators); (iii) information held by the company as required above in Section A; and (iv) available information on companies listed on a stock exchange, where disclosure requirements (either by stock exchange rules or through law or enforceable means) impose requirements to ensure adequate transparency of beneficial ownership.

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<sup>43</sup> This is applicable to the nominal owner of all registered shares.

<sup>44</sup> Measures taken should be proportionate to the level of risk or complexity induced by the ownership structure of the company or the nature of the controlling shareholders.

<sup>45</sup> Countries should be able to determine in a timely manner whether a company has an account with a financial institution within the country.



9. Regardless of which of the above mechanisms are used, countries should ensure that companies cooperate with competent authorities to the fullest extent possible in determining the beneficial owner. This should include:
  - (a) Requiring that one or more natural persons resident in the country is authorised by the company<sup>46</sup>, and accountable to competent authorities, for providing all basic information and available beneficial ownership information, and giving further assistance to the authorities; and/or
  - (b) Requiring that a DNFBP in the country is authorised by the company, and accountable to competent authorities, for providing all basic information and available beneficial ownership information, and giving further assistance to the authorities; and/or
  - (c) Other comparable measures, specifically identified by the country, which can effectively ensure cooperation.
10. All the persons, authorities and entities mentioned above, and the company itself (or its administrators, liquidators or other persons involved in the dissolution of the company), should maintain the information and records referred to for at least five years after the date on which the company is dissolved or otherwise ceases to exist, or five years after the date on which the company ceases to be a customer of the professional intermediary or the financial institution.

### **C. TIMELY ACCESS TO CURRENT AND ACCURATE INFORMATION**

11. Countries should have mechanisms that ensure that basic information, including information provided to the company registry, is accurate and updated on a timely basis. Countries should require that any available information referred to in paragraph 7 is accurate and is kept as current and up-to-date as possible, and the information should be updated within a reasonable period following any change.
12. Competent authorities, and in particular law enforcement authorities, should have all the powers necessary to be able to obtain timely access to the basic and beneficial ownership information held by the relevant parties.
13. Countries should require their company registry to facilitate timely access by financial institutions, DNFBPs and other countries' competent authorities to the public information they hold, and, at a minimum to the information referred to in paragraph 4(a) above. Countries should also consider facilitating timely access by financial institutions and DNFBPs to information referred to in paragraph 4(b) above.

### **D. OBSTACLES TO TRANSPARENCY**

14. Countries should take measures to prevent the misuse of bearer shares and bearer share warrants, for example by applying one or more of the following mechanisms: (a) prohibiting

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<sup>46</sup> Members of the company's board or senior management may not require specific authorisation by the company.

them; (b) converting them into registered shares or share warrants (for example through dematerialisation); (c) immobilising them by requiring them to be held with a regulated financial institution or professional intermediary; or (d) requiring shareholders with a controlling interest to notify the company, and the company to record their identity.

15. Countries should take measures to prevent the misuse of nominee shares and nominee directors, for example by applying one or more of the following mechanisms: (a) requiring nominee shareholders and directors to disclose the identity of their nominator to the company and to any relevant registry, and for this information to be included in the relevant register; or (b) requiring nominee shareholders and directors to be licensed, for their nominee status to be recorded in company registries, and for them to maintain information identifying their nominator, and make this information available to the competent authorities upon request.

#### **E. OTHER LEGAL PERSONS**

16. In relation to foundations, Anstalt, and limited liability partnerships, countries should take similar measures and impose similar requirements, as those required for companies, taking into account their different forms and structures.
17. As regards other types of legal persons, countries should take into account the different forms and structures of those other legal persons, and the levels of money laundering and terrorist financing risks associated with each type of legal person, with a view to achieving appropriate levels of transparency. At a minimum, countries should ensure that similar types of basic information should be recorded and kept accurate and current by such legal persons, and that such information is accessible in a timely way by competent authorities. Countries should review the money laundering and terrorist financing risks associated with such other legal persons, and, based on the level of risk, determine the measures that should be taken to ensure that competent authorities have timely access to adequate, accurate and current beneficial ownership information for such legal persons.

#### **F. LIABILITY AND SANCTIONS**

18. There should be a clearly stated responsibility to comply with the requirements in this Interpretive Note, as well as liability and effective, proportionate and dissuasive sanctions, as appropriate for any legal or natural person that fails to properly comply with the requirements.

#### **G. INTERNATIONAL COOPERATION**

19. Countries should rapidly, constructively and effectively provide international cooperation in relation to basic and beneficial ownership information, on the basis set out in Recommendations 37 and 40. This should include (a) facilitating access by foreign competent authorities to basic information held by company registries; (b) exchanging information on shareholders; and (c) using their powers, in accordance with their domestic law, to obtain beneficial ownership information on behalf of foreign counterparts. Countries should monitor

the quality of assistance they receive from other countries in response to requests for basic and beneficial ownership information or requests for assistance in locating beneficial owners residing abroad.

## INTERPRETIVE NOTE TO RECOMMENDATION 25 (TRANSPARENCY AND BENEFICIAL OWNERSHIP OF LEGAL ARRANGEMENTS)

1. Countries should require trustees of any express trust governed under their law to obtain and hold adequate, accurate, and current beneficial ownership information regarding the trust. This should include information on the identity of the settlor, the trustee(s), the protector (if any), the beneficiaries or class of beneficiaries, and any other natural person exercising ultimate effective control over the trust. Countries should also require trustees of any trust governed under their law to hold basic information on other regulated agents of, and service providers to, the trust, including investment advisors or managers, accountants, and tax advisors.
2. All countries should take measures to ensure that trustees disclose their status to financial institutions and DNFBPs when, as a trustee, forming a business relationship or carrying out an occasional transaction above the threshold. Trustees should not be prevented by law or enforceable means from providing competent authorities with any information relating to the trust<sup>47</sup>; or from providing financial institutions and DNFBPs, upon request, with information on the beneficial ownership and the assets of the trust to be held or managed under the terms of the business relationship.
3. Countries are encouraged to ensure that other relevant authorities, persons and entities hold information on all trusts with which they have a relationship. Potential sources of information on trusts, trustees, and trust assets are:
  - (a) Registries (e.g. a central registry of trusts or trust assets), or asset registries for land, property, vehicles, shares or other assets.
  - (b) Other competent authorities that hold information on trusts and trustees (e.g. tax authorities which collect information on assets and income relating to trusts).
  - (c) Other agents and service providers to the trust, including investment advisors or managers, lawyers, or trust and company service providers.
4. Competent authorities, and in particular law enforcement authorities, should have all the powers necessary to obtain timely access to the information held by trustees and other parties, in particular information held by financial institutions and DNFBPs on: (a) the beneficial ownership; (b) the residence of the trustee; and (c) any assets held or managed by the financial institution or DNFBP, in relation to any trustees with which they have a business relationship, or for which they undertake an occasional transaction.
5. Professional trustees should be required to maintain the information referred to in paragraph 1 for at least five years after their involvement with the trust ceases. Countries are encouraged to require non-professional trustees and the other authorities, persons and entities mentioned in paragraph 3 above to maintain the information for at least five years.

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<sup>47</sup> Domestic competent authorities or the relevant competent authorities of another country pursuant to an appropriate international cooperation request.

6. Countries should require that any information held pursuant to paragraph 1 above should be kept accurate and be as current and up-to-date as possible, and the information should be updated within a reasonable period following any change.
7. Countries should consider measures to facilitate access to any information on trusts that is held by the other authorities, persons and entities referred to in paragraph 3, by financial institutions and DNFBPs undertaking the requirements set out in Recommendations 10 and 22.
8. In the context of this Recommendation, countries are not required to give legal recognition to trusts. Countries need not include the requirements of paragraphs 1, 2 and 6 in legislation, provided that appropriate obligations to such effect exist for trustees (e.g. through common law or case law).

### **Other Legal Arrangements**

9. As regards other types of legal arrangement with a similar structure or function, countries should take similar measures to those required for trusts, with a view to achieving similar levels of transparency. At a minimum, countries should ensure that information similar to that specified above in respect of trusts should be recorded and kept accurate and current, and that such information is accessible in a timely way by competent authorities.

### **International Cooperation**

10. Countries should rapidly, constructively and effectively provide international cooperation in relation to information, including beneficial ownership information, on trusts and other legal arrangements on the basis set out in Recommendations 37 and 40. This should include (a) facilitating access by foreign competent authorities to any information held by registries or other domestic authorities; (b) exchanging domestically available information on the trusts or other legal arrangement; and (c) using their competent authorities' powers, in accordance with domestic law, in order to obtain beneficial ownership information on behalf of foreign counterparts.

### **Liability and Sanctions**

11. Countries should ensure that there are clear responsibilities to comply with the requirements in this Interpretive Note; and that trustees are either legally liable for any failure to perform the duties relevant to meeting the obligations in paragraphs 1, 2, 6 and (where applicable) 5; or that there are effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, for failing to comply.<sup>48</sup> Countries should ensure that there are effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, for failing to

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<sup>48</sup> This does not affect the requirements for effective, proportionate, and dissuasive sanctions for failure to comply with requirements elsewhere in the Recommendations.

grant to competent authorities timely access to information regarding the trust referred to in paragraphs 1 and 5.

## INTERPRETIVE NOTE TO RECOMMENDATION 26 (REGULATION AND SUPERVISION OF FINANCIAL INSTITUTIONS)

### Risk-based approach to Supervision

1. Risk-based approach to supervision refers to: (a) the general process by which a supervisor, according to its understanding of risks, allocates its resources to AML/CFT supervision; and (b) the specific process of supervising institutions that apply an AML/CFT risk-based approach.
2. Adopting a risk-based approach to supervising financial institutions' AML/CFT systems and controls allows supervisory authorities to shift resources to those areas that are perceived to present higher risk. As a result, supervisory authorities can use their resources more effectively. This means that supervisors: (a) should have a clear understanding of the money laundering and terrorist financing risks present in a country; and (b) should have on-site and off-site access to all relevant information on the specific domestic and international risks associated with customers, products and services of the supervised institutions, including the quality of the compliance function of the financial institution or group (or groups, when applicable for Core Principles institutions). The frequency and intensity of on-site and off-site AML/CFT supervision of financial institutions/groups should be based on the money laundering and terrorist financing risks, and the policies, internal controls and procedures associated with the institution/group, as identified by the supervisor's assessment of the institution/group's risk profile, and on the money laundering and terrorist financing risks present in the country.
3. The assessment of the money laundering and terrorist financing risk profile of a financial institution/group, including the risks of non-compliance, should be reviewed both periodically and when there are major events or developments in the management and operations of the financial institution/group, in accordance with the country's established practices for ongoing supervision. This assessment should not be static: it will change depending on how circumstances develop and how threats evolve.
4. AML/CFT supervision of financial institutions/groups that apply a risk-based approach should take into account the degree of discretion allowed under the RBA to the financial institution/group, and encompass, in an appropriate manner, a review of the risk assessments underlying this discretion, and of the adequacy and implementation of its policies, internal controls and procedures.
5. These principles should apply to all financial institutions/groups. To ensure effective AML/CFT supervision, supervisors should take into consideration the characteristics of the financial institutions/groups, in particular the diversity and number of financial institutions, and the degree of discretion allowed to them under the RBA.

### Resources of supervisors

6. Countries should ensure that financial supervisors have adequate financial, human and technical resources. These supervisors should have sufficient operational independence and

autonomy to ensure freedom from undue influence or interference. Countries should have in place processes to ensure that the staff of these authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.



## INTERPRETIVE NOTE TO RECOMMENDATION 28 (REGULATION AND SUPERVISION OF DNFBPS)

1. Risk-based approach to supervision refers to: (a) the general process by which a supervisor or SRB, according to its understanding of risks, allocates its resources to AML/CFT supervision; and (b) the specific process of supervising or monitoring DNFBPs that apply an AML/CFT risk-based approach.
2. Supervisors or SRBs should determine the frequency and intensity of their supervisory or monitoring actions on DNFBPs on the basis of their understanding of the money laundering and terrorist financing risks, and taking into consideration the characteristics of the DNFBPs, in particular their diversity and number, in order to ensure effective AML/CFT supervision or monitoring. This means having a clear understanding of the money laundering and terrorist financing risks: (a) present in the country; and (b) associated with the type of DNFBP and their customers, products and services.
3. Supervisors or SRBs assessing the adequacy of the AML/CFT internal controls, policies and procedures of DNFBPs should properly take into account the money laundering and terrorist financing risk profile of those DNFBPs, and the degree of discretion allowed to them under the RBA.
4. Supervisors or SRBs should have adequate powers to perform their functions (including powers to monitor and sanction), and adequate financial, human and technical resources. Countries should have in place processes to ensure that the staff of those authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.

## INTERPRETIVE NOTE TO RECOMMENDATION 29 (FINANCIAL INTELLIGENCE UNITS)

### A. GENERAL

1. This note explains the core mandate and functions of a financial intelligence unit (FIU) and provides further clarity on the obligations contained in the standard. The FIU is part of, and plays a central role in, a country's AML/CFT operational network, and provides support to the work of other competent authorities. Considering that there are different FIU models, Recommendation 29 does not prejudice a country's choice for a particular model, and applies equally to all of them.

### B. FUNCTIONS

#### (a) Receipt

2. The FIU serves as the central agency for the receipt of disclosures filed by reporting entities. At a minimum, this information should include suspicious transaction reports, as required by Recommendation 20 and 23, and it should include other information as required by national legislation (such as cash transaction reports, wire transfers reports and other threshold-based declarations/disclosures).

#### (b) Analysis

3. FIU analysis should add value to the information received and held by the FIU. While all the information should be considered, the analysis may focus either on each single disclosure received or on appropriate selected information, depending on the type and volume of the disclosures received, and on the expected use after dissemination. FIUs should be encouraged to use analytical software to process information more efficiently and assist in establishing relevant links. However, such tools cannot fully replace the human judgement element of analysis. FIUs should conduct the following types of analysis:

- Operational analysis uses available and obtainable information to identify specific targets (e.g. persons, assets, criminal networks and associations), to follow the trail of particular activities or transactions, and to determine links between those targets and possible proceeds of crime, money laundering, predicate offences or terrorist financing.
- Strategic analysis uses available and obtainable information, including data that may be provided by other competent authorities, to identify money laundering and terrorist financing related trends and patterns. This information is then also used by the FIU or other state entities in order to determine money laundering and terrorist financing related threats and vulnerabilities. Strategic analysis may also help establish policies and goals for the FIU, or more broadly for other entities within the AML/CFT regime.

#### (c) Dissemination

4. The FIU should be able to disseminate, spontaneously and upon request, information and the results of its analysis to relevant competent authorities. Dedicated, secure and protected channels should be used for the dissemination.

- **Spontaneous dissemination:** The FIU should be able to disseminate information and the results of its analysis to competent authorities when there are grounds to suspect money laundering, predicate offences or terrorist financing. Based on the FIU's analysis, the dissemination of information should be selective and allow the recipient authorities to focus on relevant cases/information.

- **Dissemination upon request:** The FIU should be able to respond to information requests from competent authorities pursuant to Recommendation 31. When the FIU receives such a request from a competent authority, the decision on conducting analysis and/or dissemination of information to the requesting authority should remain with the FIU.

## C. ACCESS TO INFORMATION

### (a) Obtaining Additional Information from Reporting Entities

5. In addition to the information that entities report to the FIU (under the receipt function), the FIU should be able to obtain and use additional information from reporting entities as needed to perform its analysis properly. The information that the FIU should be permitted to obtain could include information that reporting entities are required to maintain pursuant to the relevant FATF Recommendations (Recommendations 10, 11 and 22).

### (b) Access to Information from other sources

6. In order to conduct proper analysis, the FIU should have access to the widest possible range of financial, administrative and law enforcement information. This should include information from open or public sources, as well as relevant information collected and/or maintained by, or on behalf of, other authorities and, where appropriate, commercially held data.

## D. INFORMATION SECURITY AND CONFIDENTIALITY

7. Information received, processed, held or disseminated by the FIU must be securely protected, exchanged and used only in accordance with agreed procedures, policies and applicable laws and regulations. An FIU must, therefore, have rules in place governing the security and confidentiality of such information, including procedures for handling, storage, dissemination, and protection of, as well as access to such information. The FIU should ensure that its staff members have the necessary security clearance levels and understanding of their responsibilities in handling and disseminating sensitive and confidential information. The FIU should ensure that there is limited access to its facilities and information, including information technology systems.

**E. OPERATIONAL INDEPENDENCE**

8. The FIU should be operationally independent and autonomous, meaning that the FIU should have the authority and capacity to carry out its functions freely, including the autonomous decision to analyse, request and/or disseminate specific information. In all cases, this means that the FIU has the independent right to forward or disseminate information to competent authorities.
9. An FIU may be established as part of an existing authority. When a FIU is located within the existing structure of another authority, the FIU's core functions should be distinct from those of the other authority.
10. The FIU should be provided with adequate financial, human and technical resources, in a manner that secures its autonomy and independence and allows it to conduct its mandate effectively. Countries should have in place processes to ensure that the staff of the FIU maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.
11. The FIU should also be able to make arrangements or engage independently with other domestic competent authorities or foreign counterparts on the exchange of information.

**F. UNDUE INFLUENCE OR INTERFERENCE**

12. The FIU should be able to obtain and deploy the resources needed to carry out its functions, on an individual or routine basis, free from any undue political, government or industry influence or interference, which might compromise its operational independence.

**G. EGMONT GROUP**

13. Countries should ensure that the FIU has regard to the Egmont Group Statement of Purpose and its Principles for Information Exchange Between Financial Intelligence Units for Money Laundering and Terrorism Financing Cases (these documents set out important guidance concerning the role and functions of FIUs, and the mechanisms for exchanging information between FIUs). The FIU should apply for membership in the Egmont Group.

**H. LARGE CASH TRANSACTION REPORTING**

14. Countries should consider the feasibility and utility of a system where financial institutions and DNFBPs would report all domestic and international currency transactions above a fixed amount.

## INTERPRETIVE NOTE TO RECOMMENDATION 30 (RESPONSIBILITIES OF LAW ENFORCEMENT AND INVESTIGATIVE AUTHORITIES)

1. There should be designated law enforcement authorities that have responsibility for ensuring that money laundering, predicate offences and terrorist financing are properly investigated through the conduct of a financial investigation. Countries should also designate one or more competent authorities to identify, trace, and initiate freezing and seizing of property that is, or may become, subject to confiscation.
2. A 'financial investigation' means an enquiry into the financial affairs related to a criminal activity, with a view to:
  - identifying the extent of criminal networks and/or the scale of criminality;
  - identifying and tracing the proceeds of crime, terrorist funds or any other assets that are, or may become, subject to confiscation; and
  - developing evidence which can be used in criminal proceedings.
3. A 'parallel financial investigation' refers to conducting a financial investigation alongside, or in the context of, a (traditional) criminal investigation into money laundering, terrorist financing and/or predicate offence(s). Law enforcement investigators of predicate offences should either be authorised to pursue the investigation of any related money laundering and terrorist financing offences during a parallel investigation, or be able to refer the case to another agency to follow up with such investigations.
4. Countries should consider taking measures, including legislative ones, at the national level, to allow their competent authorities investigating money laundering and terrorist financing cases to postpone or waive the arrest of suspected persons and/or the seizure of the money, for the purpose of identifying persons involved in such activities or for evidence gathering. Without such measures the use of procedures such as controlled deliveries and undercover operations are precluded.
5. Recommendation 30 also applies to those competent authorities, which are not law enforcement authorities, *per se*, but which have the responsibility for pursuing financial investigations of predicate offences, to the extent that these competent authorities are exercising functions covered under Recommendation 30.
6. Anti-corruption enforcement authorities with enforcement powers may be designated to investigate money laundering and terrorist financing offences arising from, or related to, corruption offences under Recommendation 30, and these authorities should also have sufficient powers to identify, trace, and initiate freezing and seizing of assets.
7. The range of law enforcement agencies and other competent authorities mentioned above should be taken into account when countries make use of multi-disciplinary groups in financial investigations.
8. Law enforcement authorities and prosecutorial authorities should have adequate financial, human and technical resources. Countries should have in place processes to ensure that the

staff of these authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.

## INTERPRETIVE NOTE TO RECOMMENDATION 32 (CASH COURIERS)

### A. OBJECTIVES

1. Recommendation 32 was developed with the objective of ensuring that terrorists and other criminals cannot finance their activities or launder the proceeds of their crimes through the physical cross-border transportation of currency and bearer negotiable instruments. Specifically, it aims to ensure that countries have measures to: (a) detect the physical cross-border transportation of currency and bearer negotiable instruments; (b) stop or restrain currency and bearer negotiable instruments that are suspected to be related to terrorist financing or money laundering; (c) stop or restrain currency or bearer negotiable instruments that are falsely declared or disclosed; (d) apply appropriate sanctions for making a false declaration or disclosure; and (e) enable confiscation of currency or bearer negotiable instruments that are related to terrorist financing or money laundering.

### B. THE TYPES OF SYSTEMS THAT MAY BE IMPLEMENTED TO ADDRESS THE ISSUE OF CASH COURIERS

2. Countries may meet their obligations under Recommendation 32 and this Interpretive Note by implementing one of the following types of systems. However, countries do not have to use the same type of system for incoming and outgoing cross-border transportation of currency or bearer negotiable instruments:

#### Declaration system

3. All persons making a physical cross-border transportation of currency or bearer negotiable instruments (BNIs), which are of a value exceeding a pre-set, maximum threshold of USD/EUR 15,000, are required to submit a truthful declaration to the designated competent authorities. Countries may opt from among the following three different types of declaration system: (i) a written declaration system for all travellers; (ii) a written declaration system for those travellers carrying an amount of currency or BNIs above a threshold; and (iii) an oral declaration system. These three systems are described below in their pure form. However, it is not uncommon for countries to opt for a mixed system.
  - (a) *Written declaration system for all travellers:* In this system, all travellers are required to complete a written declaration before entering the country. This would include questions contained on common or customs declaration forms. In practice, travellers have to make a declaration whether or not they are carrying currency or BNIs (e.g. ticking a “yes” or “no” box).
  - (b) *Written declaration system for travellers carrying amounts above a threshold:* In this system, all travellers carrying an amount of currency or BNIs above a pre-set designated threshold are required to complete a written declaration form. In practice, the traveller is not required to fill out any forms if they are not carrying currency or BNIs over the designated threshold.

- (c) *Oral declaration system for all travellers:* In this system, all travellers are required to orally declare if they carry an amount of currency or BNIs above a prescribed threshold. Usually, this is done at customs entry points by requiring travellers to choose between the “red channel” (goods to declare) and the “green channel” (nothing to declare). The choice of channel that the traveller makes is considered to be the oral declaration. In practice, travellers do not declare in writing, but are required to actively report to a customs official.

### Disclosure system

4. Countries may opt for a system whereby travellers are required to provide the authorities with appropriate information upon request. In such systems, there is no requirement for travellers to make an upfront written or oral declaration. In practice, travellers need to be required to give a truthful answer to competent authorities upon request.

### C. ADDITIONAL ELEMENTS APPLICABLE TO BOTH SYSTEMS

5. Whichever system is implemented, countries should ensure that their system incorporates the following elements:
- (a) The declaration/disclosure system should apply to both incoming and outgoing transportation of currency and BNIs.
  - (b) Upon discovery of a false declaration/disclosure of currency or bearer negotiable instruments or a failure to declare/disclose them, designated competent authorities should have the authority to request and obtain further information from the carrier with regard to the origin of the currency or BNIs and their intended use.
  - (c) Information obtained through the declaration/disclosure process should be available to the FIU, either through a system whereby the FIU is notified about suspicious cross-border transportation incidents, or by making the declaration/disclosure information directly available to the FIU in some other way.
  - (d) At the domestic level, countries should ensure that there is adequate coordination among customs, immigration and other related authorities on issues related to the implementation of Recommendation 32.
  - (e) In the following two cases, competent authorities should be able to stop or restrain cash or BNIs for a reasonable time, in order to ascertain whether evidence of money laundering or terrorist financing may be found: (i) where there is a suspicion of money laundering or terrorist financing; or (ii) where there is a false declaration or false disclosure.
  - (f) The declaration/disclosure system should allow for the greatest possible measure of international cooperation and assistance in accordance with Recommendations 36 to 40. To facilitate such cooperation, in instances when: (i) a declaration or disclosure which exceeds the maximum threshold of USD/EUR 15,000 is made; or (ii) where there is a false declaration or false disclosure; or (iii) where there is a suspicion of



money laundering or terrorist financing, this information shall be retained for use by competent authorities. At a minimum, this information will cover: (i) the amount of currency or BNIs declared, disclosed or otherwise detected; and (ii) the identification data of the bearer(s).

- (g) Countries should implement Recommendation 32 subject to strict safeguards to ensure proper use of information and without restricting either: (i) trade payments between countries for goods and services; or (ii) the freedom of capital movements, in any way.

#### D. SANCTIONS

6. Persons who make a false declaration or disclosure should be subject to effective, proportionate and dissuasive sanctions, whether criminal civil or administrative. Persons who are carrying out a physical cross-border transportation of currency or BNIs that is related to terrorist financing, money laundering or predicate offences should also be subject to effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, and should be subject to measures, consistent with Recommendation 4, which would enable the confiscation of such currency or BNIs.
7. Authorities responsible for implementation of Recommendation 32 should have adequate financial, human and technical resources. Countries should have in place processes to ensure that the staff of these authorities maintain high professional standards, including standards concerning confidentiality, and should be of high integrity and be appropriately skilled.

#### E. GOLD, PRECIOUS METALS AND PRECIOUS STONES

8. For the purposes of Recommendation 32, gold, precious metals and precious stones are not included, despite their high liquidity and use in certain situations as a means of exchange or transmitting value. These items may be otherwise covered under customs laws and regulations. If a country discovers an unusual cross-border movement of gold, precious metals or precious stones, it should consider notifying, as appropriate, the Customs Service or other competent authorities of the countries from which these items originated and/or to which they are destined, and should cooperate with a view toward establishing the source, destination, and purpose of the movement of such items, and toward the taking of appropriate action.

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#### Glossary of specific terms used in this Recommendation

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<b>False declaration</b>	refers to a misrepresentation of the value of currency or BNIs being transported, or a misrepresentation of other relevant data which is required for submission in the declaration or otherwise requested by the authorities. This includes failing to make a declaration as required.
<b>False disclosure</b>	refers to a misrepresentation of the value of currency or BNIs being transported, or a misrepresentation of other relevant data which is

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## Glossary of specific terms used in this Recommendation

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asked for upon request in the disclosure or otherwise requested by the authorities. This includes failing to make a disclosure as required.

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**Physical cross-border transportation**

refers to any in-bound or out-bound physical transportation of currency or BNIs from one country to another country. The term includes the following modes of transportation: (1) physical transportation by a natural person, or in that person's accompanying luggage or vehicle; (2) shipment of currency or BNIs through containerised cargo or (3) the mailing of currency or BNIs by a natural or legal person.

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**Related to terrorist financing or money laundering**

when used to describe currency or BNIs, refers to currency or BNIs that are: (i) the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations; or (ii) laundered, proceeds from money laundering or predicate offences, or instrumentalities used in or intended for use in the commission of these offences.

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### **INTERPRETIVE NOTE TO RECOMMENDATION 38 (MUTUAL LEGAL ASSISTANCE: FREEZING AND CONFISCATION)**

1. Countries should consider establishing an asset forfeiture fund into which all, or a portion of, confiscated property will be deposited for law enforcement, health, education, or other appropriate purposes. Countries should take such measures as may be necessary to enable them to share among or between other countries confiscated property, in particular, when confiscation is directly or indirectly a result of coordinated law enforcement actions.
2. With regard to requests for cooperation made on the basis of non-conviction based confiscation proceedings, countries need not have the authority to act on the basis of all such requests, but should be able to do so, at a minimum in circumstances when a perpetrator is unavailable by reason of death, flight, absence, or the perpetrator is unknown.

## INTERPRETIVE NOTE TO RECOMMENDATION 40 (OTHER FORMS OF INTERNATIONAL COOPERATION)

### A. PRINCIPLES APPLICABLE TO ALL FORMS OF INTERNATIONAL COOPERATION

#### Obligations on requesting authorities

1. When making requests for cooperation, competent authorities should make their best efforts to provide complete factual and, as appropriate, legal information, including indicating any need for urgency, to enable a timely and efficient execution of the request, as well as the foreseen use of the information requested. Upon request, requesting competent authorities should provide feedback to the requested competent authority on the use and usefulness of the information obtained.

#### Unduly restrictive measures

2. Countries should not prohibit or place unreasonable or unduly restrictive conditions on the provision of exchange of information or assistance. In particular competent authorities should not refuse a request for assistance on the grounds that:
  - (a) the request is also considered to involve fiscal matters; and/or
  - (b) laws require financial institutions or DNFBPs (except where the relevant information that is sought is held in circumstances where legal privilege or legal professional secrecy applies) to maintain secrecy or confidentiality; and/or
  - (c) there is an inquiry, investigation or proceeding underway in the requested country, unless the assistance would impede that inquiry, investigation or proceeding; and/or
  - (d) the nature or status (civil, administrative, law enforcement, etc.) of the requesting counterpart authority is different from that of its foreign counterpart.

#### Safeguards on information exchanged

3. Exchanged information should be used only for the purpose for which the information was sought or provided. Any dissemination of the information to other authorities or third parties, or any use of this information for administrative, investigative, prosecutorial or judicial purposes, beyond those originally approved, should be subject to prior authorisation by the requested competent authority.
4. Competent authorities should maintain appropriate confidentiality for any request for cooperation and the information exchanged, in order to protect the integrity of the investigation or inquiry<sup>49</sup>, consistent with both parties' obligations concerning privacy and data protection. At a minimum, competent authorities should protect exchanged information in the same manner as they would protect similar information received from domestic sources. Countries should establish controls and safeguards to ensure that information exchanged by competent authorities is used only in the manner authorised. Exchange of

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<sup>49</sup> Information may be disclosed if such disclosure is required to carry out the request for cooperation.

information should take place in a secure way, and through reliable channels or mechanisms. Requested competent authorities may, as appropriate, refuse to provide information if the requesting competent authority cannot protect the information effectively.

### **Power to search for information**

5. Competent authorities should be able to conduct inquiries on behalf of a foreign counterpart, and exchange with their foreign counterparts all information that would be obtainable by them if such inquiries were being carried out domestically.

## **B. PRINCIPLES APPLICABLE TO SPECIFIC FORMS OF INTERNATIONAL COOPERATION**

6. The general principles above should apply to all forms of exchange of information between counterparts or non-counterparts, subject to the paragraphs set out below.

### **Exchange of information between FIUs**

7. FIUs should exchange information with foreign FIUs, regardless of their respective status; be it of an administrative, law enforcement, judicial or other nature. To this end, FIUs should have an adequate legal basis for providing cooperation on money laundering, associated predicate offences and terrorist financing.
8. When making a request for cooperation, FIUs should make their best efforts to provide complete factual, and, as appropriate, legal information, including the description of the case being analysed and the potential link to the requested country. Upon request and whenever possible, FIUs should provide feedback to their foreign counterparts on the use of the information provided, as well as on the outcome of the analysis conducted, based on the information provided.
9. FIUs should have the power to exchange:
  - (a) all information required to be accessible or obtainable directly or indirectly by the FIU under the FATF Recommendations, in particular under Recommendation 29; and
  - (b) any other information which they have the power to obtain or access, directly or indirectly, at the domestic level, subject to the principle of reciprocity.

### **Exchange of information between financial supervisors<sup>50</sup>**

10. Financial supervisors should cooperate with their foreign counterparts, regardless of their respective nature or status. Efficient cooperation between financial supervisors aims at facilitating effective AML/CFT supervision of financial institutions. To this end, financial supervisors should have an adequate legal basis for providing cooperation, consistent with the applicable international standards for supervision, in particular with respect to the exchange of supervisory information related to or relevant for AML/CFT purposes.

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<sup>50</sup> This refers to financial supervisors which are competent authorities.

11. Financial supervisors should be able to exchange with foreign counterparts information domestically available to them, including information held by financial institutions, and in a manner proportionate to their respective needs. Financial supervisors should be able to exchange the following types of information when relevant for AML/CFT purposes, in particular with other relevant supervisors that have a shared responsibility for financial institutions operating in the same group:
  - (a) Regulatory information, such as information on the domestic regulatory system, and general information on the financial sectors.
  - (b) Prudential information, in particular for Core Principle Supervisors, such as information on the financial institution's business activities, beneficial ownership, management, and fit and properness.
  - (c) AML/CFT information, such as internal AML/CFT procedures and policies of financial institutions, customer due diligence information, customer files, samples of accounts and transaction information.
12. Financial supervisors should be able to conduct inquiries on behalf of foreign counterparts, and, as appropriate, to authorise or facilitate the ability of foreign counterparts to conduct inquiries themselves in the country, in order to facilitate effective group supervision.
13. Any dissemination of information exchanged or use of that information for supervisory and non-supervisory purposes, should be subject to prior authorisation by the requested financial supervisor, unless the requesting financial supervisor is under a legal obligation to disclose or report the information. In such cases, at a minimum, the requesting financial supervisor should promptly inform the requested authority of this obligation. The prior authorisation includes any deemed prior authorisation under a Memorandum of Understanding or the Multi-lateral Memorandum of Understanding issued by a core principles standard-setter applied to information exchanged under a Memorandum of Understanding or the Multi-lateral Memorandum of Understanding.

#### **Exchange of information between law enforcement authorities**

14. Law enforcement authorities should be able to exchange domestically available information with foreign counterparts for intelligence or investigative purposes relating to money laundering, associated predicate offences or terrorist financing, including the identification and tracing of the proceeds and instrumentalities of crime.
15. Law enforcement authorities should also be able to use their powers, including any investigative techniques available in accordance with their domestic law, to conduct inquiries and obtain information on behalf of foreign counterparts. The regimes or practices in place governing such law enforcement cooperation, such as the agreements between Interpol, Europol or Eurojust and individual countries, should govern any restrictions on use imposed by the requested law enforcement authority.
16. Law enforcement authorities should be able to form joint investigative teams to conduct cooperative investigations, and, when necessary, countries should establish bilateral or

multilateral arrangements to enable such joint investigations. Countries are encouraged to join and support existing AML/CFT law enforcement networks, and develop bi-lateral contacts with foreign law enforcement agencies, including placing liaison officers abroad, in order to facilitate timely and effective cooperation.

**Exchange of information between non-counterparts**

17. Countries should permit their competent authorities to exchange information indirectly with non-counterparts, applying the relevant principles above. Indirect exchange of information refers to the requested information passing from the requested authority through one or more domestic or foreign authorities before being received by the requesting authority. Such an exchange of information and its use may be subject to the authorisation of one or more competent authorities of the requested country. The competent authority that requests the information should always make it clear for what purpose and on whose behalf the request is made.
18. Countries are also encouraged to permit a prompt and constructive exchange of information directly with non-counterparts.

## LEGAL BASIS OF REQUIREMENTS ON FINANCIAL INSTITUTIONS AND DNFBPS

1. All requirements for financial institutions or DNFBPs should be introduced either (a) in law (see the specific requirements in Recommendations 10, 11 and 20 in this regard), or (b) for all other cases, in law or enforceable means (the country has discretion).
2. In Recommendations 10, 11 and 20, the term “*law*” refers to any legislation issued or approved through a Parliamentary process or other equivalent means provided for under the country’s constitutional framework, which imposes mandatory requirements with sanctions for non-compliance. The sanctions for non-compliance should be effective, proportionate and dissuasive (see Recommendation 35). The notion of law also encompasses judicial decisions that impose relevant requirements, and which are binding and authoritative in all parts of the country.
3. The term “*Enforceable means*” refers to regulations, guidelines, instructions or other documents or mechanisms that set out enforceable AML/CFT requirements in mandatory language with sanctions for non-compliance, and which are issued or approved by a competent authority. The sanctions for non-compliance should be effective, proportionate and dissuasive (see Recommendation 35).
4. In considering whether a document or mechanism has requirements that amount to *enforceable means*, the following factors should be taken into account:
  - (a) There must be a document or mechanism that sets out or underpins requirements addressing the issues in the FATF Recommendations, and providing clearly stated requirements which are understood as such. For example:
    - (i) if particular measures use the word *shall* or *must*, this should be considered mandatory;
    - (ii) if they use *should*, this could be mandatory if both the regulator and the regulated institutions demonstrate that the actions are directly or indirectly required and are being implemented; language such as measures *are encouraged*, *are recommended* or institutions *should consider* is less likely to be regarded as mandatory. In any case where weaker language is used, there is a presumption that the language is not mandatory (unless the country can demonstrate otherwise).
  - (b) The document/mechanism must be issued or approved by a competent authority.
  - (c) There must be sanctions for non-compliance (sanctions need not be in the same document that imposes or underpins the requirement, and can be in another document, provided that there are clear links between the requirement and the available sanctions), which should be effective, proportionate and dissuasive. This involves consideration of the following issues:
    - (i) there should be an adequate range of effective, proportionate and dissuasive sanctions available if persons fail to comply with their obligations;



- (ii) the sanctions should be directly or indirectly applicable for a failure to comply with an AML/CFT requirement. If non-compliance with an AML/CFT requirement does not have a sanction directly attached to it, then the use of sanctions for violation of broader requirements, such as not having proper systems and controls or not operating in a safe and sound manner, is satisfactory provided that, at a minimum, a failure to meet one or more AML/CFT requirements could be (and has been as appropriate) adequately sanctioned without a need to prove additional prudential failures unrelated to AML/CFT; and
  - (iii) whether there is satisfactory evidence that effective, proportionate and dissuasive sanctions have been applied in practice.
- 5. In all cases it should be apparent that financial institutions and DNFBPs understand that sanctions would be applied for non-compliance and what those sanctions could be.

## GENERAL GLOSSARY

Terms	Definitions
<b>Accounts</b>	References to “accounts” should be read as including other similar business relationships between financial institutions and their customers.
<b>Accurate</b>	Please refer to the IN to Recommendation 16.
<b>Agent</b>	For the purposes of Recommendations 14 and 16, <i>agent</i> means any natural or legal person providing MVTs on behalf of an MVTs provider, whether by contract with or under the direction of the MVTs provider.
<b>Appropriate authorities</b>	Please refer to the IN to Recommendation 8.
<b>Associate NPOs</b>	Please refer to the IN to Recommendation 8.
<b>Batch transfer</b>	Please refer to the IN to Recommendation 16.
<b>Bearer negotiable instruments</b>	<i>Bearer negotiable instruments (BNIs)</i> includes monetary instruments in bearer form such as: traveller’s cheques; negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery; incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee’s name omitted.
<b>Bearer shares</b>	<i>Bearer shares</i> refers to negotiable instruments that accord ownership in a legal person to the person who possesses the bearer share certificate.
<b>Beneficial owner</b>	<i>Beneficial owner</i> refers to the natural person(s) who ultimately <sup>51</sup> owns or controls a customer <sup>52</sup> and/or the natural person on whose behalf a transaction is being conducted. It also includes those persons who exercise ultimate effective control over a legal person or arrangement.
<b>Beneficiaries</b>	Please refer to the IN to Recommendation 8.
<b>Beneficiary</b>	The meaning of the term <i>beneficiary</i> in the FATF Recommendations depends on the context: <ul style="list-style-type: none"> <li>■ In trust law, a beneficiary is the person or persons who are entitled to the benefit of any trust arrangement. A beneficiary can be a natural or legal person or arrangement. All trusts (other than charitable or</li> </ul>

<sup>51</sup> Reference to “ultimately owns or controls” and “ultimate effective control” refer to situations in which ownership/control is exercised through a chain of ownership or by means of control other than direct control.

<sup>52</sup> This definition should also apply to beneficial owner of a beneficiary under a life or other investment linked insurance policy.

Terms	Definitions
	<p>statutory permitted non-charitable trusts) are required to have ascertainable beneficiaries. While trusts must always have some ultimately ascertainable beneficiary, trusts may have no defined existing beneficiaries but only objects of a power until some person becomes entitled as beneficiary to income or capital on the expiry of a defined period, known as the accumulation period. This period is normally co-extensive with the trust perpetuity period which is usually referred to in the trust deed as the trust period.</p> <ul style="list-style-type: none"> <li>■ In the context of life insurance or another investment linked insurance policy, a beneficiary is the natural or legal person, or a legal arrangement, or category of persons, who will be paid the policy proceeds when/if an insured event occurs, which is covered by the policy.</li> </ul> <p>Please also refer to the Interpretive Notes to Recommendation 16.</p>
<b>Beneficiary Financial Institution</b>	Please refer to the IN to Recommendation 16.
<b>Competent authorities</b>	<p><i>Competent authorities</i> refers to all public authorities<sup>53</sup> with designated responsibilities for combating money laundering and/or terrorist financing. In particular, this includes the FIU; the authorities that have the function of investigating and/or prosecuting money laundering, associated predicate offences and terrorist financing, and seizing/freezing and confiscating criminal assets; authorities receiving reports on cross-border transportation of currency &amp; BNIs; and authorities that have AML/CFT supervisory or monitoring responsibilities aimed at ensuring compliance by financial institutions and DNFBPs with AML/CFT requirements. SRBs are not to be regarded as a competent authorities.</p>
<b>Confiscation</b>	<p>The term <i>confiscation</i>, which includes forfeiture where applicable, means the permanent deprivation of funds or other assets by order of a competent authority or a court. Confiscation or forfeiture takes place through a judicial or administrative procedure that transfers the ownership of specified funds or other assets to be transferred to the State. In this case, the person(s) or entity(ies) that held an interest in the specified funds or other assets at the time of the confiscation or forfeiture loses all rights, in principle, to the confiscated or forfeited funds or other assets. Confiscation or forfeiture orders are usually linked to a criminal conviction or a court decision whereby the confiscated or</p>

<sup>53</sup> This includes financial supervisors established as independent non-governmental authorities with statutory powers.

Terms	Definitions
	forfeited property is determined to have been derived from or intended for use in a violation of the law.
<b>Core Principles</b>	<i>Core Principles</i> refers to the Core Principles for Effective Banking Supervision issued by the Basel Committee on Banking Supervision, the Objectives and Principles for Securities Regulation issued by the International Organization of Securities Commissions, and the Insurance Supervisory Principles issued by the International Association of Insurance Supervisors.
<b>Correspondent banking</b>	<i>Correspondent banking</i> is the provision of banking services by one bank (the “correspondent bank”) to another bank (the “respondent bank”). Large international banks typically act as correspondents for thousands of other banks around the world. Respondent banks may be provided with a wide range of services, including cash management (e.g. interest-bearing accounts in a variety of currencies), international wire transfers, cheque clearing, payable-through accounts and foreign exchange services.
<b>Country</b>	All references in the FATF Recommendations to <i>country</i> or <i>countries</i> apply equally to territories or jurisdictions.
<b>Cover Payment</b>	Please refer to the IN. to Recommendation 16.
<b>Criminal activity</b>	<i>Criminal activity</i> refers to: (a) all criminal acts that would constitute a predicate offence for money laundering in the country; or (b) at a minimum to those offences that would constitute a predicate offence as required by Recommendation 3.
<b>Cross-border Wire Transfer</b>	Please refer to the IN to Recommendation 16.
<b>Currency</b>	<i>Currency</i> refers to banknotes and coins that are in circulation as a medium of exchange.
<b>Designated categories of offences</b>	<p><i>Designated categories of offences</i> means:</p> <ul style="list-style-type: none"> <li>■ participation in an organised criminal group and racketeering;</li> <li>■ terrorism, including terrorist financing;</li> <li>■ trafficking in human beings and migrant smuggling;</li> <li>■ sexual exploitation, including sexual exploitation of children;</li> <li>■ illicit trafficking in narcotic drugs and psychotropic substances;</li> <li>■ illicit arms trafficking;</li> <li>■ illicit trafficking in stolen and other goods;</li> </ul>

Terms	Definitions
	<ul style="list-style-type: none"> <li>■ corruption and bribery;</li> <li>■ fraud;</li> <li>■ counterfeiting currency;</li> <li>■ counterfeiting and piracy of products;</li> <li>■ environmental crime;</li> <li>■ murder, grievous bodily injury;</li> <li>■ kidnapping, illegal restraint and hostage-taking;</li> <li>■ robbery or theft;</li> <li>■ smuggling; (including in relation to customs and excise duties and taxes);</li> <li>■ tax crimes (related to direct taxes and indirect taxes);</li> <li>■ extortion;</li> <li>■ forgery;</li> <li>■ piracy; and</li> <li>■ insider trading and market manipulation.</li> </ul> <p>When deciding on the range of offences to be covered as predicate offences under each of the categories listed above, each country may decide, in accordance with its domestic law, how it will define those offences and the nature of any particular elements of those offences that make them serious offences.</p>
<b>Designated non-financial businesses and professions</b>	<p><i>Designated non-financial businesses and professions</i> means:</p> <ul style="list-style-type: none"> <li>a) Casinos<sup>54</sup></li> <li>b) Real estate agents.</li> <li>c) Dealers in precious metals.</li> <li>d) Dealers in precious stones.</li> <li>e) Lawyers, notaries, other independent legal professionals and accountants – this refers to sole practitioners, partners or employed professionals within professional firms. It is not meant to refer to ‘internal’ professionals that are employees of other types of businesses,</li> </ul>

<sup>54</sup> References to *Casinos* throughout the FATF Standards include internet- and ship-based casinos.

Terms	Definitions
	<p>nor to professionals working for government agencies, who may already be subject to AML/CFT measures.</p> <p>f) Trust and Company Service Providers refers to all persons or businesses that are not covered elsewhere under these Recommendations, and which as a business, provide any of the following services to third parties:</p> <ul style="list-style-type: none"> <li>■ acting as a formation agent of legal persons;</li> <li>■ acting as (or arranging for another person to act as) a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;</li> <li>■ providing a registered office; business address or accommodation, correspondence or administrative address for a company, a partnership or any other legal person or arrangement;</li> <li>■ acting as (or arranging for another person to act as) a trustee of an express trust or performing the equivalent function for another form of legal arrangement;</li> <li>■ acting as (or arranging for another person to act as) a nominee shareholder for another person.</li> </ul>
<p><b>Designated person or entity</b></p>	<p>The term designated person or entity refers to:</p> <ul style="list-style-type: none"> <li>(i) individual, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to resolution 1267 (1999) (the 1267 Committee), as being individuals associated with Al-Qaida, or entities and other groups and undertakings associated with Al-Qaida;</li> <li>(ii) individuals, groups, undertakings and entities designated by the Committee of the Security Council established pursuant to resolution 1988 (2011) (the 1988 Committee), as being associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan, or entities and other groups and undertakings associated with the Taliban;</li> <li>(iii) any natural or legal person or entity designated by jurisdictions or a supra-national jurisdiction pursuant to Security Council resolution 1373 (2001);</li> <li>(iv) any individual, natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council</li> </ul>

Terms	Definitions
	<p>resolution 1718 (2006) and any future successor resolutions by the Security Council in annexes to the relevant resolutions, or by the Security Council Committee established pursuant to resolution 1718 (2006) (the 1718 Sanctions Committee) pursuant to Security Council resolution 1718 (2006); and</p> <p>(v) any natural or legal person or entity designated for the application of targeted financial sanctions pursuant to Security Council resolution 2231 (2015) and any future successor resolutions by the Security Council.</p>
<b>Designation</b>	<p>The term <i>designation</i> refers to the identification of a person<sup>55</sup>, individual or entity that is subject to targeted financial sanctions pursuant to:</p> <ul style="list-style-type: none"> <li>■ United Nations Security Council resolution 1267 (1999) and its successor resolutions;</li> <li>■ Security Council resolution 1373 (2001), including the determination that the relevant sanctions will be applied to the person or entity and the public communication of that determination;</li> <li>■ Security Council resolution 1718 (2006) and any future successor resolutions;</li> <li>■ Security Council resolution 2231 (2015) and any future successor resolutions; and</li> <li>■ any future Security Council resolutions which impose targeted financial sanctions in the context of the financing of proliferation of weapons of mass destruction.</li> </ul> <p>As far as Security Council resolution 2231 (2015) and any future successor resolutions are concerned, references to “designations” apply equally to “listing”.</p>
<b>Domestic Wire Transfer</b>	Please refer to the IN to Recommendation 16.
<b>Enforceable means</b>	Please refer to the Note on the Legal Basis of requirements on Financial Institutions and DNFBPs.
<b>Ex Parte</b>	The term <i>ex parte</i> means proceeding without prior notification and participation of the affected party.
<b>Express trust</b>	<i>Express trust</i> refers to a trust clearly created by the settlor, usually in the form of a document e.g. a written deed of trust. They are to be contrasted with trusts

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Natural or legal.

Terms	Definitions
	which come into being through the operation of the law and which do not result from the clear intent or decision of a settlor to create a trust or similar legal arrangements (e.g. constructive trust).
<b>False declaration</b>	Please refer to the IN to Recommendation 32.
<b>False disclosure</b>	Please refer to the IN to Recommendation 32.
<b>Financial group</b>	<i>Financial group</i> means a group that consists of a parent company or of any other type of legal person exercising control and coordinating functions over the rest of the group for the application of group supervision under the Core Principles, together with branches and/or subsidiaries that are subject to AML/CFT policies and procedures at the group level.
<b>Financial institutions</b>	<p><i>Financial institutions</i> means any natural or legal person who conducts as a business one or more of the following activities or operations for or on behalf of a customer:</p> <ol style="list-style-type: none"> <li>1. Acceptance of deposits and other repayable funds from the public.<sup>56</sup></li> <li>2. Lending.<sup>57</sup></li> <li>3. Financial leasing.<sup>58</sup></li> <li>4. Money or value transfer services.<sup>59</sup></li> <li>5. Issuing and managing means of payment (e.g. credit and debit cards, cheques, traveller's cheques, money orders and bankers' drafts, electronic money).</li> <li>6. Financial guarantees and commitments.</li> <li>7. Trading in: <ul style="list-style-type: none"> <li>(a) money market instruments (cheques, bills, certificates of deposit, derivatives etc.);</li> <li>(b) foreign exchange;</li> <li>(c) exchange, interest rate and index instruments;</li> <li>(d) transferable securities;</li> <li>(e) commodity futures trading.</li> </ul> </li> </ol>

<sup>56</sup> This also captures private banking.

<sup>57</sup> This includes *inter alia*: consumer credit; mortgage credit; factoring, with or without recourse; and finance of commercial transactions (including forfeiting).

<sup>58</sup> This does not extend to financial leasing arrangements in relation to consumer products.

<sup>59</sup> It does not apply to any natural or legal person that provides financial institutions solely with message or other support systems for transmitting funds. See the Interpretive Note to Recommendation 16.



Terms	Definitions
	<ol style="list-style-type: none"> <li>8. Participation in securities issues and the provision of financial services related to such issues.</li> <li>9. Individual and collective portfolio management.</li> <li>10. Safekeeping and administration of cash or liquid securities on behalf of other persons.</li> <li>11. Otherwise investing, administering or managing funds or money on behalf of other persons.</li> <li>12. Underwriting and placement of life insurance and other investment related insurance<sup>60</sup>.</li> <li>13. Money and currency changing.</li> </ol>
<b>Foreign counterparts</b>	<p>Foreign counterparts refers to foreign competent authorities that exercise similar responsibilities and functions in relation to the cooperation which is sought, even where such foreign competent authorities have a different nature or status (e.g. depending on the country, AML/CFT supervision of certain financial sectors may be performed by a supervisor that also has prudential supervisory responsibilities or by a supervisory unit of the FIU).</p>
<b>Freeze</b>	<p>In the context of confiscation and provisional measures (e.g., Recommendations 4, 32 and 38), the term freeze means to prohibit the transfer, conversion, disposition or movement of any property, equipment or other instrumentalities on the basis of, and for the duration of the validity of, an action initiated by a competent authority or a court under a freezing mechanism, or until a forfeiture or confiscation determination is made by a competent authority.</p> <p>For the purposes of Recommendations 6 and 7 on the implementation of targeted financial sanctions, the term freeze means to prohibit the transfer, conversion, disposition or movement of any funds or other assets that are owned or controlled by designated persons or entities on the basis of, and for the duration of the validity of, an action initiated by the United Nations Security Council or in accordance with applicable Security Council resolutions by a competent authority or a court.</p> <p>In all cases, the frozen property, equipment, instrumentalities, funds or other assets remain the property of the natural or legal person(s) that held an interest in them at the time of the freezing and may continue to be administered by third parties, or through other arrangements established by such natural or legal person(s) prior to the initiation of an action under a freezing mechanism, or in accordance with other national provisions. As part of the implementation of a freeze, countries may decide to take control of the property, equipment, instrumentalities, or funds or other assets as a means to protect against flight.</p>

<sup>60</sup> This applies both to insurance undertakings and to insurance intermediaries (agents and brokers).

Terms	Definitions
<b>Fundamental principles of domestic law</b>	This refers to the basic legal principles upon which national legal systems are based and which provide a framework within which national laws are made and powers are exercised. These fundamental principles are normally contained or expressed within a national Constitution or similar document, or through decisions of the highest level of court having the power to make binding interpretations or determinations of national law. Although it will vary from country to country, some examples of such fundamental principles include rights of due process, the presumption of innocence, and a person's right to effective protection by the courts.
<b>Funds</b>	The term <i>funds</i> refers to assets of every kind, whether corporeal or incorporeal, tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets.
<b>Funds or other assets</b>	The term <i>funds or other assets</i> means any assets, including, but not limited to, financial assets, economic resources (including oil and other natural resources), property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets, and any other assets which potentially may be used to obtain funds, goods or services.
<b>Identification data</b>	The term <i>identification data</i> refers to reliable, independent source documents, data or information.
<b>Intermediary financial institution</b>	Please refer to the IN to Recommendation 16.
<b>International organisations</b>	International organisations are entities established by formal political agreements between their member States that have the status of international treaties; their existence is recognised by law in their member countries; and they are not treated as resident institutional units of the countries in which they are located. Examples of international organisations include the United Nations and affiliated international organisations such as the International Maritime Organisation; regional international organisations such as the Council of Europe, institutions of the European Union, the Organization for Security and Co-operation in Europe and the Organization of American States; military international organisations such as the North Atlantic Treaty Organization, and economic organisations such as the World Trade Organisation or the Association of Southeast Asian Nations, etc.

Terms	Definitions
<b>Law</b>	Please refer to the Note on the Legal Basis of requirements on Financial Institutions and DNFBPs.
<b>Legal arrangements</b>	<i>Legal arrangements</i> refers to express trusts or other similar legal arrangements. Examples of other similar arrangements (for AML/CFT purposes) include fiducie, treuhand and fideicomiso.
<b>Legal persons</b>	<i>Legal persons</i> refers to any entities other than natural persons that can establish a permanent customer relationship with a financial institution or otherwise own property. This can include companies, bodies corporate, foundations, anstalt, partnerships, or associations and other relevantly similar entities.
<b>Money laundering offence</b>	References (except in Recommendation 3) to a <i>money laundering offence</i> refer not only to the primary offence or offences, but also to ancillary offences.
<b>Money or value transfer service</b>	<i>Money or value transfer services (MVTs)</i> refers to financial services that involve the acceptance of cash, cheques, other monetary instruments or other stores of value and the payment of a corresponding sum in cash or other form to a beneficiary by means of a communication, message, transfer, or through a clearing network to which the MVTs provider belongs. Transactions performed by such services can involve one or more intermediaries and a final payment to a third party, and may include any new payment methods. Sometimes these services have ties to particular geographic regions and are described using a variety of specific terms, including <i>hawala</i> , <i>hundi</i> , and <i>fei-chen</i> .
<b>Non-conviction based confiscation</b>	<i>Non-conviction based confiscation</i> means confiscation through judicial procedures related to a criminal offence for which a criminal conviction is not required.
<b>Non-profit organisations</b>	Please refer to the IN to Recommendation 8.
<b>Originator</b>	Please refer to the IN to Recommendation 16.
<b>Ordering financial institution</b>	Please refer to the IN to Recommendation 16.
<b>Payable-through accounts</b>	Please refer to the IN to Recommendation 13.
<b>Physical cross-border transportation</b>	Please refer to the IN. to Recommendation 32.

Terms	Definitions
<b>Politically Exposed Persons (PEPs)</b>	<p><i>Foreign PEPs</i> are individuals who are or have been entrusted with prominent public functions by a foreign country, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials.</p> <p><i>Domestic PEPs</i> are individuals who are or have been entrusted domestically with prominent public functions, for example Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations, important political party officials.</p> <p><i>Persons who are or have been entrusted with a prominent function by an international organisation</i> refers to members of senior management, i.e. directors, deputy directors and members of the board or equivalent functions.</p> <p>The definition of PEPs is not intended to cover middle ranking or more junior individuals in the foregoing categories.</p>
<b>Proceeds</b>	<i>Proceeds</i> refers to any property derived from or obtained, directly or indirectly, through the commission of an offence.
<b>Property</b>	<i>Property</i> means assets of every kind, whether corporeal or incorporeal, moveable or immovable, tangible or intangible, and legal documents or instruments evidencing title to, or interest in such assets.
<b>Qualifying wire transfers</b>	Please refer to the IN to Recommendation 16.
<b>Reasonable measures</b>	The term <i>Reasonable Measures</i> means: appropriate measures which are commensurate with the money laundering or terrorist financing risks.
<b>Related to terrorist financing or money laundering</b>	Please refer to the IN. to Recommendation 32.
<b>Required</b>	Please refer to the IN to Recommendation 16.
<b>Risk</b>	All references to <i>risk</i> refer to the risk of money laundering and/or terrorist financing. This term should be read in conjunction with the Interpretive Note to Recommendation 1.
<b>Satisfied</b>	Where reference is made to a financial institution being <i>satisfied</i> as to a matter, that institution must be able to justify its assessment to competent authorities.
<b>Seize</b>	The term <i>seize</i> means to prohibit the transfer, conversion, disposition or movement of property on the basis of an action initiated by a competent

Terms	Definitions
	<p>authority or a court under a freezing mechanism. However, unlike a freezing action, a seizure is effected by a mechanism that allows the competent authority or court to take control of specified property. The seized property remains the property of the natural or legal person(s) that holds an interest in the specified property at the time of the seizure, although the competent authority or court will often take over possession, administration or management of the seized property.</p>
<b>Self-regulatory body (SRB)</b>	<p>A SRB is a body that represents a profession (e.g. lawyers, notaries, other independent legal professionals or accountants), and which is made up of members from the profession, has a role in regulating the persons that are qualified to enter and who practise in the profession, and also performs certain supervisory or monitoring type functions. Such bodies should enforce rules to ensure that high ethical and moral standards are maintained by those practising the profession.</p>
<b>Serial Payment</b>	<p>Please refer to the IN. to Recommendation 16.</p>
<b>Settlor</b>	<p><i>Settlers</i> are natural or legal persons who transfer ownership of their assets to trustees by means of a trust deed or similar arrangement.</p>
<b>Shell bank</b>	<p><i>Shell bank</i> means a bank that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision.</p> <p><i>Physical presence</i> means meaningful mind and management located within a country. The existence simply of a local agent or low level staff does not constitute physical presence.</p>
<b>Should</b>	<p>For the purposes of assessing compliance with the FATF Recommendations, the word <i>should</i> has the same meaning as <i>must</i>.</p>
<b>Straight-through processing</b>	<p>Please refer to the IN. to Recommendation 16.</p>
<b>Supervisors</b>	<p><i>Supervisors</i> refers to the designated competent authorities or non-public bodies with responsibilities aimed at ensuring compliance by financial institutions (“<i>financial supervisors</i>”<sup>61</sup>) and/or DNFBPs with requirements to combat money laundering and terrorist financing. Non-public bodies (which could include certain types of SRBs) should have the power to supervise and sanction financial institutions or DNFBPs in relation to the AML/CFT requirements. These non-public bodies should also be empowered by law to exercise the functions they perform, and be supervised by a competent authority in relation to such functions.</p>

<sup>61</sup> Including Core Principles supervisors who carry out supervisory functions that are related to the implementation of the FATF Recommendations.

Terms	Definitions
<b>Targeted financial sanctions</b>	The term <i>targeted financial sanctions</i> means both asset freezing and prohibitions to prevent funds or other assets from being made available, directly or indirectly, for the benefit of designated persons and entities.
<b>Terrorist</b>	The term <i>terrorist</i> refers to any natural person who: (i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; (ii) participates as an accomplice in terrorist acts ; (iii) organises or directs others to commit terrorist acts ; or (iv) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.
<b>Terrorist act</b>	<p>A <i>terrorist act</i> includes:</p> <p>(a) an act which constitutes an offence within the scope of, and as defined in one of the following treaties: (i) Convention for the Suppression of Unlawful Seizure of Aircraft (1970); (ii) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971); (iii) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973); (iv) International Convention against the Taking of Hostages (1979); (v) Convention on the Physical Protection of Nuclear Material (1980); (vi) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1988); (vii) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (2005); (viii) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (2005); (ix) International Convention for the Suppression of Terrorist Bombings (1997); and (x) International Convention for the Suppression of the Financing of Terrorism (1999).</p> <p>(b) any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organisation to do or to abstain from doing any act.</p>
<b>Terrorist financing</b>	<i>Terrorist financing</i> is the financing of terrorist acts, and of terrorists and terrorist organisations.
<b>Terrorist financing abuse</b>	Please refer to the IN to Recommendation 8.
<b>Terrorist financing offence</b>	References (except in Recommendation 4) to a <i>terrorist financing offence</i> refer not only to the primary offence or offences, but also to ancillary offences.

Terms	Definitions
<b>Terrorist organisation</b>	The term <i>terrorist organisation</i> refers to any group of terrorists that: (i) commits, or attempts to commit, terrorist acts by any means, directly or indirectly, unlawfully and wilfully; (ii) participates as an accomplice in terrorist acts; (iii) organises or directs others to commit terrorist acts; or (iv) contributes to the commission of terrorist acts by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or with the knowledge of the intention of the group to commit a terrorist act.
<b>Third parties</b>	For the purposes of Recommendations 6 and 7, the term <i>third parties</i> includes, but is not limited to, financial institutions and DNFBPs. Please also refer to the IN to Recommendation 17.
<b>Trustee</b>	The terms <i>trust</i> and <i>trustee</i> should be understood as described in and consistent with Article 2 of the <i>Hague Convention on the law applicable to trusts and their recognition</i> <sup>62</sup> . Trustees may be professional (e.g. depending on the jurisdiction, a lawyer or trust company) if they are paid to act as a trustee in the course of their business, or non-professional (e.g. a person acting without reward on behalf of family).
<b>Unique transaction reference number</b>	Please refer to the IN. to Recommendation 16.
<b>Without delay</b>	The phrase without delay means, ideally, within a matter of hours of a designation by the United Nations Security Council or its relevant Sanctions Committee (e.g. the 1267 Committee, the 1988 Committee, the 1718 Sanctions Committee). For the purposes of S/RES/1373(2001), the phrase without delay

<sup>62</sup> Article 2 of the Hague Convention reads as follows:

*For the purposes of this Convention, the term "trust" refers to the legal relationships created – inter-vivos or on death – by a person, the settlor, when assets have been placed under the control of a trustee for the benefit of a beneficiary or for a specified purpose.*

*A trust has the following characteristics –*

- a) the assets constitute a separate fund and are not a part of the trustee's own estate;*
- b) title to the trust assets stands in the name of the trustee or in the name of another person on behalf of the trustee;*
- c) the trustee has the power and the duty, in respect of which he is accountable, to manage, employ or dispose of the assets in accordance with the terms of the trust and the special duties imposed upon him by law.*

*The reservation by the settlor of certain rights and powers, and the fact that the trustee may himself have rights as a beneficiary, are not necessarily inconsistent with the existence of a trust.*

Terms	Definitions
	<p>means upon having reasonable grounds, or a reasonable basis, to suspect or believe that a person or entity is a terrorist, one who finances terrorism or a terrorist organisation. In both cases, the phrase without delay should be interpreted in the context of the need to prevent the flight or dissipation of funds or other assets which are linked to terrorists, terrorist organisations, those who finance terrorism, and to the financing of proliferation of weapons of mass destruction, and the need for global, concerted action to interdict and disrupt their flow swiftly.</p>



## TABLE OF ACRONYMS

<b>AML/CFT</b>	Anti-Money Laundering / Countering the Financing of Terrorism (also used for <i>Combating the financing of terrorism</i> )
<b>BNI</b>	Bearer-Negotiable Instrument
<b>CDD</b>	Customer Due Diligence
<b>DNFBP</b>	Designated Non-Financial Business or Profession
<b>FATF</b>	Financial Action Task Force
<b>FIU</b>	Financial Intelligence Unit
<b>IN</b>	Interpretive Note
<b>ML</b>	Money Laundering
<b>MVTS</b>	Money or Value Transfer Service(s)
<b>NPO</b>	Non-Profit Organisation
<b>Palermo Convention</b>	The United Nations Convention against Transnational Organized Crime 2000
<b>PEP</b>	Politically Exposed Person
<b>R.</b>	Recommendation
<b>RBA</b>	Risk-Based Approach
<b>SR.</b>	Special Recommendation
<b>SRB</b>	Self-Regulatory Bodies
<b>STR</b>	Suspicious Transaction Report
<b>TCSP</b>	Trust and Company Service Provider
<b>Terrorist Financing Convention</b>	The International Convention for the Suppression of the Financing of Terrorism 1999
<b>UN</b>	United Nations
<b>Vienna Convention</b>	The United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988

## ANNEX I: FATF GUIDANCE DOCUMENTS

The FATF has published a large body of Guidance and Best Practices papers which can be found at: [www.fatf-gafi.org/documents/guidance/](http://www.fatf-gafi.org/documents/guidance/).

## ANNEX II: INFORMATION ON UPDATES MADE TO THE FATF RECOMMENDATIONS

The following amendments have been made to the FATF Recommendations since the text was adopted in February 2012.

Date	Type of amendments	Sections subject to amendments
Feb 2013	Alignment of the Standards between R.37 and R.40	<ul style="list-style-type: none"> <li>■ R.37(d) – page 27</li> </ul> <p>Insertion of the reference that DNFBP secrecy or confidentiality laws should not affect the provision of mutual legal assistance, except where the relevant information that is sought is held in circumstances where legal professional privilege or legal professional secrecy applies.</p>
Oct 2015	Revision of the Interpretive Note to R. 5 to address the foreign terrorist fighters threat	<ul style="list-style-type: none"> <li>■ INR.5 (B.3) – page 37</li> </ul> <p>Insertion of B.3 to incorporate the relevant element of UNSCR 2178 which addresses the threat posed by foreign terrorist fighters. This clarifies that Recommendation 5 requires countries to criminalise financing the travel of individuals who travel to a State other than their States of residence or nationality for the purpose of the perpetration, planning, or preparation of, or participation in, terrorist acts or the providing or receiving of terrorist training.</p> <p>Existing B.3-11 became B.4-12.</p>
Jun 2016	Revision of R. 8 and the Interpretive Note to R. 8	<ul style="list-style-type: none"> <li>■ R.8 and INR.8 – pages 13 and 54-59</li> </ul> <p>Revision of the standard on non-profit organisation (NPO) to clarify the subset of NPOs which should be made subject to supervision and monitoring. This brings INR.8 into line with the FATF Typologies Report on Risk of Terrorist Abuse of NPOs (June 2014) and the FATF Best Practices on Combatting the Abuse of NPOs (June 2015) which clarify that not all NPOs are high risk and intended to be addressed by R.8, and better align the implementation of R.8/INR.8 with the risk-based approach.</p>

Date	Type of amendments	Sections subject to amendments
Oct 2016	Revision of the Interpretive Note to R. 5 and the Glossary definition of 'Funds or other assets'	<ul style="list-style-type: none"> <li>■ INR. 5 and Glossary – pages 37 and 121</li> </ul> <p>Revision of the INR.5 to replace “<i>funds</i>” with “<i>funds or other assets</i>” throughout INR.5, in order to have the same scope as R.6. Revision of the Glossary definition of “<i>funds or other assets</i>” by adding references to oil and other natural resources, and to other assets which may potentially be used to obtain funds.</p>
Jun 2017	Revision of the Interpretive Note to R.7 and the Glossary definitions of “Designated person or entity”, “Designation” and “Without delay”	<ul style="list-style-type: none"> <li>■ INR. 7 and Glossary – pages 45-51, 114-115 and 123</li> </ul> <p>Revision of the INR.7 and consequential revisions of the Glossary definitions of “<i>Designated person or entity</i>”, “<i>Designation</i>” and “<i>Without delay</i>” to bring the text in line with the requirements of recent United Nations Security Council Resolutions and to clarify the implementation of targeted financial sanctions relating to proliferation financing.</p>
Nov 2017	Revision of the Interpretive Note to Recommendation 18	<ul style="list-style-type: none"> <li>■ INR.18 – page 77</li> </ul> <p>Revision of INR.18 to clarify the requirements on sharing of information related to unusual or suspicious transactions within financial groups. It also includes providing this information to branches and subsidiaries when necessary for AML/CFT risk management.</p>
Nov 2017	Revision of Recommendation 21	<ul style="list-style-type: none"> <li>■ R. 21 – page 17</li> </ul> <p>Revision of R. 21 to clarify the interaction of R. 18 requirements with tipping-off provisions.</p>
Feb 2018	Revision of Recommendation 2	<ul style="list-style-type: none"> <li>■ R. 2 – page 9</li> </ul> <p>Revision of R. 2 to ensure compatibility of AML/CFT requirements and data protection and privacy rules, and to promote domestic inter-agency information sharing among competent authorities.</p>





# Annex 360

FATF, Special Recommendation III: Freezing and Confiscating Terrorist Assets (Text of the Special Recommendation and Interpretative Note) (October 2001, as updated, adopted, and published February 2012)







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## FATF Special Recommendation III: Freezing and confiscating terrorist assets

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### *Text of the Special Recommendation and Interpretative Note*

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See also: [The full text of the IX Special Recommendations](#) 

[← Return to Special Recommendations page](#)

#### Special Recommendation III : Freezing and confiscating terrorist assets

Each country should implement measures to freeze without delay funds or other assets of terrorists, those who finance terrorism and terrorist organisations in accordance with the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts.

Each country should also adopt and implement measures, including legislative ones, which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations.

#### Interpretative Note to

#### Special Recommendation III: Freezing and confiscating terrorist assets

### *Objectives*

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1. FATF Special Recommendation III consists of two obligations. **The first requires jurisdictions to implement measures that will freeze or, if appropriate, seize terrorist-related funds or other assets without delay in accordance with relevant United Nations resolutions.** The second obligation of Special Recommendation III is to have measures in place that permit a jurisdiction to seize or confiscate terrorist funds or other assets on the basis of an order or mechanism issued by a competent authority or a court.
2. **The objective of the first requirement is to freeze terrorist-related funds or other assets based on reasonable grounds, or a reasonable basis, to suspect or believe that such funds or other assets could be used to finance terrorist activity.** The objective of the second requirement is to deprive terrorists of these funds or other assets if and when links have been adequately established between the funds or other assets and terrorists or terrorist activity. The intent of the first objective is preventative, while the intent of the second objective is mainly preventative and punitive. Both requirements are necessary to deprive terrorists and terrorist networks of the means to conduct future terrorist activity and maintain their infrastructure and operations.

### *Scope*

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3. Special Recommendation III is intended, with regard to its first requirement, to complement the obligations in the context of the United Nations Security Council (UNSC) resolutions relating to the prevention and suppression of the financing of terrorist acts—S/RES/1267(1999) and its successor resolutions, [\[1\]](#) S/RES/1373(2001) and any prospective resolutions related to the freezing, or if appropriate seizure, of terrorist assets. It should be stressed that none of the obligations in Special

Recommendation III is intended to replace other measures or obligations that may already be in place for dealing with funds or other assets in the context of a criminal, civil or administrative investigation or proceeding. [2] The focus of Special Recommendation III instead is on the preventative measures that are necessary and unique in the context of stopping the flow or use of funds or other assets to terrorist groups.

4. S/RES/1267(1999) and S/RES/1373(2001) differ in the persons and entities whose funds or other assets are to be frozen, the authorities responsible for making these designations, and the effect of these designations.
5. S/RES/1267(1999) and its successor resolutions obligate jurisdictions to freeze without delay the funds or other assets owned or controlled by Al-Qaida, the Taliban, Usama bin Laden, or persons and entities associated with them as designated by the United Nations Al-Qaida and Taliban Sanctions Committee established pursuant to United Nations Security Council Resolution 1267 (the Al-Qaida and Taliban Sanctions Committee), including funds derived from funds or other assets owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds or other assets are made available, directly or indirectly, for such persons' benefit, by their nationals or by any person within their territory. The Al-Qaida and Taliban Sanctions Committee is the authority responsible for designating the persons and entities that should have their funds or other assets frozen under S/RES/1267(1999). All jurisdictions that are members of the United Nations are obligated by S/RES/1267(1999) to freeze the assets of persons and entities so designated by the Al-Qaida and Taliban Sanctions Committee. [3]
6. S/RES/1373(2001) obligates jurisdictions [4] to freeze without delay the funds or other assets of persons who commit, or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons and entities acting on behalf of, or at the direction of such persons and entities, including funds or other assets derived or generated from property owned or controlled, directly or indirectly, by such persons and associated persons and entities. Each individual jurisdiction has the authority to designate the persons and entities that should have their funds or other assets frozen. Additionally, to ensure that effective co-operation is developed among jurisdictions, jurisdictions should examine and give effect to, if appropriate, the actions initiated under the freezing mechanisms of other jurisdictions. When (i) a specific notification or communication is sent and (ii) the jurisdiction receiving the request is satisfied, according to applicable legal principles, that a requested designation is supported by reasonable grounds, or a reasonable basis, to suspect or believe that the proposed designee is a terrorist, one who finances terrorism or a terrorist organisation, the jurisdiction receiving the request must ensure that the funds or other assets of the designated person are frozen without delay.

## ***Definitions***

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7. For the purposes of Special Recommendation III and this Interpretive Note, the following definitions apply:
  - a) The term freeze means to prohibit the transfer, conversion, disposition or movement of funds or other assets on the basis of, and for the duration of the validity of, an action initiated by a competent authority or a court under a freezing mechanism. The frozen funds or other assets remain the property of the person(s) or entity(ies) that held an interest in the specified funds or other assets at the time of the freezing and may continue to be administered by the financial institution or other arrangements designated by such person(s) or entity(ies) prior to the initiation of an action under a freezing mechanism.
  - b) The term seize means to prohibit the transfer, conversion, disposition or movement of funds or other assets on the basis of an action initiated by a competent authority or a court under a freezing mechanism. However, unlike a freezing action, a seizure is effected by a mechanism that allows the competent authority or court to take control of specified funds or other assets. The seized funds or other assets remain the property of the person(s) or entity(ies) that held an interest in the specified funds or other assets at the time of the seizure, although the competent authority or court will often take over possession, administration or management of the seized funds or other assets.

- c) The term confiscate, which includes forfeiture where applicable, means the permanent deprivation of funds or other assets by order of a competent authority or a court. Confiscation or forfeiture takes place through a judicial or administrative procedure that transfers the ownership of specified funds or other assets to be transferred to the State. In this case, the person(s) or entity(ies) that held an interest in the specified funds or other assets at the time of the confiscation or forfeiture loses all rights, in principle, to the confiscated or forfeited funds or other assets. [5]
- d) The term funds or other assets means financial assets, property of every kind, whether tangible or intangible, movable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such funds or other assets, including, but not limited to, bank credits, travellers cheques, bank cheques, money orders, shares, securities, bonds, drafts, or letters of credit, and any interest, dividends or other income on or value accruing from or generated by such funds or other assets.
- e) The term terrorist refers to any natural person who:
  - (i) commits, or attempts to commit, terrorist acts [6] by any means, directly or indirectly, unlawfully and wilfully;
  - (ii) participates as an accomplice in terrorist acts or terrorist financing;
  - (iii) organises or directs others to commit terrorist acts or terrorist financing; or
  - (iv) contributes to the commission of terrorist acts or terrorist financing by a group of persons acting with a common purpose where the contribution is made intentionally and with the aim of furthering the terrorist act or terrorist financing or with the knowledge of the intention of the group to commit a terrorist act or terrorist financing.
- f) The phrase those who finance terrorism refers to any person, group, undertaking or other entity that provides or collects, by any means, directly or indirectly, funds or other assets that may be used, in full or in part, to facilitate the commission of terrorist acts, or to any persons or entities acting on behalf of, or at the direction of such persons, groups, undertakings or other entities. This includes those who provide or collect funds or other assets with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out terrorist acts.
- g) The term terrorist organisation refers to any legal person, group, undertaking or other entity owned or controlled directly or indirectly by a terrorist(s).
- h) The term designated persons refers to those persons or entities designated by the Al-Qaida and Taliban Sanctions Committee pursuant to S/RES/1267(1999) or those persons or entities designated and accepted, s appropriate, by jurisdictions pursuant to S/RES/1373(2001).
- i) The phrase without delay, for the purposes of S/RES/1267(1999), means, ideally, within a matter of hours of a designation by the Al-Qaida and Taliban Sanctions Committee. For the purposes of S/RES/1373(2001), the phrase without delay means upon having reasonable grounds, or a reasonable basis, to suspect or believe that a person or entity is a terrorist, one who finances terrorism or a terrorist organisation. The phrase without delay should be interpreted in the context of the need to prevent the flight or dissipation of terrorist-linked funds or other assets, and the need for global, concerted action to interdict and disrupt their flow swiftly.

### ***Freezing without delay terrorist-related funds or other assets***

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- 8. In order to fulfil the preventive intent of Special Recommendation III, jurisdictions should establish the necessary authority and adopt the following standards and procedures to freeze the funds or other assets of terrorists, those who finance terrorism and terrorist organisations in accordance with both S/RES/1267(1999) and S/RES/1373(2001):
  - a) ***Authority to freeze, unfreeze and prohibit dealing in funds or other assets of designated persons.*** Jurisdictions should prohibit by enforceable means the transfer, conversion, disposition or movement of funds or other assets. Options for providing the authority to freeze and unfreeze terrorist funds or other assets include:

- (i) empowering or designating a competent authority or a court to issue, administer and enforce freezing and unfreezing actions under relevant mechanisms, or
- (ii) enacting legislation that places responsibility for freezing the funds or other assets of designated persons publicly identified by a competent authority or a court on the person or entity holding the funds or other assets and subjecting them to sanctions for non-compliance.

The authority to freeze and unfreeze funds or other assets should also extend to funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by such terrorists, those who finance terrorism, or terrorist organisations.

Whatever option is chosen there should be clearly identifiable competent authorities responsible for enforcing the measures.

The competent authorities shall ensure that their nationals or any persons and entities within their territories are prohibited from making any funds or other assets, economic resources or financial or other related services available, directly or indirectly, wholly or jointly, for the benefit of: designated persons, terrorists; those who finance terrorism; terrorist organisations; entities owned or controlled, directly or indirectly, by such persons or entities; and persons and entities acting on behalf of or at the direction of such persons or entities.

- b) **Freezing procedures.** Jurisdictions should develop and implement procedures to freeze the funds or other assets specified in paragraph (c) below without delay and without giving prior notice to the persons or entities concerned. Persons or entities holding such funds or other assets should be required by law to freeze them and should furthermore be subject to sanctions for non-compliance with this requirement. Any delay between the official receipt of information provided in support of a designation and the actual freezing of the funds or other assets of designated persons undermines the effectiveness of designation by affording designated persons time to remove funds or other assets from identifiable accounts and places. Consequently, these procedures must ensure
  - (i) the prompt determination whether reasonable grounds or a reasonable basis exists to initiate an action under a freezing mechanism and
  - (ii) the subsequent freezing of funds or other assets without delay upon determination that such grounds or basis for freezing exist. Jurisdictions should develop efficient and effective systems for communicating actions taken under their freezing mechanisms to the financial sector immediately upon taking such action.As well, they should provide clear guidance, particularly financial institutions and other persons or entities that may be holding targeted funds or other assets on obligations in taking action under freezing mechanisms.
- c) **Funds or other assets to be frozen or, if appropriate, seized.** Under Special Recommendation III, funds or other assets to be frozen include those subject to freezing under S/RES/1267(1999) and S/RES/1373(2001). Such funds or other assets would also include those wholly or jointly owned or controlled, directly or indirectly, by designated persons. **In accordance with their obligations under the United Nations International Convention for the Suppression of the Financing of Terrorism (1999) (the Terrorist Financing Convention (1999)), jurisdictions should be able to freeze or, if appropriate, seize any funds or other assets that they identify, detect, and verify, in accordance with applicable legal principles, as being used by, allocated for, or being made available to terrorists, those who finance terrorists or terrorist organisations. Freezing or seizing under the Terrorist Financing Convention (1999) may be conducted by freezing or seizing in the context of a criminal investigation or proceeding. Freezing action taken under Special Recommendation III shall be without prejudice to the rights of third parties acting in good faith.**
- d) **De-listing and unfreezing procedures.** Jurisdictions should develop and implement publicly known procedures to consider de-listing requests upon satisfaction of certain criteria consistent with international obligations and applicable legal principles, and to unfreeze the funds or other assets of de-listed persons or entities in a timely manner. For persons and entities designated under S/RES/1267(1999), such procedures and criteria

should be in accordance with procedures adopted by the Al-Qaida and Taliban Sanctions Committee under S/RES/1267(1999).

- e) **Unfreezing upon verification of identity.** For persons or entities with the same or similar name as designated persons, who are inadvertently affected by a freezing mechanism, jurisdictions should develop and implement publicly known procedures to unfreeze the funds or other assets of such persons or entities in a timely manner upon verification that the person or entity involved is not a designated person.

**Providing access to frozen funds or other assets in certain circumstances.** Where jurisdictions have determined that funds or other assets, which are otherwise subject to freezing pursuant to the obligations under S/RES/1267(1999), are necessary for basic

- f) expenses; for the payment of certain types of fees, expenses and service charges, or for extraordinary expenses, [7] jurisdictions should authorise access to such funds or other assets in accordance with the procedures set out in S/RES/1452(2002) and subject to approval of the Al-Qaida and Taliban Sanctions Committee. On the same grounds, jurisdictions may authorise access to funds or other assets, if freezing measures are applied pursuant to S/RES/1373(2001).
- g) **Remedies.** Jurisdictions should provide for a mechanism through which a person or an entity that is the target of a freezing mechanism in the context of terrorist financing can challenge that measure with a view to having it reviewed by a competent authority or a court.
- h) **Sanctions.** Jurisdictions should adopt appropriate measures to monitor effectively the compliance with relevant legislation, rules or regulations governing freezing mechanisms by financial institutions and other persons or entities that may be holding funds or other assets as indicated in paragraph 8(c) above. Failure to comply with such legislation, rules or regulations should be subject to civil, administrative or criminal sanctions.



## ***Seizure and Confiscation***

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9. Consistent with FATF Recommendation 3, jurisdictions should adopt measures similar to those set forth in Article V of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), Articles 12 to 14 of the United Nations Convention on Transnational Organised Crime (2000), and Article 8 of the Terrorist Financing Convention (1999), including legislative measures, to enable their courts or competent authorities to seize and confiscate terrorist funds or other assets.

*[1] When issued, S/RES/1267(1999) had a time limit of one year. A series of resolutions have been issued by the United Nations Security Council (UNSC) to extend and further refine provisions of S/RES/1267(1999). By successor resolutions are meant those resolutions that extend and are directly related to the original resolution S/RES/1267(1999). At the time of issue of this Interpretative Note, these resolutions included S/RES/1333(2000), S/RES/1363(2001), S/RES/1390(2002) and S/RES/1455(2003). In this Interpretative Note, the term S/RES/1267(1999) refers to S/RES/1267(1999) and its successor resolutions.*

*[2] For instance, both the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) and UN Convention against Transnational Organised Crime (2000) contain obligations regarding freezing, seizure and confiscation in the context of combating transnational crime. Those obligations exist separately and apart from obligations that are set forth in S/RES/1267(1999), S/RES/1373(2001) and Special Recommendation III.*

*[3] When the UNSC acts under Chapter VII of the UN Charter, the resolutions it issues are mandatory for all UN members.*

*[4] The UNSC was acting under Chapter VII of the UN Charter in issuing S/RES/1373(2001) (see*

previous footnote).

[5] Confiscation or forfeiture orders are usually linked to a criminal conviction or a court decision whereby the confiscated or forfeited property is determined to have been derived from or intended for use in a violation of the law.

[6] A terrorist act includes an act which constitutes an offence within the scope of, and as defined in one of the following treaties: Convention for the Suppression of Unlawful Seizure of Aircraft, Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, International Convention against the Taking of Hostages, Convention on the Physical Protection of Nuclear Material, Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, International Convention for the Suppression of Terrorist Bombings, and the International Convention for the Suppression of the Financing of Terrorism (1999).

[7] See Article 1, S/RES/1452(2002) for the specific types of expenses that are covered.

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**Also available:**

- [Recommandation spéciale III du GAFI: Gel et confiscation des biens des terroristes](#) (French)

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**Related documents:**

- [9 Special Recommendations on Terrorist Financing](#) (English)
- [International Best Practices: Freezing of Terrorist Assets \(Special Recommendation III\)](#) (English)





# Annex 361

International Maritime Organization, Report of the Ad Hoc Preparatory Committee on the  
Suppression of Unlawful Acts Against the Safety of Maritime Navigation, 2nd Session, 18–22  
May 1987, IMO Doc. PCUA 2/5





IMO

INTERNATIONAL CONFERENCE ON  
THE SUPPRESSION OF UNLAWFUL  
ACTS AGAINST THE SAFETY OF  
MARITIME NAVIGATION

Committee of the Whole -  
Agenda item 3

CONSIDERATION OF THE DRAFT CONVENTION FOR THE SUPPRESSION OF  
UNLAWFUL ACTS AGAINST THE SAFETY OF MARITIME NAVIGATION  
AND THE DRAFT PROTOCOL FOR THE SUPPRESSION OF UNLAWFUL  
ACTS AGAINST THE SAFETY OF FIXED PLATFORMS LOCATED  
ON THE CONTINENTAL SHELF

Proposal by the delegation of Spain on the basis of the  
provisions of Rule 26 of the Rules of Procedure  
of the diplomatic Conference

At the session of the Ad Hoc Preparatory Committee held in Rome last May a new text of the article governing the field of application of the Convention was introduced whereby the possibility was accepted of its application in a strait used for international navigation by means of a unilateral declaration by a State Party whether or not such State Party bordered on the strait.

The new text is now contained in article 5, paragraph 2, and its inclusion was questioned from the outset by Spain as shown in documents PCUA 2/5, paragraphs 39, 40 and 60 (Rome, March 1987); document PCUA 1/WP.14, paragraph 49 (London, March 1987); and document LEG/ES.1/WP.2, paragraph 58 (London, October 1987).

As the disputed text remains in article 5, paragraph 2, and as the substantive discussion thereof has been held ever until the present diplomatic Conference (paragraph 59 of document LEG/ES.1/WP.2), the delegation of Spain considers itself obliged to formulate the present proposal which is based on major substantive legal reasons which demonstrate that the inclusion of the text is at variance with recognized principles and texts of international law. These reasons, of a technical and legal but not political type, are as follows:

- 1 Because article 5, paragraph 2, ignores the provisions of article 34 of the United Nations Convention on the Law of the Sea which specifically recognizes that the waters of a strait used for international navigation

constitute, throughout their breadth, part of the territorial sea of the coastal State and, being the territorial sea, are subject to the State's sovereignty and jurisdiction. Consequently, any declaration by a third State to the effect that it will apply the Convention in that territorial sea and, consequently, establish its jurisdiction to hear incidents occurring therein, assumes that a distinction is made for that purpose between two separate classes of waters of the territorial sea, those in straits and those not in straits, denying in the former the exclusive sovereignty and jurisdiction of the coastal State which is specifically proclaimed in article 34 of the United Nations Convention on the Law of the Sea.

A fortiori, article 7 of the draft Convention provides that "each State Party shall take such measures as may be necessary to establish its jurisdiction .... when the offence is committed .... in the territory of that State, or inside .... its territorial sea" (article 7, paragraph 1(b)). This means that no State may declare that it will establish jurisdiction when the offence is committed in the territorial sea of another State simply by virtue of transiting such territorial sea, in other words, in the absence of the conditions envisaged in article 7, paragraphs 2 and 3.

- 2 Because, if article 5, paragraph 2, as it appears in the draft Convention were accepted, the Convention would apply to the coasting navigation of a ship of the State bordering on the strait even if such ship were navigating without leaving its own territorial sea which makes it an internal matter exclusive to the coastal State and involving no international aspect justifying its inclusion in an instrument of this nature.

- 3 Because the reference to straits can only lead to complications of a legal nature in the application of the Convention, particularly between States which border on straits and those which do not do so, in that it constitutes a declaration of intention of one State in relation to the territorial sea of a third State, jurisdiction over which is restricted to the coastal State in accordance with articles 27, paragraph (b) and 25, paragraph 1, in relation to article 19, paragraph 2(a) of the United Nations Convention.
  
- 4 Because it is a superfluous reference which contributes nothing positive to the Convention but, on the contrary, gives rise to doubt with regard to its field of application by departing from the criterion in article 4, paragraph 1, which is concerned exclusively with various maritime spaces and not with geographical criteria; and
  
- 5 Because the space which it is intended to cover by means of this insertion is already envisaged in article 4, paragraph 1, which states that the Convention "shall apply if the ship is navigating in waters beyond the outer ... limits of the territorial sea of the flag State".

For the reasons stated, Spain proposes the following amendment to the draft Convention:

Deletion of article 5, paragraph 2, renumbering of paragraph 3 as paragraph 2, and the elimination of any reference in this paragraph to the former paragraph 2.

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# Annex 362

NATO, NATO – Ukraine Cooperation in the Military Sphere (2012)







Mission of Ukraine to the North Atlantic Treaty Organization

Homepage Sitemap Shortcuts Find an Embassy Moba



About Ukraine About Mission **Ukraine and NATO** Press Center Documents

Ukraine and NATO / NATO – Ukraine cooperation in the military sphere

## NATO – Ukraine cooperation in the military sphere

The cooperation in the military sphere is carried out in pursuance of the tasks outlined in Annual National Programme for NATO – Ukraine cooperation within the framework of Working plans of NATO – Ukraine Military Committee and Individual Partnership and Cooperation Programme.

The said documents provide for implementation of a wide spectrum of tasks in the short term. Main of which are:

- Strengthening of defence and operational capabilities of the Armed Forces of Ukraine in the current security conditions;
- Obtaining the interoperability of the Armed Forces of Ukraine with NATO's military units;
- Promoting reform and professionalization of Ukrainian army, implementation of the best military standards;
- Ensuring the participation of the Armed Forces of Ukraine in NATO-led peacekeeping operations, involvement in NATO Response Force.

Within the framework of military cooperation with NATO, Armed Forces of Ukraine are also involved in a number of Alliance's projects and initiatives that are aimed at increasing their operational and defence capabilities.

Since 2004, the Armed Forces of Ukraine are taking part in Operational Capability Concept. This concept was created to improve the level of interoperability between the units of partner states that are participating in NATO "Partnership for Peace" program and NATO member-states, to enhance their operational capabilities through the use of leading armies' standards in training and combat work.

A number of units of the Armed Forces of Ukraine are declared to participate in the project; these units are trained by NATO standards and are appropriately assessed. The above allows such units to participate in NATO-led operations and training exercises, and to get involved in operational duty in multinational military forces of high readiness (led by NATO, EU, and UN).

Since 2008, the Armed Forces of Ukraine are taking part in NATO Air Situational Data Exchange Program. The program was launched in 2001 to cooperate in countering air terrorism.

Participation in the program allows for the exchange of data on air situation in the western and southern regions of Poland, Romania, Slovakia, Turkey, Hungary and Ukraine, and over the Black Sea region. Data exchange is carried out automatically through the contact points of reception and transmission of information in the cities of Lviv and Odesa (Ukraine), Veszprem (Hungary) and Erzurum (Turkey).

In 2012, the Armed Forces of Ukraine joined the Connected Forces Initiative.

The main aim of this initiative is to improve interoperability and increase the ability of NATO's and partners' militaries to work together when performing tasks in multinational operations.

Main elements of the Connected Forces Initiative:

- Enhanced training of troops and individual training of the personnel with the most effective use of NATO training institutions and centres of excellence;

### Ukraine and NATO

[NATO – Ukraine cooperation within "Partnership for Peace"](#)

[Cooperation in defense and security sector reform](#)

[NATO – Ukraine cooperation in the military sphere](#)

[Ukraine's activity within Euro-Atlantic Partnership](#)

[Cooperation in civil emergency planning](#)

[Cooperation in science and environmental spheres](#)

[The parliamentary dimension of NATO – Ukraine cooperation](#)

[Ukraine's contribution to NATO peace-support activities](#)

[NATO – Ukraine commission](#)

- Increasing the number of military exercises, especially involving NATO Response Force (NRF);
- More efficient use of modern technology to facilitate interoperability and integration of required capabilities.

In 2014 the Armed Forces of Ukraine joined the Partnership Interoperability Initiative. The initiative was started to preserve and further develop operational interoperability of NATO member-states and partner countries after the end of NATO-led operation in Afghanistan.

The initiative aims to support the development, diversification and the increase of the list of partner capabilities, which are certified and ready to participate in NATO-led operations and the NRF. Achieving interoperability with NATO partners as part of this initiative is carried out in three dimensions: technical, operational and doctrinal interoperability.



Looking for latest news from Ukraine in English?



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# Annex 363

NATO, Signatures of Partnership for Peace Framework Document (10 January 2012)





NORTH ATLANTIC TREATY ORGANIZATION

# Signatures

## of Partnership for Peace Framework Document

Last updated: 10 Jan. 2012 11:23

Countries	Signed by	Date
Albania <sup>4</sup>	PDT Sali Berisha	23.02.94
Armenia	FM Vahan Papazian	05.10.94
Austria	FM Alois Mock	10.02.95
Azerbaijan	PDT Geidar Aliyev	04.05.94
Belarus	FM Uladzmir Syanko	11.01.95
Bosnia and Herzegovina	PDT Nebojša Radmanović	14.12.06
Bulgaria <sup>3</sup>	PDT Jelu Jelev	14.02.94
Croatia <sup>4</sup>	FM Tonino Picula	25.05.00
Czech Republic <sup>2</sup>	PM Vaclav Klaus	10.03.94
Estonia <sup>3</sup>	FM Jüri Luik	03.02.94
Finland	FM Heikki Haavisto	09.05.94
Georgia	FM A.Chikvaidze	23.03.94
Hungary <sup>2</sup>	FM Jeszensky	08.02.94
Ireland	FM Andrews	01.12.99
Kazakhstan	FM Saudabayev	27.05.94
Kyrgyz Republic	PDT Askar Akayev	01.06.94
Latvia <sup>3</sup>	PM Valdis Birkavs	14.02.94
Lithuania <sup>3</sup>	PDT Brazauskas	27.01.94
Malta	DPM/FM Guido de Marco	26.04.95
Moldova	PDT Mircea Snegur	16.03.94
Montenegro <sup>5</sup>	PDT Filip Vujanovic	14.12.06
Poland <sup>2</sup>	PM Pawlak	02.02.94
Romania <sup>3</sup>	FM Melescanu	26.01.94
Russia	FM Andrei Kozyrev	22.06.94
Serbia	PDT Boris Tadić	14.12.06
Slovakia <sup>3</sup>	PM Meciar	09.02.94
Slovenia <sup>3</sup>	PM Janez Drnovsek	30.03.94
Sweden	FM Margaretha Af Ugglas	09.05.94

Switzerland	FM F. Cotti	11.12.96
Tajikistan	AMB. Sharif Rahimov	20.02.02
The former Yugoslav Republic of Macedonia <sup>1</sup>	Head of Government Crvenkovski Branko	15.11.95
Turkmenistan	DPM B. Shikmuradov	10.05.94
Ukraine	FM Zlenko	08.02.94
Uzbekistan	FM Saidmukhtar Saidkasimov	13.07.94

1. Turkey recognises the Republic of Macedonia with its constitutional name

2. These countries joined NATO on 16 March 1999

3. These countries joined NATO on 29 March 2004

4. These countries joined NATO on 1 April 2009

5. This country joined NATO on 5 June 2017



# Annex 364

NATO Allied Command Operations, NATO Releases Imagery: Raises Questions on Russia's Role  
in Providing Tanks to Ukraine (14 June 2014)



# NATO Releases Imagery: Raises Questions on Russia's Role in Providing Tanks to Ukraine

 [web.archive.org/web/20140614223407/http://aco.nato.int/statement-on-russian-main-battle-tanks.aspx](http://web.archive.org/web/20140614223407/http://aco.nato.int/statement-on-russian-main-battle-tanks.aspx)

14 Jun 2014



[Retweet](#)

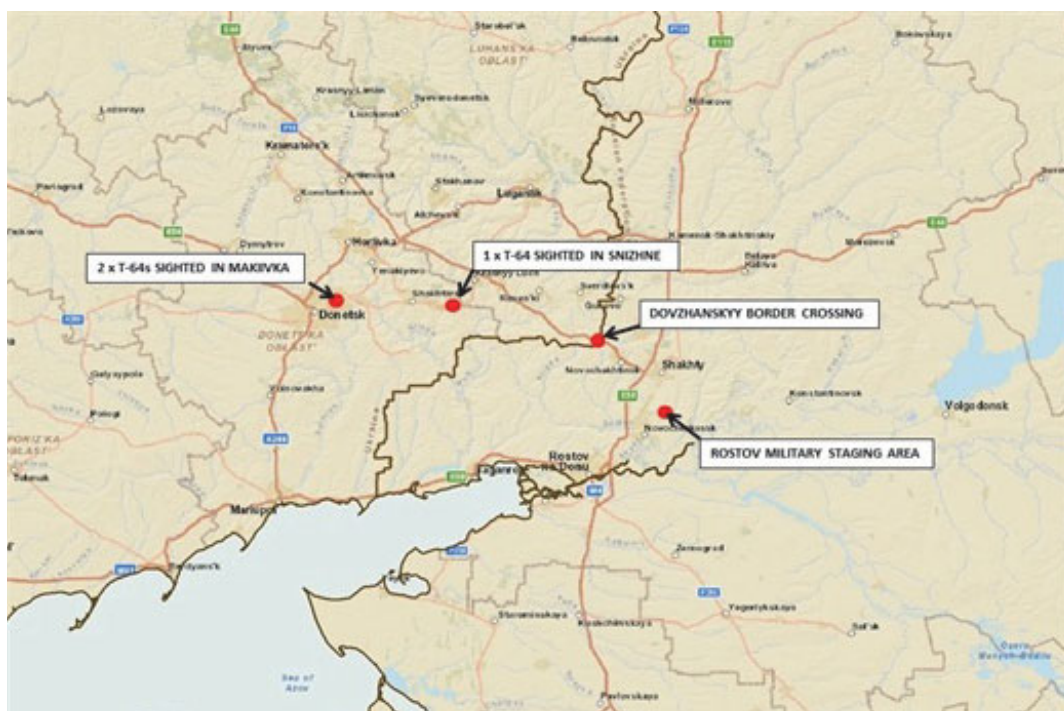
SHAPE, BELGIUM - NATO is providing a series of images (see below) to the public in order to inform debate regarding recent events in the border region of Russia and Ukraine.

The imagery shows that on 30 May in Rostov-na-Donu, a Russian unit was deployed, but no tanks were present at the time the image was taken.

Imagery from the 6th of June shows the Russian unit departing, which we believe was part of a Russian announcement to pull troops back from the border region. In the context of this overall withdrawal, 8 main battle tanks are shown to have arrived.

On the 11th of June, 10 main battle tanks can be seen at the site. 3 of these are parked, 4 are in the training area, and 3 are loaded heavy equipment transport trucks that are normally used to move tanks, likely indicating imminent movement by road.

On the 12th of June, Ukrainian officials report that 3 main battle tanks and several armoured vehicles crossed the border at the Dovzhanysky border crossing, which was under the control of pro-Russian elements of the so-called "People's Republic of Luhansk." Sightings of these tanks were later reported in open sources in Snizhne and then Makiivka, near Donetsk. The tanks do not bear markings or camouflage paint like those used by the Ukrainian military. In fact, they do not have markings at all, which is reminiscent of tactics used by Russian elements that were involved in destabilising Crimea.



- Map of referenced areas

These images raise significant questions concerning Russia's role in facilitating instability in eastern Ukraine and its involvement in the movement of military equipment from Russian territory into Ukraine. Russian officials have been repeatedly misleading and evasive regarding their roles in both Crimea and eastern Ukraine. It is important to bring relevant facts to light in an effort to ensure Russia remains publicly accountable for its actions.

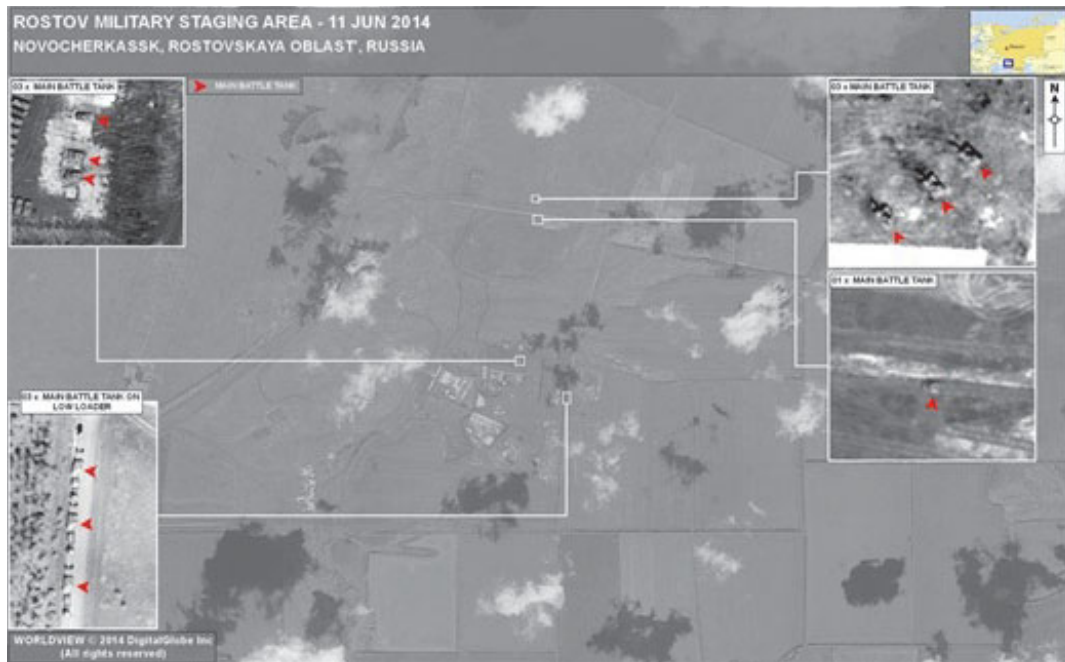
If these latest reports are confirmed, this would mark a grave escalation of the crisis in eastern Ukraine in violation of Russia's Geneva commitments.

Yesterday the NATO Secretary General expressed his concern over these reports and again urged Russia to complete the withdrawal of its military forces on the border with Ukraine, to stop the flow of weapons and fighters across the border, and to exercise its influence among armed separatists to lay down their weapons and renounce violence. He called on the Russian Federation to meet its Geneva commitments and cooperate with the government of Ukraine as it implements its plans for promoting peace, unity and reform.

The following images are of a deployment site near Rostov-na-Donu, in southwest Russia.



Graphic 1 - The image on the left, dated May 30, 2014 shows the deployment of a Russian military unit. This unit was deployed to this location as part of Russia's build-up of forces along its border with Ukraine. This location is approximately 75 Kilometres (KM), from the Dovzhansky, Ukraine border crossing. By road, this is 90 KM to the Ukraine border. Please note there are NO Main Battle Tanks (MBT) on this image. The middle image, dated June 6, 2014, shows the departure of the Russian military unit. However, it shows the arrival of 8 Main Battle Tanks, which were not present on the May 30, 2014 image. The image on the right, dated June 11, 2014, indicates overall, there are 10 Main Battle Tanks in the area (3 parked, 4 in training area, and 3 on low loaders). The next graphic will provide more detail.



Graphic 2 - Taking a more detailed look at this third image dated June 11, 2014, we can now see there are actually 10 Russian Main Battle Tanks in this area. (Top left inset) Three are in the parking area. (Two right insets) Four are in the training areas. (Bottom left inset) Three Main Battle Tanks loaded onto Low Loaders, also referred to as Heavy Equipment Transporters. This is the primary method of moving Main Battle Tanks over road networks.

NATO UNCLASSIFIED



Open Source imagery showing T-64 Main Battle Tanks in the company of a truck with a RUS flag in Makiivka, UKR, all with no markings, at the intersection of Sverdlova St and Donbasu Ave



NATO UNCLASSIFIED

Graphic 3 - Video posted on the internet June 11, 2014, has shown 2 T-64 tanks driving through Makiivka, Ukraine at the intersection of Sverdlova St and Donbasu Ave. These tanks are accompanied by a vehicle flying the Russian flag. Please note, none of these vehicles have markings. This is consistent with Russian vehicles and equipment that were deployed to Crimea.

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NATO UNCLASSIFIED



**Open Source image of a lone T-64 Main Battle Tank in Snizhne, UKR, with no markings.**

NATO UNCLASSIFIED

Graphic 4 - The second image, also taken from a video posted on the internet June 11, 2014, shows a lone T-64 driving through Snizhne, Ukraine. Please note this tank also has no markings on it.

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NATO UNCLASSIFIED



Open Source image of a UKR T-64 MBT in UKR markings.



Open Source image of a lone T-64 MBT in Snizhne, UKR, with no markings.

NATO UNCLASSIFIED

Graphic 5 - These final unclassified images depict a Ukrainian T-64 with the lone T-64 driving through Snizhne, Ukraine. Please note the difference in the paint schemes.

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According to Open Source reporting, Russia still has approximately 2,000 T-64 Main Battle Tanks which it has phased out of service and were slated for destruction. It is highly likely a large number of tanks are still operational.

Story by SHAPE Public Affairs Office




# Annex 365

Allied Powers Europe, New Satellite Imagery Exposes Russian Combat Troops Inside Ukraine  
(28 August 2014)



# New Satellite Imagery Exposes Russian Combat Troops Inside Ukraine

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 [web.archive.org/web/20160917173432/http://shape.nato.int/new-satellite-imagery-exposes-russian-combat-troops-inside-ukraine](http://web.archive.org/web/20160917173432/http://shape.nato.int/new-satellite-imagery-exposes-russian-combat-troops-inside-ukraine)

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28 Aug 2014

**Mons, BELGIUM** – NATO released new satellite images on Thursday, 28 August 2014, that show Russian combat forces engaged in military operations inside the sovereign territory of Ukraine. The images, captured in late August, depict Russian self-propelled artillery units moving in a convoy through the Ukrainian countryside and then preparing for action by establishing firing positions in the area of Krasnodon, Ukraine.

Dutch Brigadier General Nico Tak, director of the Comprehensive Crisis and Operations Management Centre (CCOMC), Allied Command Operations said the images confirmed what NATO and its Allies had been seeing for weeks from other sources.

"Over the past two weeks we have noted a significant escalation in both the level and sophistication of Russia's military interference in Ukraine," said Brigadier General Tak. "The satellite images released today provide additional evidence that Russian combat soldiers, equipped with sophisticated heavy weaponry, are operating inside Ukraine's sovereign territory," he said.

These latest images provide concrete examples of Russian activity inside Ukraine, but are only the tip of the iceberg in terms of the overall scope of Russian troop and weapons movements.

"We have also detected large quantities of advanced weapons, including air defence systems, artillery, tanks, and armoured personnel carriers being transferred to separatist forces in Eastern Ukraine," said Brigadier General Tak. "The presence of these weapons along with substantial numbers of Russian combat troops inside Ukraine make the situation increasingly grave," he said.

Also released were images showing substantial activity inside Russia in areas adjacent to the border with Ukraine. NATO believes this activity is being conducted in direct support to forces operating inside Ukraine, and is part of a highly coordinated and destabilising strategy.

"Russia is reinforcing and resupplying separatist forces in a blatant attempt to change the momentum of the fighting, which is currently favouring the Ukrainian military," Brigadier General Tak said.

"Russia's ultimate aim is to alleviate pressure on separatist fighters in order to prolong this conflict indefinitely, which would result in further tragedy for the people of Eastern Ukraine," he added.

The source of the images is an independent firm named Digital Globe. The images have not been altered or changed by NATO. Additional information has been added to identify locations, dates and equipment. DigitalGlobe images can be independently verified: <http://www.digitalglobe.com>

**Story by SHAPE Public Affairs Office**

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**Release of Satellite Imagery - 28 August 2014**

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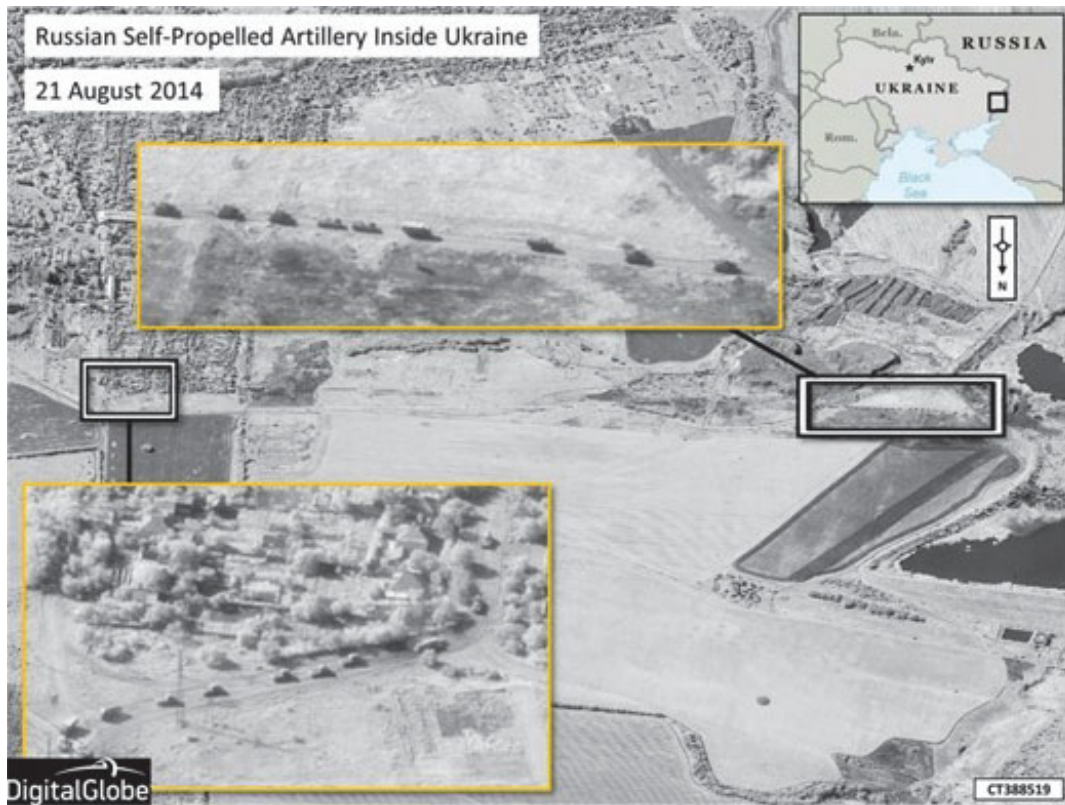


Image #1 provided by Digital Globe

Image 1 shows Russian military units moving in a convoy formation with self-propelled artillery in the area of Krasnodon, Ukraine, well inside territory controlled by Russian separatists. The image was captured on 21 August 2014. There is confidence the equipment is Russian, since Ukrainian units have not yet penetrated this far into separatist controlled territory.

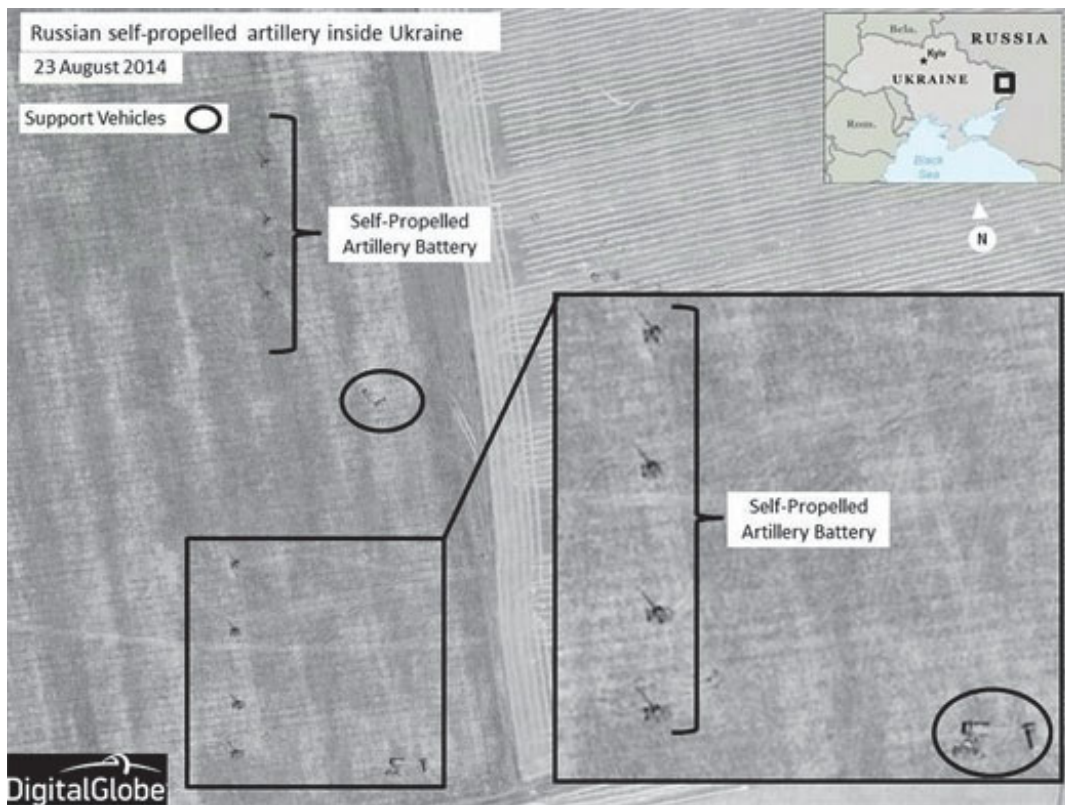


Image #2 provided by Digital Globe

Image 2 shows Russian self-propelled artillery units set up in firing positions near Krasnodon, Ukraine. They are supported by logistical vehicles which are likely carrying extra ammunition and supplies. This configuration is exactly how trained military professionals would arrange their assets on the ground, indicating that these are not unskilled amateurs, but Russian soldiers. Russian artillery systems like these have recently shelled Ukrainian positions outside the city of Luhansk in conjunction with a separatist counteroffensive to attempt to break the Ukrainian siege of the city.

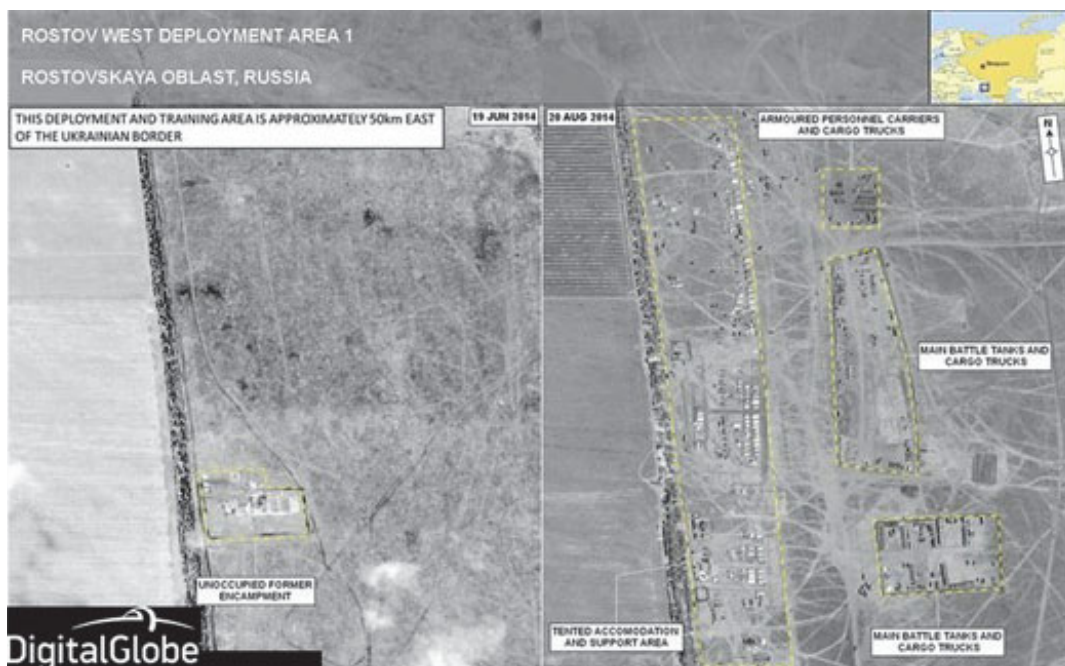


Image #3 provided by Digital Globe

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Image 3 includes two pictures (left and right) and shows a military deployment site on the Russian side of the border, near Rostov-on-Don. This location is approximately 31 miles or 50 kilometres from the Dovzhansky, Ukraine border crossing.

The image on the left was captured on 19 June 2014 and shows the area to be mostly empty at this time. The image on the right was taken two months later on 20 August 2014 and shows the same location. Russian main battle tanks, armored personnel carriers, cargo trucks and tented accommodations can all be clearly seen. This is one example of the multiple encampments that Russia has positioned near its border with Eastern Ukraine. Many of these forces are deployed within a few kilometers of Ukraine, and are capable of attacking with little warning, and could potentially overwhelm and push-back Ukrainian units. Russia has also moved significant numbers of combat aircraft and helicopters to airfields along the border. Russian unmanned aircraft routinely cross into Ukrainian airspace.

Some equipment from these locations is moved across the border and is used to resupply and equip separatist forces operating in Ukraine. For months, Russia has provided separatist fighters with heavy equipment in the form of tanks, armored vehicles, artillery, and multiple rocket launchers. Air defense systems have also been provided to separatists, even following the downing of Malaysian airlines flight MH17.

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Image #4 provided by Digital Globe

Image 4, captured on 23 July 2014, depicts what are probably six Russian 153mm 2S19 self-propelled guns located in Russia near Kuybyshevo. This site is situated 4 miles, or 6.5 kilometres, south of the Ukraine border, near the village of Chervonyi Zhovten. The guns are pointed north, directly towards Ukrainian territory (see North indicator on image). See image 5 for an overview of where these guns are situated in relation to Ukrainian territory.



Image #5 provided by Digital Globe

Image 5 shows a wider overview including the position of the self-propelled guns from image 4. Note the North indicator on this image, and remember that the guns are orientated in this location. It is clear that from this location, it would be impossible NOT to fire into Ukrainian territory. This is clearly NOT an exercise; these guns are being used to support separatist forces operating in the territory of Ukraine.





# Annex 366

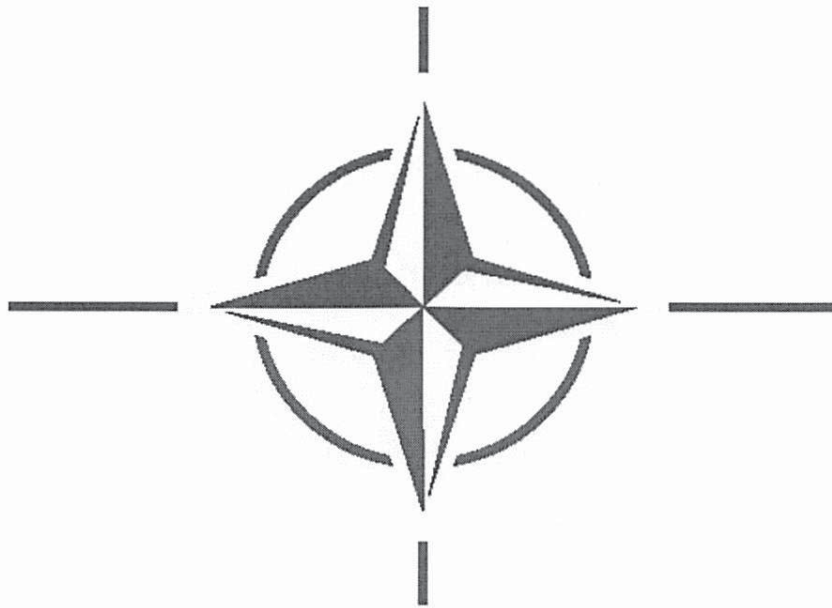
NATO, NATO Standard, AJP-3.9, Allied Joint Doctrine for Joint Targeting (April 2016)



**NATO STANDARD**  
**AJP-3.9**  
**ALLIED JOINT DOCTRINE FOR JOINT**  
**TARGETING**

Edition A Version 1

April 2016



**NORTH ATLANTIC TREATY ORGANIZATION**

**ALLIED JOINT PUBLICATION**

Published by the

**NATO STANDARDIZATION OFFICE (NSO)**

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**NORTH ATLANTIC TREATY ORGANIZATION (NATO)**  
**NATO STANDARDIZATION OFFICE (NSO)**  
**NATO LETTER OF PROMULGATION**

8 April 2016

1. The enclosed Allied Joint Publication AJP-3.9, Edition A, Version 1, **ALLIED JOINT DOCTRINE FOR JOINT TARGETING**, which has been approved by the nations in the Military Committee Joint Standardization Board, is promulgated herewith. The agreement of nations to use this publication is recorded in STANAG 2524.
2. AJP-3.9, Edition A, Version 1, is effective upon receipt and supersedes AJP-3.9 which shall be destroyed in accordance with the local procedure for the destruction of documents.
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4. This publication shall be handled in accordance with C-M(2002)60.



Edvardas MAŽEIKIS  
Major General, LTUAF  
Director, NATO Standardization Office

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**Allied Joint Publication-3.9**

**Allied Joint Doctrine for Joint Targeting  
Edition A Version 1**

Allied Joint Publication-3.9 (AJP-3.9), dated April 2016,  
is promulgated  
as directed by the Chiefs of Staff

A handwritten signature in black ink, appearing to read "J. Crews". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Head Doctrine

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## Adopting NATO Doctrine

NATO underpins the defence of the UK and our allies, while also providing deployable, expeditionary capabilities to support and defend our interests further afield. In addition, the European Security and Defence Policy specifies that European Union-led military operations should also use NATO doctrine.

The need to achieve maximum coherence and interoperability within, and between, our closest allies and partners is vital. NATO is the institution best placed to help us achieve this. In July 2012, the Chief of the Defence Staff and the Permanent Under Secretary issued clear direction on how the UK's contribution to NATO could be further improved, stating that:

'We should use NATO doctrine wherever we can, and ensure coherence of UK doctrine with NATO wherever we cannot.'

For UK national operations, this doctrine should be read in conjunction with Joint Service Publication (JSP) 900, *UK Targeting Policy*.

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**RECORD OF RESERVATIONS**

CHAPTER	RECORD OF RESERVATION BY NATIONS
<p>Note: The reservations listed on this page include only those that were recorded at time of promulgation and may not be complete. Refer to the NATO Standardization Document Database for the complete list of existing reservations.</p>	

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## RECORD OF SPECIFIC RESERVATIONS

[nation]	[detail of reservation]
DEU	<p>Chapter 4, 0419: No-strike list</p> <p>The no strike list (NSL) is comprised of entities that are designated by the NAC as protected. Engagement of NSL entities could violate applicable international law, the Law of Armed Conflict, agreements, conventions, NAC policies or rules of engagement, depending on the reason for listing them on the NSL ...</p> <p>Rationale: As policy may be the reason for putting an entity on the NSL, it needs to be crystal clear that not all attacks on NSL entities will constitute a violation of law.</p>
ITA	<p>With reference to para.0209 ITA maintains that the PID of the Target is always to be acquired in Phase 5 (Mission Planning and Force Execution) of the targeting cycle only in case of dynamic targeting. In particular, the PID is acquired in the fix step of the F2T2E2A (find, fix, track, target, engage, engage, exploit and assess) process, commonly used to execute dynamic targeting.</p>
USA	<p>(1) The US has reservations with numerous terms (definitions and acronyms) that do not conform to the guidance found in C-M (2007) 0023. These are shown on the accompanying comment matrix. The US reservations are withdrawn once the terms are formally agreed by NATO and reflected in the NTMS.</p> <p>(2) The US has reservations with the way 'effects' are described in the AJP at paragraphs 0407, 0505, and in Fig. 5.3. We have consistently asserted that effects are created or generated to support achievement of objectives. This reservation will be withdrawn once the three paras are revised, consistent with our comments.</p> <p>(3) The US has reservations with targeting against a range of actors, not only against adversaries (preface paragraph 3). U.S. joint targeting is conducted only against a named adversary in an approved plan or order. This reservation will be withdrawn once the paragraph is revised, consistent with our comments.</p> <p>(4) The United States does not subscribe to the language as drafted in paragraph 0120 a. which states: "Any target prosecuted must offer a definite military advantage. If there is a choice between targets in order to realize a similar military advantage, the target that offers the least risk of collateral damage should be chosen. Military necessity never</p>

	<p>justifies a breach of international law.” The obligation under the law of war to minimize the risk of collateral damage derives from the legal principal of proportionality, not military necessity. This reservation will be withdrawn once the paragraph is revised, consistent with our comments.</p> <p>(5) The United States does not subscribe to the language in paragraph 0120 c. which states: “Offensive action must only be directed against military objectives, making a clear distinction between them, civilian objects and civilians. All feasible precautions are to be taken in the choice of means and methods of any target prosecution to avoid – or at least minimize – incidental loss of civilian life, injury to civilians and damage to civilian objects. Particular care must be taken when considering targets in the vicinity of entities on the no-strike list.” The obligation under the law of war to minimize the risk of collateral damage derives from the legal principle of proportionality not distinction. This reservation will be withdrawn once the paragraph is revised, consistent with our comments.</p> <p>(6) The US disagrees with the assertion that only the U.S. is engaged in sharing specific target intelligence. The para should be corrected to be inclusive to member nations. The characterization of “extract” is not the intent and direction the U.S. is pursuing. Asserting that the U.S. will extract the US MIDB is undermining to the improvements to data exchange. This reservation will be withdrawn once the paragraph is revised, consistent with our comments.</p>
<p>Note: The reservations listed on this page include only those that were recorded at time of promulgation and may not be complete. Refer to the NATO Standardization Document Database for the complete list of existing reservations.</p>	

## Preface

### Scope

Allied Joint Publication (AJP)-3.9(A) *Allied Joint doctrine for Joint Targeting* is the keystone NATO doctrine for joint targeting. It addresses the roles, responsibilities, processes and products from the strategic, operational and tactical commands, and the political guidance and oversight inherent in this process.

### Purpose

AJP-3.9(A) explains how joint targeting is planned, conducted and assessed. The document focuses on the operational level. It reflects the evolution of joint targeting to incorporate a full spectrum approach using the full range of military capabilities against a range of actors, not only against an adversary.

### Application

AJP-3.9(A) is intended primarily as guidance for NATO commanders and staffs. However, the doctrine is instructive to, and provides a useful framework for, operations conducted by a coalition of NATO members, partners and non-NATO nations. It also provides a reference for NATO civilian and non-NATO civilian actors.

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## CHAPTER 1 – FUNDAMENTALS OF TARGETING

### Section I – Introduction

- 0101 The contemporary operating environment has demonstrated that NATO forces have to be prepared to conduct a wide range of activities, often simultaneously, within a single operation. While military operations threatening or using acts of force to deter, compel or coerce an adversary remain necessary, military forces may also be used to support humanitarian goals or aid security, stabilization and reconstruction of a failed or fragile state, or to enforce a United Nations Security Council resolution which may, or may not, occur within a situation of armed conflict. NATO forces must therefore be able to coordinate and employ lethal and non-lethal capabilities against a range of actors, as part of NATO's contribution to a comprehensive approach, in a variety of threat environments.
- 0102 To meet the challenges of contemporary operations, NATO requires a well-developed, flexible joint targeting process that applies a full spectrum approach, blending a variety of capabilities to generate a range of physical and psychological effects. Using strategic direction, operational-level targeting determines specific effects to create and synchronizes specific actions – both lethal and non-lethal – to satisfy a commander's objectives. At the tactical level, targets are engaged in accordance with targeting guidance and approved rules of engagement (ROE).<sup>1</sup>

### Section II – Descriptions and definitions

- 0103 **Joint targeting process.** The joint targeting process links strategic-level direction and guidance with tactical targeting activities through the operational-level targeting cycle in a focused and systemic manner to create specific effects to achieve military objectives and attain the desired end state.
- 0104 **Joint targeting cycle.** The joint targeting cycle is a command function at both the operational and component level and assists with:
- determining the effects necessary to achieve the commander's objectives;
  - identifying the actions necessary to create them based on the means available;
  - selecting and prioritizing targets;
  - synchronizing capabilities; and then
  - assessing their cumulative effectiveness, taking remedial action if necessary.

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<sup>1</sup> Further detail on legal considerations is given at Section VI.

- 0105 **Target.** A target is defined as: *an area, structure, object, person or group of people against which lethal or non-lethal capability can be employed to create specific psychological or physical effects. Note: person includes their mindset, thought processes, attitudes and behaviours.*<sup>2</sup>
- 0106 **High-value target.** A high-value target is defined as: *a target identified as critical to an actor or organization for achieving its goal.*<sup>3</sup> Successfully influencing such a target will seriously hamper or support the actor or organization. They are determined by the value they offer to the actor or organization to which they belong.
- 0107 **High pay-off target.** A high pay-off target is defined as: *a high value target, the successful influencing of which will offer a disproportionate advantage to friendly forces. Note: High pay-off targets are determined by the value they offer to friendly forces rather than other actors.*<sup>4</sup>
- 0108 **Time-sensitive target.** Time-sensitive targets (TSTs) are derived from North Atlantic Council-approved (NAC) TST categories and, from these, specific targets are designated by the joint force commander (JFC)<sup>5</sup>. TSTs are those targets requiring an immediate response because they pose (or will soon pose) a danger to friendly forces or are highly lucrative, fleeting targets of opportunity whose successful engagement is of high priority to achieve campaign or operational objectives.
- 0109 Within the joint targeting process there are two methods.
- a. **Deliberate targeting.** Deliberate targeting prosecutes planned targets known to exist in an area of operations with lethal or non-lethal actions scheduled against them. Targets may be engaged in accordance with a timed schedule or held on call to engage if the situation demands it. In all cases, target data has sufficient detail to allow the capability matching and force assignment elements of the joint targeting cycle to be planned and conducted. This enables the JFC to establish the means for achieving their objectives and is often sequenced to include actions to be taken over a number of days. Resources are subsequently assigned corresponding to the level of effort dedicated to this category, which can vary over the length of the campaign or

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<sup>2</sup> This term and definition modifies an existing NATO agreed term and/or definition and will be processed for NATO Agreed status. TTF 2010-0103 refers.

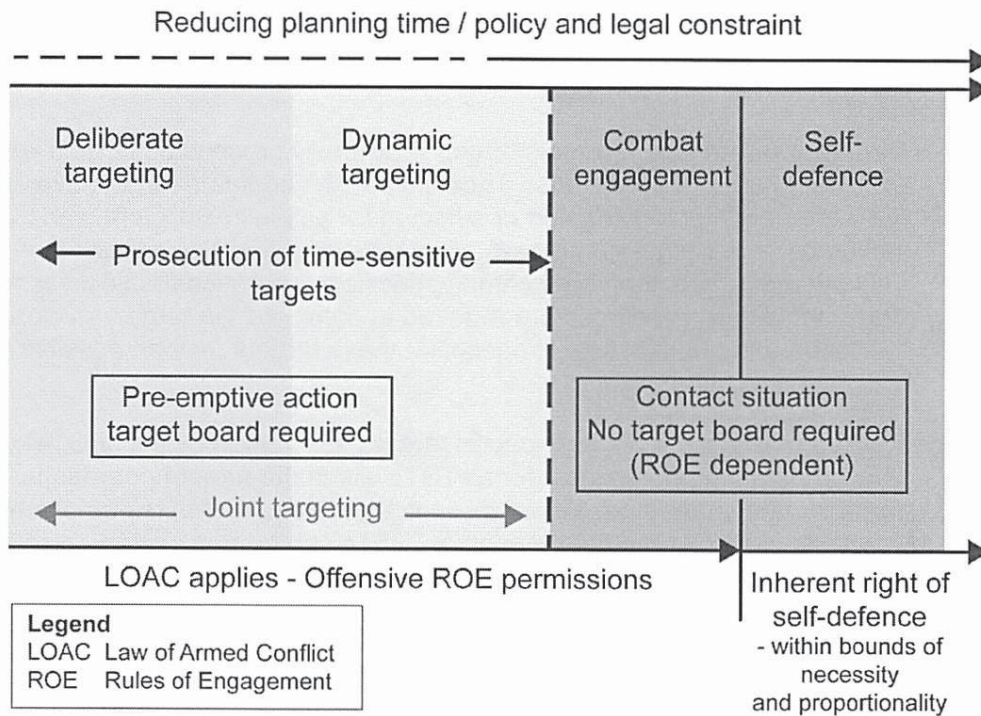
<sup>3</sup>NTMS – NATO Agreed.

<sup>4</sup>NTMS – NATO Agreed. .

<sup>5</sup> The term JFC is used throughout this document to indicate any appropriately designated joint force command or joint force commander (AAP-06). A commander of a joint task force (JTF) will be addressed as either 'JTF commander' or 'the command'.

operation. This is most effective when target parameters, such as location, are well known or predictable.

- b. **Dynamic targeting.** Dynamic targeting normally prosecutes targets known to exist in the area of operations. They have received some target development but were not detected, located or selected for action in sufficient time to be included in the deliberate process. Dynamic targeting also applies to unexpected targets that meet criteria specific to operational objectives; on these occasions, resources are required to complete the target development, validation and prioritization. Prosecuting these targets may be possible by redirecting existing assets.
- 0110 **Prosecuting of TSTs.** TSTs are specific targets designated by the JFC, who will provide guidance and prioritization for all TSTs within the area of operations. TSTs are targets that have been developed through the same procedures as planned targets and require an immediate response. TSTs can be prosecuted using both the deliberate and dynamic approach and are covered in detail in Annex A.
- 0111 **Combat engagement.** Combat engagement is not part of the joint targeting process. It usually includes actions – actual, imminent or likely – against an adversary. It normally involves joint fires coordinated at the tactical level in accordance with rules of engagement. Combat engagement is not to be confused with targeting.
- 0112 **The engagement continuum.** The joint targeting process and combat engagement exist alongside each other on an engagement continuum shown at Figure 1.1.



**Figure 1.1 – The engagement continuum**

### Section III – The purpose of joint targeting

0113 Joint targeting provides a methodology that aids decision-making linking objectives with effects through the appropriate prosecution of prioritised targets and the assessment of any effect generated. It is flexible enough to be adapted to any type of operation. The joint targeting cycle is examined in depth in Chapter 2 and the process in Chapters 3, 4 and 5.

0114 A common understanding of joint targeting and adherence to its principles (see below) enables joint force staff and subordinate component staff to:

- ensure compliance with North Atlantic Council (NAC), Military Committee (MC) and Supreme Allied Commander Europe (SACEUR) guidance and instructions;
- comply with JFC's objectives, guidance and intent;
- rapidly respond when necessary to targets that present limited opportunities for action;
- assign the most appropriate capability to the proposed target as resources

- permit;
- coordinate, synchronize and de-conflict actions, minimizing duplication of effort;
- fully integrate all capabilities as appropriate; and
- expedite assessment of executed operations.

#### Section IV – Joint targeting principles

0115 The principles of joint targeting are as follows.

- a. **Objective-based.** Joint targeting focuses on achieving the JFC's objectives effectively and efficiently within the guidance (under the responsibility of SACEUR) set by the NAC, Military Committee and Allied Command Operations (ACO).
- b. **Effects-driven.** Joint targeting focuses on contributing to creating synchronized, measurable physical and psychological effects intended to achieve the JFC's objectives while striving to avoid undesirable effects, fratricide and disproportionate collateral damage.
- c. **Multidisciplinary.** Joint targeting requires the coordinated and integrated efforts of functional experts from many disciplines and capabilities.
- d. **Timeliness.** Joint targeting is often time critical. It is, therefore, fundamental that transferring information from source to user is as direct and as fast as possible.
- e. **Centrally controlled and coordinated.** Because of its importance, complexity and political sensitivity, targeting policy and direction is retained at the highest practical joint level, whereas authority for execution is delegated to the lowest practicable level. Maintaining a system of centralized control is important to the targeting process and helps avoid duplication, friendly fire and confusion.
- f. **Information – accessibility and security.** Targeting depends on a number of information sources (fused intelligence, collateral damage details and so on) which should, wherever possible, be held on, and made available through, shared databases. Classified and sensitive information must be stored and disseminated on a 'need to share' basis,<sup>6</sup> where the need to preserve

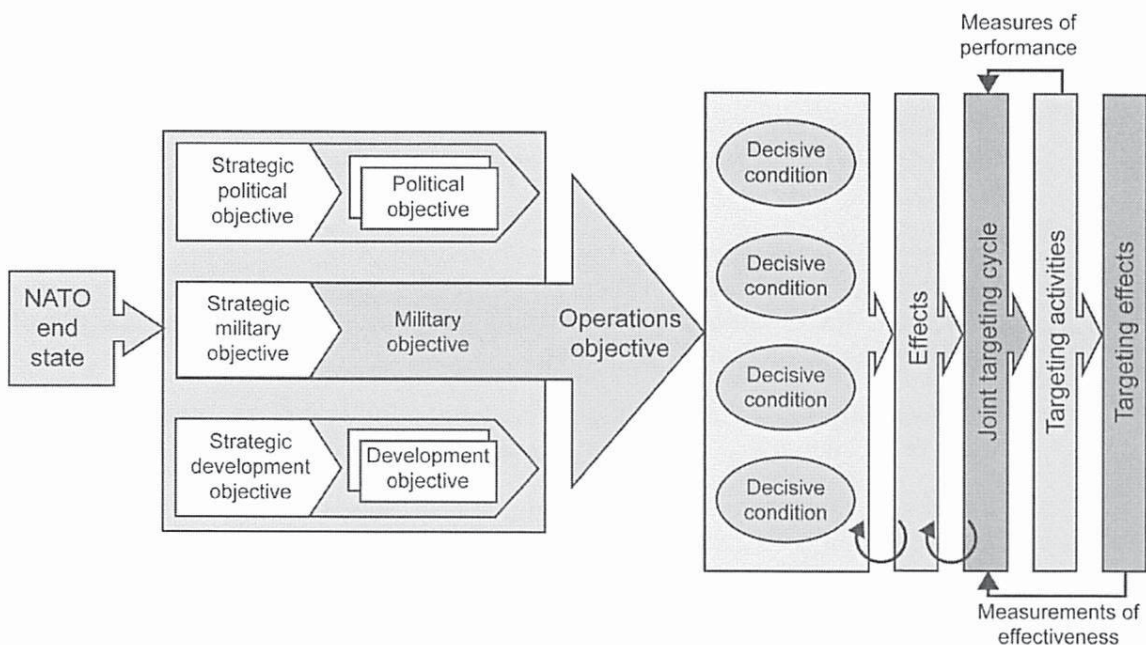
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<sup>6</sup> Written for release at the lowest possible classification level and given the fewest possible dissemination restrictions within intelligence sharing guidelines and policies.

operations security must be balanced against the need for timely access to the information.

## Section V – A full spectrum approach to joint targeting and effects

0116 Through comprehensive preparation of the operating environment (CPOE), the operations planning process identifies a range of operational-level effects that will contribute to the decisive conditions leading to operational objectives (see Figure 1.2). It includes measurement of task performance and how effective the targeting activity has been. Further detail on assessment is given in Chapter 2.



**Figure 1.2 – Operational-level planning and joint targeting**

0117 Joint targeting involves understanding the effect to create, identifying the node<sup>7</sup> through which the effect can be realized and then applying the appropriate resourced activity against that node. Figure 1.3 depicts this approach against the 'ends, ways and means' model. Full spectrum targeting is a holistic approach that considers all available actions and potential effects set against the operations objective. The JFC, having identified the effect to create, uses target systems analysis (TSA) and target audience analysis (TAA) to examine behaviours, attitudes, perceptions and vulnerabilities of potential targets to determine whether,

<sup>7</sup> A 'node' is an entity or point that could be examined to identify how it could be influenced to generate the desired effect.



and how, to engage them. Further refinement determines the blend of desired physical and psychological effects. This allows identification of behavioural objectives, the effects that will create them and the activities and resources required to generate those effects.

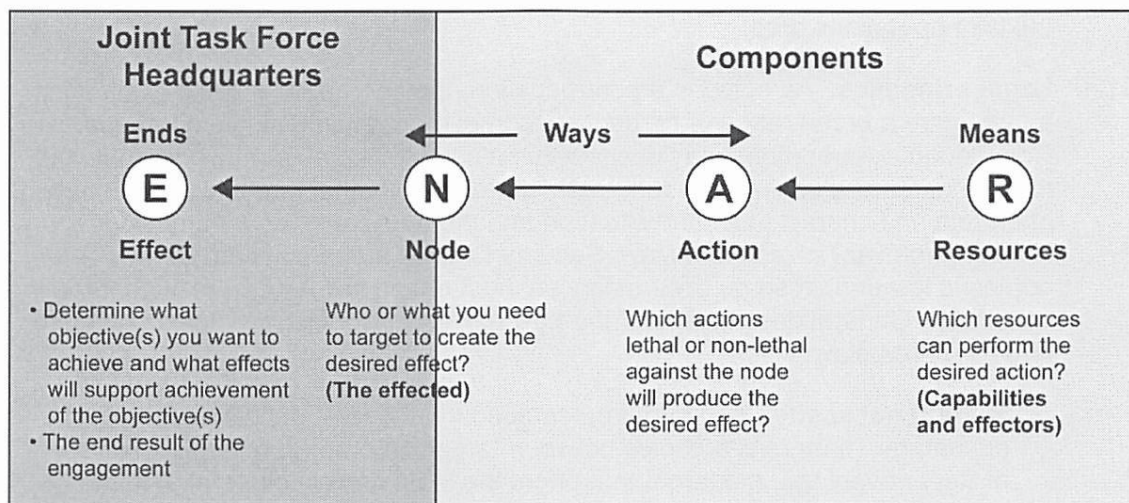


Figure 1.3 – Ends, ways, means and targeting

### Strategic communications considerations

0118 Using lethal and non-lethal capabilities affects the information environment, either positively by aligning actions with words, or negatively by contradicting NATO's message to audiences or damaging the mission within, and outside, the area of operations. All targeting activities must be coherent with the NATO strategic communications (StratCom) framework and mission narrative. A full spectrum approach to targeting ensures inclusion of information operations and public affairs staffs at every level, ensuring coherence with the StratCom framework.

### Section VI – Legal considerations

0119 International law, together with the domestic law of the participating nations, governs the conduct of NATO operations.<sup>8</sup> This imposes limits upon targeting decisions and actions. While targeting direction and guidance may be more restrictive than that permitted by international law for policy and other reasons, it may never be more permissive. Military commanders must receive training in international law, as appropriate, and receive support from a legal advisor. Legal advisors will play a key role in reviewing the targeting products to ensure compliance with legal principles. To counter any subsequent legal challenge to the

<sup>8</sup> AJP-01(E), *Allied Joint Doctrine*.

targeting process, it is imperative that formal records are kept of the decision-making process and any advice given during that process. The wide utility of information activities alongside traditional lethal targeting demands wider consideration of the legal implications. Activities intended to have an influence on a particular target may affect third parties not involved in the crisis and those outside the joint operations area.

- 0120 **Legal principles.** As noted in the introduction, the international security situation may require a broad range of responses, sometimes within a single operation. Consequently, operations may occur within a complex legal framework regulating the use of force which may, in turn, restrict the use of lethal targeting. Each nation interprets and characterizes the situation and the applicable legal framework – including relevant international law, Security Council authorizations, its own domestic law and, in some circumstances, host nation law – when making targeting decisions. General descriptions of the Law of Armed Conflict principles related to targeting are below.
- a. **Military necessity.** Any target prosecuted must offer a definite military advantage. If there is a choice between targets in order to realize a similar military advantage, the target that offers the least risk of collateral damage should be chosen. Military necessity never justifies a breach of international law.
  - b. **Humanity.** The principle of humanity forbids inflicting unnecessary suffering, injury or destruction to accomplish legitimate military purposes. Once the military purpose is achieved, inflicting further suffering, injury or destruction is forbidden.
  - c. **Distinction.** Offensive action must only be directed against military objectives, making a clear distinction between them, civilian objects and civilians. All feasible precautions are to be taken in the choice of means and methods of any target prosecution to avoid – or at least minimize – incidental loss of civilian life, injury to civilians and damage to civilian objects. Particular care must be taken when considering targets in the vicinity of entities on the no-strike list.
  - d. **Proportionality.** No engagement may be launched, and any engagement in progress must be stopped, in which the expected total incidental loss would be excessive in relation to the direct anticipated military advantage. Note that the application of this rule is judged not on the actual loss of civilian life, injury to civilians, damage to civilian objects (or a combination thereof) or the actual military advantage of the attack, but upon the loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof expected and foreseeable at the time the attack was planned, and the military advantage anticipated. The anticipated military advantage refers to the advantage to be gained from the attack considered as a whole, and not from isolated or particular

actions. Generally, military advantage is not restricted to tactical gains, but is linked to wider operational objectives and the strategic end state.

**0121 Other considerations.**

- a. **Determining military objectives.** Where entities are concerned, military objectives are those entities which by their nature, location, purpose or use make an effective contribution to military action, and whose total or partial destruction, capture or neutralization (in the circumstances ruling at the time) offers a definite military advantage. Certain targets will almost always be military objectives – examples include soldiers, fighter aircraft, submarines and ammunition depots. Some entities that have both military and civilian uses (sometimes informally referred to as 'dual-use') are more difficult to identify as legitimate military objectives. Examples of these entities include bridges, electrical systems, fuel, communication nodes and vaccine or chemical plants. Before attack, these entities must be carefully analyzed, based upon the current situation and information, to determine if they are military objectives. If there is doubt whether an object which is normally dedicated to civilian purposes is being used to make an effective contribution to military action, the presumption is that it is not.
- b. **Responsibility.** Individual responsibility to comply with the Law of Armed Conflict rests at all levels. Those carrying out the attack shall apply the higher-level targeting guidance, approved rules of engagement and Law of Armed Conflict. They will apply the specified rules of engagement and the Law of Armed Conflict based on the facts available to them and those facts that they should reasonably have obtained. While all reasonably feasible care must be taken at each stage of the targeting process, targeting decisions and actions are not legally judged based on perfection or hindsight. Those involved must take all precautions that were reasonably feasible at the time of their decision or actions, and in the circumstances prevailing at that time. This objective standard also means that recklessness, negligence and wilful blindness provide no excuse to unlawful targeting.

**Section VII – Collateral damage considerations**

**0122 Collateral damage.** For the purpose of collateral damage estimation (CDE), collateral damage is defined as: *the unintentional or incidental physical damage to non-combatants, non-military objects or environment arising from engagement of a legitimate military target.*<sup>9</sup> The JFC receives targeting guidance from the NAC, through SACEUR, which will include a pre-authorized level of collateral damage. Beyond this level, the JFC must seek the authority of SACEUR, and ultimately the

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<sup>9</sup> NATO CDE Methodology (IMSM-0634-2011 dated 15 Dec 2011) uses the term 'civilian' rather than 'non-combatant'.

NAC, to approve a target prosecution. Even within approved collateral damage levels, the JFC must decide if any expected collateral damage would be unacceptable or not, in relation to the military advantage offered by prosecution of each target, and must take all reasonably feasible precautions to avoid it.

- 0123 **Collateral damage estimation.** CDE provides a probability, but not a certainty, of collateral damage for a specific weapon system. CDE facilitates the legal consideration of proportionality.
- 0124 **Collateral damage estimation for physical effects.** CDE for physical effects is a process (with tools and a methodology) that provides an aid to the commander's judgement in using lethal/destructive capabilities. NATO's CDE methodology recognises levels of collateral damage as estimated by certified analysts. They consider target parameters, such as location and proximity to non-military entities, and then mitigate risks by modelling the potential variables, such as the type of weapon system and the method, or time, of engagement.
- 0125 **Consideration of collateral psychological effects.** Lethal and non-lethal engagements can result in psychological effects, some of which may be undesirable. A deeper understanding of the human environment<sup>10</sup> allows a better definition of desired and undesired psychological effects. This helps reduce the level of risk. Nevertheless, the psychological risk estimate may not achieve the same level of prediction as the physical one. Although there is no agreed methodology, commanders and their staffs should reduce the risk by understanding the human environment through target audience analysis.
- 0126 **Delegated authority for collateral damage.** The NAC will authorize the permitted level of collateral damage for each NATO-led operation. SACEUR will pass this to the JFC through the targeting guidance, although SACEUR may retain some authority at their level. The JFC is then able to authorize targets within this delegated authority, including delegating lower levels of authority to component commanders. If a target exceeds this level, authority must be sought from the NAC through SACEUR. Notwithstanding the above, all reasonable precautions in the choice of means and methods of prosecuting targets must be taken, with a view to avoiding – or minimizing – collateral damage.
- 0127 **National considerations for collateral damage.** Individual nations will often authorize specific levels of delegated authority of collateral damage for an operation in accordance with their legal interpretation and policy constraints. This will be passed to a senior national representative, who receives support from national

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<sup>10</sup> Human environment is the social, political and economic organization, beliefs and values, and forms of interaction of a population.

legal, policy and targeting advisors. The senior national representative refers any targets that fall outside their delegated authority back to their nation for clearance.

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## CHAPTER 2 – JOINT TARGETING

### Section I – Introduction

0201 The joint targeting process links strategic-level direction and guidance with tactical targeting activities. It realizes this through the operational-level targeting cycle in a focused and systematic manner to create specific effects to achieve military objectives and attain the desired end state.

0202 The process translates strategic guidance and the joint force commander (JFC)'s direction into tactical-level activities in accordance with their targeting priorities through the joint targeting cycle at the operational level. Within each component, tactical-level targeting activities allow component commanders to contribute to, and act on, the joint targeting process. Component targeting activities are explored further in Chapter 5. Figure 2.1 illustrates the process and the different levels of activity.

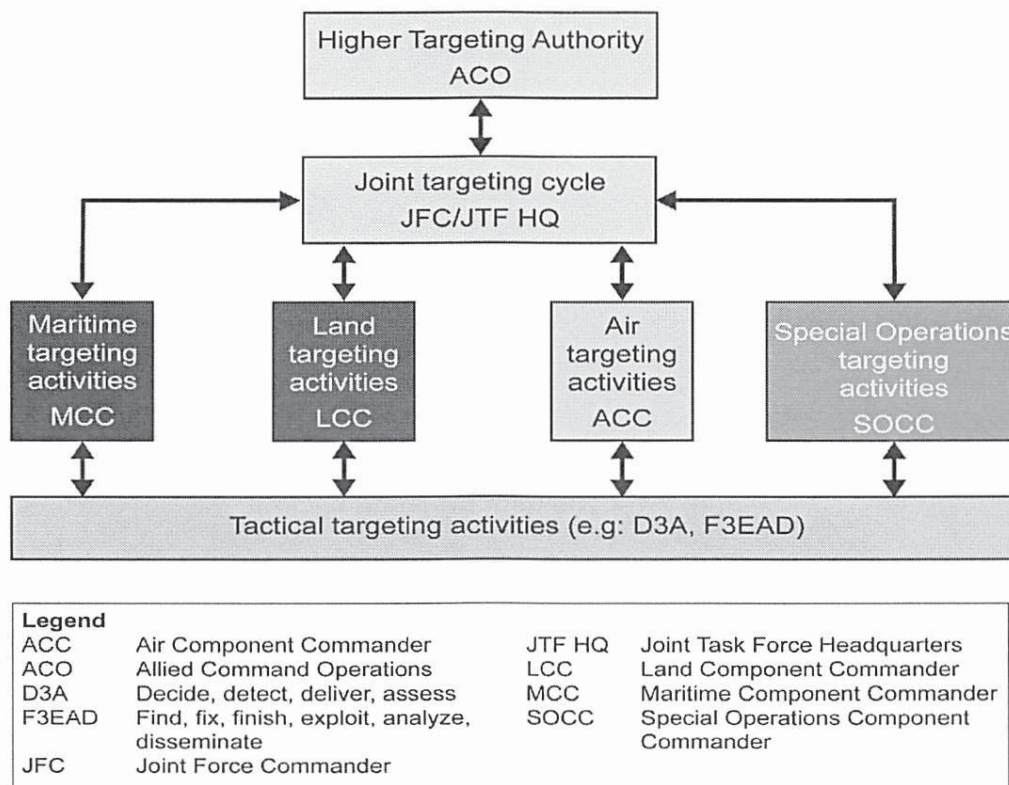
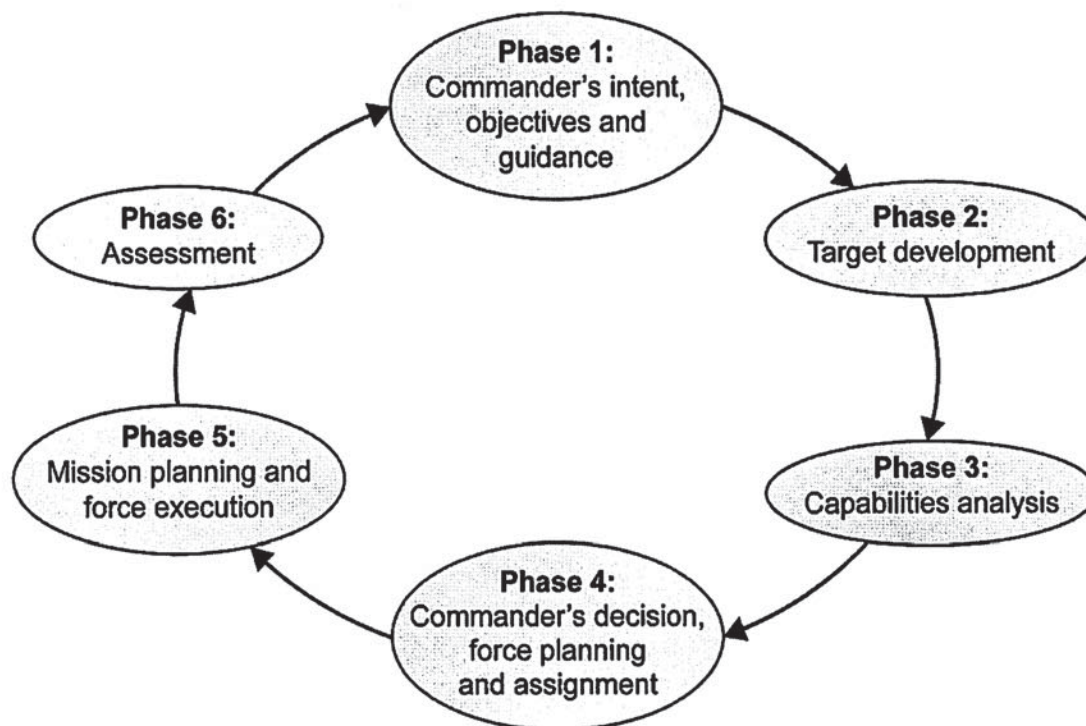


Figure 2.1 – The joint targeting process

## Section II – The joint targeting cycle

0203 The joint targeting cycle consists of six phases and is applicable to both the deliberate and dynamic methods; it is illustrated in Figure 2.2. This cycle focuses targeting options on the JFC's objectives for operations, while reducing the likelihood of undesirable consequences. The joint targeting cycle is inextricably linked to the intelligence cycle and JISR process,<sup>11</sup> and feeds the planning process. Detail on how these processes interact is given in Chapter 4.



**Figure 2.2 – The joint targeting cycle**

0204 **Phase 1: Commander's intent, objectives and guidance.** The targeting process is conducted within political and strategic direction and guidance. This is issued from the strategic planning level to the operational level through a strategic planning directive and strategic operations plan (OPLAN). At the operational level, the joint operations planning group translates this into the JFC OPLAN. The JFC must clearly identify what objectives to achieve, under what circumstances and within which parameters, including appropriate measures of performance (MOP) and measurements of effectiveness (MOE). The first activity of the joint targeting

<sup>11</sup> For details see AJP-2, *Allied Joint Doctrine for Intelligence, Counter-Intelligence and Security* and AJP-2.7 *Allied Joint Doctrine for Joint Intelligence Surveillance and Reconnaissance*.



process takes the JFC's objectives, guidance and intent and through analysis matches them against NAC-approved target sets and audiences to create specific effects, each logically and directly related to the overall desired end state. These are then translated into a number of discrete operational tasks detailed in the OPLAN's targeting annex and any subsequent joint coordination orders (JCOs). This is an iterative process between the JFC and component commanders allowing each to develop their own objectives, tasks and supporting target nominations.

- 0205 **Phase 2: Target development.** Target development identifies eligible targets that can be influenced to achieve the JFC's objectives. During target development, issues relating to collateral damage and other undesired effects may become apparent and must be considered through the nomination and prioritization processes.
- a. **Target analysis.**
- (1) The JFC's objectives normally seek some form of behavioural effect upon target audiences within the operations area. The start point for target analysis (TSA and TAA) is therefore developing an understanding of the target audience and its relationship with existing entities and networks. Taken together with a centre of gravity analysis, this identifies critical susceptibilities and vulnerabilities, leading to developing interrelated target systems. Based on TSA and TAA, this process identifies the most relevant targets together with the desired effects linked to them.
  - (2) The JFC should consider establishing a TSA Team (TSAT) to deliver this analysis, based on the application of fused all-sources intelligence, subject matter expertise, the use of specific intelligence tools and, potentially, developed collection efforts. A TSAT normally consists of a core team augmented by specialists who form a TSA planning group to focus on specific problems. This planning group will then establish a TSA community of interest to engage subject matter expertise from across the Alliance, both military and civilian, best suited to addressing the mechanism of any given target set.
- b. **Target vetting.** Following initial selection of targets from the TSAT/TAA process, targets are vetted by J2 (drawing on all-sources intelligence) to ensure the target performs the specified function for adversaries or other actors.
- c. **Target validation.** Target validation ensures:
- o continued compliance with the JFC's objectives, guidance, intent and desired effects;

- o compliance with relevant international law and rules of engagement; and
  - o the accuracy and credibility of sources used to develop a target.
- d. **Target nomination.** Once potential targets are validated, they are nominated by components for approval via the joint coordination process and identified for inclusion and prioritization on the joint target list (JTL). Further detail on target lists is in Chapter 4.
- e. **Target prioritization.** Nominated targets are prioritized based on the JFC's objectives, guidance and intent to maximize effective use of joint force capabilities while minimizing the likelihood of unintended and potentially undesired consequences. The principal output of this phase is the joint prioritized target list (JPTL). The JPTL informs the allocation of intelligence and engagement assets, dependent on the maturity and detail of the particular target folder.

CDE considerations are an element of the commander's objectives, guidance and intent, because commanders must evaluate and balance mission requirements and threats to friendly forces while taking all reasonable steps to mitigate the potential for collateral damage. Failure to minimize collateral damage could subject NATO leadership to strategic consequences that may have an adverse impact on the military mission.

- 0206 **Phase 3: Capabilities analysis.** Phase 3 analyzes the prioritized targets from phase 2 and recommends to the JFC the synchronized combination of the most appropriate capabilities (lethal and non-lethal) that could be applied to generate the desired physical or psychological effects to achieve the objectives. This includes advice on whether the joint force has the capability to engage the target and, if so, how to mitigate any identified undesirable collateral effects. CDE (begun in target development, vetting, validation, nomination and prioritization) remains a critical component of the analysis.
- 0207 **Phase 4: Commander's decision, force planning and assignment.** This phase integrates the outputs of capabilities analysis with any further operational considerations. The JFC then issues final approval for prioritized targets, which are then assigned to specific components for planning and execution.
- 0208 **Phase 5: Mission planning and force execution.** This phase deals directly with planning and the execution of tactical activity and is largely the responsibility of the component commanders. Key to success is a flexible approach allowing resources to be reassigned as priorities change and for both JFC and component commanders' staff to re-prioritize missions. It is during this phase that targeting staff obtain final positive identification (PID) of targets. Target execution consists of

seven steps. These are find, fix, track, target, engage, exploit and assess (F2T2E2A)<sup>12</sup>.

- a. **Find.** This step relies on the joint intelligence preparation of the operating environment (JIPOE).<sup>13</sup> Initial targeting data is refined through the JIPOE process. Additional intelligence requirements that arise during the targeting cycle are integrated into the intelligence collection plan. This uses traditional intelligence, surveillance and reconnaissance (ISR) (collection) and non-traditional ISR assets<sup>14</sup> to detect the presence of targets in named areas of interest and to detect conditions that make it appropriate for target engagement. Once detected, potential targets trigger actions to determine whether or not the particular entity warrants further attention or deviation from the existing plan (as is the case for time-sensitive targets) and, if so, to move on to the next step. In the case of time-sensitive targets, the output of the find step is a time-sensitive target nomination for further refinement.
- b. **Fix.** Focused sensors allow staff to identify and geolocate the target<sup>15</sup> (typically via cross-cueing and intelligence fusing), conduct/confirm target mensuration (where applicable)<sup>16</sup> and conduct an initial risk assessment.
- c. **Track.** ISR capabilities are assigned and prioritized to track a target. Tracking is a continuous process to monitor a target and is maintained until the successful prosecution of the target and engagement assessment.
- d. **Target.** Restrictions, including collateral damage estimation restrictions, rules of engagement, restricted targets of the joint target list (JTL) and de-confliction, are satisfied at this time. Engagement capabilities are aligned with the desired effect, the risk assessment is completed and the final determination on force packaging is made. The target step includes final approval for engagement with the tasking of the selected engagement system.
- e. **Engage.** During this step, the target and its engagement are closely monitored to maintain awareness of the situation surrounding the engagement

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<sup>12</sup> F2T2E2A is the method used when conducting dynamic targeting. See Chapter 1 for the description of dynamic targeting.

<sup>13</sup> JIPOE replaces joint intelligence preparation of the battlespace (JIPB) for planning at the operational level.

<sup>14</sup> Non-traditional ISR assets are those assets not assigned for a specific ISR task, but contribute to the intelligence picture as part of routine operations (such as aircraft targeting pods, radar warning receiver indication, input from an operating unit).

<sup>15</sup> Obtaining accurate geolocation data may require support from a geospatial support group or the Geospatial Information Supporting Nation (GISN).

<sup>16</sup> NATO Industrial Advisory Group (NIAG) SG201 proposes target mensuration as: target coordinate mensuration is the measurement of a feature or location on the earth to determine absolute latitude, longitude, and elevation. It is used in targeting to refer to the exact location of a target.

to ensure a successful prosecution and identify any opportunities for rapid exploitation.

- f. **Exploit.** The engagement of any target, physical or psychological, can present immediate or longer-term opportunities for exploitation. During the planning phase, targeting and planning staffs should identify these opportunities and develop branch plans that can be executed if the appropriate conditions arise.
- g. **Assess.** During the assessment phase, information about the results of the engagement are analyzed to determine whether the objectives have been achieved or the desired effects have been created. The output of this step is assessment of mission success to support a possible re-engagement decision (which could involve using a completely different capability). In the case of a time-sensitive target or high-value/high pay-off target, a rapid, initial assessment is vital if an opportunity to re-engage is to be exploited.

0209 **Phase 6: Assessment.** AAP-06 defines assessment as: *the process of estimating the capabilities and performance of organizations, individuals, materiel or systems.* The assessment phase within the joint targeting cycle seeks to measure if the planned effects have been realized after tactical activities have been executed. It contributes to the wider campaign assessment process and assists the JFC's future decision-making.

- a. **Battle damage assessment.** AAP-06 defines battle damage assessment (BDA) as: *the assessment of effects resulting from the application of military action, either lethal or non-lethal against a military objective.* It analyzes and reports what has been achieved through applying a capability (lethal or non-lethal) against a target. Although BDA is primarily an intelligence function, it has implications for, and requires planning with, both the planning and operations staffs. It is divided into three categories.
  - (1) **Phase 1 BDA.** Phase 1 BDA is a quick initial assessment to quantitatively estimate the amount of physical damage or behavioural influence achieved against a target, following the application of a capability.
  - (2) **Phase 2 BDA.** Phase 2 BDA reviews and amplifies the phase 1 BDA, providing a functional assessment by estimating how much the physical or psychological effect on a target has degraded its ability to perform its intended mission or shifted a behavioural pattern.
  - (3) **Phase 3 BDA.** Phase 3 BDA makes an assessment of the effect of the engagement on the entire target system, whether an air defence system, power grid or political network. This assessment is based on

the understanding of an individual target role within the target system and depends on the target systems analysis conducted at the beginning of the targeting process. This type of BDA is normally conducted at the operational level. This assessment of the ongoing effectiveness (or intentions) of a target system provides a major input into the overall combat assessment process.

**b. Measuring effect.**

- (1) **Measures of performance.** Measures of performance (MOP) use a system of indicators to evaluate the accomplishment of own force actions. The MOP allow progress to be measured, intending to answer the question: are the actions being executed as planned? If, during execution, the desired effects are not being created to provide progress towards achieving desired objectives, a possible cause is that actions are not being carried out as planned (which could include the functionality of lethal weapons systems or non-lethal capabilities). In simple terms, what did we do and did we do things right.
- (2) **Measurements of effectiveness.** Measurements of effectiveness (MOE) are indicators to measure a system. The MOE will help identify if the actions are on track to create the intended effect within the planned timescale. This may require multiple MOE per system to fully capture any changes. An essential aspect for successful MOE is establishing a baseline understanding of the system before any actions by the joint force, and a collection mechanism to identify subsequent characteristics. In essence, MOE answer the question: did we do the right things.

- c. Assessment processes for information activities.** Battle damage assessment for information activities is just as important and can follow a similar methodology. However, the information operations staff who lead on this assessment and the commanders they support must understand that the effects of information activities may take longer to manifest themselves than the physical effects from a lethal strike. Their identification requires the JFC to use a broad range of collection assets from the joint task force and other agencies. In essence, applying information activities against a target may result in some kind of change within that target which could affect attitude or behaviour. A change of attitude is unlikely to be measurable until reflected in the target's behaviour and so the measurements of effectiveness should focus on behaviour – and collection mechanisms tasked accordingly. More information on the assessment of information activities is contained in AJP-3.10(A), Allied Joint Doctrine for Information Operations.

**Targeting at component level**

0210 Targeting activity occurs at all levels of command within the joint force and is applied at the component level by forces capable of delivering both lethal and non-lethal capabilities to create the desired effects (physical or psychological). Maritime, land, air and special operations components will establish their own procedures and mechanisms within the joint targeting cycle to provide inputs and action outputs; these are explored further in Chapter 5.

## CHAPTER 3 – JOINT TARGETING CONSIDERATIONS AT THE STRATEGIC LEVEL

### Section I – Political direction

- 0301 The North Atlantic Council (NAC) provides the Military Committee (MC)<sup>17</sup> with the overarching military objectives, desired end state and guidance for an operation, including any constraints and restraints that it wishes to impose. The NAC<sup>18</sup> should provide the Supreme Allied Commander Europe (SACEUR) with clear objectives and comprehensive guidance defining the rules of engagement (ROE) and unambiguously define restrictions and other limitations that are to be imposed on the operation (or that other nations participating in a NATO coalition effort, or whose sovereign territories may be involved, may impose). It must address the use of both lethal and non-lethal means.
- 0302 **Military strategic direction.** The NAC, assisted by the Military Committee, translates political guidance into strategic military direction to SACEUR. Headquarters Allied Command Operations (ACO) then develops a military strategic-level operation plan (OPLAN) outlining the mission, command and financial arrangements, as well as the command and control (C2) responsibilities. Following NAC approval, this OPLAN is provided to the operational commander to develop and implement NAC-approved rules of engagement. Thereafter, ACO monitors the operational-level planning and execution of the campaign or operation. The targeting guidance/annex to the OPLAN is the focal point of all targeting matters for that specific operation. All relevant targeting matters for the operation must be included. The contents will vary depending on the level (strategic/operational/tactical) of the planning involved.
- 0303 **Target sets<sup>19</sup> and categories.<sup>20</sup>** In conjunction with the operational commander and as part of the operations planning process, SACEUR selects target sets in accordance with NAC and any specific national guidance. SACEUR also defines, as far as possible, sets of time-sensitive targets. These proposed target sets are then forwarded to the Military Committee for endorsement and subsequently to the NAC for approval (see Annex B for examples).

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<sup>17</sup> See AJP-01 *Allied Joint Doctrine* for a more detailed discussion of this guidance and related issues.

<sup>18</sup> In accordance with MC 471-1, *NATO Targeting Policy*.

<sup>19</sup> A 'target set' is a group of interrelated target categories within an actor's system, such as transportation/lines of communication, electric power and adversary media.

<sup>20</sup> A 'target category' is a group of targets serving the same function, such as bridges, roads, radio broadcasts and newspapers. Target categories are described in STANAG 3596 *Air Reconnaissance Requesting and Target Reporting Guide*.

- 0304 **NAC approval of target sets and categories.**<sup>21</sup> SACEUR, via the Military Committee, must submit all target sets and categories to the NAC for approval. The NAC will pass approved target sets and categories through the Military Committee to SACEUR with any additional guidance or caveats. Additional guidance or caveats may include further NAC criteria for engagement, which may require NAC approval. Target sets not originally approved but deemed necessary for the operation will have a subsequent request for approval staffed through the chain of command to the NAC.
- 0305 **SACEUR's guidance to the operational level.** Within the scope of the NAC-approved target sets or categories, SACEUR will provide targeting guidance to the operational level, translating the political intent and the military mission into clear military objectives; the targeting process links directly to these objectives. Political goals and objectives will be translated into detailed military guidance, including any additional considerations that will apply. The operational and tactical levels will maintain target lists, to include time-sensitive targets, based on approved target sets and reflecting the strategic targeting guidance. National caveats must be observed carefully during the allocation process.
- 0306 **NAC approval of sensitive targets.**<sup>22</sup> The NAC initiating directive may also direct SACEUR to identify sensitive targets against which planned actions require NAC review. These targets should be identified and put on the restricted target list (RTL). Such targets exceed the operational commander's delegated authority and must be elevated to SACEUR for consideration. SACEUR will conduct a Target Clearance Board (TCB) in which he may give his approval, reject the target or target set or elevate it further to the NAC for consideration. Only the authority that placed the restriction is able to remove it and give authorization.

## Section II – Military strategic targeting responsibilities

- 0307 **SACEUR's targeting responsibilities to the NAC through the Military Committee.** ACO will do the following.
- a. Using the strategic military objective, develop a list of the target sets, with associated categories that include all the anticipated targets against which the military might be required to use lethal or non-lethal means during any subsequently authorized action.
  - b. Ensure target sets submitted to the NAC for clearance are in accordance with the examples at Annex B, or are defined if specific to the operation. Some or all of these sets may be requested for clearance and can be submitted via the

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<sup>21</sup> In accordance with MC 133/4, *NATO's Operations Planning*.

<sup>22</sup> *Ibid.*



concept of operations (CONOPS) and OPLAN with its targeting annex, or under separate cover.

- c. Submit unanticipated targets that fall outside NAC-approved target sets for approval prior to authorizing any engagement.

0308 **Targeting in OPLANs.** A targeting annex will form part of the strategic OPLAN and should be the focal point of all targeting matters for that specific operation. It will include:

- delegation of target engagement authority, listed for lethal and non-lethal engagement;
- target sets and categories;
- restricted targets and no-strike entities;
- time-sensitive targets (TST); and
- the non-combatant casualty cut-off value.

### Section III – National inputs

0309 **National inputs to the NATO targeting process.** Nations will always reserve the right to issue national targeting guidance in respect of specific operations. However, any generic national guidance should be communicated to NATO by the appropriate national representative at the political (NAC), military strategic (ACO), and operational (JFC) levels before the onset of, and during, any operation. Nations contributing capabilities for the prosecution of targets will provide refined guidance and national caveats for their employment as early as possible during the planning phase of an operation. This guidance should cover any national requirement for approving targets allocated for prosecution by that nation's assets, including both the level of that approval and the method required to achieve it.

0310 **Intelligence and target materials.** NATO relies on member nations to provide intelligence input and target materials to enable an effective targeting process. Providing such support early on in the operations planning process enhances NATO's ability to adopt a full spectrum approach.

0311 **National representation in the NATO targeting process.** The targeting process will be facilitated by each nation nominating a national targeting expert to ACO during the planning phase. This ensures that national guidance and caveats are clearly understood and taken into account. National representatives should be given access to any proposed or agreed targeting study or list (NATO and national) at the level to which they are assigned.

## Section IV – Operations planning

- 0312 **Target Materials.** In support of NATO operations, nations typically provide NATO forces and headquarters with a range of target materials including TSA, imagery and weaponeering. These materials include, and allow for, the development of target dossiers and folders. Any centralized targeting capacity (CTC) or NATO headquarters is authorized to produce and hold target material in line with SACEURs guidance and subject to NAC approval. During peacetime, SACEUR provides specific target material production requirements on specific regions or countries with a high impact and interest to NATO to the NAC for approval. These requests, including situation updates, will be submitted biannually or as the situation dictates. Subsequent NAC approval will define peacetime operational targeting guidance. Through this staged authorization, NATO peacetime activity is limited to intelligence-focused activities while the NAC retains the ability to authorize when targets may be developed.
- 0313 **Specific target intelligence.** For input into the targeting management tool, ACO will receive an extract of the US modernized integrated database (MIDB). Requests for other target intelligence, including those related to non-lethal capabilities, are made through appropriate command channels using the intelligence requirements management and collection management (IRM&CM) process.<sup>23</sup>
- 0314 **Target Intelligence production.** Target intelligence documents, including target materials, are not produced in any particular order of precedence, but on a set time schedule or on an as-required basis. During peacetime, operational targeting material is only produced in accordance with SACEURs guidance and is subject to NAC approval.
- 0315 **Security and accountability.** Regardless of storage or dissemination methods, all target intelligence and target material products are to be correctly classified and caveated from the outset. Distribution to NATO users through the targeting support programmes is provided on a strict need-to-know basis and is only to be handled by those personnel with the appropriate clearances.

## Section V – Post-campaign and operations activities

- 0316 During an operation's transition phase, the joint targeting process continues up to the strategic level. Information is collected to enable:
- ACO evaluation and archiving of the full extent of target physical and

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<sup>23</sup> IRM&CM is a new term replacing CCIRM in AJP 2, *Allied Joint Doctrine for Intelligence, Counter-intelligence and Security*.

functional damage;

- determining the strategic effectiveness of employed delivery systems and munitions,<sup>24</sup> (this may include providing information on the location of unexploded ordnance);
- critically analyzing and improving the assessment analysis and reporting process;
- continued behavioural assessment and measurement of effectiveness;
- operations analysis and lessons identified; and
- an effective NATO response to any post-operation allegations that NATO commanders acted improperly.

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<sup>24</sup> The assessment of weapons effectiveness is made by individual nations who may then contribute this to NATO's measures of effectiveness process.

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## CHAPTER 4 – JOINT TARGETING AT THE OPERATIONAL LEVEL

### Section I – General

0401 As described in Chapter 3, the targeting process is governed by the North Atlantic Council (NAC), guided by Allied Command Operations (ACO) policy and plans, driven by the Joint Force Commander (JFC)'s direction and guidance and subject to the relevant international law. NATO's requirement to maintain campaign authority through positive public support may also shape the process. This Chapter describes the military responsibilities for the operations synchronization and joint targeting process.

### Section II – Strategic input to the operational-level targeting process

- 0402 **Allied Command Operations targeting input.** ACO (under Supreme Allied Commander Allied Command Europe (SACEUR)'s direction) provides the JFC with the following targeting-related products and guidance.
- a. A strategic communications (StratCom) framework, including a strategic narrative and major operational themes.
  - b. A strategic operation plan (OPLAN), the targeting annex of which clearly defines objectives, intent and guidelines for the military operation together with those target sets, including approved time-sensitive targets, the JFC is authorized to prosecute.
  - c. The circumstances and processes by which the JFC must seek extensions to, or clarification of, the rules of engagement.
  - d. An integrated, shared and interoperable database<sup>25</sup> supporting a specific targeting management tool.
  - e. The products of any higher-level target systems analysis (TSA) and target audience analysis (TAA), including target material for the area of operations from the nations.
  - f. Any information about emerging targets for inclusion in appropriate databases.
  - g. A communications channel to the nations to pass requests from subordinate

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<sup>25</sup> Currently an extract from the Modernized Integrated Database (MIDB) supported by the joint targeting system (JTS).

units for target materials and subsequently to distribute those materials to the units that require them.

- h. Assistance and advice, as required, to ensure that subordinate formations/units have appropriate, suitable functional area services with the necessary communications capacity, to support the targeting process.

### **Section III – Joint force commander’s joint targeting responsibilities**

0403 The JFC:

- establishes and directs the joint targeting process, addressing both deliberate and dynamic targeting, and integrates it into the joint coordination process;
- submits target set proposals to ACO to pass to the NAC for approval;
- passes any target sets and/or categories not originally approved (but at a later stage deemed necessary for the campaign) to ACO to seek approval from the NAC;
- submits to the NAC (via the Military Committee) for approval time-sensitive targets that do not fall within NAC pre-approved TST categories;
- implements rules of engagement received from ACO;
- ensures production and dissemination of target materials to those authorized and required to receive them;
- provides, and requests when necessary, information about any emerging targets;
- ensures that the assessment cell evaluates the overall effectiveness of the targeting effort and in relation to the campaign objectives;
- allocates targets and provides clear direction and guidance on targeting issues to subordinate commanders about target priorities, using lethal and non-lethal capabilities, restrictions, guidance on relative levels of effort and sequencing, and any specific guidance on the format and content of target folders;
- directs the campaign synchronization and targeting process, providing a forum for component commanders’ representatives to resolve conflicting issues related to targeting, such as the Joint Targeting Coordination Board (JTCB)

and the Information Activities Coordination Board (IACB);<sup>26</sup>

- ensures that all requests for target materials and intelligence received from subordinate components are prioritized for processing;
- ensures that, in consultation with the Comprehensive Crisis and Operations Management Centre (CCOMC), formations (and units, where necessary) have access to the appropriate tools and communication and information systems capacity to support the overall targeting process;
- approves and issues the joint prioritized target list (JPTL);
- within strategic guidance, approves and issues the time-sensitive target matrix;
- approves target engagement authority delegation to the appropriate subordinate level;
- disseminates capability restrictions or caveats related to collateral damage estimation, and ensures that an appropriate collateral damage estimation methodology is in place;
- takes account of advice, recommendations and caveats expressed by senior national representatives; and
- maintains database integrity.

#### **Section IV – Component commander’s joint targeting responsibilities**

0404 Component commanders will nominate targets that could be both inside and outside their area of operations. They will designate target priority, effects and timing. These priorities are considered along with JFC’s joint operations area targeting priorities.

0405 In general terms, component commanders must develop target nomination lists and attend the JFC’s Joint Coordination Board (JCB). They support the JFC’s targeting process, including with organic assets, and ensure compliance with the Law of Armed Conflict and rules of engagement (ROE). Further detail is contained in Chapter 5.

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<sup>26</sup> As described in AJP-3.10, *Allied Joint Doctrine for Information Operations*, where necessary and when the situation dictates the Information Activities Coordination Board may be merged with the Joint Targeting Coordination Board to create a single decision-making board.

## Section V – Targeting synchronization during operations

- 0406 **The joint coordination process.** The Joint Coordination Board is the key mechanism for the JFC to exercise authority over the joint force. The Joint Coordination Board assigns execution responsibilities, prioritizes, de-conflicts and synchronizes all aspects of component activities. It ensures that both lethal and non-lethal targeting efforts are coordinated and focused on the Commander's objectives. In particular, it focuses on the following.
- a. Reviewing and recommending JFC approval of all products from the JTCB, IACB and other established boards and working groups. It is important that these bodies coordinate their work to provide the Joint Coordination Board with consolidated lists of targets, optimized to create the desired effects through the best use of lethal and non-lethal capabilities.
  - b. Allocating available intelligence, surveillance and reconnaissance (ISR) assets to the appropriate component commander for tasking as recommended by the Joint Collection Management Board (JCMB).
- 0407 **The Joint Targeting Coordination Board.** The JFC will establish a JTCB comprising representatives from the Joint Task Force Headquarters (JTF HQ), all components of the joint force and, if required, national liaison representatives. The chairman of the JTCB gathers inputs from the targeting community, including the IACB, to provide the optimum approach for generating the desired effect with respect to each target.
- 0408 **The role of the Joint Targeting Coordination Board.** The JFC defines the role of the JTCB. Typically, the JTCB reviews target information, develops targeting guidance and priorities while preparing and refining joint target lists for recommendation to the JFC. During operations, the JTCB will also maintain a restricted target list (RTL). The JTCB is the primary agency for synchronizing and managing joint targeting efforts. It will: prepare target lists for Joint Coordination Board review and, if necessary, JFC approval; validate changes in the targeting database; and coordinate target material production, as developed through the targeting process. The JTCB is supported by a joint targeting working group and a target support cell (TSC). Figure 4.1 shows a typical composition of the JTCB.
- a. **Joint targeting working group.** A joint targeting working group (JTWG) may be established to prepare and staff targeting products before presentation to the JTCB. The joint target working group is not a decision-making body.
  - b. **Target support cell.** The target support cell is responsible for managing the joint targeting system, sourcing up-to-date intelligence products (including battle damage assessment), producing targeting products and acting as custodians of target folders. The target support cell will also provide support



to the Information Activities Coordination Board.

- 0409 **The Information Activities Coordination Board.** The IACB is the forum for implementing information operations (Info Ops) collective coordination and advice. Chaired by Chief Info Ops on behalf of the JFC, it ensures that information activities are coherent and synchronized with other actions (potentially) affecting the information environment. Within the scope of its assigned functions, the IACB will provide initial coordination of target nominations related to information and information systems to facilitate subsequent harmonization at the JTCCB. It also provides advice on possible effects in the information environment created by other military actions. The Info Ops representative at the JTCCB will present the decisions from the IACB to the JTCCB, monitor the selection, harmonization, nomination and prioritization process, and advise on overarching, cross-functional issues, as required. It further provides a forum for coordination, de-confliction and monitoring of Info Ops plans and activities. When appropriate, the IACB could be subsumed into the JTCCB creating a single decision body for the planning and coordination of lethal and non-lethal targeting.
- 0410 **Operations synchronization.** Operations integration and synchronization is an iterative process. The Joint Coordination Order (JCO) cycle starts with the Joint Coordination Board issuing the JFC's direction and guidance to the components and the Joint Coordination Board supporting groups (JTCCB and IACB). The JTCCB manages the targeting process by coordinating the targeting inputs of the component commanders with additional inputs received from other bodies such as the IACB. The JTCCB develops a draft joint prioritized target list (JPTL). The JTCCB proposes amendments to the restricted target list (RTL) for Joint Coordination Board approval.

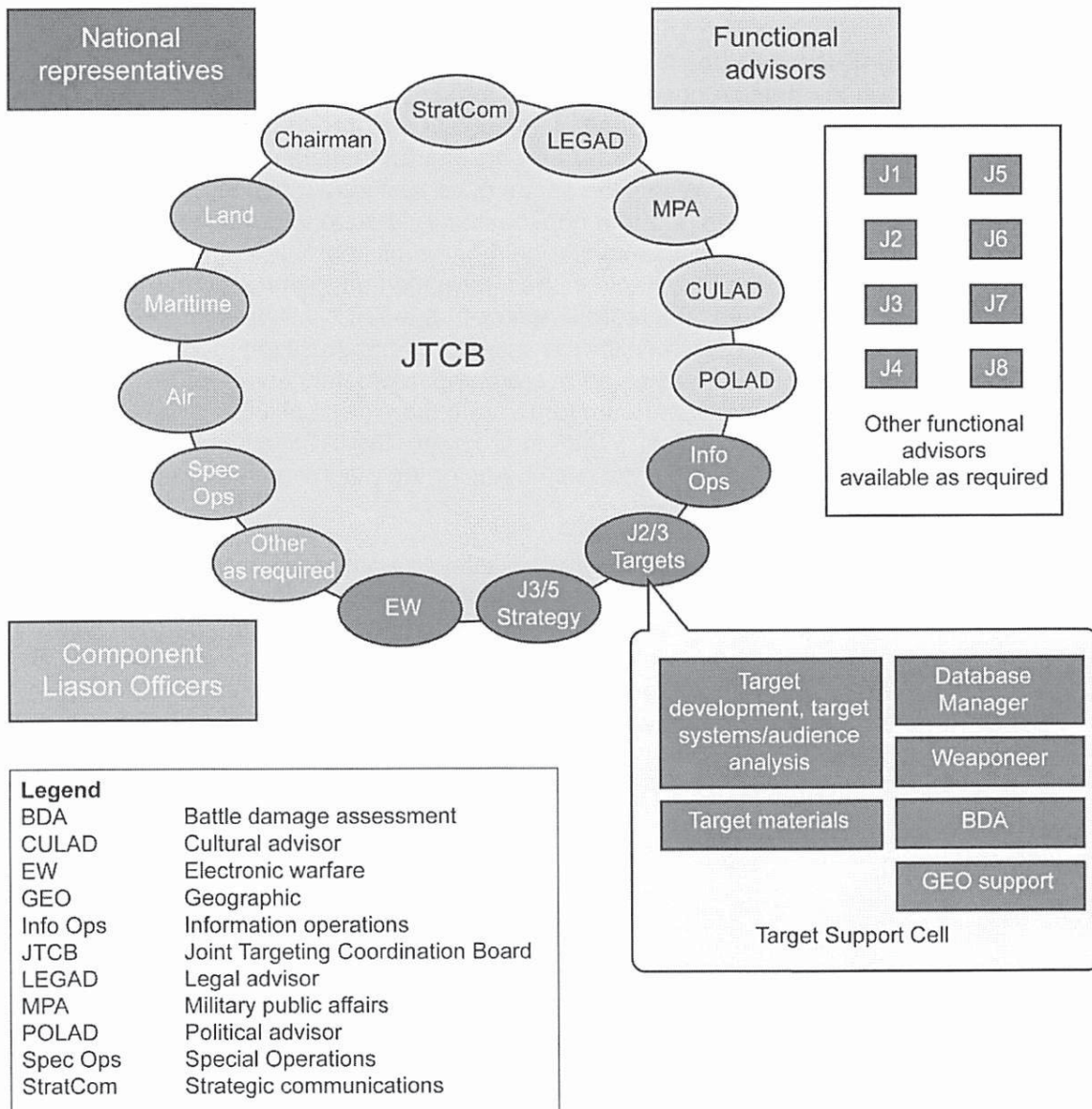


Figure 4.1 – Typical composition of the Joint Targeting Coordination Board

## Section VI – Target lists and databases

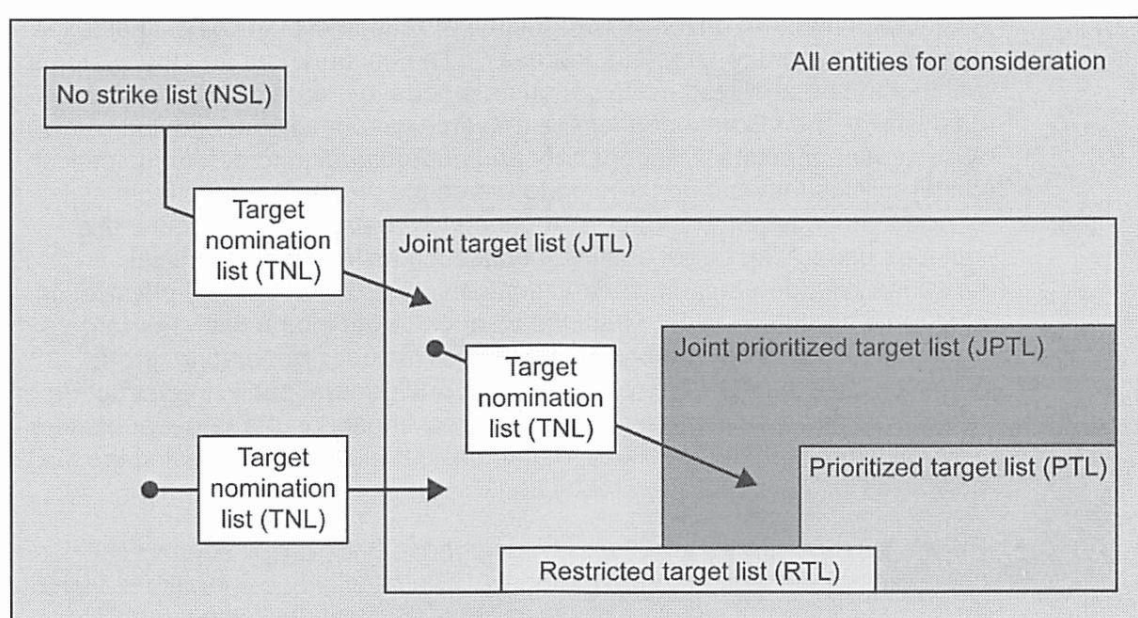
- 0411 **The NATO integrated database.** The NATO integrated database (IDB) is created with contributions from NATO members, facilitated by other support agencies as required, to support NATO operations. The IDB contains all entities considered to be potential targets within the NATO area of intelligence interest. ACO will request nations to provide their information to the IDB. This provides the basis for phase 2 (target development) of the joint targeting cycle. The IDB is kept under constant review to ensure currency and accuracy.
- 0412 **Target folders.** Target folders are populated by multi-source intelligence, containing the details for each individual target. All related information should be included in the folder and they are retained as operational records by J3.
- 0413 **Joint target list.** The joint target list (JTL) is the target list from which all other target lists, except the no-strike list (NSL), will be produced. All other sub-lists remain linked to it so that updates to the NATO integrated database are reflected in all sub-lists. The JTCB manages the JTL with oversight maintained by the Joint Coordination Board on the JFC's behalf. It provides all known targets within the NAC-approved target sets considered for lethal or non-lethal engagement within the joint operations area. The targets on the JTL are not finally, legally cleared against rules of engagement, relevant international law and NATO caveats until such time as they are selected for engagement (i.e., nominated for the joint prioritized target list (JPTL)). The JTL is developed through the joint targeting cycle, to include newly nominated targets from the components, nations or other agencies. Mobile and restricted targets will be included, and annotated as such in the database to ensure they are easily identified.
- 0414 **Target nomination list.** The target nomination list (TNL) is a component list, which contains targets prioritized in accordance with the guidance provided by the component commander. It is forwarded to the JTCB for consideration. The target nomination list contains two types of targets:
- new targets that are forwarded, together with all associated materials for validation and inclusion on the joint target list. These targets may also be nominated to the joint prioritized target list; and
  - targets already on the joint target list being nominated for the joint prioritized target list.

Although components will have developed target folders for targets on the target nomination list, these may not yet be fully mature. This may be because the component does not have the intelligence, surveillance and reconnaissance assets to develop fully the target, and seeks assistance from the target support cell to do so.

- 0415 **Restricted target list.** The restricted target list (RTL) is a joint target list subset owned by the JFC and may include some joint prioritized target list targets. They are lawful targets that have temporary or permanent operational restrictions for engagement and require special consideration. Special consideration may be warranted because of:
- the particular sensitivity of the target;
  - a need to de-conflict any proposed action with other activities;
  - the target is assessed to have a significant intelligence value;
  - a wish to use a specific asset;
  - a desire to exploit the target; or
  - post-conflict reconstruction considerations.
- 0416 **Joint prioritized target list.** The JPTL is a list of targets that have been validated and prioritized in-line with the JFC's desired effects and guidance by the JTCB. The targets are allocated by ability to prosecute. It is derived from the joint target list and is the end product of the decision-making process. The JPTL directs the collection task list through the intelligence collection plan (ICP) for target development and authorizes prosecution when target detail is sufficiently mature. The JFC defines the approval process for the joint prioritized target list.
- 0417 The JTCB will develop a JPTL and submit it, together with all relevant target data, to the Joint Coordination Board for full review/consideration and JFC's approval. The JPTL should include the proposed means of prosecution (lethal or non-lethal) and will usually be issued as an annex to the Joint Coordination Order (with the updated JPTL available on the joint targeting system). The target prioritization may be modified to reflect changes in the battlespace or a possible readjustment of objectives. The JPTL shows which components are responsible for engaging which targets and may include remarks.
- 0418 **Prioritized target list.** A prioritized target list (PTL) is a target list derived from the joint prioritized target list that allocates prioritized targets to individual components. Each component will have a separate prioritized target list. A prioritized target list will normally be based on the requested target nominations made by the component, but may also include targets that have been allocated in support of other component commanders during the coordination process. It may not include all the targets originally nominated by the component.
- 0419 **No-strike list.** The no-strike list (NSL) is comprised of entities that are designated by the NAC as protected. Engagement of NSL entities violates international law,

the Law of Armed Conflict, agreements, conventions, NAC policies or rules of engagement. As such, they must not be engaged unless that protection is removed and, consequently, become targets subject to lawful engagement. Entities on the NSL that lose their protected status and become subject to lawful engagement are likely to remain sensitive. Targets which were placed on the NSL by the NAC or SACEUR must have their removal from this list approved prior to prosecution as directed by SACEUR. Entities on the NSL are initially drawn from the modernized integrated database (MIDB). The NSL is maintained by the JFC.

0420 The relationship between target lists is shown in Figure 4.2.



**Figure 4.2 – Target lists and their relationships**

## **Section VII – Intelligence support to joint targeting**

0421 Intelligence supports targeting by leading on target analysis (TSA and TAA) providing a detailed picture of actors' capabilities, structure, organization, intentions, objectives and vulnerabilities – all in context. This intelligence is used to allocate relative importance to targets, or target elements, in support of operational decisions and the target prioritization process. Details of intelligence support to operations are contained in the AJP-2 series of publications. Intelligence supports targeting throughout the process as described next.

- a. **Phase 1: Commander's objectives, guidance and intent.** Target

development commences once the JFC has selected his objectives. However, intelligence and geographic data supporting targeting (i.e., imagery, systems analysis, facilities identification and significance, and psychological profiles) may be developed in advance of the planning phase of an operation as part of the crisis response intelligence package (CRIP) that is built up during the indication and warning phase. Intelligence provides the commander with an understanding of the environment and actors within it – in terms of probable intent, objectives, strengths, weaknesses, probable courses of action (COAs), most dangerous COA and critical factors. This is conducted in support of the estimate.<sup>27</sup>

- b. **Phase 2: Target development.** Establishing intelligence requirements at all levels, which in turn drives the production of collection plans, is critical to the success of the entire targeting process.<sup>28</sup> The environment and the systems within it will be analyzed using various methods to create a target systems analysis.<sup>29</sup> The ultimate goal of this research is to develop a detailed assessment of actors' will, capability and understanding to determine critical vulnerabilities that can be targeted to create the JFC's desired effects by lethal or non-lethal means. For targets engaged to create physical effects, this includes generating target definition data such as locations of critical functionalities, determining communications paths, and how any physical or electronic hardening might affect the weapon/target interaction. For targets engaged to create psychological effects, this includes generating target definition data, such as locations of media and general public infrastructure or network nodes that, if engaged, have a direct impact on the target audience. This will point to the most effective and efficient method of achieving the JFC's objectives within established restrictions.
- c. **Phase 3: Capabilities analysis.** During phase 3 the target support cell completes production of target materials. The intelligence characterization of the target allows the effective assessment of the best available capabilities (lethal and non-lethal) to employ against the target to achieve the individual objectives.
- d. **Phase 4: Commander's decision, force planning and assignment.** During phase 4, intelligence continues to support the planning and decision-making process.
- e. **Phase 5: Mission planning and execution.** During mission planning, the original intelligence assessments must be constantly reviewed to ensure they remain valid. If not, the original engagement decision must be revisited.

<sup>27</sup> AJP-5, *Allied Joint Doctrine for Operational-Level Planning*.

<sup>28</sup> AJP-2, *Allied Joint Doctrine for Intelligence, Counter-intelligence and Security*.

<sup>29</sup> AJP-2.1(A), *Intelligence Procedures*.

During execution, the situation may change as the actor responds to the friendly force action. Intelligence support to targeting is vital for maintaining situational awareness and targeting for future engagement.

- f. **Phase 6: Assessment.** It is vital that the effectiveness of activities conducted can be assessed to inform campaign progress. Elements of the ICP must be focused on collecting data against the measurements of effectiveness identified in phase 1.

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## CHAPTER 5 – TARGETING AT COMPONENT LEVEL

### Section I – General

0501 At the component level, outputs from the joint targeting cycle are translated into actions conducted by tactical units. Components also contribute to the joint cycle by nominating their own targets specific to their own environment and mission within the Joint Force Commander (JFC)'s intent. Such targets could be outside their own area of operations.

0502 Within the priorities set by the JFC, component commanders will allocate priorities, designate effects and specify timings. Component collection capabilities will assist the JFC during target development and assessment phases of the joint targeting cycle.

0503 Component commanders will:

- develop target nomination lists and priorities in accordance with the mission assigned by the JFC;
- provide representatives to the Joint Coordination Board, Joint Targeting Coordination Board (JTCB) and Information Activities Coordination Board (IACB) as directed by the JFC;
- contribute to the development of targets on the joint target list and their prioritization onto the joint prioritized target list;
- contribute to the approval process through the membership of the JTCB;
- confirm that targets meet legal and policy requirements, including that of military necessity, and account for any caveats expressed by national representatives;
- allocate organic assets to prosecute those targets assigned on the prioritized target list;
- prosecute time-sensitive targets as detailed in Annex A;
- ensure that all targets passed to subordinate formations for prosecution have been validated and approved, noting that this does not relieve lower echelon commanders of their responsibilities under international human rights law, Law of Armed Conflict and the rules of engagement;
- provide input into the assessment phase, consolidating appropriate battle damage assessments and weapon effectiveness assessments (i.e. mission

reports, cockpit video and post-meeting reports), passing assessment information to the JFC's target support cell and combat assessment information to the campaign assessment section for fusion with other information sources; and

- make re-engagement recommendations.

0504 Figure 5.1 shows the interaction of components with the joint targeting process.

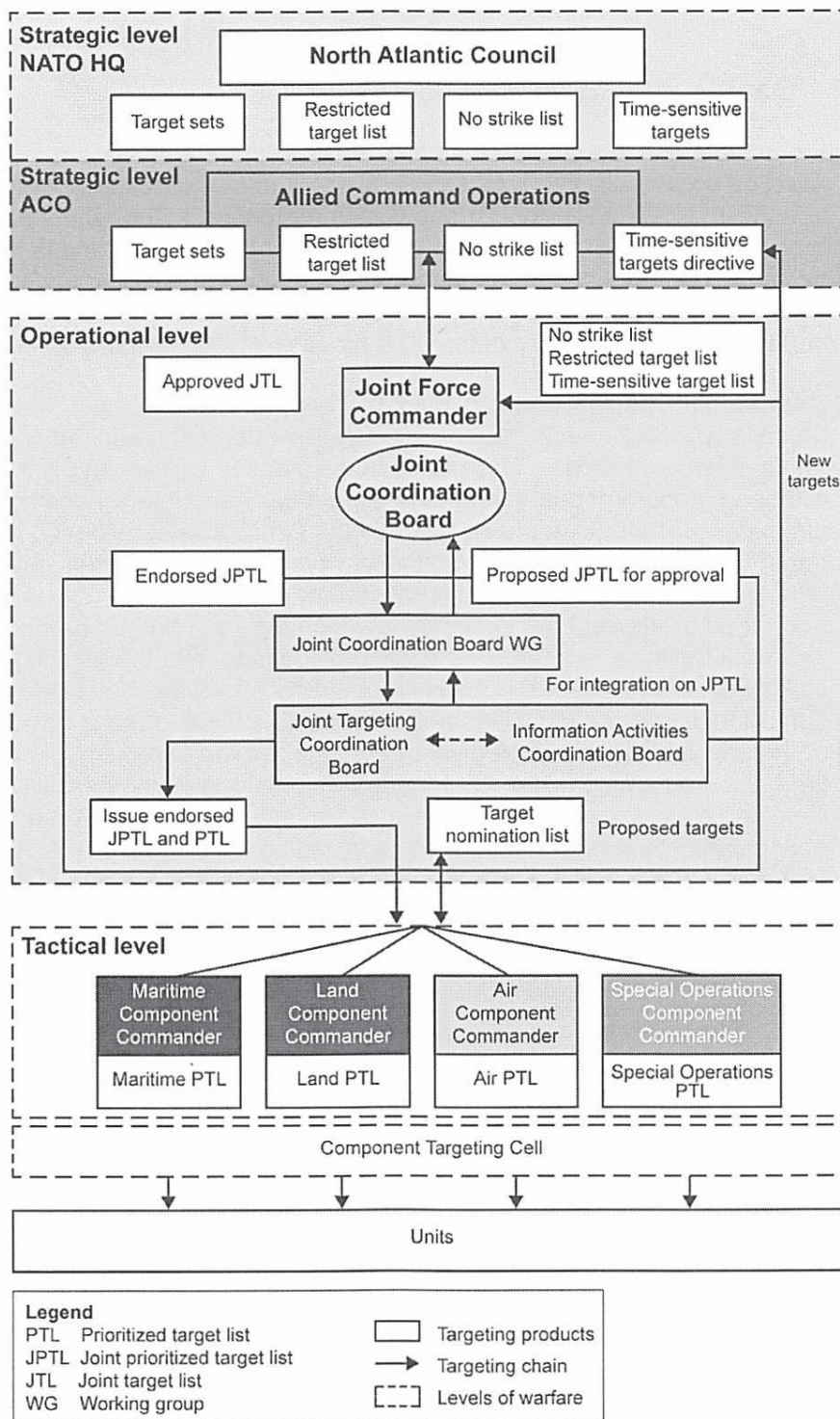


Figure 5.1 – Component interaction with the joint targeting process

## Section II – Decide, detect, deliver, assess

0505 Component commanders and their staffs may use different processes within the joint targeting cycle managed by the JFC. One example is the 'decide, detect, deliver, assess' process (D3A). Throughout, the process is dependent on the clear direction and guidance of the JFC to the component commander and is particularly suitable where component commanders have been given responsibility for an area of operation and a degree of autonomy to conduct operations. The following paragraphs provide a summary of the D3A process which is illustrated in Figure 5.2.

- a. **Decide.** The 'decide' phase is the initial and most involved part of the process, although much of the work may have been done in earlier phases of the joint targeting cycle. This phase takes place in parallel and is integrated with the component operations planning process and intelligence collection planning<sup>30</sup>. The decide phase will take the direction and guidance provided by the JFC to the component commander, who then translates this into desired effects and how they expect to create them, using this to identify target types and target areas, and the accuracy to which they can be established based on available technical systems. This will provide input into their intelligence collection plan (ICP) for the focusing of assets – including intelligence, surveillance and reconnaissance (ISR) assets – to develop an understanding of the physical and psychological target sets available to them. At the same time, the staff will consider what measurements of effectiveness will be used, including criteria for battle damage assessment. The outputs from the decide phase will include target nominations, including those from the IACB to be presented to the JTCCB, and a variety of other products such as high pay-off target lists and target selection standards (TSS).<sup>31</sup> The component commander nominates targets when they have identified them as high pay-off targets but lacks the capacity and/or capability to collect intelligence or to act against them.
- b. **Detect.** Understanding what has been developed during the decide phase will guide when and where to look for a target, and the ICP will guide the employment of ISR assets to detect the presence of targets in any named area of interest, or detect the conditions that make it appropriate for target engagement. Once located, a target must be positively identified against the target selection standards derived during the decide phase. Once positively identified, and depending on the target's priority, ISR assets will continue to track the target to ensure it is not lost and to develop and maintain a current, precise target location. On conclusion of this phase and before starting the

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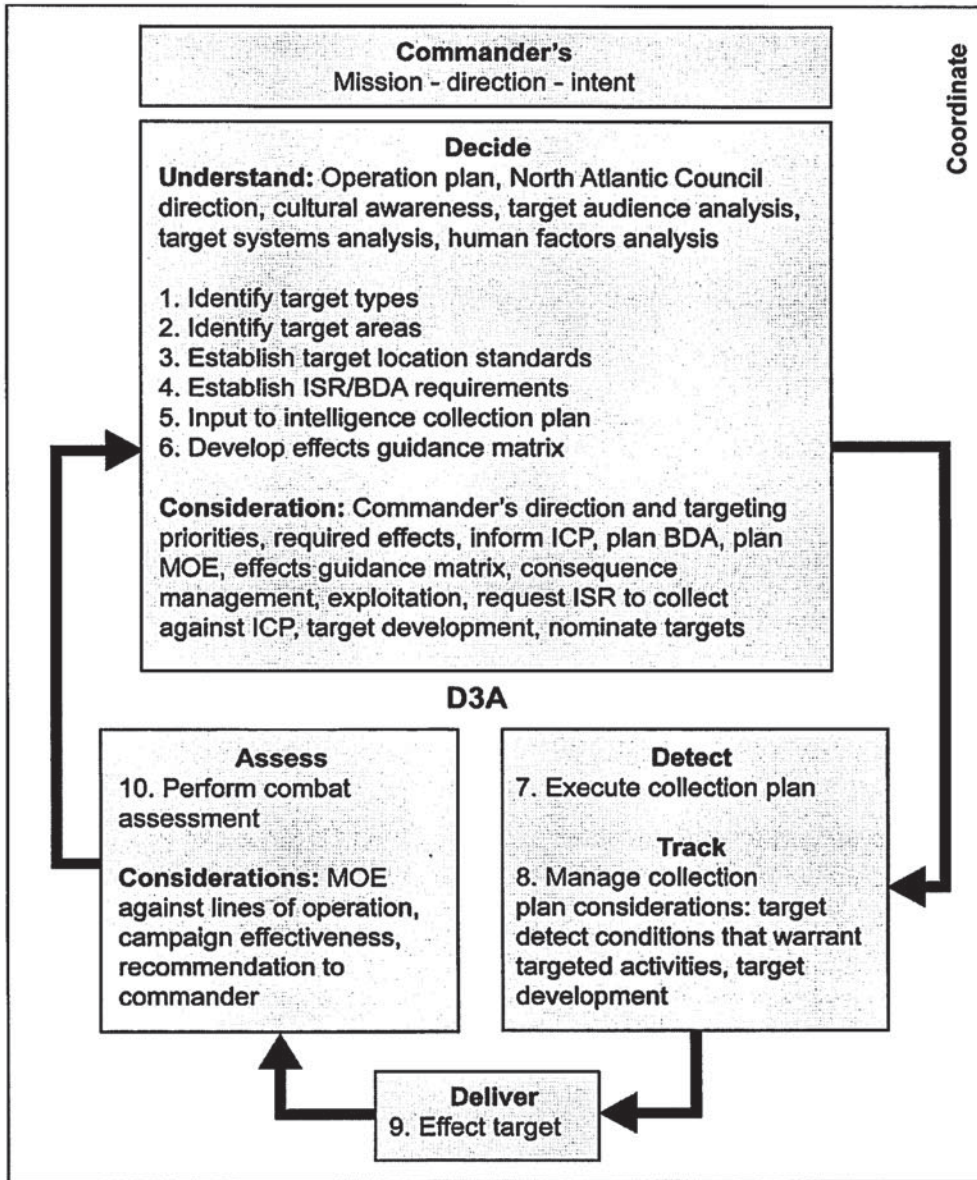
<sup>30</sup> Intelligence requirements management and collection management (IRM&CM) processes.

<sup>31</sup> 'Target selection standards' are criteria that are applied to possible future targets to determine what degree of accuracy and timeliness is required from detection systems to enable their successful engagement.

'deliver' phase, all legal and other requirements, including collateral damage constraints, must be met.

- c. **Deliver.** During the 'deliver' phase, the primary activity is applying the planned capability to create the desired effect against a particular target. The aim of this phase is to ensure that the appropriate capability is applied against the target as efficiently as possible. Applying lethal capabilities against adversarial target sets may be relatively straightforward in comparison with applying non-lethal capabilities against both adversaries and other actors.
- d. **Assess.** This phase feeds directly back to phase 6 of the joint targeting cycle – assessment. During this phase, staff will seek to identify the effectiveness of the actions applied against particular targets. This will determine any requirement for a follow-up engagement, including consequence management, and assist in identifying opportunities to exploit and contribute to overall campaign assessment both within the component command and by the JFC. While the most critical element is measuring what has changed, or whether the desired effect has been created, both measures of activity and measures of performance are important. The assessment phase is likely to include four separate elements, as detailed next.
  - (1) **Battle damage assessment.** The assessment of effects resulting from the military activity, either lethal or non-lethal; the result of the target engagement.
  - (2) **Measures of performance.** To determine if the correct amount of activity/capability was applied to create the planned effect.
  - (3) **Measurements of effectiveness.** How any changes in the target (physical, attitudinal or behavioural) are related to the intended effect; whether the activity created the planned effect.
  - (4) **Follow-up actions.** Confirmation of mission success or recommendation to re-engage if required.

The staff should also evaluate the effectiveness of the assess phase and the tools employed (battle damage assessment, measures of performance and measurements of effectiveness) against achieving the JFC's objectives, and then make adjustments as appropriate. This assessment complements the actual assessment of effects generated.

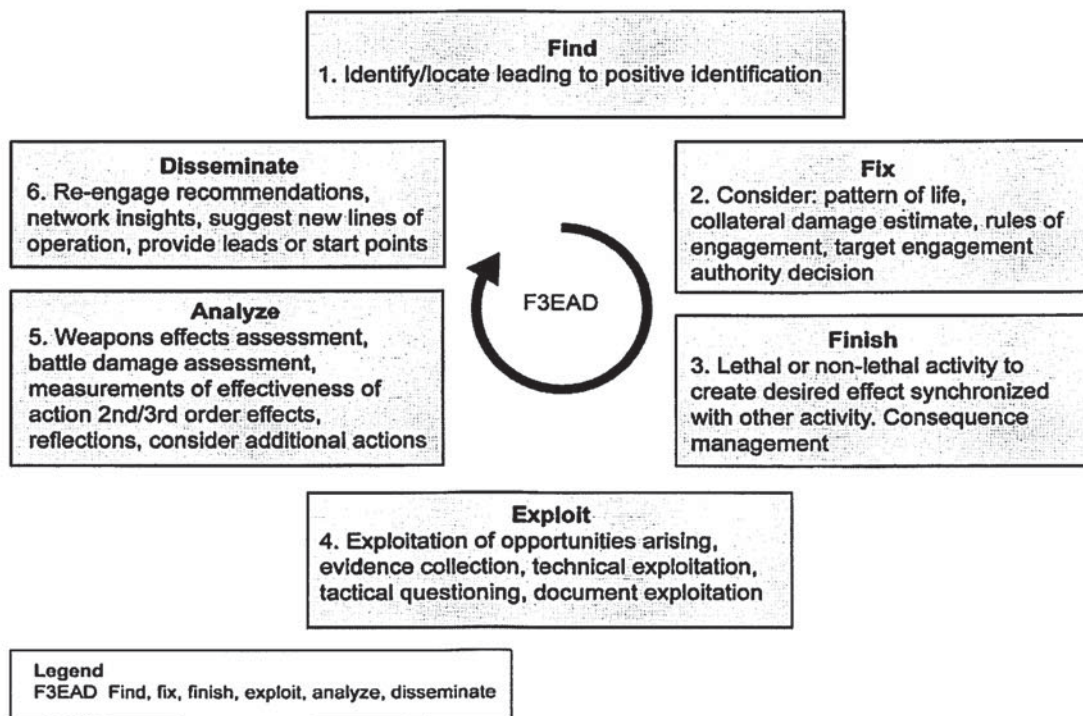


**Legend**  
 BDA Battle damage assessment  
 D3A Decide, detect, deliver, assess  
 ICP Intelligence collection plan  
 ISR Intelligence, surveillance and reconnaissance  
 MOE Measurements of effectiveness

Figure 5.2 – D3A

**Section III – NATO Special Operations targeting process: find, fix, finish, exploit, analyze and disseminate**

0506 **Tactical operations – strategic effects.** NATO’s Special Operations Force (SOF) is commanded through a Special Operations Component Command, which will contribute to the joint targeting cycle in terms of target nomination and development alongside other components. However, during the deliver phase at the tactical level, activity cycles – such as find, fix, finish, exploit, analyze and disseminate (F3EAD) – may be used to manage the execution of an activity. This may be especially useful when targeting human networks and when coordinating activity against dynamic and emerging targets, where target engagement authority is sought after a target has been detected but before it can be acted against. F3EAD facilitates a hasty targeting process and is applicable for delivery of both lethal and non-lethal capabilities to create physical and psychological effects. Although optimized to deliver a lethal strike against a dynamic or time-sensitive target, it has utility across the full spectrum of operations. The process is illustrated at Figure 5.3 and further details describing it, along with its associated process of find, feel, understand, influence and disrupt (F2UID), are contained in AJP-3.5, *Allied Joint Doctrine for Special Operations*.



**Figure 5.3 – F3EAD cycle**

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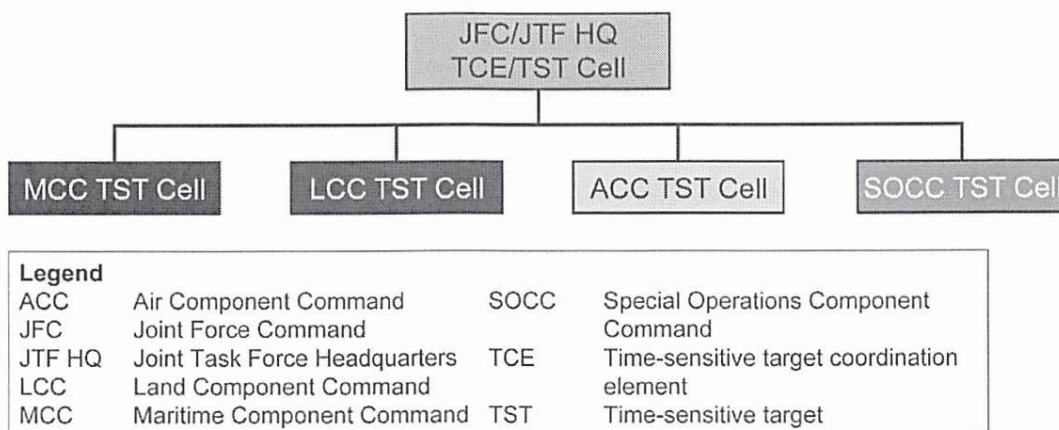
## ANNEX A – PROSECUTING TIME-SENSITIVE TARGETS

### Section I – General

- A1. Time-sensitive targets (TST) usually warrant immediate target prosecution and will normally be critically important to an adversary – who will make every attempt to conceal their location. Most TST engagements involve assets from a variety of components operating together to detect and engage the adversary and assess the results. Consequently, TST are prioritized, categorized, coordinated, de-conflicted and directed for engagement at the joint force level. Their immediacy means they are typically dealt with through dynamic targeting. Some examples of potential TST include:
- mobile high-threat surface-to-air missile systems;
  - deployed theatre ballistic missiles;
  - mobile command, control, communications, computers and intelligence (C4I);
  - weapons of mass destruction assets;
  - adversary leadership;
  - mobile radio/TV broadcast stations; and
  - adversary propaganda.
- A2. **Successful TST engagement.** Keys to successful TST engagement include:
- clear, detailed North Atlantic Council (NAC) and Supreme Allied Commander Europe (SACEUR) guidance, including pre-approved TST sets;
  - a TST matrix containing specific direction and guidance regarding TST including target engagement authority and collateral damage levels from the JFC;
  - effective intelligence, surveillance and reconnaissance (ISR) and communications providing near-real-time capability to support TST operations;
  - a capability to share relevant, timely information about targets, surrounding threats and collateral damage assessments (where the information must be presented in a format that facilitates rapid decision-making);
  - updated information and a common operational picture shared between components;

- command and control procedures, together with systems in place allowing the decentralized execution of TST, while providing simultaneous synchronization and de-confliction throughout the entire joint operations area; and
- clear and detailed procedures to obtain approval to engage TST as they are detected.

- A3. **Structure to prosecute time-sensitive targets.** Overall responsibility for command, control and coordination of TST remains with the Joint Force Commander (JFC). There are several options with which to structure command and control systems to support TST prosecutions and these are as follows.
- a. **TST coordination element.** Coordination of TST is always retained at the JFC level. A TST coordination element (TCE) is established in the joint operations centre (JOC) to provide oversight for the TST process. The TCE within the JOC will supervise and coordinate ongoing operations while adjudicating or arbitrating component targeting issues in accordance with JFC direction and guidance, rules of engagement, Law of Armed Conflict and relevant international law. The TCE is the single point of contact at the JFC level for any TST-related component activities or questions.
  - b. **TST cell.** A TST cell, responsible for TST execution under the guidance of the TCE, is established at both the joint force and component level. TST cells will include, as a minimum, fires, intelligence and targeting experts. The JFC may also maintain a deployable JFC TST cell, which may remain co-located with the Joint Task Force Headquarters (JTF HQ) or deploy to a designated component, as the nucleus of a larger TST cell embedded in that component's current operations cell.
  - c. **Lead component.** A component may be designated as the TST lead if it has the best information or situational awareness to prosecute TST. While airpower is well suited to TST prosecution, making combined air operations centres (CAOC) the usual choice to coordinate their engagement, the JFC may wish to allocate the lead to a different component commander or retain it at JTF HQ. The JFC will normally embed their deployable TST team within a lead component's current operations section; the TCE remains at the joint force level. Figure A.1 shows the TST organization when the JFC retains a TST cell at their level.



**Figure A.1 – TST Cell and TCE at joint force level**

**A4. Other considerations.**

- a. **Accelerated decision making.** Successful TST engagement requires accelerating the decision-making process. This is achieved through appropriate command and control mechanisms, alongside well-understood and well-rehearsed procedures coupled to prior planning and coordination. Planning should include producing a TST matrix and engagement criteria.
- b. **Identifying TST.** Comprehensive preparation of the operating environment (CPOE), supported by joint intelligence preparation of the operating environment, identifies the probable locations or operating areas where TST may emerge. If confidence in the intelligence picture is high, and subject to the nature of the TST, component commanders may elect to position or posture ISR and strike assets to reduce response times when TST are identified. During mission planning and execution, intelligence closely monitors target status in order to provide real-time support to execution.
- c. **Risk assessment.** Within the accelerated decision-making process, staff should conduct a risk assessment balanced against the guidance in the TST matrix to consider:
  - the level of risk to the force (including fratricide and diverting resources from other assigned tasks);
  - the risk to operational success (including any impact on freedom of action and impact on the operation's information strategy); and
  - collateral damage risk.

## Section II – Roles and responsibilities

- A5. **JFC guidance.** The JFC designates TST, stating exactly what constitutes one, and provides guidance on targeting priorities. Only TST within target sets approved by the NAC will be prosecuted. However, during ongoing operations new potential TST may emerge; those that fall outside these categories will be forwarded by the JFC for NAC approval before being considered for designation as a TST. The JFC guidance must clearly define the TST coordination procedures between the components, applicable rules of engagement, any restrictions (including collateral damage considerations) and reporting conditions. The guidance will include a number of factors.
- a. **TST priorities.** Following planning, including input from the components, the JFC identifies and prioritises TST. Priorities must be allocated to establish precedence when tasking assets away from other targets. The JFC will limit the number of TST categories or these priorities may become meaningless.
  - b. **Target engagement authority.** Political and other considerations may require the JFC to retain target engagement authority. Wherever possible, target engagement authority is delegated to the lowest level possible. This allows component commanders the flexibility to execute targets within delegated collateral damage levels and rules of engagement. To maintain the ability to command, control and coordinate the TST operation, this activity is normally carried out at the component level. The JFC, when assigning engagement authority, has to balance strategic impact, component commander's areas of operation and assigned functional missions, with the requirement to strike rapidly against TST.
  - c. **Positive identification.** The JFC establishes requirements for positive identification (PID) prior to TST engagement. The type of TST or its location (such as in an urban area) will affect the JFC's decision-making. This may require data from multiple sensors/sources to achieve the confidence level required for the JFC to authorize target prosecution.
  - d. **National caveats.** During planning and execution, the JFC must be aware of any national caveats, additional restrictions or considerations depending on the situation that could affect assigning resources for target prosecution. National caveats are reported through appropriate national representatives.
  - e. **Collateral damage.** The JFC ensures that collateral damage estimation is conducted in accordance with the parameters of NATO collateral damage estimation methodology. Components develop procedures to ensure compliance with JFC's collateral damage direction.

- f. **Command and control and coordination requirements.** The JFC establishes specific command and control guidance for TST prosecution, including mechanisms for coordination, de-confliction, integration and synchronization amongst components. A well-practised, well-executed command and control process is essential for successful TST prosecution.
  - g. **Desired effects.** The desired effects are given in the TST matrix and express the required action and the intended effect.
  - h. **Acceptable risk.** JFC's guidance should stipulate the degree of acceptable risk (including that posed by collateral damage) when engaging specific TST. The acceptable risk will be addressed within the TST matrix, as well as assessed in the target engagement authority brief. Specific TST may be such a threat to the force or to mission accomplishment that the JFC is willing to accept a higher level of risk and engage the target immediately upon detection. The risk associated with TST involves a possible trade-off between diverting ISR and engagement assets from their planned mission to a TST. Risks must be balanced against a target's window of vulnerability.
- A6. **Command responsibilities.** The following are the general responsibilities in a joint force with regard to TST.
- a. **Joint Force Commander:**
    - o analyzes and recommends TST categories for NAC approval;<sup>32</sup>
    - o designates and prioritizes TST;
    - o approves the TST matrix developed by the Joint Targeting Coordination Board (see Figure A.2, which contains a sample TST matrix);
    - o issues TST directions and guidance, and delegation of engagement authority for TST to component commanders; and
    - o establishes a JFC TST cell and a TST coordination element as required.
  - b. **JFC Director of the Knowledge Management Directorate:**
    - o develops targets/target sets designated as TST by the JFC;
    - o assesses the effectiveness of collection plans with regard to TST priorities and recommends appropriate adjustments;

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<sup>32</sup> During this process the JFC should consider advice from senior national representatives.

- coordinates CPOE effort with other directorates and branches; and
  - supports the target engagement authority briefing.
- c. **JFC Director of Operations:**
- promulgates and executes the JFC's guidance for TST operations;
  - establishes a TST coordination element and JFC TST cell;
  - initiates NAC approval for new TST target categories submitted by components, headquarters or non-NATO entities;
  - ensures TST coordination element and JFC TST cell is correctly manned, trained and equipped; and
  - provides requirements to J-6 CIS Branch for command and control architecture and collaborative tools.
- d. **JFC TST cell/coordination element:**
- drafts TST guidance and priorities for JFC approval and incorporation into the joint coordination order;
  - ensures compliance with approved JFC guidance;
  - if applicable, coordinates TST operations with organizations outside NATO's command authority;
  - facilitates timely approval for the engagement of targets requiring JFC or higher authority;
  - arbitrates conflicting TST requirements between components; and
  - provides TST expertise to the JFC.
- e. **Component commanders.** If a TST is detected within a component's area of operations, the component commanders plan and execute TST operations as tasked by the JFC. If approved for engagement by the appropriate target engagement authority, the component commander may independently prosecute the TST with organic capabilities or request support from another component. Any component TST cell may offer other solutions/assets via the collaborative network and coordinate with the JFC TCE cell. The component commander remains responsible for engagement de-confliction within his area of operations. The TST coordination element monitors all potential TST prosecutions, arbitrates and coordinates issues that may arise in cross-

component area of operations actions. Component commanders, or their designated representatives, will:

- establish a TST cell to coordinate with the JFC's TST coordination element;
- review all TST against JFC direction and guidance and the joint coordination order to determine engagement authority;
- report processing of JFC-designated TST; and
- coordinate with the JFC TST coordination element for TST requiring coordination between two or more components or requiring JFC action in accordance with JFC direction and guidance.

JFC priority	TGT set	TGT type	Desired effect <sup>1</sup>	TEA	ROE	Acceptable risk to friendly forces <sup>2</sup>	Acceptable CDE	PID	Remarks/restrictions/amplifications	C2 coordination requirement
1/I	ADF	High threat SAM	KK/KC	CC	231	High	4	Intel and operator input	If SAM threat poses or soon will pose, a threat to ATO execution, strike with any available asset	TCE/JTST Cell
2/I	MSL	Loaded NO DONG TEL	KK/KC	JFC	231	High	5	Intel and operator input	If TEL is within range of NATO fielded forces, or key infrastructure strike immediately with any asset	TCE/JTST Cell
3/I	MSL	Loaded SCUD TEL	KK/KC	JFC	231	High	5	Intel and operator input	If TEL is within range of NATO fielded forces, or key infrastructure, strike immediately with any asset	TCE/JTST Cell
4/A	PLS	Adversary national leadership	KC/JJ	SACEUR	183, 255	High	5	Intel input	Limit actor's control capability or capture actor	TCE/JTST Cell
5/A	MLS	Adversary national leadership	KK*/KC/JJ	CC	183, 255, 168	Medium	4	Intel input	Kill or limit actor's control capability capture actor	TCE/JTST Cell
<b>I</b> Immediate - takes priority over all planned targets <b>A</b> ASAP without affecting priority 1 JPTL targets						<b>KK</b> Kill/destroy <b>KC</b> Kill capabilities <b>PP</b> Prevent use <b>JJ</b> Detention <b>*KK</b> Only if detention is not possible				

Legend	
ADF	Air defence forces
ASAP	As soon as possible
ATO	Air tasking order
C2	Command and control
CC	Component commander
CDE	Collateral damage estimate
JPTL	Joint prioritized target list
Intel	Intelligence
JFC	Joint Force Commander
KC	Kill capabilities
MLS	Military leadership
MSL	Missile
PP	Prevent use
PID	Positive identification
PLS	Political leadership
ROE	Rules of engagement
SAM	Surface to air missile
TCE/JTST	TST coordination element / Joint time-sensitive target cell
TEA	Target engagement authority
TEL	Transporter erector-launcher
TGT	Target
TST	Time-sensitive target
SACEUR	Supreme Allied Commander Europe

<sup>1</sup> As laid down in ACO Directive (AD) 80-70 Campaign Synchronisation and Joint Targeting in ACO.

<sup>2</sup> These could relate to possible situations and the level of authority that holds the risk. For example high risk could involve fratricide, casualties caused by an adversary or the diversion of assets from another mission. Such a level of risk may be held at the JFC level. A medium risk could be a possible negative impact on the JFC's information operations which could be held at component commander level.

**Figure A.2 – Example of a time-sensitive target matrix**



## ANNEX B – EXAMPLE NATO TARGET SETS

B1. Supreme Allied Commander Europe, in coordination with the joint force commander, will select target sets based on specific North Atlantic Council direction and (if available) national guidance. Target sets are delineated by type and do not differentiate between military and civilian installations. Civilian installations may only be targeted if they are legitimate military targets in accordance with the Law of Armed Conflict and relevant international law. A list of common target sets and their abbreviations is below.

B2. Each target set consists of a number of target categories. For more details see STANAG-3696.

<b>Target sets</b>	<b>Abbreviated title</b>
Command, control, communication, computers and intelligence	C4I
Weapons of mass destruction	WMD
Ground forces and facilities	GFF
Air forces and airfields	AFA
Air defence	ADF
Naval forces and ports	NFP
Space forces	SPF
Ballistic missiles	MSL
Electric power	PWR
Petroleum industry	POL
Industry	IND
Transportation/lines of communication	LOC
Military supply and storage	MSS
Special category	SCT
Military leadership	MLS
Political leadership	PLS
Economic leadership	ELS
Adversary media	AME
Rules of engagement defined forces, groups, individuals	RDF
Militant, criminal forces	MCF
Religious leadership	RLS
Media	MED

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## LEXICON

### PART I – ACRONYMS AND ABBREVIATIONS

ACO	Allied Command Operations
AJP	Allied Joint Publication
BDA	battle damage assessment
CDE	collateral damage estimation
COA	course of action
CPOE	comprehensive preparation of the operating environment
D3A	decide, detect, deliver, assess
F2T2E2A	find, fix, track, target, engage, exploit, assess
F3EAD	find, fix, finish, exploit, analyze, disseminate
IACB	Information Activities Coordination Board
ICP	intelligence collection plan
IDB	integrated database
Info Ops	information operations
IRM&CM	intelligence requirements management and collection management
ISR	intelligence, surveillance and reconnaissance
JCO	joint coordination order
JFC	joint force commander
JIPOE	joint intelligence preparation of the operating environment
JOC	joint operations centre
JPTL	joint prioritized target list
JTCB	Joint Targeting Coordination Board
JTF	joint task force
JTL	joint target list
MC	Military Committee
MIDB	Modernised Integrated Database
MOE	measurement of effectiveness
MOP	measure of performance
NAC	North Atlantic Council
NATO	North Atlantic Treaty Organization
NSL	no-strike list
OPLAN	operation plan

PID	positive identification
ROE	rules of engagement
RTL	restricted target list
SACEUR	Supreme Allied Commander Europe
StratCom	strategic communications
TAA	target audience analysis
TCE	Time Sensitive Target coordination element
TNL	target nomination list
TSA	target systems analysis
TSAT	target systems analysis team
TST	time-sensitive target

## PART II – TERMS AND DEFINITIONS

### **area of intelligence interest**

A geographical area for which a commander requires intelligence on the factors and developments that may affect the outcome of operations. (NTMS – NATO Agreed)

### **area of operations**

An area defined by the joint force commander within a joint operations area for the conduct of specific military activities. (NTMS – NATO agreed).

### **assessment**

The process of estimating the capabilities and performance of organizations, individuals, materiel or systems.

Note: in the context of military forces, the hierarchical relationship in logical sequence is: assessment, analysis, evaluation, validation and certification.  
(NTMS – NATO agreed)

### **battle damage assessment**

The assessment of effects resulting from the application of military action, either lethal or non-lethal, against a military objective. (NTMS – NATO agreed)

### **battlespace**

The environment, factors and conditions that must be understood to apply combat power, protect a force or complete a mission successfully. Note: It includes the land, maritime, air and space environments; the enemy and friendly forces present therein; facilities; terrestrial and space weather; health hazards; terrain; the electromagnetic spectrum; and the information environment in the joint operations area and other areas of interest.  
(NTMS – NATO agreed)

### **campaign**

A set of military operations planned and conducted to achieve a strategic objective.  
(NTMS – NATO Agreed)

### **centre of gravity**

Characteristics, capabilities, or localities from which a nation, an alliance, a military force or other grouping derives its freedom of action, physical strength or will to fight. (NTMS – NATO agreed)

### **collateral damage**

Inadvertent casualties and destruction in civilian areas caused by military operations.  
(NTMS – NATO agreed)

### **collateral damage estimation**

A methodology that provides a probability, but not a certainty, of collateral damage for a specific weapon system. [AJP-3.9 (not NATO-agreed)]

**collection**

The exploitation of sources by collection agencies and the delivery of the information obtained to the appropriate processing unit for use in the production of intelligence. (NTMS – NATO agreed)

**communication and information systems**

Collective term for communication systems and information systems. (NTMS – NATO-agreed)

**conduct of operations**

The art of directing, coordinating, controlling and adjusting the actions of forces to achieve specific objectives. (NTMS – NATO agreed)

**control**

That authority exercised by a commander over part of the activities of subordinate organizations, or other organizations not normally under his command, that encompasses the responsibility for implementing orders or directives. (NTMS – NATO agreed)

**course of action**

In the estimate process, an option that would accomplish or contribute to the accomplishment of a mission or a task, and from which a detailed plan is developed. (NTMS – NATO agreed)

**end state**

The political and/or military situation to be attained at the end of an operation, which indicates that the objective has been achieved. (NTMS – NATO agreed)

**high pay-off target**

A high value target, the successful influencing of which will offer a disproportionate advantage to friendly forces.

Note: High pay-off targets are determined by the value they offer to friendly forces rather than other actors. (NTMS - NATO Agreed)

**high-value target**

A target identified as critical to an actor or organization for achieving its goal. (NTMS - NATO Agreed)

**information activities**

Actions designed to affect information or information systems.

Note: Information activities can be performed by any actor and include protection measures. (NTMS – NATO Agreed)

**information environment**

An environment comprised of the information itself; the individuals, organizations and systems that receive, process and convey the information; and the cognitive, virtual and physical space in which this occurs. [AJP-3.10(A) (not NATO Agreed)]

**information operations**

A staff function to analyze, plan, assess and integrate information activities to create desired effects on the will, understanding and capability of adversaries, potential adversaries and North Atlantic Council approved audiences in support of Alliance mission objectives. [AJP-3.10(A) (not NATO Agreed)]

**intelligence**

The product resulting from the directed collection and processing of information regarding the environment and the capabilities and intentions of actors, in order to identify threats and offer opportunities for exploitation by decision-makers. (NTMS – NATO agreed)

**joint**

Adjective used to describe activities, operations, organizations in which elements of at least two services participate. (NTMS – NATO agreed)

**joint fires**

Fires applied during the employment of forces from two or more components in coordinated action toward a common objective. (NTMS – NATO agreed)

**joint operations area**

A temporary area defined by the Supreme Allied Commander Europe, in which a designated joint commander plans and executes a specific mission at the operational level of war. A joint operations area and its defining parameters, such as time, scope of the mission and geographical area, are contingency- or mission-specific and are normally associated with combined joint task force operations. (NTMS – NATO agreed)

**joint prioritized target list**

A prioritized list of targets approved and maintained by the joint force commander. [AJP-3.9 (not NATO Agreed)]

**joint target list**

A consolidated list of selected but unapproved targets considered to have military significance in the joint operations area. [AAP-39 (not NATO Agreed)]

**measure of performance**

A criterion to assess friendly actions that is tied to measuring task accomplishment. [AAP-39 (not NATO Agreed)]

**measurement of effectiveness**

The assessment of the realization of intended effects. (NTMS – NATO Agreed)

**mission**

1. A clear, concise statement of the task of the command and its purpose.
2. One or more aircraft ordered to accomplish one particular task.  
(NTMS – NATO agreed)

**multinational**

An adjective used to describe activities, operations and organizations in which elements of more than one nation participate. *See also* 'combined'. (NTMS – NATO agreed)

**named area of interest**

A geographic area where information is gathered to satisfy specific intelligence requirements. (NTMS – NATO agreed)

**no-strike list**

A subset of the integrated database (IDB) comprising entities which must not be engaged due to protection by international law or for policy reasons as determined by the North Atlantic Council. [AJP-3.9 (not NATO Agreed)]

**objective**

A clearly defined and attainable goal for a military operation, for example seizing a terrain feature, neutralizing an adversary's force or capability, or achieving some other desired outcome that is essential to a commander's plan and towards which the operation is directed. (NTMS – NATO agreed)

**operation**

A sequence of coordinated actions with a defined purpose.

Notes:

1. NATO operations are military.
2. NATO operations contribute to a wider approach, including non-military actions.  
(NTMS – NATO agreed)

**operation plan**

A plan for a single or series of connected operations to be carried out simultaneously or in succession. It is usually based upon stated assumptions and is the form of directive employed by higher authority to permit subordinate commanders to prepare supporting plans and orders. The designation "plan" is usually used instead of "order" in preparing for operations well in advance. An operation plan may be put into effect at a prescribed time, or on signal, and then becomes the operation order. (NTMS – NATO Agreed)

**operations security**

The process which gives a military operation or exercise appropriate security, using passive or active means, to deny the enemy knowledge of the dispositions, capabilities and intentions of friendly forces. (NTMS – NATO agreed)



**restricted target**

A valid target that has specific restrictions placed on the actions authorized against it due to operational considerations. [AJP-3.9 (not NATO Agreed)]

**restricted target list**

A list of restricted targets nominated by elements of the joint force and approved by the joint force commander or directed by higher authorities. [AJP-3.9 (not NATO Agreed)]

**rules of engagement**

Directives to military forces (including individuals) that define the circumstances, conditions, degree and manner in which force, or actions which might be construed as provocative, may be applied. [MC 362-1 (not NATO Agreed)]

**support**

The action of a force, or portion thereof, which aids, protects, complements, or sustains any other force. (NTMS – NATO agreed)

**tactical command**

The authority delegated to a commander to assign tasks to forces under his command for the accomplishment of the mission assigned by higher authority. (NTMS – NATO agreed)

**target**

A target is an area, structure, object, person and group of people against which lethal or non-lethal capability can be employed to create specific psychological or physical effects. Note: person includes their mindset, thought processes, attitudes and behaviours. (This term and definition modifies an existing NATO-agreed term and/or definition and will be processed for NATO-agreed status)

**targeting**

The process of selecting and prioritizing targets and matching the appropriate response to them, taking account of operational requirements and capabilities. (NTMS – NATO agreed)

**target audience**

An individual or group selected for influence or attack by means of psychological operations. (NTMS – NATO agreed)

**target audience analysis**

The systematic study of people to enhance our understanding of them and to identify their accessibility, vulnerability and susceptibility to behavioural and attitudinal information activity. [AJP3.9 (not NATO agreed)]

**target category**

A group of targets that serve the same functions. [MC 471/1, 15 June 2007 (not NATO Agreed)]

**target engagement authority**

The level of command required to authorize an engagement at each collateral damage estimation level.

Note: This is defined in the operation plan specific to each NATO operation.

[AJP-3.9 (not NATO Agreed)]

**target systems analysis**

The holistic and dynamic intelligence assessment of all aspects of potential target sets (physical and psychological) to identify vulnerabilities which, if targeted by the appropriate capability (lethal or non-lethal) would achieve desired objectives.

[AJP-3.9 (not NATO agreed)]

**time-sensitive target**

A target requiring immediate response because it poses (or will soon pose) a danger to friendly forces or is a highly lucrative, fleeting target of opportunity whose destruction is of high priority to achieve campaign objectives.

[MC 471/1, 15 June 2007 (not NATO Agreed)]

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**AJP-3.9(A)(1)**

# Annex 367

NATO and Russia: Partners in Peacekeeping (undated)





# NATO and Russia: Partners in Peacekeeping



Partners in peacekeeping: Russian and NATO soldiers have worked together in the Balkans for more than five years.

## Working together for peace in the Balkans

For more than five years, Russian and NATO soldiers have worked together in NATO-led peacekeeping operations in the Balkans, initially in Bosnia and Herzegovina and later in Kosovo as well. Over the years, this on-going partnership has gone from strength to strength as Russian and NATO peacekeepers have together risen to the challenge of restoring stability and bringing peace to this troubled part of the world, forging increasingly durable relationships in the process. Relations and mutual understanding between Russian and NATO troops on the ground — many of whom patrol, live and serve together in complex and difficult circumstances — have continued to improve.

Russia contributes by far the largest non-NATO contingent to the NATO-led peacekeeping forces. Russian troops make up some 1,200 of the 20,000

peacekeepers in the Stabilisation Force (SFOR) in Bosnia and Herzegovina, and some 3,150 of the more than 40,000 deployed in the Kosovo Force (KFOR) in Kosovo and neighbouring countries. Moreover, as a result of linguistic, cultural and religious affinities, Russian peacekeepers have brought an additional dimension to both SFOR and KFOR and have been able to play an especially important role.

Russian peacekeepers have accomplished their missions with military professionalism, discipline and even-handedness, and are working closely with the other NATO and non-NATO militaries deployed in the Balkans. In addition to bringing peace and stability to Bosnia and Herzegovina and Kosovo, the Balkan peacekeeping missions have enabled Russian and NATO militaries to build a greater understanding of one another and make significant advances in interoperability. Over the months and years in both SFOR and KFOR, Russian and NATO peacekeepers

have developed techniques and procedures that should enable their forces to work effectively together in complex and difficult situations in the future.

Russian peacekeepers serving in the Balkans have had the opportunity to get to know how NATO works and acts. In this way, they have seen for themselves that NATO is a transparent alliance, dealing with a wide range of complex issues and happy to work with and consult partner countries to build durable solutions. As changes in regime in both Croatia and Yugoslavia improve the prospects for peace throughout the Balkans, Russia and NATO have a special responsibility to seize these new opportunities. Moreover, the experience of working together in SFOR and KFOR provides an excellent basis from which Russia and NATO can develop further military-to-military cooperation.

### Special status of Russian peacekeepers

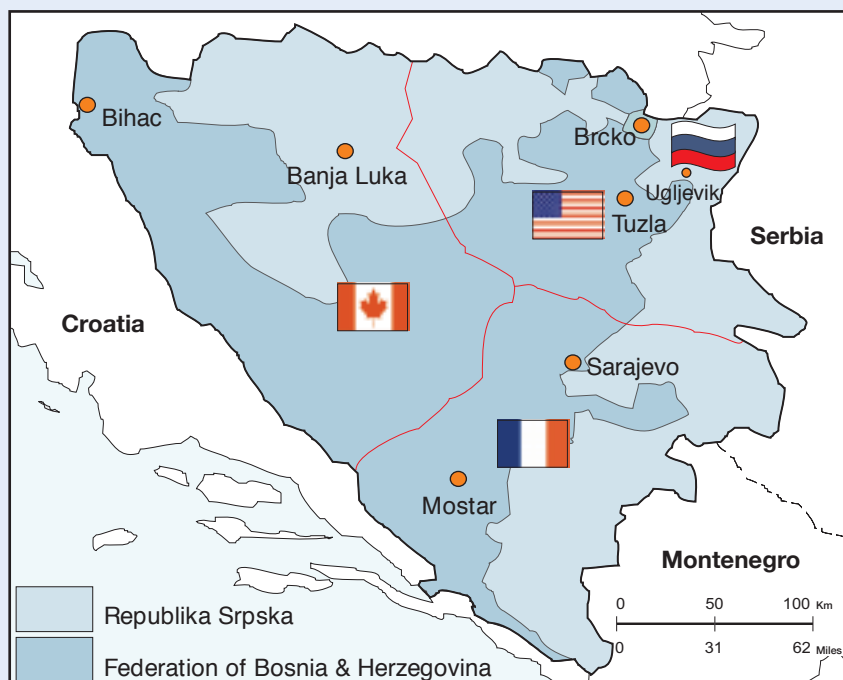
Russian diplomacy helped end the conflicts in Bosnia and Herzegovina and Kosovo and create the conditions for the establishment of SFOR and KFOR.

The terms of Russia's participation in both peacekeeping missions recognise the importance of the country's contribution to the peace settlements. They are different to those of every other partner nation and are regulated by special agreements.

An agreement governing the command and control relationship between the Russian brigade and NATO in SFOR, jointly developed by senior US and Russian officials, was approved by the North Atlantic Council, NATO's supreme decision-making body, in November 1995. Under the terms of this historic agreement, a Russian general, based at Supreme Headquarters Allied Powers, Europe (SHAPE) in Mons, Belgium, serves as a Special Deputy to the Supreme Allied Commander, Europe (SACEUR), responsible for advising SACEUR on all matters concerning Russia's participation in SFOR. Russian peacekeepers in SFOR's Multinational Division North (MND North) receive their orders and instructions from SACEUR through the Russian Deputy, and are under the tactical control of the US general in charge of MND North for day-to-day operations. The Russian general works out strategic

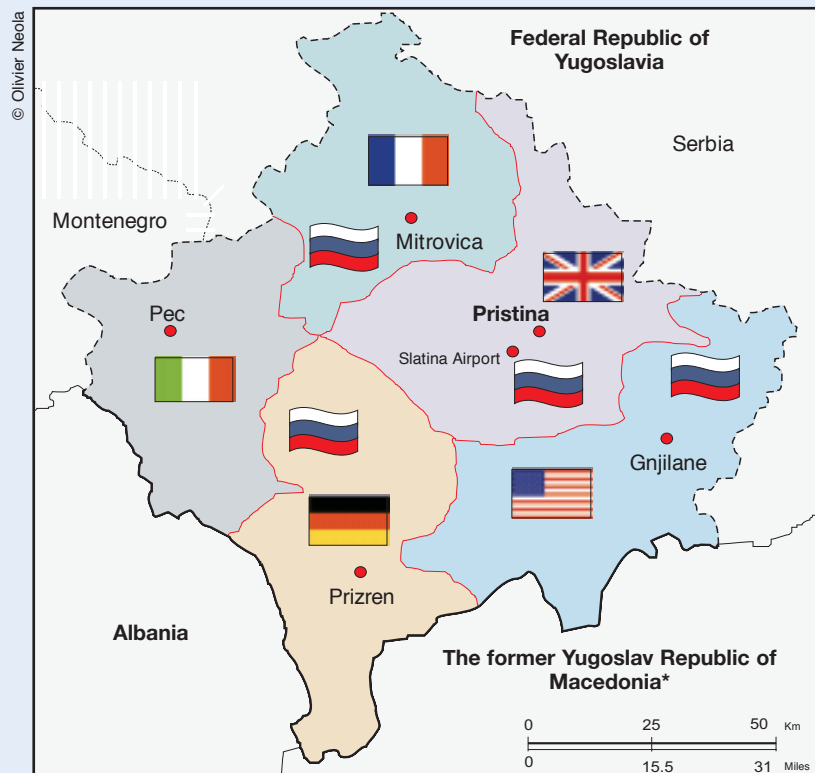
### Russia's participation in SFOR

A brigade of Russian peacekeepers has been based in Bosnia and Herzegovina in the US sector, Multinational Division North, since January 1996. Currently numbering some 1,200 airborne troops, the brigade has an area of responsibility covering 1,750 kilometres and including 75 kilometres of the inter-entity boundary line, running between the predominantly Croat and Muslim Federation of Bosnia and Herzegovina from the predominantly Serb Republika Srpska. About 30 US soldiers are permanently stationed at the Russian brigade's headquarters in Ugljevik, living, eating and sleeping in identical conditions to their Russian colleagues, and a dozen or so Russian soldiers are permanently stationed at the Multinational Division North headquarters near Tuzla. Russian and American soldiers patrol together and both sides say that their cooperation in SFOR has been a unique and positive learning experience. The achievement of NATO-Russian cooperation in SFOR was recognised in The NATO-Russia Founding Act, the 1997 agreement between Russia and the Atlantic Alliance.





## Russia's participation in KFOR



\* Turkey recognizes the Republic of Macedonia with its constitutional name

Currently numbering some 3,150, the Russian contingent is composed of airborne forces. According to the terms of a June 1999 agreement, they are deployed in three sectors in the US-led Multinational Brigade East, in the French-led Multinational Brigade North, and in the German-led Multinational Brigade South. Russia also has significant responsibilities at Slatina airport, near Pristina, working together with NATO forces, and Russian representatives are located at KFOR headquarters. American, French and German soldiers are attached to Russian units and vice versa to ensure smooth communication and cooperation.

and operational issues with SACEUR and the SHAPE staff. Meanwhile, the commander of the Russian brigade on the ground in Bosnia coordinates day-to-day operations with the US general commanding MND North.

The terms of Russia's participation in KFOR are governed by an agreement worked out in Helsinki in June 1999. Under this agreement, Russian peacekeepers are deployed in three sectors, in the US-led Multinational Brigade East, the French-led Multinational Brigade North and the German-led Multinational Brigade South. The Russian general at SHAPE is therefore, at the same time, the deputy to SACEUR responsible for Russian participation in SFOR and the representative of the Russian Ministry of Defence for Russian KFOR matters.

### Mission histories

Both SFOR and KFOR are seeking to build a security environment in which all citizens, irrespective of their ethnic origins, can live in peace and, with international aid, democracy can begin to grow. Both peacekeeping missions include contingents from both NATO and partner countries.

SFOR is the legal successor to IFOR, the Implementation Force, which deployed in Bosnia and Herzegovina in December 1995 in the wake of the Dayton Agreement, the peace accord ending the Bosnian War. IFOR had a one-year mandate to oversee implementation of the military aspects of the peace agreement — bringing about and maintaining an end to hostilities; separating the armed forces of Bosnia and Herzegovina's two entities, the Federation of Bosnia and Herzegovina and Republika Srpska; overseeing the transfer of territory between the two entities, according to the peace agreement; and moving the parties' forces and heavy weapons into approved storage sites.

Preserving a secure environment remains SFOR's core mission, but as conditions within Bosnia and Herzegovina have improved, SFOR has been able to assist civilian implementation of the peace agreement. Today, SFOR figures actively in efforts to help refugees and displaced persons return to their homes and is working on ways of reforming the Bosnian military — currently divided into three ethnically based, rival armies (Bosnian Muslim, Croat and Serb) — in such a way as to avert any prospect of renewed conflict. UN Security Council Resolution

## US decorations for Russian soldiers

General Wesley Clark, then Supreme Allied Commander, Europe, presented US medals to five Russian peacekeepers in December 1999. The soldiers, all from the Russian 13th Tactical Group which was then based in KFOR's Multinational Brigade East, put their lives at risk to rescue an American colleague who had stepped on a mine. In spite of great personal danger, the Russian soldiers entered an area known to be mined, administered emergency first aid and helped evacuate the severely wounded sergeant to a US field hospital.



1088 of December 1996 gives SFOR a UN mandate not just to maintain peace in Bosnia and Herzegovina, but also, where necessary, to enforce it. As the security situation has improved, the number of troops has been reduced. The current level of about 20,000 is significantly lower than the 32,000 deployed between December 1996 and November 1999, and only a third of the 60,000 deployed in IFOR. All 19 NATO and 13 partner countries contribute personnel to SFOR.

KFOR deployed in June 1999 in accordance with UN Security Council Resolution 1244 and a Military-Technical Agreement with the Yugoslav Army. Its responsibilities include deterring renewed hostility and threats against Kosovo by Yugoslav and Serb forces; establishing a secure environment and

ensuring public safety and order; demilitarising the Kosovo Liberation Army, the Kosovar Albanian military; supporting the international humanitarian effort; and coordinating with, and supporting, the international civil presence, the UN Interim Administration Mission in Kosovo (UNMIK).

KFOR's 40,000 plus troops come from all 19 NATO member states as well as 18 partner countries. They conduct between 500 and 750 patrols every day, guard more than 550 key sites, and man more than 200 vehicle checkpoints. KFOR is helping build the Kosovo Protection Corps, a local civil-emergency force, which will in time be accountable to the province's democratically elected leadership. KFOR troops also patrol Kosovo's borders and internal boundary with Serbia and man eight crossing points.

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*This text is not a formally agreed NATO document and, therefore, does not necessarily represent the official views of individual member governments on all policy issues discussed.*

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# Annex 368

Ukraine Note Verbale No. 72/22-484-1964 to Russian Federation Ministry of Foreign Affairs  
(28 July 2014)



**Ministry of Foreign Affairs of Ukraine**

# 72/22-484-1964

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and deems it necessary to state the following.

The Ukrainian Side has sent repeated demarches, protests and diplomatic notes to the Russian Side regarding the facts of terrorism and other crimes falling under the 1999 International Convention for the Suppression of the Financing of Terrorism. Just recently, notes #610/22-110-1833 dated 23.07.2014, #610/22-110-1827 dated 22.07.2014, #610/22-110-1805 dated 17.07.2014, #610/22-110-1804 dated 17.07.2014, #610/22-110-1798 dated 16.07.2014, #610/22-110-1695 dated 04.07.2014, #610/22-110-1592 dated 21.06.2014 informed about the international illegal acts.

The Ukrainian Side informs that in view of the above-mentioned facts, units of the Security Service of Ukraine and law enforcement agencies of Ukraine opened criminal proceedings, in particular, based on crimes provided for in Section IX of the Criminal Code of Ukraine, which established criminal responsibility, *inter alia*, for terrorism financing.

The Ukrainian Side states that circumstances established in the course of the said criminal proceedings, as well as other facts available, demonstrate that the actions by the Russian Side, including by citizens of the Russian Federation, are directly or indirectly, unlawfully and willfully aimed at provision or collection of funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out terrorism as prohibited according to the said Convention.

The Ukrainian Side also declares that inactivity and absence of any reaction of the Russian Side with regard to the facts embodied in the said notes represent violation of international legal obligations of the Russian Side.

**Ministry of Foreign Affairs  
Of the Russian Federation  
Moscow**

The Ukrainian Side stresses that under the 1999 International Convention for the Suppression of the Financing of Terrorism the Russian Side must take measures as necessary in accordance with its domestic legislation in order to investigate the facts contained in the information provided by the Ukrainian Side, as well as conduct criminal prosecution of persons related to the financing of terrorism.

In this regard, the Ukrainian Side proposes the Ukrainian Side to conduct negotiations on the interpretation and implementation of the International Convention for the Suppression of the Financing of Terrorism, in particular, as regards the unfaltering fulfillment of the obligations of the Russian Federation under that international treaty.

Kyiv, July 28, 2014

# Annex 369

Ukraine Note Verbale No. 72/22-620-2087 to the Russian Ministry of Foreign Affairs (12 August 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





**Ministry of Foreign Affairs of Ukraine**

# 72/22-620-2087

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and has the honor to make a statement about offences in the context of the 2000 International Convention for the Suppression of the Financing of Terrorism, hereinafter referred to as the Convention, committed by citizens of the Russian Federation and legal entities registered and/or located in its territory.

Article 2 of the Convention provides that any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out, *inter alia*, any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

In this regard, the Ukrainian side once again states that, from March 2014, terrorist organizations “Donetsk People’s Republic”, hereinafter referred to as the DPR, and “Lugansk People’s Republic”, hereinafter referred to as the LPR, have been operating illegally in the territory of Ukraine; they intentionally and consciously carry out in the territory of Ukraine terrorist acts aimed at intimidation of population, killing of civilian population, causing grave bodily injury to civilian population, seizure of hostages and administrative buildings of state and local authorities in order to compel the Ukrainian Government to do acts aimed at toppling constitutional order in Ukraine, recognition of the terrorist organizations, and other acts that threaten Ukraine’s territorial integrity and security.

**Ministry of Foreign Affairs  
Of the Russian Federation  
Moscow**

In this context, we inform that the Ukrainian side has evidence of participation of citizens and legal entities of the Russian Federation in the carrying out of offences identified in Article 2 of the Convention. Based on the available evidence, which are not limited to the facts below and information on acts that led to initiation of relevant proceedings and pre-trial investigation by the Ukrainian side, we bring the following to the notice of the Russian side the following.

On May 30, 2014, in the vicinity of the state border of Ukraine with the Russian Federation in the area of responsibility of Dyakove border guard unit, Kuligina O.I., a citizen of the Russian Federation, consciously, illegally and intentionally took part in the loading of weapons and ammunition, smuggled from the territory of the Russian Federation to the territory of Ukraine, to GAZel truck, for the purpose of their use by terrorist organizations of DPR and LPR in order to carry out the said terrorist acts that represent offences under the Convention and treaties listed in the Annex thereto.

According to the information available to the Ukrainian side, citizens of the Russian Federation Zhukovsky Olexandr Grygorovych, born on September 12, 1986, resident of Saint Petersburg, and Rayevsky Anton Arkadiyovych, born on March 11, 1985 in the city of Bolkhov, Oryol Oblast, consciously, illegally and intentionally took part in the operations of terrorist organization of DPR, and conducted acts aimed at provision and collection of funds with the intention that they should be used or in the knowledge that they are to be used to carry out terrorist activity of DPR in the territory of Ukraine. In particular, the said individuals maintain their own pages in Vkontakte social network (<http://vk.com/juchkovsky>, [http://vk.com/people/АНТОН\\_РАЕВСКИЙ](http://vk.com/people/АНТОН_РАЕВСКИЙ)), which contain personal data, photo and video materials that evidence that these individuals directly and/or indirectly, illegally and intentionally conduct in the territory of the Russian Federation acts aimed at collection of funds with the intention or in the knowledge that they should be used (provided), fully or partially, to procure weapons, ammunition or other military equipment and means for their use by terrorist organizations in the territory of Ukraine for the purpose of carrying out the abovementioned terrorist acts that represent offences under the Convention and treaties listed in the Annex thereto.

It is also established that citizens of the Russian Federation Melkov Olexiy Valeriyovych, Pyletska Olga Volodymyrivna, Kutyumova Tetyana Mykhailivna, Yaralov Dmytro Olexiyovych and Ovsyannikova Ganna Volodymyrivna carry out financing of terrorism in the territory of Ukraine and systematically, consciously and intentionally transfer funds for this purpose using Kolibri and Zolota Korona payment systems to the accounts opened in PAT Bank Kredyt Dnipro (MFO 305749) and PAT

Terra Bank (MFO 306801). The said funds are transferred to Saralpova Laura, a citizen of the Russian Federation, who receives them in cash over the counters of the said bank institutions. In such manner, between March 1, 2013 and February 1, 2014, the said citizen obtained funds from abroad in the total amount over 150 million Russian rubles. According to the information available to the Ukrainian side, these funds are used, fully or partially, to procure weapons, ammunition and other military equipment and means for the purpose of their use by terrorist organizations in the territory of Ukraine for the purpose of carrying out the abovementioned terrorist acts that represent offences under the Convention and treaties listed in the Annex thereto.

In addition, according to the information available to the Ukrainian side, the following citizens of the Russian Federation take active part in the financing of terrorist activity in the territory of Ukraine: Malofeyev Kostyantyn, founder of Marshal Capital investment fund and co-owner of VAT Rostelecom, Bushmakov Dmytro, owner of forum at <http://antikvariat.ru>, and Salakhutdinov Kostyantyn, born on February 27, 1983. The said individuals directly and/or indirectly, illegally and intentionally conduct acts aimed at collection of funds with the intention or in the knowledge that they should be used (provided), fully or partially, to procure weapons, ammunition or other military equipment and means for their use by terrorist organizations in the territory of Ukraine for the purpose of carrying out the abovementioned terrorist acts that represent offences under the Convention and treaties listed in the Annex thereto.

Article 5 of the Convention provides that each State Party, in accordance with its domestic legal principles, shall take the necessary measures to enable a legal entity located in its territory or organized under its laws to be held liable when a person responsible for the management or control of that legal entity has, in that capacity, committed an offence set forth in Article 2.

Proceeding from the requirements of the Convention, the Ukrainian side has established several facts evidencing the participation of legal entities, registered in the territory of the Russian Federation or operating in the territory of Ukraine occupied by the Russian Federation contrary to the basic norms and principles of international law, in the financing of terrorist organizations in the territory of Ukraine. In particular, electronic wallets that were created to finance the terrorist activity of DPR and LPR in the territory of Ukraine, and are used to transfer money from the territory of the Russian Federation (Yandex: 410012230108475, WebMoney: R218190032954, R361724168952, R108809709974) were identified. Cards that are used to direct funds for the financing of terrorist organizations in the territory of Ukraine (Sberbank RF card (VISA) 4276 4100 1211 9997; card number 6762 8038 8923 1835 34 emitted by OAO

Sberbank Rosii) were identified. Information was obtained about the collection of funds by activists of Liberation Movement Russian Sector – Ukraine for the financing of terrorist organizations in the territory of Ukraine (Beneficiary bank Sberbank Rosii, RCBIC 044525225, corresponding account 3010181040000000225 Operations Department Moscow, tax payer number 7707083893, tax registration reason code 775003035, Russian Classification of Objects of Administrative-Territorial Divisions 45286580000, beneficiary: Khyzhnyak Sergey Igorevich, account number 4082 0810 6382 6060 0708).

According to the information available to the Ukrainian side, the Coordination Center for Assistance to Novorossia, which has its representative offices in the Russian Federation (Moscow, Saint Petersburg, Irkutsk) is one of the centers of financing and provision of assistance to the operations of terrorist organizations in the territory of Ukraine. The said organization uses accounts and electronic payment system identifiers opened in the name of Markov Olexiy Gennadiyovych.

The Ukrainian side states that the abovementioned acts and facts demonstrate the commitment of offences under the Convention by individuals and legal entities of the Russian Federation.

In this regard, the Ukrainian side calls on the Russian side to take all practically possible measures to:

- establish its jurisdiction over the individuals and legal entities related to offences as demonstrated by the facts provided (Article 7 of the Convention);
- identify, detect and freeze or seize any funds used or allocated for the purpose of committing the offences as demonstrated by the facts provided (Article 8 of the Convention);
- investigate the facts provided (Article 9 of the Convention);
- prohibit in the territory of the Russian Federation illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences as demonstrated by the facts provided (Article 18 of the Convention);
- require financial institutions and other professions involved in the financing of terrorist operations in the territory of Ukraine to utilize the most efficient measures available for the identification of their usual or occasional customers, as well as customers in whose interest accounts are opened, and to pay special

attention to unusual or suspicious transactions and report transactions suspected of stemming from a criminal activity (Article 18 of the Convention).

The Ukrainian side turns the attention of the Russian side to its international legal obligations regarding cooperation to prevent the offenses identified in the Article 2 of the Convention, and, proceeding from its deep concern with the escalation of terrorist acts in all its forms and displays in Donetsk and Lugansk Oblasts, requests to inform the Ukrainian side as soon as possible about steps taken by the Russian side in the framework of fulfillment of its international legal obligations and to provide the greatest measure of assistance, including assistance in obtaining additional evidence in the possession of the Russian side necessary for the investigation of the abovementioned facts (Articles 12 and 18 of the Convention).

Kyiv, August 12, 2014



# Annex 370

Ukraine Note Verbale No. 72/22-620-2185 to the Russian Ministry of Foreign Affairs (22 August 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





**Ministry of Foreign Affairs of Ukraine**

#72/22-620-2185

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and in addition to its verbal note #72/22-484-1964 dated 28 July 2014 and #72/22-620-2087 dated 12 August 2014 deems it necessary to once again make a statement about facts demonstrating the offences described in the 1999 International Convention for the Suppression of the Financing of Terrorism, hereinafter referred to as the Convention, committed on the territory of the Russian Federation and/or by citizens of the Russian Federation.

Article 2 of the Convention provides that any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides or collects funds (assets of every kind, whether tangible or intangible, movable or immovable) with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out, *inter alia*, any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

In this regard, the Ukrainian side once again states that, from March 2014, terrorist organizations “Donetsk People’s Republic”, hereinafter referred to as the DPR, and “Lugansk People’s Republic”, hereinafter referred to as the LPR, have been operating illegally in the territory of Ukraine; they intentionally and consciously carry out in the territory of Ukraine terrorist acts aimed at intimidation of population, killing of civilian population, causing grave bodily injury to civilian population, seizure of hostages and administrative buildings of state and local authorities, provoking of an armed conflict in order to compel the Ukrainian Government to do acts aimed at changing constitutional order in Ukraine and its

**Ministry of Foreign Affairs  
Of the Russian Federation  
Moscow**

territorial boundaries, and other acts that threaten Ukraine's territorial integrity and security.

In this context, we inform that the Ukrainian side has evidence that unidentified individuals by unlawful means, directly or indirectly, intentionally move military equipment from the territory of the Russian Federation to the territory of Ukraine, carry out financing of military training of terrorists, provide logistical support to terrorists, and send terrorists to the territory of Ukraine for the purpose of taking part in the terrorist activity of DPR and LPR. Based on the available information, which is not limited to the facts and circumstances below regarding acts that led to initiation of relevant investigation by the Ukrainian side, we bring to the notice of the Russian side the following.

On 14 August 2014, The Guardian's correspondent Shaun Walker and The Telegraph's Roland Oliphant became witnesses to the crossing of the Ukraine-Russia border from the territory of the Russian Federation by a column of combat vehicles carrying official Russian plates that included at least 23 armored personnel carriers and military trucks.

The above information was confirmed also by the operative data of Ukraine's Anti-Terrorist Center headquarters according to which it was established that a column of armored personnel carriers and Ural military trucks had crossed the state border of Ukraine.

The next day, 15 August 2014, the so-called Prime Minister of DPR O.Zakharchenko in his statement at a DPR meeting (<http://www.echo.msk.ru/blog/echomsk/1380942-echo/>) confirmed the above information and acknowledged the circumstances described therein. In particular, O.Zakharchenko said that as of 15 August 2014 'they had reserves of 150 combat vehicles, including 30 tanks, as well as 1200 fighters who had trained four months on the territory of the Russian Federation'.

The Ukrainian side has all grounds to state that the above information testifies to the fact that unidentified individuals, acting on the territory of the Russian Federation, by permission and/or support and/or in the knowledge of bodies of government of the Russian Federation, directly or indirectly, unlawfully and intentionally provide or collect funds with the intention that they should be

used or in the knowledge that they are to be used, in full or in part, in order to carry out military training of terrorists, hire mercenaries, provide them with logistical support, procure and move combat vehicles, weapons and terrorists into Ukraine's territory.

The Ukrainian side states that relocation from the territory of the Russian Federation of combat vehicles, provision of funds for military training of terrorists and logistical support thereof, as well as sending of terrorists, combat vehicles and weapons from the territory of the Russian Federation into the territory of Ukraine for the purpose of taking part in the terrorist activity of DPR and LPR are acts that constitute elements of an offence within the meaning of this Convention.

In this regard, the Ukrainian side calls on the Russian side to take all practically possible measures to:

- establish its jurisdiction over the individuals and legal entities related to offences as demonstrated by the facts provided (Article 7 of the Convention);
- identify, detect and freeze or seize any funds used or allocated for the purpose of committing the offences as demonstrated by the facts provided (Article 8 of the Convention);
- investigate the facts provided (Article 9 of the Convention);
- prohibit in the territory of the Russian Federation illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences as demonstrated by the facts provided (Article 18 of the Convention).

The Ukrainian side invites the attention of the Russian side to its international legal obligations regarding the cooperation to prevent the offenses identified in the Article 2 of the Convention, and, proceeding from its deep concern with the escalation of terrorist acts in all their forms and displays in Donetsk and Luhansk oblasts of Ukraine, requests to inform the Ukrainian side as soon as possible about steps taken by the Russian side in the framework of fulfillment of its international legal obligations and to provide the greatest measure of assistance, including assistance in obtaining additional evidence in the possession of the Russian side necessary for the investigation of the abovementioned facts (Articles 12 and 18 of the Convention).

Kyiv, 22 August 2014



# Annex 371

Ukraine Note Verbale No. 72/22-620-2221 to the Russian Ministry of Foreign Affairs (29 August 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**Ministry of Foreign Affairs of Ukraine**

# 72/22-620-2221

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and in addition to the Notes number 72/22-484-1964 of July 28, 2014, 72/22-620-2087 of August 12, 2014 and Note number 72/22-620-2185 of August 22, 2014, considers it necessary to make a statement about offences in the context of the 1999 International Convention for the Suppression of the Financing of Terrorism, hereinafter referred to as the Convention, committed by citizens of the Russian Federation and legal entities registered and/or located in its territory.

Article 2 of the Convention provides that any person who commits an offense under this Convention if by any means, directly or indirectly, unlawfully and intentionally provides funds (assets of every kind, whether tangible or intangible, movable or immovable) or conducts their collection with the intention that they will be used or in the knowledge that they will be used in whole or in part, to commit, *inter alia*, any other act intended to cause death of any civilian or any other person who is not actively involved in hostilities in a situation of armed conflict or cause her grievous bodily harm, when the purpose of such act, by its nature or context is to intimidate a population or compel a government or an international organization to do any act or refrain from it.

In this regard, the Ukrainian Side once again makes a statement that since March 2014 there are illegal terrorist organizations "Donetsk People's Republic" (hereinafter - "DNR") and "Lugansk People's Republic" (hereinafter - the "LNR") in Ukraine who intentionally and knowingly committed on the territory of Ukraine terrorist attacks aimed at intimidating the population, killing civilians, causing them grievous bodily harm, hostage-taking and occupation of administrative buildings of state and local government, provoking a military conflict to force the Ukrainian Government to act aimed at changing the constitutional order, territorial structure and other actions that threaten the territorial integrity and national security of Ukraine.

**Ministry of Foreign Affairs  
Of the Russian Federation  
Moscow**

In this context, we announce that the Ukrainian Side has information that indicates the participation of citizens and legal entities of the Russian Federation in the crimes defined in Article 2 of the Convention.

Based on the available information presented below, that is not limited to facts and circumstances of the act, which Ukrainian party investigates, we bring to the attention of the Russian Side the following.

The information, which is available for Ukrainian Side, indicates a conscious, deliberate and illegal participation in the financing of terrorist activities on the territory of Ukraine the following citizens of Russian Federation:

- Andrei Gennadiyevich Lazarchuk, born 02/06/1958, using the card No. 6761 9600 0480 6606 issued by OJSC "Sberbank of Russia";
- Nina Igorevna Lotysh, using card No. 4524 3402 8121 9690 issued by OJSC "Sberbank of Russia";
- Vadim Yuriyevich Kunayev, born 11/30/1977, using the account No. 4276 3800 9734 2310, opened in PJSC "Subsidiary Bank of Sberbank of Russia".

Article 5 of the Convention provides that each state – participant of the Convention in accordance with the principles of its domestic legal measures in order to be able to bring legal entity located on its territory or organized under its laws to liability in case of person responsible for the management of the entity or control of it, in that capacity, committed an offense referred to Article 2 of the Convention.

Based on the requirements of the Convention Ukrainian Side established a number of facts that confirm the participation of legal entities registered in the Russian Federation in the financing of terrorist organizations in Ukraine. In particular, the data confirms the financing of terrorist organizations "DNR" and "LNR" on the territory of Ukraine through accounts opened in Russian bank OJSC "Sberbank of Russia" and its 100% subsidiary bank in Ukraine PJSC "Subsidiary Bank of Sberbank of Russia". In particular, PJSC "Subsidiary Bank of Sberbank of Russia" issued bank cards, which were used to cash funds with the intention or in the knowledge to finance the terrorist acts mentioned above, which constitute an offense under the Convention and treaties listed in the Annex to it, with the numbers: 4524 3402 2066 5169, 4276 8520 2945 1583, 5469 5200 1521 3218, 6761 9600 0064 9159 79 6761 9600 0473 0324 65 4276 3800 7124 2122, 4276 3800 7124 2122, 4276 5200 1124 6069.



PJSC "Subsidiary Bank of Sberbank of Russia" has opened for Tatiana Mykhailovna Azarova the account No. 26204000938850 and card account No. 26259000938850, which knowingly, unlawfully and intentionally used by the mentioned person to raise funds used to finance terrorist activities on the territory of Ukraine. With the same purpose, the funds are used from the card No. 6762 8038 8923 1835 34 issued by OJSC "Sberbank of Russia" (Russian Federation).

Financing of terrorist organizations is also provided through the accounts of the payment system of the Russian company JSC NKO "Yandex.Money» No. 410011081905147,410012278488127 and 410012032729068.

The Ukrainian Side states that the above acts and facts prove the commission of individuals and legal entities of the Russian Federation crimes within the context of the Convention. In this regard, the Ukrainian Side urges the Russian Side to take all practically possible measures to:

- to establish jurisdiction over the individuals and entities involved in crimes, which prove the above facts (Article 7 of the Convention);
- identify, detect and freeze or seize any funds used or allocated for the purpose of committing the offences as demonstrated by the facts provided (Article 8 of the Convention);
- to investigate the facts provided (Article 9 of the Convention);
- to prohibit on the territory of the Russian Federation illegal activities of persons and organizations that knowingly encourage, instigate, organize or engage in the commission of offences as demonstrated by the facts provided (Article 18 of the Convention);
- commitment to the above financial institutions and other organizations participating in the financing of terrorist activities on the territory of Ukraine, to take the most effective of existing measures to identify their regular or occasional customers as well as customers in whose accounts are opened, and pay special attention to unusual suspicious transactions and report transactions that may be related to criminal activity (Article 18 of the Convention).

The Ukrainian Side turns the attention of the Russian Side to its international legal obligations regarding cooperation to prevent the offenses identified in the Article 2 of the Convention, and, proceeding from its deep concern with the escalation of terrorist acts in all its forms and displays in Donetsk and Lugansk Oblasts, requests to inform the

Ukrainian Side as soon as possible about steps taken by the Russian Side in the framework of fulfillment of its international legal obligations and to provide the greatest measure of assistance, including assistance in obtaining additional evidence in the possession of the Russian Side necessary for the investigation of the abovementioned facts (Articles 12 and 18 of the Convention).

Kyiv, August 29, 2014

# Annex 372

Ukrainian Note Verbale No. 72/22-620-2529 to Russian Federation Ministry of Foreign Affairs  
(10 October 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**Ministry of Foreign Affairs of Ukraine**

# 72/22-620-2529

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and in addition to Diplomatic Notes # 72/22-484-1964 dated 28 July 2014, # 72/22-620-2087 dated 12 August 2014, # 72/22-620-2185 dated 22 August 2014, # 72/22-620-2221 dated 29 August 2014, # 72/22-620-2406 dated 24 September 2014, and # 72/22-620-2495 dated 7 October 2014, has the honor to make a statement about offences within the meaning of the 1999 International Convention for the Suppression of the Financing of Terrorism, hereinafter referred to as the Convention, committed by the Russian Side.

Article 2 of the Convention provides that any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and willfully, provides funds – assets of every kind, whether tangible or intangible, movable or immovable – realizes, organizes, directs or facilitates a collection of funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out, *inter alia*, any act intended to cause death to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict or to cause serious bodily injury to such person when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

In this regard, the Ukrainian Side states once again that, from March 2014, terrorist organizations “Donetsk People’s Republic”, hereinafter referred to as the DPR, and “Luhansk People’s Republic”, hereinafter referred to as the LPR, have been operating illegally in the territory of Ukraine: they intentionally and consciously carry out in the territory of Ukraine terrorist acts aimed at intimidation of population, killing of civilian population, causing grave bodily injury to civilian population, seizure of hostages and administrative buildings of state and local authorities, instigating a military conflict in order to compel the Government of Ukraine to do acts aimed at toppling constitutional order in Ukraine, territorial

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system, and at other actions that threaten Ukraine's territorial integrity and security.

In this regard, the Ukrainian Side declares that, by acting through its government bodies, authorized persons, legal entities and individuals which are authorized to fulfill public functions, terrorist organizations which act under the instruction and control of the Russian Side, the Russian Federation commits offences within the meaning of the Convention.

The position of the Ukrainian Side proceeds from the assumption that, using unlawful means, directly or indirectly, intentionally, the Russian Side sends military weaponry, finances training of terrorists within its own territory, as well as in the territory of Ukraine, supplies them with materials, transports them in the territory of Ukraine in order to take in the terrorist activity of the DPR and LPR etc.

International wrongful acts of the Russian Side and/or acts of the terrorist organizations, which operate under the control and direction of the Russian Federation, are confirmed, *inter alia*, by facts and circumstances as follows.

According to operational information of the Headquarters of the Anti-Terrorist Center of Ukraine, within the end of September – the beginning of October 2014, there were documented multiple illegal transfers of military weaponry and goods across the state border of Ukraine from the territory of Rostov region of the Russian Federation; those weaponry and goods are designated for logistical support of DPR's and LPR's units which use them against forces involved in the Anti-terrorist operation in Donetsk and Luhansk regions of Ukraine, in particular:

1) on 16 August 2014:

- 50 armored personnel carriers, 30 curtain-sided military trucks, two GAZ-66 trucks, and one UAZ vehicle near the border crossing checkpoint "Izvaryne";
- three BM-21 "Grad" multiple launch rocket systems accompanied by two buses and five tanks near the village of Dibrovka;

2) on between 4 and 9 October 2014:

- a column of three tanks and three military trucks near the town of Novoazovsk in Donetsk region;
- a column of ten buses, which have carried 300 soldiers, six military trucks, one petrol tank lorry, one armored personnel carrier, and two

armored off-road vehicles near the border crossing checkpoint “Izvaryne”.

In this regard, it must be stated that, according to facts and information available to the Ukrainian Side, the following officials of the Russian Federation, against whom criminal investigations have been launched, take part in financing of the terrorist activity in the territory of Ukraine:

- Mr. Sergei Kuzhegetovich Shoigu, Minister of Defense of the Russian Federation;
- Mr. Vladimir Volfovich Zhirinovskiy, Vice-Chairman of the State Duma the Federal Assembly of the Russian Federation;
- Mr. Sergey Mikhailovich Mironov, member of the State Duma the Federal Assembly of the Russian Federation;
- Mr. Gennadiy Andreyevich Zyuganov, member of the State Duma the Federal Assembly of the Russian Federation.

In particular, according to evidence available to the Ukrainian Side, in May 2014, Mr. Zhirinovskiy supplied the terrorist organization LPR with a “Tiger” military off-road vehicle.

The Ukrainian Side calls once again on the Russian Side to take all feasible measures in order to terminate acts that constitute offences within the meaning of the Convention, as well as provide appropriate assurances and guarantees of non-repetition of such acts in the future.

In this regard, the Ukrainian Side reserves to itself the right to demand restitution from the Russian Side of damage caused by its acts that constitute offences within the meaning of the Convention.

Kyiv, 10 October 2014





# Annex 373

Russian Federation Note Verbale No. 13355 to Ukrainian Ministry of Foreign Affairs (14 October 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



## **MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION**

#13355

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the Embassy's note No. 6111/22-012-3682 dated October 3, 2014 has the honor to inform that the Russian side has accepted for consideration the topics suggested by the Ukrainian side for discussion at consultations on interpretation and implementation of the International Convention for the Suppression of the Financing of Terrorism dated December 9, 1999 (hereinafter referred to as the Convention).

The Ministry of Foreign Affairs of the Russian Federation informs the Ukrainian side about the need to provide the Russian side with factual data on the issues brought up in the notes of the Ministry of Foreign Affairs of Ukraine No. 72/22-484-1964 dated July 28, 2014, No. 72/22-620-2087 dated August 12, 2014, No. 72/22-620-2185 dated August 22, 2014, No. 72/22-620-2221 dated August 29, 2014, No. 72/22-620-2406 dated September 24, 2014, No. 72/22-620-2443 dated September 30, 2014, No. 72/22-620-2495 dated October 7, 2014 and No. 72/22-620-2529 dated October 10, 2014, as well as to hand over to the Russian Federation the criminal cases brought by Ukrainian law enforcement authorities against Russian citizens and individuals permanently residing in Russia, such as mentioned and identified in the notes of the Ukrainian side, in the order set forth in the Commonwealth of Independent States' Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated January 22, 1993.

The Russian side reserves the right to expand the agenda of the Russian-Ukrainian consultations.

**Embassy of Ukraine to the Russian Federation**

## **Moscow**

The Russian side proceeds from the fact that in the absence of adequate security conditions in Kyiv, as shown by the attack against the Embassy of the Russian Federation on June 14, 2014, the consultations cannot be held in the Ukrainian capital. In view thereof, the Russian side suggests holding the consultations in Moscow.

Nothing in this note shall prejudice the position of the Russian Federation regarding the statements and claims contained in the aforementioned notes of the Ukrainian side.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its high consideration.

Moscow, October 14, 2014

# Annex 374

Ukrainian Note Verbale No. 72/22-620-2717 to the Russian Ministry of Foreign Affairs (3 November 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



## **Ministry of Foreign Affairs of Ukraine**

# 72/22-620-2717

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and, in addition to the *notes verbales* #72/22-484-1964 dated July 28, 2014, #72/22-620-2087 dated August 12, 2014, #72/22-620-2185 dated August 22, 2014, #72/22-620-2221 dated August 29, 2014, #72/22-620-2406 dated September 24, 2014, #72/22-620-2495 dated October 7, 2014, and #72/22-620-2529 dated October 10, 2014 has the honour to make, once again, a statement about systematic offences being committed by the Russian Federation within the meaning of the 1999 International Convention for the Suppression of the Financing of Terrorism, hereinafter referred to as the Convention.

Article 2 of the Convention provides that any person commits an offence within the meaning of this Convention if that person by any means, directly or indirectly, unlawfully and wilfully, provides or collects funds (assets of every kind, tangible or intangible, movable or immovable) or organizes, manages or facilitates their collection with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out, *inter alia*, any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

The Ukrainian Side once again makes a statement that since March 2014 there are illegal terrorist organizations "Donetsk People's Republic" (hereinafter - "DNR") and "Lugansk People's Republic" (hereinafter - the "LNR") in Ukraine who intentionally and knowingly committed on the territory of Ukraine terrorist attacks aimed at intimidating the population, killing civilians, causing them grievous bodily harm, hostage-taking and occupation of administrative buildings of state and local government, provoking a military conflict to force the Ukrainian Government to act aimed at changing the constitutional order, territorial structure and other actions that threaten the territorial integrity and national security of Ukraine.

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Of the Russian Federation  
Moscow**

In relation to this, the Ukrainian Side states that the Russian Federation acting by means of its governmental bodies, agents, physical and legal persons entrusted with

performing functions of a state, as well as by means of the terrorist organizations, which act under management and control of the Russian Side, commit offences within the meaning of the Convention.

The position of the Ukrainian Side is that the Russian Side, *inter alia*, wilfully and illegally, directly and indirectly provides and collects funds, namely sends the military equipment and arms, organizes logistic support, provides for training and financing of the terrorists in its territory and in the territory of Ukraine, for their logistic support and transfer to Ukraine's territory etc. in the knowledge that the mentioned funds are to be used, in full or in part, by the terrorist organizations DPR and LPR in order to carry out offences within the meaning of the Convention.

The offences committed by the Russian Side and/or terrorist organizations acting under management and control of the Russian Side are proved, *inter alia*, by the following facts and circumstances.

According to operational data of Ukraine's Anti-Terrorist Center Headquarters between October 10 and 14, 2014 the funds collection and transmitting towards the support of the terrorist organizations DPR and LPR was reported, as well as continued illegal relocation of the military equipment and cargo through the state border of Ukraine from the territory of the Russian Federation, to which there is evidence as follows:

- a team consisting of up to 100 (one hundred) people, having been trained at the training centre of the GRU of the General Staff of the Russian Federation in Rostov-on-Don, financed by the Russian Federation and equipped by Russian arms, arrived from the territory of the Russian Federation to Donetsk and Luhansk oblasts of Ukraine for supporting the terrorist organizations DPR and LPR;
- a procurement convoy consisting of up to 30 (thirty) GAZel minibuses loaded with Russian ammunitions and equipment arrived from the territory of the Russian Federation to the vicinity of Alchevsk community;
- the agents of the Ministry of Defence, Federal Security Service, Ministry of Emergency Response of the Russian Federation collect the funds for supporting the terrorist organizations DPR and LPR, aimed at conspiratorial procurement of the military cargo from Russia to the hot-spot – inclusive of arms and ammunitions, as well as armoured vehicles. Under co-ordination of the Russian citizen O.Zhuchkovsky (permanently registered in St. Petersburg) yet another batch of 'aid' was procured to the mercenaries in the vicinity of



Snizhne – Stechkin automatic guns (APS) with ammunitions, knives, various means for communication and protection, sleeping bags, army boots, fuel, etc;

- according to the message communicated by the so-called ‘minister of education’ of the DPR I.Kostenko, the Russian banks have opened corresponding accounts for the so-called ‘ministry of education and science’ of the DPR, which allows for direct financial transfers to the pro-Russian terrorist groups.

The abovementioned funds were used by the terrorist organizations DPR and LPR for committing terrorist attacks in Ukraine’s territory, namely:

- the terrorists of the so-called 32<sup>nd</sup> division of the ‘Don Cossack Host’ deployed near the cities of Pervomaisk and Stahanov, fired over 20 salvoes and performed the artillery attacks using the Russian multiple rocket launch systems BM-21, 29, 30, 31 and 32 towards the checkpoints of Ukraine’s National Guard in the vicinity of Bakhmutka;
- on September 11, 2014 the use of the modern magnetic resonance arms procured by the Russian Side was reported to take place near Debaltseve in Donetsk oblast.

Taking into account the abovementioned, the Ukrainian Side calls, once again, on the Russian Side to employ all the possible means for terminating the offences that bear elements of the crimes within the meaning of the Convention, and to provide the adequate assurances and safeguards that they shall never happen in the future.

The Ministry of Foreign Affairs of Ukraine persistently demands that the Russian Federation immediately stops intruding into Ukraine’s internal affairs and financing terrorism, and provides the adequate assurances and safeguards that the above-mentioned offensive activity shall never take place again.

The Ministry of Foreign Affairs of Ukraine also demands that the Russian Side provides full restitution for the damage that was caused by the abovementioned activity.

Kyiv, November 3, 2014



# Annex 375

Russian Federation Note Verbale No. 14587 to Ukrainian Ministry of Foreign Affairs (24 November 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



## MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION

# 14587/ДНВ

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the note # 6111/22-012-4012 of October 31, 2014, has the honor to inform about the following.

The Ministry of Foreign Affairs of the Russian Federation considers it inappropriate for the Ukrainian side to use in the official diplomatic correspondence imaginary facts and groundless accusations and underlines the need to observe the generally accepted norms of diplomatic correspondence as well as to provide unbiased and well grounded information. In particular, this refers to the statement made by the Ministry of Foreign Affairs of Ukraine regarding involvement of bodies of government of the Russian Federation in "kidnapping, torturing and using other inhumane forms of treatment" against Ukrainian citizens, as well as about "aggressive attitude" of Russians towards Ukrainian citizens.

The Russian side underlines the undeniable fact of attack on the Embassy of Russia in Kyiv and its destruction by aggressive extreme-right groups under Ukraine authority's nonfeasance that is an example of obvious security threat to any official Russian-Ukrainian events in this city.

In this regard, given the fact that the Ukrainian side is not prepared to hold bilateral consultations in Moscow, the Russian side suggests, as a compromise option, to hold the consultations in Minsk (Belarus).

The Russian side proposes the agenda for the bilateral consultations with the Ukrainian side as follows:

- Exchange of information under the International Convention for the Suppression of the Financing of Terrorism of 1999 on persons who committed or reportedly committed crimes in the sphere of terrorism financing within the territory of Ukraine or Russia;
- Implementation of cooperation and improvement of mechanisms of mutual assistance under the International Convention for the Suppression of the Financing of Terrorism of 1999 with respect to criminal investigation and criminal prosecution including extradition procedures, with respect to crimes in the sphere of terrorism financing;
- Security situation for Russian citizens in Kyiv and for Ukrainian citizens in Moscow (including diplomatic personnel);
- International fundamental legal principles of countering terrorism financing in the context of Russia-Ukraine relationship;

- Measures to increase efficiency of criminal investigations in the area of financing of terrorism.

The Russian side notes that the fact of discussion of certain issues during consultations does not predetermine that they shall fall under the International Convention for the Suppression of the Financing of Terrorism of 1999.

In view of the fact that the Ukrainian side has initiated the consultations we would like to request information about the planned composition of the Ukrainian delegation in order to determine the appropriate level of representation of the Russian side.

Considering the need to form the interdepartmental delegation and tackle the related logistical matters, the Russian side proposes to hold the above-mentioned consultations in Minsk during the week that begins on December, 22 this year.

The Russian side draws attention of the Ukrainian side to the fact that the response to the Russian Foreign Ministry's note No 10471/ДНВ, dated August, 15 this year, was received only on September, 30 this year. Thus, the Russian side can not agree with the assumption expressed by the Ukrainian side that there was an "unfounded delay" in the setting up of venue and date for the consultations.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its high consideration.

Moscow, November 24, 2014

# Annex 376

Russian Federation Note Verbale No. 10448 to the Ukrainian Ministry of Foreign Affairs (31 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the notes of the Ministry of Foreign Affairs of Ukraine #610/22-110-1591 dated June 21, 2014, #610/22-110-1798 dated July 16, 2014, #610/22-110-1804 and #610/22-110-1805 dated July 17 2014, #72/22-484-1964 dated July 28, 2014, #72/22-620-2087 dated August 12, 2014, #72/22-620-2185 dated August 22, 2014, #72/22-620-2221 dated August 29, 2014, #72/22-620-2406 dated September 24, 2014, #72/22-620-2495 dated 7, 2014 and #72/22-620-2529 dated October 10, 2014, #72/22-620-2717 dated November 3, 2014, #72/22-620-2732 dated November 4, 2014, #72/22-620-351 dated February 13, 2015, #72/22-620-352 dated February 13, 2015, #72/22-620-1069 dated May 7, 2015, #72/22-484-1103 dated May 13, 2015 has the honor to inform on the following.

The Russian Party expresses gratitude to the Ukrainian Party for all information provided that may be relevant to the International Convention for the Suppression of the Financing of Terrorism of 1999 (the Convention).

The Russian Party checks all data received from the Ukrainian Party through diplomatic channels in the spirit of constructiveness and good faith and sends written information on the actions taken by the Russian competent authorities in addition to the information previously given to the Ukrainian Party in the course of the Russian-Ukrainian consultations on issues related to the Convention, pursuant to the reached arrangements with Ukrainian Party during these consultations.

The Russian Party informs the Ukrainian Party that it continues to check other data presented in the Ministry of Foreign Affairs of Ukraine's notes. In this connection the Russian Party presumes that the Ukrainian Party will respond as soon as possible to the Russian specifying request for legal aid dated May 21, 2015 urged to present the additional information necessary for effective actions on the data received from the Ukrainian Party, and fulfill other arrangements reached during bilateral consultations, including the submission to Russian competent authorities of the relevant requests for legal aid in the framework of applicable

**To the Embassy of Ukraine  
Moscow**

international agreements on all the facts mentioned in the notes of the Ministry of Foreign Affairs of Ukraine, as well as the provision of written explanations on treating the Donetsk People's Republic and the Lugansk People's Republic as "terrorist organizations" (including the relevant legislation and court decisions).

The Russian Party also expects that the Ukrainian Party in the spirit of constructiveness and good faith will investigate the facts stated in the note #9070/ДНВ dated 30, 2015 of the Ministry of Foreign Affairs of the Russian Federation and will inform the Russian Party about the results.

The Russian Party shares the view of the Ukrainian Party on the necessity to continue the consultative process. In this regard the Russian Party offers to organize a third round of consultations on issues related to the Convention in the city of Minsk during the week, commencing on October 5, 2015. The Russian Party offers the following agenda of consultations.

1. Progress of the implementation of the agreements reached in the first and second rounds of consultations.

2. Discussion of the specific facts, which may be qualified as terrorist financing within the meaning of Convention.

3. The implementation of co-operation and improvement mechanisms of mutual assistance under the Convention in regard with criminal investigations or criminal harassment, including extradition proceedings, related to crimes in the sphere of financing of terrorism.

4. The international legal elements to combat the financing of terrorism.

Nothing in this note is without prejudice to the position of the Russian Party in respect of applications and approvals contained in the mentioned notes of the Ukrainian Party and it does not prejudge the question of whether or not certain situations are subject of the Convention.

The Ministry avails itself of this opportunity to renew to the Embassy the assurances of its highest consideration.

Moscow, July 31 2015

**Information about actions taken by the Russian competent authorities aimed at clarifying facts obtained from the Ukrainian Part through diplomatic channels on the International Convention for the Suppression of the Financing of Terrorism of 1999**

#	Ministry of Foreign Affairs of Ukraine's Note	Actions Taken, Results of Investigation
1.	#610/22-110-1591 of June 21, 2014	<p>The mentioned facts are in the process of investigation, criminal case #2014797021 initiated on June 20, 2014 and based on provisions of section 3 §30, subparagraphs «а», «б», «е», «ж»( "a", "b", "f", "h") section 2 §105 of the Criminal Code of the Russian Federation.</p> <p>December 25, 2014 the investigator of the Investigation Department adopted the decision on prosecution (in absentia) of Mr.A.N. Grischenko, Commander of the 72nd Brigade of the Armed Forces of Ukraine as an accused one in 8 episodes of criminal activity.</p> <p>February 4, 2015 Leninsky District court in the city of Rostov-on-Don chose for the accused A.N.Grishchenko a measure of punishment in the form of detention for a period of one month from the month starting from the day of his arrest. The latter is put on the international wanted list.</p>
2.	#610/22-110-1798 of July 16, 2014	<p>1. During visit of the location at 26/3 Molodogvardeiskaya Street, Moscow it has been found that the building with this number does not exist.</p> <p>According to the information of State Budgetary Institution for the city of Moscow "Mosgor BTI" the property with the above specified address has not been registered, destroyed or renamed with Moscow Register of Housing and Nonresidential Buildings. According to the response to the request of the Department of Federal Tax Service in the city of Moscow of June 25, 2015 the Unified State Register of Legal Entities does not contain any records about the organization "Voenkomat (Military Recruitment Office) of People's Militia of Donbas ".</p> <p>2. According to the information received from St.Petersburg Federal Tax Service Department the Unified State Register of Legal Entities for the city of St.Petersburg does not contain any records about the Military Patriotic Club "Reserve"</p>
3.	#610/22-110-1805 of July 17, 2014	<p>1. According to the response to the request 11 persons with personal data related to <b>Mr. Eduard Anatoliyevych Popov</b> reside in the Russian Federation. According to the records of Russian Emergency Situations Ministry it does not have in the operational management any warehouse space in the city of Shakhty and Neklinovsky district of Rostov region, Russia.</p> <p>No personal or business contacts with Mr.Eduard Anatoliyevych Popov have been recorded. Storage of goods belonging to the latter, including ones with military purpose, was not carried out.</p> <p>2. According to the response to the request 4 citizens with personal data related to <b>Mr.Alexei Valentinovych Muratov</b> reside at the territory of the</p>

		<p>Russian Federation. The Russian database does not contain any records for <b>Mr.Andrei Petrovich Kramar</b>. To establish full personal data of these persons was not possible.</p>
<p>4.</p>	<p>#72/22-620-2087 of August 12, 2014</p>	<p>1. In the course of the investigative and operational proceedings it was found that a citizen with personal data related to <b>Mr.Alexander Grigorievych Zhukovsky</b> does not exist in the Russian Federation.</p> <p>To establish the location of <b>Mr.Anton Abramovich Rayevsky</b> is not possible at current time.</p> <p>Social network "VKontakte" contains link <a href="http://vk.com/people/АНТОН_Раевский">http://vk.com/people/АНТОН_Раевский</a> with a list of 130 persons with above mentioned personal data.</p> <p>At the same time any information, including social networks, testifying Mr.Anton A.Raevsky's actions related to the acquisition of weapons and ammunition for the purpose of their use by "terrorist organizations" in the South-east of Ukraine is not available.</p> <p>2. According to the information available, <b>Ms.O.I.Kulygina</b> was detained by the Ukrainian border protection officers in May, 2014, in the area of the locality of "Biryukovo" at the time of transportation of weapons as indicated by the Ukrainian Part.</p> <p>3. It has been ordered to establish the full personal data of Mr.A.V.Melkov, Ms.O.V.Piletskaya, Ms.T.M.Kutyumova, Mr.D.A.Yaralov, Mr.A.V.Postnikov and Ms.A.V.Ovsyannikova as well as of the belonging of the accounts to the latest above mentioned persons.</p> <p>4. In the course of the investigative and operational proceedings concerning <b>Mr. Dmitry Anatoliyevich Bushmakov</b>'s activities, who has been accused in the Ministry of Foreign Affairs of Ukraine's note of committing acts of collection and provision of means of financing of the so-called terrorist organizations, Donetsk People's Republic and Lugansk People's Republic Republic, it was found that Mr.Dmitry A. Bushmakov has dual citizenship (citizen of Belarus and Russia (Russian citizenship acquired in July, 2014) is CEO of the business company (L.L.C."Leibstandart"), which specializes exclusively in buying and selling of antiques.</p> <p>As it follows from the interrogation of Mr Dmitry A. Bushmakov in summer 2014 on his company's forum at forum-antikvariat.ru there appeared a message in section for discussion the situation in Ukraine that those representatives of Donetsk People's Republic militia who distinguished themselves in battle would be awarded with crosses similar to St. George Cross of the First World War.</p> <p>In this connection, D.A.Bushmakov in his messages suggested not to make new crosses, but buy them in his shop, since such crosses for the purposes of historic reconstruction and movies were and are available for sale in his shop. In this connection, Mr.D.A.Bushmakov in his messages suggested not to make new crosses, but buy them in his shop, since such crosses for the purposes of historic reconstruction and movies were and are available for sale in his shop. After a few days, an unknown young man in civilian clothes came at the shop and without announcing his name bought at least 50 copies of pectoral crosses (the Order of Saint George of 4<sup>th</sup>,3<sup>rd</sup>,2<sup>nd</sup>, 1<sup>st</sup> grade). It is not determined whether this person is connected in any way with Mr.Bushmakov, Donetsk People's Republic or Lugansk People's Republic. Mr.D.A.Bushmakov did not have any political,</p>

		<p>ideological reasons; he acted exclusively in the framework of his commercial activities.</p> <p>He did not have any personal, business or financial relations with the representatives of the self-proclaimed Donetsk and Lugansk People's Republics and did not rendered any assistance to them.</p> <p>It was not possible to identify the location of <b>Mr.K. V.Malofeev</b> and <b>Mr.K.Salakhutdinov</b>.</p> <p>5. As it follows from the interrogation of <b>Mr.A.G.Markov</b> the charity fund "Assistance Coordination Center of New Russia" is officially registered with the Ministry of Justice in the city of Barnaul, the Altai Territory. It has two offices in Moscow and St. Petersburg. Its premises were provided free of charge. Current banking accounts of the fund were opened in the banks in Moscow and St. Petersburg, the fund does not have electronic accounts.</p> <p>Mr.A.G.Markov was a member of the board of trustees of the fund. One of the managers of the fund was Mr.Alexander Lyubimov.</p> <p>The aim of the fund was to provide charitable assistance to refugees from the territory of the south-east of Ukraine. The fund was financed exclusively through donations or personal funds of its members. The functioning point for collection of humanitarian aid is located at 40 Volochayevskaya Street, Moscow. Clothes, food, hygiene items, baby food are being collected. Military items are not acquired, the volunteers to participate in hostilities are not recruited. Mr.A.G.Markov does not know <b>Mr.S.I.Khizhnyak</b>. Mr.A.G.Markov did not fund the militia of the Donetsk and Lugansk People's Republics.</p> <p>It was not possible to find out the full personal data and location of <b>Mr.I.Khizhnyak</b>. Information about the involvement of these individuals in financing of the militia of the Donetsk and Lugansk People's Republics during the relevant detective work has not been received.</p>
5.	# 72/22-620-2221 of August 29, 2014	<p>The investigative and operational work to identify the persons mentioned in the note of the Ministry of Foreign Affairs of Ukraine, as well as the details of their bank accounts is being processed at current time.</p>



# Annex 377

Russian Federation Note Verbale No. 13457 to Ukrainian Ministry of Foreign Affairs (15 October 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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October 20, 2015 no. 6111/ 72 - 110 – 3024.

**Department of International Law,  
the Ministry of Foreign Affairs of  
Ukraine**

**URGENT!**

*Re: a note from the Ministry of Foreign Affairs of the Russian Federation*

In response to Note no. 72/22-620-2245 of September 15, 2015, please, find attached the original of Note no. 13457/dnv of October 15, 2015 from the Ministry of Foreign Affairs of the Russian Federation, which the Embassy has just received, regarding the consent of the Russian side to hold the third round of Ukrainian-Russian consultations on the matters concerning the International Convention for the Suppression of the Financing of Terrorism of 1999.

Appendix: the aforementioned, on 3 sheets

**Acting *charge d'affaires* of Ukraine in Russia** [signature] **R. M. Nimchynskyy**

*Sent to:*

*Ministry of Foreign Affairs of Ukraine*

No. 13457/dnv

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the Embassy's note, No. 6111/22-012-2666 dated September 15, 2015, hereby informs the Embassy as follows.

The Russian Party consents to the holding of a third round of Russian-Ukrainian consultations regarding issues of the 1999 International Convention for the Suppression of the Financing of Terrorism (the Convention) during the week commencing October 26, 2015, and proposes October 29, 2015 as the specific date [for the consultations].

The Russian Party does not see any need to move the consultations from Minsk (Belarus) to Baku (Azerbaijan). The Ministry proceeds from the assumption that from a logistical point of view, Minsk is preferable for both delegations and allows Russian-Ukrainian contact to be brought about with the maximally effective use of financial and time resources. In addition, the selection of Minsk as the location for the consultations can be explained by the firmly established nature of this conference venue, both for consultations on

TO THE EMBASSY OF UKRAINE

Moscow

issues connected to the Convention and on issues within the framework of the Contact Group on Ukraine.

The Ministry would again draw the Ukrainian Party's attention to the inadmissibility of using fictitious information and unsubstantiated accusations in official diplomatic correspondence. Violating the generally accepted procedure for state-to-state communication does not contribute to an effective dialogue.

The Russian Party would stress that the Russian-Ukrainian consultations involve a discussion of concrete facts connected to the Convention, and should not serve as a platform for advancing patently false claims and still less for deliberate provocation.

The Russian Party therefore awaits with interest from the Ukrainian Party concrete materials containing factual data in substantiation of the statements made by the Ukrainian Party regarding the new issues for discussion at the consultations. In the absence of such materials, the discussion will *a priori* be pointless, which would be at odds with the focus agreed between the Russian and Ukrainian Parties on the constructive nature of the consultations. The Russian Party proposes that the Ukrainian Party send such materials via the established channels within the framework of the existing international treaties between the Parties on legal assistance and criminal law cooperation, as was previously agreed between the Parties. Following a careful examination of the materials, the Russian Party will be ready to provide corresponding comments.

The Ministry would again draw attention to the fact that the actual discussion of any issues during the consultations or in the exchange of notes between the Parties does not pre-determine the issue of

their regulation by the Convention, and likewise the existence or absence of a dispute on the application or interpretation of the Convention.

Nothing contained in this note prejudices the position of the Russian Party in respect of the statements and claims of the Ukrainian Party set forth in the exchange of notes on this matter.

The Ministry wishes to avail itself of the opportunity to renew to the Embassy the assurances of its highest consideration.

Moscow, October 15, 2015

[seal:] Ministry of Foreign Affairs of the Russian Federation No. 1

# Annex 378

Ukraine Note Verbale No. 72/22-610-954 to the Russian Federation Ministry of Foreign Affairs  
(19 April 2016)

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## MINISTRY OF FOREIGN AFFAIRS OF UKRAINE

№ 72/22-610-954

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and, in reference to the negotiations concerning interpretation and implementation of the 1999 International Convention for the Suppression of the Financing of Terrorism (hereinafter, the “Convention”), has the honour to state the following.

The Ukrainian Side recalls that it has sent numerous diplomatic notes to the Russian Side in connection with the negotiations concerning the Convention, including, but not limited to, diplomatic notes № 610/22-110-1591 June 21, 2014, №610/22-110-1695 July 4, 2014, № 610/22-110-1798 July 16, 2014, №610/22-110-1805 July 17, 2014, №610/22-110-1827 July 22, 2014, №610/22-110-1833 July 23, 2014, № 72/22-484-1964 July 28, 2014, № 72/22-620-2087 August 12, 2014, № 72/22-620-2185 August 22, 2014, № 72/22-620-2221 August 29, 2014, № 72/22-620-2406 September 24, 2014, № 72/22-620-2443 September 30, 2014, № 72/22-620-2495 October 7, 2014, № 72/22-620-2529 October 10, 2014, № 72/22-620-2674 October 29, 2014, № 72/22-620-2717 November 3, 2014, № 72/22-620-2732 November 4, 2014, № 72/22-620-3008 December 8, 2014, № 72/22-620-3114 December 19, 2014, № 72/22-620-48 January 13, 2015, № 72/22-620-352 February 13, 2015, № 72/22-620-351 February 13, 2015, № 610/22-110-504 April 2, 2015, № 72/22-620-967 April 24, 2015, № 72/22-620-1069 May 7, 2015, № 72/22-484-1103 May 12, 2015, № 72/22-620-1233 May 27, 2015, № 72/22-620-1407 June 11, 2015, № 72/22-620-2245 September 15, 2015, № 72/22-620-2363 September 25, 2015, № 72/22-620-2583 October 23, 2015, № 72/22-620-2604 October 23, 2015, № 72/22-620-2605 October 23, 2015, № 72/22-620-2894 November 23, 2015, № 72/22-620-264 February 10, 2016, and № 72/22-620-533 February 29, 2016.

The Ukrainian Side further recalls that the parties have engaged in four rounds of negotiations concerning the Convention in Minsk, Belarus, on January 22, 2015, July 2, 2015, October 29, 2015, and March 17, 2016.

Ukraine reiterates its view, expressed throughout the negotiation process, that the Russian Federation bears international responsibility for acts in violation of the Convention, and must make appropriate reparation to Ukraine. The Russian Federation has violated the Convention by intentionally providing support, including by supplying weapons, to terrorist organizations operating on Ukrainian territory. With this Russian state support, those terrorist organizations have committed numerous attacks on Ukrainian soil, including the shoot-down of a

civilian aircraft (Malaysian Airlines Flight MH-17); the shelling of civilians in Kramatorsk, Mariupol, and Volnovakha; the bombing of civilians in Ukrainian cities, including Kharkiv; and similar illegal acts. The Russian Federation has provided support to terrorist organizations with the knowledge that it would be used to perpetrate such attacks and that civilians would be killed or injured as a result. In addition to its responsibility for financing terrorist acts, the Russian Federation has failed to afford Ukraine the greatest measure of assistance in investigating the financing of terrorism; failed to cooperate in the prevention of the financing of terrorism; and violated other obligations under the Convention.

Ukraine regrets that despite an extensive negotiation process lasting nearly two years, the parties have not made meaningful progress in resolving their dispute concerning the Convention. The Ukrainian Side observes that the Russian Side has demonstrated no willingness to address Ukraine's claims of international responsibility, and has refused repeated requests to discuss important aspects of the dispute. Ukraine is compelled to conclude that the process of negotiations concerning the parties' disputes under the Convention has failed, and that further attempts to negotiate would be futile. Ukraine has also determined that further delay in invoking its right to resolution of the dispute through mandatory procedures, while the Russian Federation continues to engage in breaches of the Convention and refuses to engage in meaningful discussion on responsibility for past breaches, would be prejudicial to its rights and important national interests.

Accordingly, pursuant to Article 24, paragraph 1 of the Financing Terrorism Convention, Ukraine requests the Russian Federation to submit the dispute to arbitration under terms to be agreed by mutual consent.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Russian Federation the assurances of its highest consideration

Kyiv, 19 April 2016



# Annex 379

Russian Federation Note Verbale No. 8808 to the Ukrainian Ministry of Foreign Affairs (23 June 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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No. 8808

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the note of the Ministry of Foreign Affairs of Ukraine No. 72/22-620-915 of April 13, 2016 and No. 72/22-620 954 of April 19, 2016, concerning issues related to the International Convention for the Suppression of the Financing of Terrorism (The Convention), has the honour to inform the following.

The Russian Side expresses its perplexity and regret due to the unexpected refusal by the Ukrainian Side from consultations under the Convention.

The Ukrainian Side's decision to break from consultations before all the work on the execution of Ukrainian and Russian requests shows unwillingness of the Ukrainian Side to cooperate constructively with the Russian Side under the Convention and motivation of the Ukrainian Side to use consultations as a formal pretext to institute arbitration or apply to the ICJ.

The Russian Side does not see any grounds for a dispute concerning interpretation or application of the Convention and confirms its commitments to comply with its obligations under the Convention. However, the Ukrainian Side's systematic unwillingness to engage in constructive cooperation with the Russian Side, faithfully hold consultations, to comply with the agreed arrangements during the consultations, including its unilateral misrepresentation of the discussion held during the consultations and positions of the Parties, prevents to set up the conditions for impartial assessment of claims made by the Ukrainian Side.

The Russian Side offers to the Ukrainian Side to return to the constructive dialog, to continue cooperation within agreed arrangements, and to hold the next fifth round of bilateral consultations concerning issues relation to the Convention on July 21 or 22, or on the week starting from July 25 this year in Minsk.

However, without prejudice to the above-mentioned position, the Russian Side is ready to discuss issues concerning setting up arbitration as proposed by the Ukrainian Side taking into account the provisions of Article 24 of the Convention.

The Ministry stresses that the fact of discussion of any issue during the consultations and in diplomatic correspondence between the Parties, neither prejudices that the issues fall under the Convention, nor demonstrates the existence of a dispute on application or interpretation of the Convention.

Nothing in this note is in prejudice to the position of the Russian Side concerning statements and assertions of the Ukrainian Side that were set out in the relevant diplomatic correspondence.

The Ministry avails of this opportunity to renew to the Embassy its assurance of its highest considerations.

June 23, 2016

# Annex 380

Ukraine Note Verbale No. 72/22-620-2049 to the Russian Ministry of Foreign Affairs (31 August 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



№ 72/22-620-2049

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and, in reference to the parties' dispute concerning interpretation and implementation of the 1999 International Convention for the Suppression of the Financing of Terrorism (hereinafter, the "Convention"), has the honour to state the following.

The Ukrainian Side refers to its note No. 72/22-620-954 of April 19, 2016, in which it informed the Russian Side of its conclusion that the parties' extensive negotiations concerning the Convention have become futile, and proposed to submit the dispute to arbitration. The Ukrainian Side recalls that the Russian Side provided no response to this note until June 23, 2016, and in its eventual response did not state clearly whether it was willing to proceed to arbitration. Instead, the Russian Side proposed to hold a further round of negotiations. The Ukrainian Side promptly responded and reiterated its conclusion that the negotiations had failed. At the same time, in a spirit of good faith, the Ukrainian Side agreed to participate in the further round of negotiations proposed by the Russian Side, without prejudice to the Ukrainian proposal of April 19, 2016 to submit the dispute to arbitration, and without withdrawing that proposal.

The Ukrainian Side recalls that on August 4, 2016, the parties met in Minsk, Belarus for the further round of negotiations the Russian Side had requested, at which the parties also engaged in a preliminary discussion of arbitration. The Russian Side continued to refuse to discuss central aspects of the dispute. In the view of the Ukrainian Side, the Russian Side remained unwilling to attempt in good faith to achieve a negotiated resolution. The Ukrainian Side was confirmed in its conclusion, previously expressed in its note of April 19, 2016, that its attempt to reach a negotiated resolution to the dispute had failed and that further negotiations were futile.

The Russian Side also did not communicate a clear position regarding arbitration of the parties' dispute. The Ukrainian Side stated its view that the parties should first agree to proceed to arbitration, and then discuss the details of the organization of the arbitration. The Russian Side referred to the Ukrainian Side's "unilateral" right to proceed to arbitration, but did not clearly state its agreement to participate in an arbitration under the Convention. Without prejudice to its view that the Russian Side should first unequivocally agree to proceed to arbitration, the Ukrainian Side nonetheless offered its initial views on the organization of the arbitration. The Russian Side provided no comment on the organization of the arbitration, but requested to receive the Ukrainian Side's proposal in writing. The Ukrainian Side accordingly provides this response.

As the Ukrainian Side has previously stated, its view is that the first step in negotiating the arbitration is for the Russian Side to expressly agree to proceed to arbitration and commit that it will participate in the arbitration, provided the remaining details of the organization of the arbitration are subsequently agreed to by the parties. The Ukrainian Side further considers that, if the Russian Side is prepared to agree to participate in an arbitration, the parties should agree that the arbitration should be held through the mechanism of an *ad hoc* chamber of the International Court of Justice constituted pursuant to Article 26, paragraph 2 of the Statute of the Court, and a Special Agreement between Ukraine and the Russian Federation negotiated and executed for that purpose.

The Ukrainian Side considers that in view of the important public international law questions presented by this arbitration, including the first opportunity for an international tribunal to interpret and apply the Convention, an arbitral tribunal constituted for this case should involve significant participation of judges of the International Court of Justice. Constituting the tribunal under the auspices of an *ad hoc* chamber would efficiently serve this goal.

If the Russian Side agrees that an *ad hoc* Chamber would be an appropriate mechanism for the arbitration of this matter, it would next be necessary to negotiate and agree to the details of the organization of the arbitration. The issues that would be appropriate for discussion at that phase include, but are not necessarily limited to, the following:

- The parties should both agree to participate fully in the arbitration; to timely make all submissions required by the applicable rules and the tribunal's orders; to accept as binding the tribunal's judgment, including its determinations concerning jurisdiction and international responsibility; and to commit to honoring any relief ordered by the tribunal. In this respect the Ukrainian Side notes the recent practice of the Russian Federation of not participating in international arbitrations in which it is a respondent, including the *Arctic Sunrise* case under the Convention, and various arbitrations under the bilateral investment treaty between Ukraine and the Russian Federation. The Ukrainian Side would consider it inappropriate and prejudicial if the Russian Side were to negotiate the organization of an arbitration and then refuse to participate. In view of the past practice of the Russian Side, the Ukrainian Side proposes that any agreement establishing an arbitration should include a provision committing both sides to full participation and to comply with the decisions of the tribunal, with advance consent that the dispute should automatically be referred to the International Court of Justice for resolution if either party violates this undertaking.
- The parties should negotiate both the size and composition of the tribunal. The Ukrainian Side's initial view is that the tribunal should consist of five or seven judges of the International Court of Justice. The Ukrainian Side further considers that the parties should endeavor to select the members of the tribunal by mutual agreement.



- The parties should negotiate the timing of written proceedings, including submissions on any admissibility objections. The Ukrainian Side's preliminary view is that in order to reach an expeditious conclusion to the matter, the parties should agree to include both admissibility and merits submissions together in the same written pleadings, rather than bifurcating the proceedings and addressing admissibility questions separately.

The Ukrainian Side invites the reactions of the Russian Side to these details regarding the organization of an arbitration to hear the dispute between the parties under the Convention. If the Russian Side confirms in writing that it agrees to submit the matter to arbitration and it will participate in arbitral proceedings constituted under the auspices of an *ad hoc* chamber of the International Court of Justice, it would then be appropriate to discuss additional organizational details regarding the arbitration between the parties. The Ukrainian Side considers that the parties should then develop detailed proposals concerning all aspects of the organization of the arbitration, including but not limited to the composition of the tribunal, and should at that stage arrange a meeting to discuss the organization of the arbitration.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Russian Federation the assurances of its highest consideration

Kyiv, August 31, 2016



# Annex 381

Russian Federation Note Verbale No. 14426 to the Ukrainian Ministry of Foreign Affairs (3 October 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and, in response to diplomatic note №72/22-620-2049 of the Ministry of Foreign Affairs of Ukraine dated August 31, 2016, on the issues related to the International Convention for the Suppression of the Financing of Terrorism, and in addition to its note №13322/dvn dated September 19, 2016, has the honor to inform the Embassy of the following.

The Russian side takes note, that in note verbale №72/22-620-2049 dated August 31, 2016, it was requested to share its view in respect of the explanations of the Ukrainian side on the issue of 'the organization of arbitration for the settlement of the dispute between the parties in accordance with the Convention'.

In particular, the Ukrainian side claimed that, in its opinion, "if the Russian Federation is ready to agree on the arbitration, the Parties shall reach an agreement, that the arbitration shall take place using the mechanism of *ad hoc* Chamber of the International Court of Justice established in accordance with the part 2 of Article 26 of the Statute of the International Court of Justice and based on a special arrangement between Ukraine and the Russian Federation agreed upon and concluded between the Parties for this purpose". Besides, the Ukrainian side claimed that "if the Russian side confirms in writing its consent to refer the dispute to the arbitration, and agrees to take part in the arbitration established within the framework of an *ad hoc* Chamber of the International Court of Justice, it would be expedient for the Parties to further discuss other issues related to the organization of the arbitration".

**TO THE EMBASSY OF UKRAINE  
MOSCOW**

We are puzzled by the position of Ukraine which, apparently, intends to discuss the organization of the arbitration only in case when the Russian Federation agrees to participate in the 'arbitration proceeding' at an *ad hoc* Chamber of the International Court of Justice.

First of all, the Russian Federation wishes to draw attention once again that under the paragraph 1 of Article 24 of ICSFT a dispute shall be referred to the arbitration 'upon the request of any' ICSFT Member States. The Article 24 does not contain a requirement that another Party must make any additional statement to enable the discussion of the Parties on the organization of the arbitration for which the Russian Federation has repeatedly given its consent. Imposition of such a requirement undermines the previous discussions.

Additionally, the Russian Federation does not consider the settlement of dispute by *ad hoc* Chamber of the International Court of Justice a form of arbitration either in the context of Article 24 of ICSFT, or in a broader sense.

Firstly, *ad hoc* Chamber of the International Court of Justice is not an arbitration: in accordance with Article 26 of the Statute of the International Court of Justice, such an *ad hoc* Chamber is a form of work of the International Court of Justice. The composition of a Chamber is finally determined by the International Court of Justice which is not bound by any decision of the parties on this matter. Such a Chamber also acts on the basis of the Statute of the Court, not an arbitration agreement between parties. Finally, in accordance with Article 27 of the Statute of the Court, a judgment rendered by a Chamber is considered as rendered by the Court; a Chamber itself cannot render a judgment.

Secondly, under Article 90 of the ICJ Rules, proceedings at the

Chambers are subject to the provisions of the ICJ Rules. This deprives the Parties of one of the main advantages of the arbitration - the possibility to agree on the procedure of the dispute settlement. Although under Article 101 of the ICJ Rules, parties to a dispute may propose modifications and additions to some (not all) rules of the Court or a Chamber, the wording of this article is explicit that a decision on this matter is taken totally at the discretion of the Court or its Chambers.

Accordingly, the modes for the dispute settlement proposed by Ukrainian Side, virtually, constitute a reference of the case for consideration by the International Court of Justice, but not the arbitration.

ICSFT provides for that any dispute between its states parties which cannot be settled through negotiation within a reasonable period of time, 'shall be submitted to arbitration upon the request of one of them'. The reference of a dispute to the International Court of Justice is envisaged in Article 24 of ICSFT only at later stage after all the preconditions have been fulfilled.

The Russian Side expresses a hope, that the Ukrainian Side, within the framework of negotiations on the organization of arbitration under the Article 24 of ICSFT, will not insist that the Parties should agree to refer the dispute to an *ad hoc* Chamber of the International Court of Justice. If Ukrainian Side continues to adhere to this position, it would undermine the nature of the negotiations, which, in such case, cannot be regarded as negotiations on the organization of arbitration, and the request of the Ukrainian Side to submit the dispute to arbitration will not be deemed as such within the meaning of Article 24 of ICSFT *ab initio*.

Nevertheless, the Russian Side does not exclude the possibility to consider the issue of the establishment of a Chamber in accordance

with the part 2 of Article 26 of the Statute of International Court of Justice at appropriate time, in particular: when the parties fail to reach an agreement on the organization of arbitration after *bona fide* negotiations on this issue have been conducted. However, at this moment both Parties are to take all efforts to reach an agreement on the modality of arbitration, but not to try to submit the dispute directly to the International Court of Justice fully omitting the procedure of arbitration.

On its part, in full compliance with the position expressed in note №8808/dnv dated June 23, 2016, and confirmed during the fifth round of consultations on August 4, 2016, and which was further underlined in note №1332/dnv dated September 19, 2016, the Russian Side expresses again its consent to discuss the organization of the arbitration. Certainly, it is made without prejudice to any objections in respect of jurisdiction or admissibility, which the Russian Side might claim during the arbitration proceeding, including on its position about the absence of a dispute between the Parties on the interpretation and application of ICSTF within the meaning of its Article 24. In order to expedite the discussion, the Russian Side transmits hereinafter a draft bilateral Arbitration Agreement and draft Rules of the Arbitration Procedure, prepared on the basis of the model of the Permanent Court of Arbitration. The Russian Side is open for the discussion of the draft documents mentioned above as well as for proposals of Ukraine on possible changes to the draft documents.

At the same time, without prejudice to its consent on the discussion of the organization of arbitration, the Russian Side continues to believe that any disagreements between the Parties can be settled by the means of consultations. The Russian Side is ready to continue the consultations at any time.

In order to conduct constructive discussions of the organization



of arbitration and other issues related to the ICSFT, the Russian Side proposes to hold the sixth round of bilateral consultations in Minsk, October 13-14, 2016.

The Ministry draws attention once again that the fact of the discussion of any issues during the consultations as well as in the diplomatic correspondence between the Parties can predetermine neither the issue of their regulation by the ICSFT, nor the existence of a dispute on interpretation and application of the ICSFT.

Nothing in the present note can prejudice the position of the Russian Side in respect of the claims and allegations of the Ukrainian Side contained in the diplomatic correspondence on this matter.

The Ministry of Foreign Affairs of the Russian Federation avails itself of this opportunity to renew the assurance of its highest consideration.

Moscow, October 3, 2016



# Annex 382

Ukraine Note Verbale No. 72/22-194/510-2518 to the Russian Ministry of Foreign Affairs (2 November 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





## THE MINISTRY OF FOREIGN AFFAIRS OF UKRIANE

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№72/22 - 194/510 - 2518

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and, in reference to the parties' dispute concerning interpretation and implementation of the 1999 International Convention for the Suppression of the Financing of Terrorism (hereinafter, the "Convention"), has the honor to state the following.

The Ukrainian Side recalls that on 18 October 2016, the parties met in The Hague to discuss their respective proposals for the organization of the arbitration. The Russian Side presented its proposal based on the arbitration rules of the Permanent Court of Arbitration, with significant modifications. The Ukrainian Side discussed in detail why it believed an arbitration through the *ad hoc* chamber mechanism of the International Court of Justice is appropriate. As the Ukrainian Side explained, the differences between the two proposals raised questions over whether the two sides share a common understanding of the fundamental attributes an arbitration of their dispute should have.

Before discussing further a potential agreement and rules governing the organization of the arbitration, given that the two sides are far apart on certain fundamental issues, the Ukrainian Side considers it advisable to first attempt to reach agreement on core principles concerning the organization of the arbitration. As promised at the conclusion of the meeting in The Hague, this note elaborates the core principles on which Ukraine believes the parties must agree.

1. Transparency. In light of the significant public interest, in Ukraine and elsewhere, concerning the subject matter of the dispute under the Convention, the arbitration should be premised on the principle of maximum possible transparency. All written pleadings should be publicly available. All hearings should be open to the public, and transcripts and video of the proceedings should be publicly accessible. Any award issued by the tribunal should be publicly available.

**The Ministry of Foreign Affairs  
of the Russian Federation  
Moscow**

Any exceptions to the principle of full transparency should be narrowly tailored and require a decision of the tribunal. No party should be entitled to insist on confidential treatment of evidence introduced by the other party. If one side wishes to introduce evidence that it considers too sensitive to be publicly disclosed, it should be required to share that evidence with the tribunal and the other side and, where necessary, explain in detail why public release of the evidence would compromise the security of the state or raise a similarly compelling concern. The tribunal should make the final determination on whether a party has met this standard and on whether to permit the evidence to be introduced under conditions of confidentiality.

2. Governed By Principles Of International Law. The tribunal should resolve the dispute based on applicable rules and principles of international law.

3. Composition of the Tribunal. Ukraine considers that the dispute should be resolved by a tribunal comprised of highly qualified experts in public international law. In particular, Ukraine believes that the following principles should be followed with respect to the constitution of the tribunal:

- The tribunal should be comprised of five members.
- Considering that the dispute raises significant matters of public international law, and will mark the first occasion for any international dispute settlement body to interpret and apply the Convention, Ukraine considers it necessary to ensure that the most qualified experts will sit on the tribunal. Ukraine also notes the significant practice in inter-state arbitration to constitute tribunals that include significant participation by judges of the International Court of Justice (“ICJ”), including arbitrations in which the tribunal has consisted entirely of judges of the ICJ. Ukraine therefore considers that, in recognition of the significant public interest in the subject matter of the dispute and the important public international law issues it raises, the tribunal should be composed of ICJ members.

- Ukraine’s preference is that the parties agree on the identity of all five arbitrators in their arbitration agreement. If the parties ultimately decide to include an appointment process in their agreement, Ukraine proposes that each side choose one party-appointed arbitrator, with three arbitrators to be selected by an appointing authority. For reasons similar to the desirability of participation in the panel by ICJ judges, and consistent with practice in other arbitrations, Ukraine considers that members of the tribunal not appointed by the parties should be appointed by the President of the ICJ, acting as appointing authority. The parties

should stipulate that the President of the ICJ, acting in this capacity, would be permitted to appoint himself as the presiding arbitrator, if he chooses.

4. Cost Efficiency. Cost is a consideration and the arbitration should be organized in a manner that minimizes the cost burdens. Ukraine notes that it has proposed an option for constituting the arbitration through the mechanism of an *ad hoc* chamber of the ICJ, in part in order to obtain significant cost savings. Ukraine suggests that if the Russian Side remains opposed to this approach, the Russian Side should propose alternative measures to address Ukraine's concerns, including by informing the Ukrainian Side if the Russian Side is willing to bear the costs of administering the proceeding.

5. Guarantees of Participation and Commitment to the Arbitration Process, Including Compliance with the Arbitration Agreement. In light of the recent practice of the Russian Federation in matters of international adjudication, Ukraine's view is that guarantees of Russia's sustained participation in an arbitration pursuant to Article 24 of the Convention are essential. In this regard, Ukraine welcomes the statement by the Russian Federation, in its note No 12566/2 ДЧПГ of 10 October 2016, indicating for the first time a clear intent of the Russian Side to participate in the arbitration, if the parties come to an agreement on organization of the arbitration. To ensure that this commitment is maintained throughout the proceeding, the parties should specifically agree to continued participation, including in the event of a ruling on jurisdiction and admissibility with which either side may disagree. The parties should also agree that in the event of a failure to participate or other material breach of the arbitration agreement or rules, the other party will be free to submit the dispute to the ICJ pursuant to Article 24 of the Convention. The circumstances in which a party would be entitled to proceed to the ICJ would include, without limitation:

- Failure by the other side to timely appoint its arbitrator.
- Withdrawal from the arbitration by the other side.
- Failure to participate in any hearing.
- Failure to file any required written pleading.
- Substantial delay, without good cause, by the other side in paying any required contribution to the costs of the arbitration.
- Failure by the other side, without good cause, to comply with any order of the tribunal to produce documents, witnesses or other evidence.
- Failure by the other side to comply with an award of provisional measures issued by the tribunal.

6. Guarantees of Enforcement and Implementation of Arbitral Decisions and Awards. The parties should also agree in advance to full compliance with and implementation of any award issued by the tribunal. In order to demonstrate that both sides are entering into the arbitration with a good faith intention to implement the award of the tribunal, the parties should confirm in writing that the United Nations Security Council may take appropriate steps to ensure implementation, pursuant to Chapter VI of the United Nations Charter. The parties should also confirm in writing their understanding that pursuant to Article 27(3) of the Charter, both sides to the dispute would abstain from voting on any resolution of the Security Council, acting under Chapter VI of the Charter, relating to implementation of the arbitral award.

7. Timely Resolution of the Dispute. Ukraine believes that the arbitration should be structured in order to ensure efficiency and timely resolution of the dispute. In order to ensure that there is no undue delay, the parties should agree to the following:

- Arbitrators should be appointed promptly in accordance with strict deadlines reflecting practice under systems of arbitration rules to which Russia has previously consented, such as Annex VII to the UN Convention on the Law of the Sea.
- Because the Russian Federation has already indicated that it intends to raise jurisdictional and/or admissibility objections, it should file a statement of defense that discloses those objections, on a prompt basis after Ukraine files its Statement of Claim.
- The parties' arbitration agreement should provide that the schedule for written pleadings to be established by the tribunal should provide a fair and efficient process for resolving the parties' dispute and avoid unnecessary delay and expense.
- The tribunal should decide whether bifurcation of proceedings between jurisdiction/admissibility and the merits is warranted.

8. Provisional Measures. The tribunal should have the power to issue an award of provisional measures, with which the parties must comply.

9. Possible Participation of Interested Parties. The tribunal should have the power to grant requests by interested third states or other interested parties to intervene or otherwise participate in the proceeding. As the Russian Federation is aware, the alleged violations of the Convention at issue in this dispute, including the shooting down of Malaysian Airlines Flight MH-17, is a subject of significant concern to states and other interested parties other than Ukraine.



10. Entry into Force. In the interest of moving the proceeding forward without delay, and to ensure that neither side can frustrate or obstruct the decision to commence arbitration, the parties should agree that the arbitration agreement will enter into force promptly.

The Ukrainian Side hopes that the parties can agree to these core principles, and on that basis proceed to reach agreement on the remaining details of the organization of the arbitration. Ukraine continues to hold the view that an arbitration constituted through the mechanism of an *ad hoc* chamber of the ICJ would be well-suited to satisfying these principles. Ukraine hopes the Russian Federation has given further consideration to Ukraine's explanation at the meeting in The Hague for why a proceeding before an *ad hoc* chamber constitutes an arbitration within the meaning of the Convention, and that the Russian Federation will reconsider its opposition to an *ad hoc* chamber arbitration.

Absent an agreement on *ad hoc* chamber arbitration, and given the Ukrainian Side's concerns with the proposal set forth by the Russian Federation, the Ukrainian Side proposes that the parties' first attempt to reach agreement on the core principles outlined above in an effort to find a path forward. Ukraine looks forward to receiving the Russian Side's agreement that the core principles, as elaborated above, should be reflected in any arbitration agreement and arbitration rules that the parties may negotiate to govern the organization of an arbitration of their dispute pursuant to Article 24 of the Convention. If the Russian Federation is unable to confirm its agreement, the Ukrainian Side expects that the Russian Side will explain in detail the basis of any disagreement it may have with Ukraine's core principles, as set forth in this diplomatic note.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Russian Federation the assurances of its highest consideration.



Kyiv, November 2 , 2016



# Annex 383

Russian Federation Note Verbale No. 14284 to Ukrainian Ministry of Foreign Affairs (11 November 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



#14284/2ДСНГ

The Ministry of Foreign Affairs of the Russian Federation presents its compliments to the Embassy of Ukraine in Moscow and in response to the note of the Ministry of Foreign Affairs of Ukraine #72/22-194/510-2518 of November 2, 2016, concerning the International Convention on Suppression of Terrorism Financing (the Convention), has the honour to inform the Embassy about the following.

The Russian Side welcomes that the Ukrainian Side sent its views on “core principles” concerning the organization of the arbitration following the agreement that had been reached during the consultations in The Hague on October 18<sup>th</sup> this year. Taking into account the Ukrainian Side’s position, the Russian Side will revise its proposal on the organization of arbitration and will send to the Ukrainian Side a revised version.

The Russian Side offers to hold the next meeting to discuss further the organization of arbitration on December 12, 2016, from 10 a.m. to 6 p.m. in The Hague, the Netherlands.

The Ministry draws attention once again that the fact of the discussion of any issues during the consultations as well as in the diplomatic correspondence between the Parties can predetermine neither the issue of their regulation by the ICSFT, nor the existence of a dispute on interpretation and application of the ICSFT.

By the same token, nothing in the present note can prejudice the position of the Russian Side in respect of the claims and allegations of the Ukrainian Side contained in the diplomatic correspondence on this matter.

The Ministry of Foreign Affairs of the Russian Federation avails itself of this opportunity to renew the assurance of its highest consideration.

Moscow, November 11, 2016



# Annex 384

Russian Federation Note Verbale No. 16886 to the Ukrainian Ministry of Foreign Affairs (30 December 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





#16866/2ДЧГ

The Ministry Of Foreign Affairs of the Russian Federation presents its compliments to the Ukrainian Embassy in Moscow and in response to the diplomatic note of the Ministry of Foreign Affairs of Ukraine #72/22-194/510-2718 of November 24, 2016, concerning issues related to the International Convention on Suppression of Financing of Terrorism (the Convention) has the honour to inform the Embassy the following.

The Russian Side studied carefully proposals of the Ukrainian Side presented in its diplomatic note #72/22-194/510-2518 of November 2, 2016. The Russian Side is ready to accept most of these proposals in order to agree on the organization of arbitration. As the Russian Side explained during the meeting on October 18, 2016, it prefers to hold a discussion on the organization of arbitration based on draft documents that could govern the arbitration proceedings. Therefore, the Russian Side forwards herewith a draft arbitration agreement and rules of procedure there were amended, inter alia, to incorporate Ukraine's proposals to the extent they are acceptable to the Russian Side.

For your convenience, below we provide a list of amendments that we introduced to the draft arbitration agreement and rules of procedure that take account of Ukraine's proposals (the numbering in the list is based on the numbering proposed by Ukraine in its diplomatic note).

1. Transparency. This principle is acceptable. Articles 20(4) and 25 of the rules of procedure were amended accordingly. The amendments are intended to ensure an appropriate balance between public hearings, effective arbitration proceedings and preservation of confidential information.
2. Applicable Law. This provision has already been addressed in previous drafts of arbitration agreement and rules of procedure. Nevertheless, we introduced additional amendments to emphasize that we accepted this proposal. Corresponding amendments were introduced to article 3(3) of the draft arbitration agreement and article 30 of the rules of procedure. These amendments provide that arbitration tribunal applies rules and principles of international law.
3. Composition of the Tribunal. This proposal is acceptable in most of its part. Article 3(1) of the draft arbitration agreement and articles 5 and 6 of the rules of procedure were accordingly amended. The Russian Side shares Ukrainian Side's preference that the parties agree on the composition of arbitration. However, the Russian Side considers that the parties shall not limit its choice to the judges of the ICJ. The Russian Side notes that it is usual practice of interstate arbitrations to appoint arbitrators who are not judges of the ICJ.
4. Cost Efficiency. The cost efficiency principle is acceptable. This principle is reflected in redrafted article 14(1) of the rules of procedure and article 38 of the

rules of procedure. Some other amendments introduced by the Russian Side could provide for additionally cost savings for arbitration. If the Ukrainian Side has additional proposals that could minimize the cost burdens on arbitration, the Russian Side is ready to consider them as fast as possible.

5. Participation in the Arbitration. Article 3(2) of the draft arbitration agreement was amended. We also suggest taking a note of article 22 of the rules of procedure.
6. Enforcement of Arbitral Decision. We suggest taking a note of the article 3(6) of the draft arbitration agreement. The Russian Side does not understand how the Ukrainian Side's proposal concerns the organization of arbitration, subject of the discussion, and potential agreement between the parties under article 24 of the Convention because this proposal relates to the enforcement of an arbitral decision. Specifically, parties' rights provided by the U.N. Statute, including the right to vote in the Security Council, do not concern the organization of arbitration and, therefore, do not fall within the scope of the discussion. If the Ukrainian Side believes that these issues fall under the scope of article 24 of the Convention, the Russian Side expects to hear detailed explanations of the Ukrainian Side in this issue.
7. Timely Resolution of the Dispute. We accept the principle that the arbitration should be structured in order to ensure efficiency and timely resolution of the dispute. The amendments introduced in articles 6(3), 17(1) and 18 of the draft rules of procedure provide different rules to incorporate proposals of the Ukrainian Side and to safeguard each party right to introduce its position.
8. Provisional Measures. We accept the principle that the tribunal should have the power to issue an award of provisional measures. The draft rules of procedures were amended with a new article 26 on provisional measures.
9. Possible Participation of Interested Parties. We accept the principle that the tribunal should have the power to grant requests by interested third states to intervene in the proceeding. However, the Russian Side is unaware of any precedent in interstate arbitration practice for such rules. The rules of procedure were amended with a new article 27. This provision allows setting up conditions and procedures that allow other states to participate in the proceedings. The Russian Side notes that it is extremely unusual for interstate arbitration practice for other parties than the states to the proceedings.
10. Entry into Force. We accept the principle that the arbitration agreement shall enter into force without unreasonable delay. The corresponding amendments were introduced to the final provisions of the draft arbitration agreement dealing with entering into force and article 4 of the draft arbitration agreement was deleted. As the Russian Side explained during the meeting on October 18, 2016, according to the Russian legislation, if the arbitration agreement is signed, it will be a subject of

ratification before it enters into force. The Ministry of Foreign Affairs will take all steps within its powers to facilitate the ratification of the agreement and to speed up the process. However, the Russian Side proceeds from the understanding that if the arbitration agreement is signed, none of the parties will go to the ICJ during before the parties comply with its internal procedures.

The Russian Side offers to hold a meeting to continue a discussion on the organization of arbitration. This meeting will allow the parties to explain their proposals and discuss their implementation. The Russian Side suggests holding the meeting on a week of January 23-29, 2017, in The Hague.

The Ministry avails of this opportunity to renew its highest consideration to the Embassy.

Moscow, December 30, 2016



# Annex 385

Ukraine Note Verbale No. 72/22-663-82 to the Russian Federation Ministry of Foreign Affairs  
(13 January 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





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**THE MINISTRY OF FOREIGN AFFAIRS OF UKRIANE**

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№72/22-663-82

The Ministry of Foreign Affairs of Ukraine presents its compliments to the Ministry of Foreign Affairs of the Russian Federation and, in reference to the parties' dispute concerning the interpretation and application of the 1999 International Convention for the Suppression of the Financing of Terrorism (hereinafter, the "Convention"), and in response to the note of the Russian Side No 16866/2ДЧГ of 30 December 2016, has the honour to state the following.

Ukraine recalls that on 21 April 2016, it requested to submit the dispute between the parties to arbitration, and the Russian Federation made no response for more than two months. In August 2016, Ukraine informed the Russian Federation of its views on how an arbitration should be organized, and in October 2016, the Russian Federation presented a partial counter-proposal. Ukraine further recalls that at a meeting held in The Hague on 18 October 2016, and in its note No 72/22-194/510-2518 of 2 November 2016, Ukraine explained the core principles that it considered critical to the organization of the arbitration. Ukraine appreciates the Russian Federation's consideration of these principles, and has carefully studied the Russian Side's response and proposed drafts of an arbitration agreement and rules that were transmitted on 30 December 2016.

Ukraine regrets that the Russian Federation's response and accompanying proposals continue to reflect important areas of disagreement with the principles Ukraine put forward. Ukraine observes that more than six months have passed since the Russian Side received Ukraine's request, on 21 April 2016, to submit the dispute to arbitration,

**The Ministry of Foreign Affairs  
of the Russian Federation  
Moscow**

and that the parties have been unable to agree on the organization of the arbitration within (and beyond) that period. Accordingly, pursuant to Article 24(1) of the Convention, Ukraine intends to refer the dispute to the International Court of Justice.

The Ministry of Foreign Affairs of Ukraine avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Russian Federation the assurances of its highest consideration



Kyiv, January 13, 2017



# Annex 386

Intercepted Conversation of Igor Bezler (17 April 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**17.04.2014 at 16:05:04** (duration 00:00:36) subscriber of the telephone number 380637138843 (*I. N. Bezler*) called to the subscriber of the telephone number 380994550769 (*unidentified man, "Fedorovich"*):

Fedorovich — Yes, Igor Nickolaevich.

Bezler — Fedorovich, look, Rybak is making provocations at the rally, wants to enter the city administration, take off the flag of the Donetsk Republic and hang the Ukrainian one again. Can you send a patrol group, slow down this guy a little bit, because we're checking cars here, based on information...

Fedorovich — Just a minute, I'll ask people now. Alright, now just a second.

Bezler — Alright, thank you.

**17.04.2014 at 17:32:32** ( duration 00:01:20) subscriber of the telephone number 380662444230 (*unidentified man, "Oleg Vladimirovich"*) called to the subscriber of the telephone number 380637138843 (*I. N. Bezler*):

Bezler — Oleh, I'm listening.

O.B. - Hello, Igorek, listen, Rybak wants that flag, he is trying ... People are fucking defending it right in the city administration, do not let him fucking pass.

Bezler (*says aside*) — Call "Alpha", call "Alpha" immediately.

*O. V.* – Hello.

Bezler – Yes, I understood. Wait now. Wait now, wait now, wait now, Vladimirovich. Is he inside of the city administration?

*O. V.* – Yes. I'm here now.

Bezler (*talking on another telephone*) – Alpha, listen carefully, go inside of the city administration, Rybak is fucking misbehaving there.

*O. V.* – Right now.

Bezler (*talking on another telephone*) – Listen, go inside of the city administration, Rybak is misbehaving there, people are trying to restrain him there. Press him!

*O. V.* – Let them not press him heavily, let them just bring him out and that's fucking it.

Bezler (*talking on the telephone*) – Look, look, guys, guys, press him slightly, get him into your car and take him fucking further out, fucking further out. And then, stop and tell me where I should come. Do you understand? Do it. Bye.



# Annex 387

Ukraine State Border Guard Letter No. 0.22-3958/0/6 to the Russian Border Directorate of the  
FSB (22 May 2014)

This document has been translated from its original language into English, an official language  
of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the  
original document constituting this Annex. In further compliance with this Rule, Ukraine has  
provided two certified copies of the full original-language document



[Handwriting:] May 22



## **ADMINISTRATION OF THE STATE BORDER GUARD SERVICE OF UKRAINE**

26 Volodymyrska Street, Kyiv, 01601, Ukraine  
Phone: (38044) 239-85-75  
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Email: [dkk@pvu.gov.ua](mailto:dkk@pvu.gov.ua)  
[www.dpsu.gov.ua](http://www.dpsu.gov.ua)

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**Extremely urgent**

**Attn: First Deputy Director of the  
Border Guard Service of the Federal  
Security Service of Russia, Colonel-  
General V.M. Dorokhin**

**Dear Viacheslav Mikhaylovich [Mr. Dorokhin],**

In follow-up to Letter No. 0.42-3946/0/6-14 of May 22, 2014 of the State Border Guard Service of Ukraine, please be informed that, according to available intelligence, groups of Cossacks plan to illegally cross the state border in the direction of Gukovo (Russia) - Sverdlovsk (Ukraine) and also in the direction of Mozhaevka (Russia) - Gerasimovka (Ukraine).

In light of the foregoing, please take steps to prevent the illegal crossing of the border by individuals and vehicles, and also inform the Ukrainian side about the preventative measures taken by you.

Please also be informed that at 12:25 a.m. on May 22, 2014, the Stanichno-Luganskoe border guard unit of the Luhansk Border Guard detachment came under an armed attack with the use of grenades, automatic assault rifles, and team weapons. As a result of this armed conflict, 5 border guards sustained gunshot and shrapnel wounds, including Lieutenant-General Valeriy Alexandrovich Subotin, Chief of the Border Guard Service Directorate.

In light of the increasingly more frequent incidents involving the use of weapons in frontier regions of Ukraine, please support the initiatives of the Ukrainian side to hold meetings at the level of border guard representatives as well as representatives of operative units of border guard services of Ukraine and the Russian Federation with a view to arranging operative interaction and preventing illegal crossings of the state border, including by armed individuals and vehicles.

**First Deputy Chairman of the State Border Guard Service of Ukraine**

**Colonel-General**

[Signature]

**P.A. Shisholin**

ADMINISTRATION OF THE STATE BORDER GUARD  
SERVICE OF UKRAINE

Outgoing Ref. No. 0.42-3958/0/6-14 of May 22, 2014

0.42  
ID08M4



Serhiy Oleksandrovych Morozov





# Annex 388

Ukraine State Border Guard Letter No. 0.42-4016/0/16-14 to the Russian Border Directorate of the FSB (24 May 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[Handwriting:] May 24, 2014



**ADMINISTRATION OF THE STATE BORDER GUARD  
SERVICE OF UKRAINE**

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[Handwriting:] *Outgoing Ref. No. 0.42-1016/0/16-14 of May 24, 2014*

**Extremely urgent**

**Attn: First Deputy Director of the  
Border Guard Service of the Federal  
Security Service of Russia, Colonel-  
General V.M. Dorokhin**

**Dear Viacheslav Mikhaylovich [Mr. Dorokhin],**

This is to inform you that despite the fact that the Russian side has been provided with information about the increasingly more frequent attempts to prepare illegal crossings of the Ukrainian-Russian state border as well as actual illegal crossings, at 3:55 a.m. on May 24, 2014, a border patrol of the Dmitrovka border guard unit of the Donetsk border guard detachment detected (using thermal imaging cameras) movement of a convoy of 5 trucks and 2 passenger cars 800 meters away in the direction of Novaya Nadezhda (Russia) – Dubrovka (Ukraine) in Russian territory in the direction of the state border of Ukraine, which was reported to the unit of the Border Guard Service of the Russian Federation.

Nonetheless, at 4:20 a.m. the convoy of 5 KamAZ trucks and an UAZ minivan and a NIVA passenger car crossed the state border and made it across the trench in Ukrainian territory. A large-caliber machine gun was mounted on one of the KamAZ trucks, while other vehicles carried armed individuals.

In light of the foregoing and in the interests of ensuring the safety of civilians in frontier regions of Ukraine and the Russian Federation as well as representatives of the border guard services of our countries, I would like to call your attention to the extreme need to urgently implement a set of measures to stabilize the situation in the jointly protected sector of the state border, prevent illegal crossings of the state border and smuggling of weapons and ammunition.

**First Deputy Chairman of the State Border Guard Service of Ukraine**

**Colonel-General**

[Signature]

**P.A. Shisholin**



# Annex 389

Ukraine State Border Guard Letter No. 0.42-4289/0/6 to the Russian Border Directorate of the  
FSB (3 June 2014)

This document has been translated from its original language into English, an official language  
of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the  
original document constituting this Annex. In further compliance with this Rule, Ukraine has  
provided two certified copies of the full original-language document





## **ADMINISTRATION OF THE STATE BORDER GUARD SERVICE OF UKRAINE**

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**Attn: First Deputy Director - Chief of  
the Border Guard Service of the  
Federal Security Service of Russia,  
Colonel-General V.G. Kulishov**

**Dear Colonel-General,**

Based on information from reliable sources, please be informed that a large group of 800 armed individuals are planning to break through the joint Ukrainian-Russian state border in the direction of Ukraine on or around June 3-4, 2014 within the strip of land between Millerovo (Russia) - Dyakovo (Ukraine), Kuibyshevo (Russia) - Dmitrovka (Ukraine).

It is not to be ruled out that this group of individuals might commit acts of extremism on the Ukrainian-Russian state border and in other directions within Donetsk and Luhansk Oblasts on their way to their final destinations – the cities of Donetsk and Mariupol.

I urge you to react to this information and make every possible effort to deter and prevent criminal activity on the Ukrainian-Russian state border.

**Chairman of the State Border Guard Service of Ukraine**

**Ukrainian Army General**

[Signature]

**N.M. Lytvyn**

O.V. Derkach, 527-63-92

ADMINISTRATION OF THE STATE BORDER GUARD  
SERVICE OF UKRAINE  
Outgoing Ref. No. 0.42-4289/0/6 of June 3, 2014

0.42







# Annex 390

Ukraine State Border Guard Letter No. F/42-3243 to the Russian Border Directorate of the FSB  
(5 June 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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[Handwriting] June 5, 2014

Copy No. \_\_\_



**STATE BORDER GUARD SERVICE OF  
UKRAINE**

**BORDER GUARD REPRESENTATIVE OF  
UKRAINE IN THE DONETSK SECTOR**

**Attn: Colonel D.N. Nechepurenko,  
Border Guard Representative of the  
Russian Federation in the Rostov  
Sector**

*June 5, 2014, No. F/42-3243*

150A Gagarina Street, Mariupol, 87521  
Phone: 51-31-74, fax: (0629) 51-31-74

105 Nansena Street, Rostov-on-Don, Russian Federation,  
fax: 8-107-(863) 287-93-00

Dear Dmitry Nikolaevich [Mr. Nechepurenko],

This is to respectfully inform you that, according to available intelligence, a convoy of 8 BTR armored personnel carriers with armed personnel is currently proceeding from the city of Taganrog (Russia) toward Ukraine with the intention of crossing the state border presumably in sectors supervised by the Amvrosievka and Dmitrovka units of the state border guard service.

I provide this information so you could take steps to prevent the violation of the state border regime.

**Best regards,**

**Deputy Border Guard Representative of Ukraine  
in the Donetsk Sector**

**Lieutenant Colonel**

[Signature]

**V.V. Galetskiy**

June 5, 2014



# Annex 391

Intercepted Conversation Between Igor Girkin, Viktor Anosov, and Mykhaylo Sheremet  
(11:30:47, 8 June 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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Time: June 8, 2014, 11:30:47  
Duration: 0:03:48  
MSISDN: 380930721558  
Direction: Outgoing  
Calling parties: <380962662006>  
Type: Audio ON  
SMS text: "  
MMS text: "  
Cells: <20534\_26157><20534\_2 6006><20534\_26157>  
DTMF:  
Call forwarding:  
IMEI: 353630053787960  
IMSI: 255062004220169  
Comment: "  
Session ID: 1443196 Object ID: 3627 Call ID: 49055  
Operator ID=1766; Name=otpz 1; Last Name=otpz 1  
Selection attribute NUMBER=380930721558; Number Type = MSISDN

At 11:30:47 hours on June 8, 2014 (duration: 00:03:48), **Nos** made a call from the mobile number 380930721558 (location: 40 Shevchenka Street, Slovyansk, Donetsk Oblast) to **M.S. Sheremet** at his mobile number 380962662006 (location: 17 Kirova Prospect, Simferopol, Autonomous Republic of Crimea):

Designations: **“Strelok”** – **Igor Vsevolodovich Girkin, d.o.b. December 17, 1970, citizen** of the Russian Federation (terrorist group leader); **“Nos”** – **Viktor Yuriyovych Anosov, d.o.b. October 31, 1965, citizen** of Ukraine/Russia (“chief of counterintelligence” in the so-called “Strelok’s Group”); **Mykhaylo Serhiyovych Sheremet, d.o.b. May 25, 1971, aide** to so-called Crimean Prime Minister **Aksenov**.

**Sheremet:** Hello.

**Nos:** Hello. Please hold for a moment. Now.

**Sheremet:** Yes.

**Nos:** Hello.

**Sheremet:** Hello. Hello Igor!

**Nos:** On the line? I’m putting him on the phone.

**Sheremet:** Yes.

**Nos** puts **Strelok** on the phone.

**Strelok:** Yes, speaking.

**Sheremet:** Hello Igor. Mikhail here. You should remember me. I’m the aide to the number one.

**Strelok:** Yes, I’m listening, Mikhail.

**Sheremet:** Igor, Sergey here tells me you wanted to get in touch and share some information.

**Strelok:** Well, there is nothing to share. It’s common knowledge that they will crush us unless we receive extensive backup in the immediate future. There is nothing more. We need truly extensive material support. What we have is no longer adequate... To give it to us one teaspoon at a time, like now... Is not going to help. The proportion of forces of the enemy is much larger. I can hang on for some more time just because I have entrenched here.

But if they mount an offensive on the other towns at the same pace, they will quickly run them into the ground with the kind of untrained personnel untested by fire that we have. Naturally, they will then run me into the ground as well. If the issue of the Russian help is not resolved, the issue of the air cover, or at least of the support of artillery, we are not going to be able to keep the East. We won't hold on to it for sure. First of all, when we needed that extensive support the most, they were not giving it to us. And what they are giving to us now was needed a month ago. All that this is good for now is to keep our pants from dropping to the ground, so to speak. We will not be able to somehow turn the situation around. They will now begin putting a squeeze on us from every direction.

**Sheremet:** I see.

**Strelok:** Hello.

**Sheremet:** Yes, yes, I hear you.

**Strelok:** We need, we need... We need the anti-tank artillery, need tanks, need normal air defense weapons. Shoulder-launched surface-to-air missile launchers are no longer sufficient. Needless to say, we need all of this along with trained professionals, because we do not and will not have time to train them. For example, I am now facing 4 tanks in the field outside Semenovka. They are staying out of the reach of our anti-tank guided missiles and simply shoot up our positions. They have been doing so for 3 days. Meanwhile, I don't have a single anti-tank cannon to fight them. They have just pummeled the city center from howitzers. They have just fired 30 shells, explosions took place nearby, merely 50 meters away from my headquarters. And I can't get to them because they are staying out of reach. This is happening everywhere. They are now simply... the entire Ukrainian Army (*unintelligible*).

**Sheremet:** Yes, yes, I understand.

**Strelok:** Simply all of it.

**Sheremet:** Yes, yes.

**Strelok:** This information must be delivered, because the decision will have to be made sooner or later anyway. [In the latter case] it will have to be made when most of the rebels will be eliminated and the frontline will be pushed somewhere beyond Donetsk, to the East.

**Sheremet:** Uh-huh.

**Strelok:** That's the situation. I am asking you to deliver this to the number one.

**Sheremet:** Yes, I understand. Good. Got it.

**Strelok:** That's all. Stay in touch. Thank you.

**Sheremet:** Hang in there.



# Annex 392

Protocol of Intercepted Conversations of Sergey Glazyev, Advisor to Russian President Putin (12 June 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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SECURITY SERVICE OF UKRAINE  
**Counterintelligence Department**  
33 Volodymyrska Street, Kyiv, 01601  
Phone: (044) 256-92-73  
June 24, 2014 No. 2/1/4-27333  
Re: No. \_\_\_\_\_ of \_\_\_\_\_

Copy No. 1

**Attn: Major General V.V. Vovk, Chief of  
the Central Investigative Directorate of  
the Security Service of Ukraine**

[Partly illegible stamp: 4440, June 26, 2014.  
Primary sheets: 2. Additional sheets: 22]

*Regarding the crime detected*

Dear Vasyl Vasyliovych [Mr. Vovk],

The Counterintelligence Department of the Security Service of Ukraine has an alleged crime committed by Russian citizen

**Sergey Yuryevich Glazyev**, d.o.b. January 1, 1961, born in Zaporizhia, registered in Moscow, who serves as advisor to the Russian President (diplomatic passport: 100100066, international passports: 4508388509, 514893523, 633721903).

Acting in the interests of Russia's geopolitical interests relating to Ukraine and looking to install levers of influence on the public authorities and administrations of Ukraine, S. Glazyev is attempting to use Ukrainian public figures and politicians (V. Medvedchuk, P. Symonenko, O. Tsariov, I. Markov, V. Holenko, etc.) as well as public and religious figures (V. Kaurov, A. Novikov, O. Nohinsky, etc.), who support the anti-Ukrainian stance of the Russian Federation against our state.

S. Glazyev has been using his connections with K. Zatulin, Director of the Institute of CIS Member States, and O. Nohinsky, Chairman of the Management Board of the Customs Union Suppliers Association, to provide funding for representatives of the pro-Russian public organizations *Oplot*, *Odeska Druzhyna*, *Union of Orthodox Citizens*, and others. He coordinated their involvement in anti-government rallies in the Autonomous Republic of Crimea, Odesa, Kharkiv, Dnipropetrovsk, Zaporizhia, Donetsk, and Luhansk Oblasts, and facilitated the armed annexation of Crimea.

In addition, as the Russian-Ukrainian conflict unfolds, S. Glazyev has been supporting the illegal activities of the self-proclaimed prime minister of Crimea, S. Aksenov, and leaders of the DNR and LNR terrorist organizations – P. Gubarev and V. Bolotov.

His actions foment public disturbances, armed resistance against representatives of the incumbent authorities in Donetsk and Luhansk Oblasts, and facilitates severe crimes committed by representatives of reconnaissance and sabotage groups of the Central Investigative Directorate of the General Staff of the Russian Army against the fundamentals of Ukraine's national security, human lives and health.

The information gathered proves that S. Glazyev has organized and is involved in acts that harm the sovereignty, territorial integrity, and inviolability of Ukraine, as well as acted to organize public disturbances in the territory of Ukraine's southeastern regions.

This is to inform you that grounds exist for commencing a pretrial investigation.

**Attachment:**

1. Record of secret surveillance No. 2/1/4-25971 of June 12, 2014, unclassified, on thirty-one (31) pages, copy No. 1, with the attachment of a Verbatim DVD-R disk registered at the Counterintelligence Department of the Security Service of Ukraine under No. 1528 of March 12, 2014, unclassified.

**Best regards,**

**Chief of Department**

**Major General**

**[Signature]**

**V. Kondratyuk**

[Seal: Security Service of Ukraine. Seal for Documents No. 5]

[Handwriting: Unclassified]

~~Classified~~

Copy No. 1

[Seal: Classified Information Unit,  
Counterintelligence Department of the Security Service of Ukraine]

RECORD  
of the results of secret surveillance

Kyiv

June 12, 2014

Started at 9:30 a.m. on *June 12, 2014*. Ended at 6 p.m. on *June 12, 2014*.

I, Lieutenant Colonel V.V. Drahan, Operational Consultant and Expert with the 4th Unit of the Counterintelligence and Detective Directorate of the Counterintelligence Department of the Security Service of Ukraine, have prepared this record in my office No. 123 pursuant to the provisions of Clause 6, Article 7 of the Law of Ukraine *On Counterintelligence Activities* and the January 31, 2014 ruling No. 01-892tst of A.V. Chernushenko, Presiding Judge of the Kyiv Court of Appeals, based on the findings of secret surveillance operations conducted by the Surveillance Department of the Security Service of Ukraine, which involved wiretapping the telecom networks between January 31, 2014 and March 31, 2014. This record has been prepared to the effect that the surveillance operations produced factual evidence that can be used, under Clause 1 of Article 10 of the Law of Ukraine *On Operative and Detective Activities* to begin a pretrial investigation against Russian citizen Sergey Yuryevich Glazyev, d.o.b. January 1, 1961, and against his contacts among Ukrainian citizens and foreign nationals.

The secret surveillance materials were received from the Surveillance Department of the Security Service of Ukraine and are stored on a DVD-R disk No. 1528 "t" of March 12, 2014.

Transcript of information gathered during the surveillance operation:

**Date: February 27, 2014**

**Time: 10:36:50**

**Duration: 0:01:35**

MSISDN: 79859698761 (mobile phone of Sergey Yuryevich Glazyev)

Direction: Incoming

Calling parties: 380630300033 (Tamara)

FO: Front Office of Mr. Glazyev. Good afternoon!

T: Hello miss. My name is Tamara. I'm calling from Kharkiv for Sergey Yuryevich on behalf of Evgeny Vladimirovich Zhylin from Oplot. They had a certain conversation, and we need an answer. This is with regard to Kharkiv. Could you ask him, please.

FO: Hold on a second.

S.G.: Hello.

T: Hello, Sergey Yuryevich! My name is Tamara. I'm calling on behalf of Evgeny Vladimirovich Zhylin from Oplot, Kharkiv, regarding the budget for people. We emailed it to... Sokolov.

S.G.: Yes. I gave your details, including his details, to our people in charge of this matter.

They should be contacting you. They will be contacting him.

T: Fine. Thank you very much. Sorry to bother.

[Seal: Security Service of Ukraine. Seal for Documents No. 5]

[Stamp: Appendix to Incoming Ref. No. 4440]

[Page 4]

**Date: February 27, 2014**

**Time: 14:07:11**

**Duration: 0:5:35**

Target: 79859698761 (mobile phone of Sergey Yuryevich Glazyev)

Direction: Incoming

Parties: 79859698761, 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

S.G.: Hello.

K.Z.: Hello Sergey. Well, I spoke to Kolesnichenko. He is playing Cicero, escorting all sorts of our delegations through Sevastopol. When I told him he needed to move out to Simferopol, he is clearly avoiding this mission. I think that he, just like many others, is thinking more about his own prospects. He was like: "I need to consult people. I don't know what happened. I wasn't informed...". I tell him: "Let me explain it to you". And he's like: "No, I need to consult my own people..." and so forth.

S.G.: With whom?

K.Z.: With some people of his. With the people he maintains contact with. Anyhow, he isn't too keen on going to Simferopol. This is what concerns him. Tell me: Is Tsariov coming or not?

S.G.: I talked to our leader of the "Service". So far they advise him to refrain from coming.

K.Z.: I see. This brings us to the third question I asked you. We're out! We have already "used up all our ammo", so to speak. In other words, we need somewhere around thirty or fifty grand immediately, at the very least. This is needed to... Not only to... Scouts have joined us here. The thing we discussed: Kharkiv and Odesa. We are forced to dole out to them...

S.G.: What about the friend? What? Is he pretending like this does not concern him?

K.Z.: To be honest, he needs the relevant order to be issued. Issue it. I have already been using the Western Union payment system to wire money from my Institute. I have already gone \$5,000 out of pocket.

S.G.: What amount do you need?

K.Z.: I'm thinking. Taking into account our potential costs – up to 50 grand by tomorrow. Here. Onsite. So we could... There is another important aspect. All scouts from other missions here are rattling their shields and shouting: "We are ready for tomorrow, the day after tomorrow..." and so forth. What is our tactic? Send them in right away or wait until next week?

S.G.: No, we can't wait. Send them in right away. Whoever is ready, let them go.

K.Z.: But all they are capable of is just hot air.

S.G.: Only you should know about it... Look here. If you have such volunteers...

K.Z.: At least we have them in Kharkiv and Odesa.

S.G.: At the very least, they need to be documented. By the way, can you send me their last names?

K.Z.: ... The one we worked with... that Oplot... the one you met with. In Odesa, it's *Odeska Druzhyna*.

S.G.: Are you sure that Oplot is capable...?

K.Z.: They are saying that they are keeping people in the square.

S.G.: Fine. I will check again.

K.Z.: I have them partly satisfied. But their appetites are much larger and they keep broaching these issues. As for Odesa, I think that on account of the special nature of this city we should first consult Kivalov in Moscow.

S.G.: I will hold consultants in both cases.

K.Z.: I spoke to the Metropolitan. I did not discuss this subject with the Metropolitan. I offered him a little support because he lost some of his enthusiasm...

S.G.: There have been media reports along the lines of "The Presidium of the Autonomous Republic of Crimea addressed citizens regarding the unconstitutional coup, bandit groups, etc." They are calling a referendum on this issue... a rather strange issue... "Improvement of the status of the autonomy and broadening of powers".

K.Z.: What's with the government? Will it meet in session?

There is already a crowd gathered out front. There are close to six thousand people right now. All of them with Russian flags. There are also some talking heads. But there is no trace of either Tsekov or Aksenov nearby.

S.G.: I'll be damned! How long have we been feeding them? Oh well.

K.Z.: Yes. Take care, bye.

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**Date: February 27, 2014**

**Time: 14:45:58**

**Duration: 00:02:00**

Target: 79859698761 (mobile phone of Sergey Yuryevich Glazyev)

Direction: Incoming

Parties: 79859698761, 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

K.Z.: Hello Sergey.

S.G.: Yes.

K.Z.: I wanted to tell you something. We have a petition from the Supreme Council of Crimea. 52 council members gathered inside. In other words, they have a quorum. Our friends believe that they will be voting for Aksenov's government.

S.G.: That's crazy. But that doesn't make sense.

K.Z.: Well yes. At any rate, this is what our friend Anatoly told me. They discussed this.

S.G.: Does this mean that they assume responsibility for him?

K.Z.: I don't know. That's what I was told. I did not pry so as not to make the situation any tenser. As for Nalivaychenko and Avakov, there is no clarity. 36 minutes ago his press secretary was taking questions from journalists and said she was not authorized to tell them where he was. In Crimea or Kyiv.

S.G.: No. He is there for now. We are monitoring this situation.

K.Z.: What do you mean? Did he simply not take the flight?

S.G.: It's just that they have not made the decision yet. Oh well. It would be better if he didn't fly. Why the hell is he needed there? Keep me informed. They are patching me through quickly for now... so I will be able to report...

[Page 6]

**Date: February 27, 2014**

**Time: 19:59:09**

**Duration: 00:03:45**

Target: 79857687453 (mobile phone used by Sergey Yuryevich Glazyev)

Direction: Outgoing

Parties: 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

K.Z.: Yes.

S.G.: Konstantin, they have started forming the new executive authorities there. Judging by Aksenov's statements, it's some kind of a coordination council?! It's important that they don't forget our "Kmyrik" [*translator's note: the name "Knyrik" is incorrectly transcribed hereinafter. This is in reference to Konstantin Sergeyeovich Knyrik*] and the people in the streets, because they do not trust Aksenov and could disperse.

K.Z.: Tell you what: I am going there tomorrow morning, so I will try to get involved in that process by as much as possible.

S.G.: We need people in the streets to delegate their representatives to these executive authorities.

K.Z.: I hear you.

S.G.: Otherwise, they can give up and disperse. This risk exists, you know. They don't like him.

K.Z.: We are in a bit of trouble with Aksenov, I think.

S.G.: Hang on. By the way, I just got a message. Kunitsyn got appointed as the president's envoy by that guy, what's his name, who came to you. By the way, did he come or not? Or is it unknown?

K.Z.: I have not been able to find out until now, which is why I left.

S.G.: Well, we don't know at all either. Long story short, Kunitsyn and Aksenov now rule Crimea. Of course, this is very strange considering the relationship...

K.Z.: They rule. They hardly rule because Kunitsyn...

S.G.: Formally speaking.

K.Z.: Well, they do not want to recognize Kunitsyn as a representative.

S.G.: That's clear, but still they have a close bond, and this is suspicious, of course. That's why the guys want everything to be done openly in a way that's understandable to everybody, and they want to be part of that coordination council, or whatever that new government is called.

K.Z.: It's the government. It's not the coordination council...

S.G.: Somebody mentioned the words "coordination council" or something.

K.Z.: No. Chalyi has a coordination council in Sevastopol. He chairs the coordination council.

S.G.: Apparently, he decided to do the same thing after Chalyi's fashion. As long as this is not called a council of ministers, which would be wrong. It has to be called properly.

K.Z.: I only heard about a government. Did somebody say it was a coordination council?

S.G.: Well, Aksenov gave a speech addressing some military personnel and said: "Now we are the power. If you disagree, disarm and leave. If you agree, let us serve the people of Crimea". He made this statement. It was broadcast on television. He went on to say: "Tomorrow our coordination council will decide how to form the government".

K.Z.: This is exactly as you presumed. I think that he will now legitimize this story about this third, third, third...

S.G.: We need to keep this under control to make sure all of our people are included, especially that "Knyrik".

K.Z.: You know what? This story with Aksenov is actually a gamble.

S.G.: It's a gamble. I agree.

K.Z.: At some point. I talked to someone here, and they asked me: "Listen, has anybody worked with him? Because word has it that...". Anatoly... Why are you asking me this question? You have suggested him to me. You asked me to work with him. I worked with him. He does not deserve complete trust.

S.G.: We should ask Konstantinov who recommended [Aksenov] to him and how it happened. But I think if he misbehaves he will be dismissed just as easily as he was appointed.

K.Z.: First of all, I want to arrange a meeting with Konstantinov and gain confidence in this matter...

S.G.: ... to get them to include all of our people...

K.Z.: I will try. I will try.

S.G.: Take care, bye.

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**Date: February 27, 2014**

**Time: 23:39:44**

**Duration: 00:02:22**

Target: 79857687453 (mobile phone used by Sergey Yuryevich Glazyev)

Direction: Outgoing

Parties: 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

K.Z.: Hello.

S.G.: Has the situation quieted down there, Konstantin?

K.Z.: Looks like it has. It's been an hour since I got off the phones. I spoke to people's representatives who came to us here: Vasilyev, Rodnina, Valuev, Tereshkova, and so forth. Our plan for tomorrow is to go there together to sort out all those issues. I gave them all the



latest updates, including about the threat of... They updated me on the Kovel-Simferopol train... To the best of my understanding, all is well so far. At any rate, there haven't been any more contacts and everything is normal.

S.G.: Do they have an understanding who to appoint to lead the uniformed services?

K.Z.: No. We haven't gotten to the particulars yet, you see. Or they don't discuss the particulars with me, at any rate...

S.G.: Then I will raise this question tomorrow.

K.Z.: In reality, by all accounts the attitude toward all those appointments is very fuzzy. Nobody is discussing this seriously.

S.G.: We need to discuss all this with Konstantinov urgently. Because there's nobody else except you there...

K.Z.: I plan to go there tomorrow to discuss all of this with Konstantinov.

S.G.: One man you know will be flying over there tomorrow. He will call you. I gave him your number. He will simply say his name. Be sure to meet with him. You know each other and will see eye to eye. If you do, this situation can be considered resolved.

K.Z.: When is he arriving?

S.G.: He is arriving around 3-4 p.m.

K.Z.: It's the second flight.

S.G.: Probably.

K.Z.: I will be in Simferopol since early morning.

S.G.: Well, it's a process... I think that if he joins it and you manage to agree, we will stabilize the situation completely.

K.Z.: At any rate, we will try.

[Page 8]

**Date: February 28, 2014**

**Time: 07:52:47**

**Duration: 00:01:59**

Target: 79857687453 (mobile phone used by Sergey Yuryevich Glazyev)

Direction: Outgoing

Parties: 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

K.Z.: Yes.

S.G.: Hello Konstantin!

K.Z.: Hi!

S.G.: I sent you a text message. Apparently, those women will be buried soon. We need to have all of this properly covered in terms of propaganda. Portray them as heroes and so forth. Anyway, this is a high-profile event, and it's important how it's going to be handled.

K.Z.: When? Is it today?

S.G.: Well, they died yesterday. They are not buried on the same day. Usually on the third day.

K.Z.: I know when they died.

S.G.: I don't know for sure. I think it's easy to find out. The Supreme Council observed a minute of silence. Arrange a mourning ceremony, to make it a solemn event and have them declared heroes of the resistance movement. Something along those lines. It's a very important aspect that we do not forget our victims...

Give me some pointers how I should speak to Aksenov, because we are prepared to provide experts, primarily legal experts who would draft resolutions and laws. We can now launch... I would like to coordinate with the leader... the *Crimea Development Corporation* project urgently. Everything is ready on our end for this. Everything was in place there. Plus, the customs authorities must be taken under control to prevent them from stealing. Anyway, there are lots of issues. We have human resources and we need them to deploy there urgently. Don't feel uncomfortable because of their passports.

K.Z.: Fine, fine.

S.G.: Call me to help me understand your systems of relations with them there.

K.Z.: I will be in Simferopol at ten or a little past eleven.

[Page 9]

**Date: February 23, 2014**

**Time: 08:34:48**

**Duration: 00:03:31**

Target: 79857687453 (mobile phone used by Sergey Yuryevich Glazyev)

Direction: Outgoing

Parties: 79857629993 (mobile phone used by Konstantin Fedorovich Zatulin)

K.Z.: Yes.

S.G.: Konstantin, I have at least one nominee for the ministry for emergency management. He is a good personal friend of mine. He used to head the Crimean ministry for emergency management at one time. He was then demoted... By Yushchenko... He never got reinstated. His name is Razumovskiy. Nikolay Ivanovich Razumovskiy.

K.Z.: Fine.

S.G.: He is a professional. He used to serve as the minister for emergency management in that same position. And those guys who worked with us. Remember? Knyrik and company. They gave us their list of ten people. I will forward it to you so you can have it handy.

K.Z.: My Gmail account is [kfzatulin@gmail.com](mailto:kfzatulin@gmail.com).

S.G.: We need this guy who worked with us, that Knyrik. Also Sliusarenko. We want them to go to you and participate in negotiations. They have been actually standing there for two days. Act according to the situation.

K.Z.: The stumbling block here are intolerant relations within the Russian movement.

S.G.: I understand all of this perfectly. But Sliusarenko doesn't. I shouldn't have told you about Sliusarenko. We should focus on Knyrik, I suppose. You have Pershikov, Knyrik there.

K.Z.: Well, Pershikov also has quite a history with that one.

S.G.: Fine. I spoke to Orestovich. We have reached a mutual understanding on the staffing issues. In other words, I will duplicate everything for them. I baffled them. I told them that they needed appoint their people for the uniformed services by the end of day, while we need to focus on the social and economic block. There's also the Central Electoral Committee to think about.

K.Z.: ... Fine, but tell me: Do you think I should approach Yakovlev with this issue?

S.G.: Well, he's apparently in charge there among them.

K.Z.: No, I mean...

S.G.: Staffing issues?

K.Z.: Material, material issues.

S.G.: Material issues? First of all, I got approached by one man today. He can solve all of those issues in one fell swoop. But his format of involvement needs to be discussed with him. He fears that we would mess about for three months and then abandon all of this. This is his biggest concern.

K.Z.: His involvement in what? ... Specifically in the government?

S.G.: No, he did not put it like that. He didn't even mention it. He just wants to understand...

K.Z.: Let him contact me.

S.G.: And Yakovlev must be approached about the other issues. Because the leader told me yesterday that everything has been set in motion.

K.Z.: Well, as of yesterday I know what he had and how much. At least, according to him.

S.G.: Well, I think it did not reach him yesterday yet. I think he should have everything today.

[Page 10]

**Date: February 28, 2014**

**Time: 09:09:59**

**Duration: 00:01:49**

Target: 79857687453 (mobile phone used by Sergey Yuryevich Glazyev)

Direction: Outgoing

Parties: 79857629993 (mobile phone used by Konstantin Fedorovich Zatulín)

S.G.: Konstantín! Look here. I have just contacted Medvedchuk. They will come forward with their proposals. Their incumbent minister of justice of Crimea (the one who served under Mogíliov) is Sergey Vladimirovich Korovchenko. He is their man. They speak well of him. He said that they would put a team together. We need that Korovchenko... Since he's already the minister of justice of Crimea, we need him to stay there...

K.Z.: But I don't know how this Korovchenko behaved himself.

S.G.: Konstantín, I understand.

K.Z.: I arranged a meeting. I'm on my way there. I will be there around eleven. He is very tense because they will be approving the cabinet members at 3 p.m. Miscellaneous consultants are in progress as we speak. Well, it's best to delay it until the last day, actually.

S.G.: Ask about Korovchenko.

K.Z.: Fine, I will ask him.

S.G.: I have two nominees for whom I vouch: Korovchenko is from Medvedchuk. Meanwhile, I've known Razumovskiy well for many years.

K.Z.: Medvedchuk disappeared at the very height of the moment.

S.G.: He may have vanished, but his legal team is not bad. He fully supports our position. Most importantly, he can speak to Vladimir Vladimirovich [Putin] anytime he wants. He is an important channel of influence.

K.Z.: I see.

S.G.: And this... will be useful.

K.Z.: Fine, I understand, good.

S.G.: Take care.

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**Date: March 1, 2014**

**Time: 16:03:26**

**Duration: 00:04:28**

Target: 74956064302 (office phone of Sergey Yuryevich Glazyev)

Direction: Incoming

Parties: 380673463746 - Kirill Alexandrovich Frolov

FO: Good afternoon, I'm listening.

K.F.: Sergey Yuryevich?

FO: No. Who's speaking?

K.F.: Kirill Frolov.

FO: Yes, Kirill.

K.F.: I'd like to report on the rally in Odesa.

FO: Where?

K.F.: In Odesa.

FO: Aha, yes, yes, Kirill. Hold on a second.

S.G.: Hello.

K.F.: Sergey Yuryevich, I'm reporting. There were very many people. You can say 40,000. A full square. About that Anton... Most importantly, he invited the "liberators" of the Supreme Council of Crimea to liberate Odesa. There are roadblock on approaches to Odesa Oblast. You have the resolution in your mailbox. We have inserted all the relevant details. Only your version says that it is a resolution of the Union of Orthodox Citizens. Now you have to add in the heading that it's a resolution of the Union of Orthodox Citizens and a resolution of the People's Assembly of Odesa. This is to... (unintelligible) on the Internet. Only you can disseminate this now.

S.G.: I don't have this in my mailbox yet.

K.F.: How so? I sent it in the afternoon! But from a different address (*gives the address*): "Valeriy Russskiy..."

S.G.: Ah, Valeriy, I see it.

K.F.: I need to add that this is a resolution of the People's Assembly. Plus, we have capable people with whom we can work. We are flying to Moscow tomorrow at 5:30 p.m. You asked me. I rallied the people...

S.G.: First of all, this is only the beginning of the process. The Regional Council has not gathered yet and has not passed a resolution to the effect that they do not consider the Kyiv authorities to be legitimate, and in accordance with the recommendations of the Kharkiv Congress...

K.F.: Yes... They are afraid, and it's not clear if they can assemble next week.

S.G.: That's the whole point. You can't disperse. You have to take over this Regional Council, assemble its members, and force them to pass resolutions.

K.F.: But for this to happen, we need several people to fly over here and give clear instructions. Moreover, you told me to bring them!

S.G.: Listen, I... the situation is evolving. They took over the Regional Council in Kharkiv as well as in Donetsk. You have to take control of the Regional Council and assemble the people's representatives!

K.F.: I understand.

S.G.: And do not disperse until then. If you assemble again in a week, Banderovites with the police will gather there and will not let anyone through.

K.F.: Well, yes. If I'm going to bring people tomorrow, then when? You could see them in the morning and they would return.

S.G.: Listen! Why do they need to come now? They need to take over the Regional Council, assemble the council members, pass resolutions, and only then send an envoy here, if necessary. Or do you expect us to send people there?

K.F.: All understood.

S.G.: Don't delay! You have to make... act decisively! The way they did in Kharkiv and Donetsk. Our guys have already taken over the regional councils there. You have to do the same thing here. You have to take control of the Regional Council and assemble the people's representatives. Do not disperse. Go forward. If you just talk and disperse, this will end in failure.

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**Date: March 1, 2014**

**Time: 16:50:22**

**Duration: 00:04:02**

MSISDN: 74956064302 (office phone of Sergey Yuryevich Glazyev)

Direction: Incoming

Calling parties: 380673463746 - Kirill Alexandrovich Frolov, Denis

S.G.: Hello.

K.F.: Sergey Yuryevich, I would ask you to say a few words to people who could...

S.G.: Hello.

D. Hello, Sergey Yuryevich. My name is Denis. I am from Odesa. We have people who are ready to act, in principle, but we need some specific, clear, understandable recommendations. Who will support what? Will we have guarantees that a couple of buses from Kyiv will not drive up here tomorrow and...

S.G.: I can say the following. First, our Federation Council is now voting, has voted already, on the presidential decree on the use of...

D. We know, we know.

S.G.: You know, don't you? This is therefore very serious and you will be supported. Don't worry. Second, it is very important for us to have people make appeals to Putin. Mass appeals directly addressed to him with a request to protect them. Appeals to Russia, and so forth. Third... you already have this petition at the rally. The third aspect is that resolutions of

regional councils are very important for us. It is therefore very important for the regional council to assemble now. And in order for it to assemble, you have to do the same thing they did in Kharkiv. People entered the council in Kharkiv, kicked all of the Banderovites out, found a weapons cache there and are now disarming it. The council will assemble and appeal to our president as well. We also need a resolution of the regional council to the effect that they do not recognize the legitimacy of the Kyiv authorities, that they are criminals, and so forth. It is a very important aspect: the regional council should be taken over to enable council members to gather. You also need to explain to council members that they must come and vote in this situation. Those who don't show up to vote should be branded as traitors, Banderovites, fascists, and so forth, with all the attendant consequences. As people's representatives, they must assume responsibility for the situation in Odesa Oblast. They were elected by the people to make decisions. You simply need to explain to them in no uncertain terms that they are obligated to come to the regional council and pass the relevant resolution. Meanwhile, you should naturally protect them against pressure from Banderovites, to give the assurances that the situation is safe. Accordingly, all of the relevant buildings should be taken under control.

D. I hear you. Look here. First, we are prepared for this, but we need to understand the timeline. We can arrange this today. Or do we have time until tomorrow?

S.G.: In theory, you have time, but it's better to have everything done by tomorrow morning so the council would be confronted with facts.

D. So after taking over the building we will call the regional council session, right? We will invite council members and ask them to vote.

S.G.: Yes, yes, yes. You will simply bring them. The same way this was done by those... Those in doubt should be simply taken by their collar and brought forcibly.

D. Fine, I understand. Then we gather for an emergency session and... Fine, Sergey Yuryevich.

S.G.: And stay in touch with... Kirill. Pass the phone to Kirill, I will tell him who to stay in touch with.

D. Hang on.

K.F.: Yes.

S.G.: Hello, Kirill! Do you know Marat, who's in charge of television here?

K.F.: Yes, of course.

S.G.: You must stay in touch with him in all matters relating to coordination. Keep me informed as well, but, in principle, he set about facilitating this entire operation there, and Oleg Markov is there with him.

K.F.: Is he with him? So I will bring all guys to Marat. Can you tell him to expect my call?

S.G.: Agreed, bye.

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**Date: March 1, 2014**

**Time: 17:58:59**

**Duration: 0:5:29**

Target: 79859698761 (mobile phone used by S.Yu. Glazyev)

Direction: Incoming

Parties: 380954411871 (Arina, Luhansk)

A.: I am meeting him in an hour. Should I call you in an hour then? Or perhaps I should write it down now while you dictate...

S.G.: Item one. We are proceeding from the Kharkiv Accords, that is, from the resolution of the Kharkiv Congress. Regional councils are the only legitimate public authorities... hang on (*answers another call*). Hello, Anatoly Petrovich. Hi! Do you see what is happening? Our task for now is... I can't reach Boguslaev on the phone. He vanished somewhere. Sometimes he answers the phone, sometimes he doesn't. Nikolay Ivanovich left. We agreed that Boguslaev would arrive on Monday and we would meet with him. Unfortunately, no time is left until Monday. The entire operation will be over on Monday. It is very important for us to have them

give us their people in Zaporizhia so they would take to the square, drive the Banderovites out of the regional administration and the regional council, where they barricaded themselves, and follow the Kharkiv scenario. Long story short, if they don't do it, we understand... they can do this easily but they are hiding somewhere. If they don't do it, we will treat them accordingly... They have 1,500 people and they can easily do this. Nobody will resist. The Kharkiv people even did this. Unarmed self-defense athletes simply came and kicked those Banderovites out. Do you see? Why is Zaporizhia quiet? Where have they gone? We definitely know that he has 1,500 people. Where are they? Where are the Cossacks? He is our chief partner there, after all. I have orders to raise everybody, raise the people. People should gather in the square and ask Russia for help against the Banderovites. Specially trained people should drive Banderovites out of the regional council building and then gather the council and create an executive authority. The regional council will pass on executive power to it and subordinate the police to this new authority. We need all of this... Listen, if they don't do this, to hell with them. Nobody will speak to them here. I have direct orders from the leadership: to raise people in Ukraine wherever we can. This means we need to get people into the streets, just like they did in Kharkov, and do so as soon as possible. Because, you see, the president has signed the decree. The operation has been set in motion. There are already reports of the military moving out. Why are they sitting there? We can't do this forcibly. We use the force only to rally the people's support and nothing more. If there are no people, what kind of support is there to speak of? Listen, tell him that the country's fate is at stake and we are in the middle of a war. That's why every step should be aligned... he has tremendous resources, and we know it.

S.G.: Hello.

A.: Yes.

S.G.: Well, do you understand, in general? The regional council should assemble now and, according to the Kharkiv accords, pass a resolution denouncing the Kyiv authorities as illegitimate. Third, if the governor refuses to obey the regional council, a new executive body should be formed and given authority over all the regional uniformed services, and instructed to petition Russia and the president personally with a request for protection against fascists and rapists who usurped power in Kyiv, and hang on. Notably, there should be as many people as possible in the square, who will appeal to Russia and our president for help. All of this should be recorded by TV channels and broadcast as extensively as possible. We should then hang on until reinforcements arrive. Your situation is the easiest of all. If they rose even in Kharkiv and Odesa, you are really close there. Even coal miners have taken over government buildings in Donetsk. Anyway, you have to do this today. Assemble them today to ensure that these resolutions are passed tomorrow preferably. Tell them that it's our sweeping policy all over Ukraine. Let them follow these recommendations. They should call me, if necessary.

A.: I understand everything, fine.

S.G.: (Says goodbye)

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**Date: March 1, 2014**

**Time: 18:38:50**

**Duration: 00:01:26**

Target: 79859698761 (mobile phone of S.Yu. Glazyev)

Direction: Incoming

Parties: 380954411871 – Arina, Luhansk. Valeriy Nikolaevich Golenko, d.o.b. May 6, 1958, native of the Russian Federation, Chairman of the Luhansk Regional Council.

V.G.: Sergey Yuryevich, this is Valeriy Nikolaevich speaking. Well, I have just spoken to Arina. She told me...

V.G.: Well, this is actually our policy. We are guided by the principle whereby only regional councils are the legitimate public authorities. We are prepared to offer all kinds of assistance. Tell me what kind of assistance you need. The regional council must gather

officially and declare that the Kyiv authorities are illegitimate. The way they did in Kharkiv. In fact, the Kharkiv Accords should be put in effect, the way it was done in Crimea. Essentially, we are also struggling in Kharkiv to assemble the regional council. The most important aspect is a petition to our president and Russia with a request for assistance, along with a formal resolution to the effect that Ukraine has no legitimate authorities other than regional councils. This means that the executive authorities must be fully and entirely subordinated to the regional council in this situation.

V.G.: I understand. We will have support. Yes, along those lines?

V.G.: Absolutely. Whatever support you need, tell us.

(Say goodbyes)

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**Date: March 1, 2014**

**Time: 19:11:54**

**Duration: 0:06:39**

MSISDN: 380676379746.

Direction: Incoming

Calling parties: 74959212145 (office phone (front office) of S.Yu. Glazyev; O.A. Tsariov speaks on the phone) 380676345227

I.S.: Yes, yes.

O.Ts.: So what is happening over there, Igor.

I.S.: So the Union of Soviet Officers assembled one rally of some 3,000 people next to the opera theater. They called, wanted to see. Then some 1,000 people gathered near the Monument to Lenin. Then I got a call from Dima Kashik, who said that some 300 fighters...

O.Ts.: Banderovites...

I.S.: ... are on their way to defend the administration. They are armed. Then I got a call from the young people's movement. Do you remember those crazies taking care of children? Some 1,000 people, who are allegedly not natives of Dnipropetrovsk, raised a flag over the city council.

O.Ts.: 1,000 people but not natives of Dnipropetrovsk?

I.S.: Well, they say they are not natives of Dnipropetrovsk, but I don't think so.

O.Ts.: Then I just got a call from Ivan. He assembled a two-pronged procession that will march on the Cabinet of Ministers... based on lists. They will block the city council session so as not to provoke...

I.S.: What do you mean by "based on lists"?

O.Ts.: If the election takes place. I was simply interrupted.

I.S.: Did they pass a law that the new election can only happen based on party rosters?

O.Ts.: No, they have not yet.

I.S.: What about a draft of this law?

O.Ts.: Just the draft. But it's not a law yet.

I.S.: And so?

O.Ts.: We only started our conversation.

I.S.: So is Alexander doing something there? Who is in the regional council anyway?

O.Ts.: First, Udod submitted his resignation in the regional council but then withdrew it.

I.S.: Who is sitting there?

O.Ts.: He is practically not there. The office is sealed.

I.S.: Who is inside the building?

O.Ts.: It was guarded by Banderovites.

I.S.: Did Banderovites also guard the regional administration?

O.Ts.: Yes, the same thing. Until today. How today will end is anyone's guess... both in the regions and in Dneprodzerzhinsk, and in Marganets, and in Novomoskovsk. People in Novomoskovsk defended both the monument and all the other aspects. Today I got a call from Novomoskovsk. By the way, there are not that many nominees so far, but I still need...

I.S.: Give me a nominee, I will...

O.Ts.: Give me a little more time.  
I.S.: Just a ballpark.  
O.Ts.: In reality, I don't see any nominees among the members of public organizations managed by us so far. Give me a little... I will call you... Literally...  
I.S.: So nobody? Yes? Fedyakin?  
O.Ts.: It's a funny suggestion from the perspective of our cause. If you look at him as a kamikaze who will do... This can also be Katya, who is unhinged to some extent. And from the viewpoint of our cause... We need elites to accept them if we are doing this for the long term.  
I.S.: I will consider every possible option now. Starting from Lyubonenkov, and so forth... I realize that...  
O.Ts.: Well, we...  
I.S.: Don't care, I understand.  
O.Ts.: No. Oleg Anatolyevich, we will have a team... I don't need a thousand years, of course... Give me at least... If this is needed for the cause and personally for you, I am ready...  
I.S.: If I go now, I will not be able to later go there... We need to organize everything in one place, such as a single committee, and which point it would be interesting to head this committee. I don't need the region if I previously dreamed of...  
O.Ts.: No, no, no. Do not oversimplify things. No matter how things play out, this is the key aspect that... Anyway, if it's an all-stakes game and you clearly see that this is needed for the cause, you can make a decision...  
I.S.: But then... You should then assemble all those people. Start making calls so we could bring 10,000 people out into the streets. And estimate the budget you need in order to have your people take over the regional administration and the regional council.  
O.Ts.: I understand the task. It's just that...  
I.S.: We can't authorize more than \$300,000...  
O.Ts.: To give you an understanding, we had numerous calls prior to that.  
I.S.: Think about it, join the process, and I will get in touch with you in 30 minutes. I would like this to happen quickly. For example, if you could assemble the team by tomorrow. Or by Monday.  
O.Ts.: I understand.

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**Date: March 1, 2014**

**Time: 21:02:29**

**Duration: 00:02:56**

Target: 74959212145 (office phone (front office) of S.Yu. Glazyev; O.A. Tsariov speaks on the phone)

Direction: Incoming. Parties: 380675117444

FO: Hello.

T: Hello. Gvardeyskoe has been put on alert. The military are boarding buses and trains with military hardware.

FO: Hold on a second. Who is this?

T: I need to speak to Oleg, if possible.

FO: Hang on a second.

O.Ts.: Hello.

T: Hello. Oleg, this is Tigran.

O.Ts.: Why are you calling from this phone?

T: You call me from this phone, so I'm calling back. Is it safe to speak or...?

O.Ts.: Well, yes. This is my office phone. I sent you a text message. Your number was busy.

T: Yes, I decided not to wait. Look here. The military personnel from Gvardeyskoe have been put on alert. They are leaving now. They are boarding buses and loading hardware on a train. They are headed in the direction of Crimea. Now they will try to block roads for civilians. All officers do not want to go.



O.Ts.: Let them go and switch over to the Crimean side. Not a problem!  
T: They are asking for help to stop them from leaving.  
O.Ts.: Uh-uh.  
T: So there. That's what I wanted to let you know right away.  
O.Ts.: Call Igor Skozhutin. Do you have his number?  
T: No. I don't know who he is.  
O.Ts.: Arrange to work with him. I will now give you his number (dictates): 060...  
T: Egor just called our guys and has also been asking for help.  
O.Ts.: Tell him to call Igor Skozhutin. Okay?  
T: Another question. Regarding the number of people. There are about fifty professionals here in Dnipropetrovsk. There are 200 more men in Kirilovka.  
O.Ts.: You have to assemble all people.  
T: They are also professionals. Well, just like me...  
O.Ts.: Our task is this: Zaporizhia should come immediately after Odesa, Donetsk, Luhansk, and Kharkiv.  
T: Zaporizhia...  
O.Ts.: That is to say, Dnipropetrovsk and Zaporizhia. That's why you should assemble people and arm yourselves. Those bastards are arming themselves and that's the worst...  
T: I know.  
O.Ts.: I will be with you.  
T: It's just that I. I also want to go to Crimea. I need to meet and talk with people there. I could also talk with you for coordination. The fact is that it seems that they have already posted roadblocks in Chongar to screen...  
O.Ts.: I can meet only on our side. On our...  
T: No, no, I mean to say that they posted roadblocks on the Russian side. Not on our, Ukrainian side.  
O.Ts.: Yes, go there. If anything, I have phone numbers of politicians and not the military. It's a long link, just so you understand.  
T: I understand. We will talk in any case. Fine. Then I'm leaving tonight.  
O.Ts.: Uh-uh.

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**Date: March 2, 2014**

**Time: 13:23:13**

**Duration: 00:07:23**

Target: 74959212145 (mobile phone of S.Yu. Glazyev)

Direction: Incoming

Parties: 380487143 036 - Valeriy Kaurov.

S.T.: Hello.

V.K.: Hello.

S.T.: Valeriy Vladimirovich, this is Sergey Tkachuk, Glazyev's assistant.

V.K.: Yes, Sergey. I explained the situation to Sergey Yuryevich. Should I repeat it for you?

S.T.: If possible, give me the gist. Although he outlined it for me, but...

V.K.: Yes, it's best to have this straight from the horse's mouth. The situation is as follows. The first point: the Metropolitan has given me a blessing for all operations, including a repetition of the Crimean scenario. I've been contacted by people who are ready to solve the issue with the uniformed services to get them to switch over to our side, given the same guarantees that were offered to the uniformed services in Crimea. This means Berkut and so forth. The second point: we have several hundred "Spartans" who are ready to take over the regional administration or the regional council. We are considering taking them over simultaneously or just one. We will most probably take over the regional council so as not to scatter our forces, although the mayor's office is a completely separate citadel. We will demand a session, an extraordinary session. The Metropolitan is a regional council member there on the Party of the Regions' roster. In addition to the issues raised in Crimea, one of the

issues is, unconditionally, a referendum. First: denunciation of the illegitimate authorities. Second: recognition of Yanukovych as president and implementation of Decree No. 90, and, undoubtedly, the institution of another municipal special forces unit, that is, a unit named Berkut subordinated to the regional authorities. This would enable these people to operate in a legitimate framework. However, for this to happen we need to hold the fort for a few days until we assemble the session – from the time we take over the building until the resolution is passed. Meanwhile, the situation has deteriorated. In what way? First of all, our “Spartans” have nothing. They do not have the “arguments” that Crimeans had – I mean friends from the Russian self-defense. Second, we have no resources to buy our won stuff and own something of our own as a way to stimulate people. Even though the people are patriots, you still realize the world we live in. The fact that we have nothing, is a drawback. Another drawback is the group that goes by the name of people’s initiative led by Anton Davidchenko, who has been rocking the boat in the city all this time, and people have come to rely on him. He and eight more people are snitches. In other words, he has no reputation in his circles. That’s why yesterday at the rally he prevented me from calling upon the people to follow the “Crimea-2” scenario in no uncertain terms. In doing so, he staged a provocation to keep me from addressing the crowd. He disrupted my speech and gave these people one week to think. Not surprisingly, they regrouped and a new governor has arrived today. We went to see Skorik. He categorically refuses to cooperate with either side... “I will take care of banking. They have already dispatched a new man. Let him handle this”. ... We told him: “We’ll give you guarantees. Russia will not let you in harm’s way!” “No, I can’t, I don’t want to, I’m afraid”. He totally bailed. We have a man from there. He’s already in the city. Second: Reznik (a regional general) is also away from the city. He is in Crimea and fears for his life, and for good reason. A new general has already come here. That’s why we are running out of time. We can’t count on Davidchenko. It is useless to rely on the guys running around in camouflage suits with wooden sticks. He will bail on us immediately. We will have a hard time proving to the city where his reputation came from, that he is a collaborationist. We will lose everything. In other words, he accomplished his mission to discredit us. We can’t... him openly now... We are now thinking of taking over the building, addressing the city through the mass media controlled by us, so he will be either forced to join us or he will expose himself. In this way, people will gravitate toward me thanks to my reputation and standing in the city. We will also raise the believers. We will create a living shield for those “Spartans”. We will get the police on our side. These are the things we need. First: we need serious guarantees for Berkut. Somebody has to voice them. Somebody has to be here, a representative who can be trusted. This representative has to arrive here immediately. He has to be here already and not be just an empty space. This would enable us to take over the building “with arguments”. There are two police units in the regional council. We know that much.

S.T.: Everything is clear. I understand. The most important thing now is contacts – how we can contact the people who will handle this.

V.K.: We stopped by at the place of one of our fighters, a priest at the missionary department, and called you from his phone number. We will be calling you regularly from different locations. We will get some Intertelecom SIM cards now. We will think of something.

S.T.: Yes, so you can be directly contacted by those who will provide...

V.K.: They should call my number. You should call us at this number. I will look for a way to do this. 067-487-43-70. You spoke about support for your Edinoe Otechestvo [Single Fatherland] portal. We really like your writing. We share these ideas. We know that you posted an ad asking for donations for the portal. We want to arrange a visit to you... Call us when you... you know. I will then see the caller's number and will call you back at it.

S.T.: All understood.

V.K.: Moreover, if the people arrive and call you... we will make arrangements. I will call you from a different number and say: “we will meet there and there”.

S.T.: Agreed. Yes. Everything is clear. Good.

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**Date: March 3, 2014**

**Time: 16:56:30**

**Duration: 00:02:25**

MSISDN: 79857687453 (mobile phone of S.Yu. Glazyev)

Direction: Incoming. Calling parties: 380938994410 (Denis)

Denis called the number of S.Yu. Glazyev, introduced himself as a representative of Kirill Frolov, and asked to be patched through to S.Yu. Glazyev.

D. Hello, miss. Is this the front office of Sergey Yuryevich?

FO: Yes.

D. Please pass on this information. Mass clashes with Banderovites are planned in Odesa. Are you familiar with this word?

FO: Yes, I am.

D. I represent Odeskaya Druzhina. Sergey Yuryevich knows who I am. We have been keeping in touch... Please somehow relay my request to have volunteers mobilized to help us. Let them think where to get them. It is obvious that the other side has a force advantage. I'm getting my information from various reliable sources. We have our own intelligence service working here, something like an analytical department. They are coming to Odesa from all regions. That's why we are already prepared to announce that we need Russian protection. Let them make a decision because there will be bloodshed today or tomorrow. This is very serious.

FO: Well... (the lady is writing down the information)

D. Look here. The Right Sector and defenders of the city – Odeskaya Druzhina are gathered outside the regional administration today. If possible, we will repel any attacks, but we need the kind of scenario they had in Sevastopol – “support from volunteers”. I will say no more. It's all clear as it is. Let him contact me.

(Denis then proceeds to say that he called several times today).

D. -... I called several times but could not reach him. Sergey Yuryevich called me back, but I was speaking to Konstantin Fedorovich Zatulin. I think you should relay this fresh information straight to Sergey Yuryevich.

(Say goodbyes)

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**Date: March 6, 2014**

**Time: 09:18:37**

**Duration: 0:04:39**

Direction: Incoming

Calling parties: 74956064302 (S.Yu. Glazyev)

380652555500 (Sergey Valeryevich Aksenov)

- First front office. Good morning.

- Hello. We are calling from Moscow. It's the front office of Sergey Yuryevich Glazyev, advisor to President Putin. Sergey Yuryevich wanted to speak to you...

- Come again. Whose front office is this? I can't hear you properly.

- The front office of Sergey Yuryevich Glazyev, Presidential Administration, Moscow. Sergey Yuryevich wanted to speak to Sergey Valeryevich.

- Give me his title again. May I check?

- Sergey Yuryevich Glazyev, advisor...

- Glazin?

- Sergey Yuryevich Glazyev, advisor to the Russian President.

- I'm just thinking whether Sergey Valeryevich can speak now. He is busy.

- I can leave you our phone number.

- Hang on for a second. I will patch you through.

S.A.: Hello.

S.G.: Sergey Valeryevich, hello. This is the front office of Mr. Glazyev calling. May I patch you through to Sergey Yuryevich?

S.A.: Yes, yes.

S.G.: I wanted to share some ideas.

S.A.: Yes, yes.

S.G.: First, I think that the referendum issues were not formulated properly. This is not just my opinion. We are thinking of a way to phrase those questions so that they would be understood by people unambiguously. It's just that many will simply not vote for the words "as part of Ukraine".

S.A.: No, they don't intend to be a part of Ukraine. In other words, we do not expect them to vote for Ukraine today. It's just that our colleagues are working there. Five groups have landed there. There are your fellow countrymen from different organizations, who brought the final materials approved by the State Duma in terms of their compatibility with the relevant Duma legislation.

S.G.: Who is responsible for that there?

S.A.: One group came from Volodin. The deputy there is Alexey, who directly... They brought the prepared draft. We acted on its basis. S.G.: I understand. I will contact Volodin then.

S.A.: Yes, please talk to him. In other words, they brought ready drafts. I have not seen them yet. They worked with Konstantinov through the night on this particular situation.

S.G.: Fine. Then I will take care of it now. Second, I have a request for you. You have Oleg Tsariov over there in Crimea now.

S.A.: Yes. I know him.

S.G.: He is the only Ukrainian Parliament member whom we can fully trust.

S.A.: No, Oleg is a great guy. I kind of...

S.G.: Yes. It's just that he has been expressing our position during all those months of resistance, and did so in a consistent and unyielding manner. I request that you find the time to see him.

S.A.: No problem. But only after the session, if possible. We have a session scheduled for 10 a.m. The most important thing for me is to hold the session. We will get in touch after 12 p.m. and...

S.G.: So can I call you in the afternoon today?

S.A.: Of course.

S.G.: He is saying he has a question "about the prosecutor's office". This is because the prosecutor's office continues to follow orders from the Kyiv authorities.

S.A.: I am aware of the situation. People are now blocking the prosecutor's office.

S.G.: Here's another meaningful question. Back under Dzharty, we prepared a proposal regarding the Crimean Development Corporation. We have all the legal paperwork for it ready. The idea is for Crimea to join this corporation by contributing land. Vnesheconombank would extend a loan of USD 10 billion. Then we... for the development of Crimea.

S.A.: Yes, yes.

S.G.: I propose resuming this matter.

S.A.: Let's discuss it. Of course, with pleasure.

S.G.: I will then gather a package of documents for you and send it over.

S.A.: Thank you very much. Of course. Thank you very much. We will appreciate it.

S.G.: It would make sense to revive the Crimean Development Agency that had once existed.

S.A.: Fine. Fine. Yes.

S.G.: I wanted to ask: Have you filled the positions with the customs and tax service? Do you need assistance?

S.A.: Not yet. So far, no. We are not worried about staff now. The most important thing is to suppress all of the remaining resistance and take the situation under our control. So we are waiting. We will bring it under control today. We don't have the staff yet. Nobody has been appointed.

S.G.: Fine. Fine.

S.A.: Thank you very much.

Attachment: DVD-R No. 1528 of March 12, 2014, "~~Classified~~" [Handwriting: unclassified], 1 copy.

Operative Consultant and Expert

with the 4th Unit of the Counterintelligence and Detective Directorate of the Counterintelligence Department of the Security Service of Ukraine

Lieutenant Colonel

[Signature]

V. Drahan

June 12, 2014

AGREED:

Chief of the 4th Unit of the Counterintelligence and Detective Directorate of the Counterintelligence Department of the Security Service of Ukraine

Colonel

[Signature]

R.

Kalchenko

June 12, 2014

Deputy Chief of Department

Chief of the Counterintelligence and Detective Directorate of the Counterintelligence Department of the Security Service of Ukraine

Colonel

[Signature]

V.

Prykhodko

June 12, 2014

[Handwriting: 21114-25971]



# Annex 393

Ukraine State Border Guard Letter No. 0.42-5504/0/6-14 to the Russian Border Directorate of the FSB (13 July 2014.)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





[Handwriting:] July 13, 2014



**ADMINISTRATION OF THE STATE BORDER GUARD  
SERVICE OF UKRAINE**

26 Volodymyrska Street, Kyiv, 01601, Ukraine

Phone: (38044) 239-85-75

Fax: (38044) 239-84-80

Email: [dkk@pvu.gov.ua](mailto:dkk@pvu.gov.ua)

[www.dpsu.gov.ua](http://www.dpsu.gov.ua)

---

[Handwriting:] *Outgoing Ref. No. 0.42-5564/0/6-14 of July 13, 2014*

**Attn: First Deputy Director - Chief  
of the Border Guard Service of the  
Federal Security Service of Russia,  
Colonel-General V.G. Kulishov**

**Dear Vladimir Grigoryevich [Mr. Kulishov],**

This is to inform you that at 12:45 p.m. (Kyiv time) on July 13, 2014, up to 100 trucks and armored vehicles illegally crossed the state border of Ukraine at the Izvarino-Donetsk border crossing point in the sector supervised by the Luhansk Border Guard detachment from the territory of the Russian Federation. During this time, intense artillery fire targeted units of the Armed Forces of Ukraine from the state border line. The Ukrainian units opened fire in return, as a result of which some of the intruding vehicles returned to Russian territory.

Unfortunately, the Russian side continues to violate international laws and bilateral agreements, thereby reinforcing our confidence that the actions of the Russian side should be treated as those of an enemy and not a partner.

The Administration of the State Border Guard Service of Ukraine reserves the right to blame the Border Guard Service of the Federal Security Service of Russia for possible consequences in the Ukrainian and Russia cross-border region.

**Chairman of the State Border Guard Service of Ukraine**

**Ukrainian Army General**

[Signature]

**N.M. Lytvyn**

*S.O. Morozov, +38 044 527 63 92*



# Annex 394

Intercepted Conversation Between “Khmuryi” and “Sanych” (19:09:20, 16 July 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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## Excerpt from transcripts of conversations intercepted during covert intelligence operations

Time: July 16, 2014, 19:09:20

Duration: 0:03:21

MSISDN: 380631213401

Direction: Incoming

Calling parties:

<380639602502>

Type:

Audio ON

SMS text: "

MMS text: "

Cells: <20542 00211>

DTMF:

Call forwarding:

IMEI: 449191722435490

IMSI: 255061015419577

Comment: "

Session ID: 13079650

Object ID: 8895 Call ID:

41624

Operator ID=2015: Name =otpz 8; Last Name =otpz 8

Selection attribute: NUMBER =380631213401; Number Type=MSISDN

At 19:09:20 hours on July 16, 2014 (duration: 0:03:21), **Khmuryi** received a call on his mobile number 380631213401 (location: 46 Shchorsa Street, Donetsk) from **Sanych** from his mobile number 380639602502 (location: 113 Elevatorna Street, Donetsk):

**Khmuryi:** Yes, Sanych, I'm all ears.

**Sanych:** Is it safe to speak, Sergej Nikolaevich?

**Khmuryi:** Yes, speaking.

**Sanych:** Two questions. We have intelligence that heavy vehicles of the Ukrainian Army and what seems like GRAD systems are moving from the direction of Alexeyvka.

**Khmuryi:** Where is Alexeyevka? Just a second... (*unintelligible*).

**Sanych:** Alexeyevka is down there, look. Heavy vehicles and GRAD systems are moving. Skif recommended our people to dig in deeper there. Look, we can send two mobile intensive care units to you there.

**Khmuryi:** Yes.

**Sanych:** They have doctors onboard. If necessary, we can send them somewhere to that area, at least to the area of Snezhnoe...

**Khmuryi:** Aha, hang on, hang on. From the direction of Alexeyevskoe or Alexeyvka.

**Sanych:** Alexeyevskoe, Alexeyevskoe...

**Khmuryi:** Aha, they are heading toward Grigorovka. They are creating a formation. Surely you understand that we have just cut off their only exit from the "pocket". Right.

**Sanych:** Well, yes, yes. Just tell them to dig in deeper there because they are coming.

**Khmuryi:** They are digging in. My recon battalion is there now, but this is not our job, of course. We captured Maryinovka today and Gorki. The infantry is landing there already. But the most important thing now is that we have gotten in touch with Moscow...

We need to pound those two batteries in Grigorovka now. Do you understand? Otherwise they will... It's their only way out of the pocket. Do you see? They are stunned [swearing] to see us encircle them. Do you understand? How is that even possible? How should they break out of it? The ones who are now in Grigorovka are running out of ammo. They have less than one set of ammunition left for their self-propelled guns. Screw it, Sanych, I don't even know if my men will be able to hold there today or not. They start coming down on them with Grads, I'll be left without my reconnaissance battalion and the spetsnaz company. This shit is fucked up. Oh crap...

**Sanych:** And...

**Khmuryi:** And there's nothing we can do about it... Now, Grads are something we can fucking bear with, but if Sushkas strike in the morning... If I can receive a Buk in the morning and send it over there, that'd be good. If not, things will go totally fucked up. I am going there myself at night, so...

**Sanych:** So you're here for now, right?

**Khmuryi:** When you left, I had a two-hour nap and then I went there. We took over the hills there and Marinovka itself. Then I left. And after that the planes -- the Sushkas -- came back. They were attacking from 5 or 6 kilometers, because they couldn't even hear them.

**Sanych:** Dead right. I saw them flying in that direction all night long and...

**Khmuryi:** That's it... They came down on them real hard.

**Sanych:** Real hard...

**Khmuryi:** Yes, yes, yes.

**Sanych:** Well, look here, Nikolayevich, if you need . . . , we'll send it . . . over to your area . . .

**Khmuryi:** [Speaks to somebody else] If this is what I think it is, I will shoot you, Sergey. If this is from those thirty sets, I will simply shoot you. I'm telling you like it is.

Sanych, I'm having an argument here.

**Sanych:** Hm.

**Khmuryi:** I will call you back in a moment.

# Annex 395

Intercepted Conversation Between “Krot” and “Ryazan” (21:32:39, 17 July 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





*File: "380660827518-2014.07.17-21.32.39-81"*

*Target: 380660827518*

*MSISDN: 380660827518*

*IMEI: 35690703373870*

*IMSI: 255014170827518*

*Date: July 17, 2014*

*Time: 21:32:39*

*Duration: 0:0:46*

*Direction: Incoming*

*Calling parties: 380505574532*

*Type: Audio. Answered*

*Location:*

*town of Snezhnoe, 13 Militseyska Street, Donetsk Oblast (OGPO No. 15)*

*vil Pervomayske, Snezhnoe, Donetsk Oblast, 17-A Adoradskogo Street (ShSU-7 Brick Plant)*

At 21:32:39 hours on July 17, 2014 (duration: 0:00:46), **Krot** received a call on his mobile number 380660827518 (location: 13 Militseyskaya Street, Snezhnoe, Donetsk Oblast) from **Ryazan** from his mobile number 380505574532 (location: 13 Militseyskaya Street, Snezhnoe, Donetsk Oblast):

**Krot:** Yes, Ryazan.

**Ryazan:** Hello, commander. Have you already left, yes?

**Krot:** Me? Yes. I have left for my task, you — for yours.

**Ryazan:** I got it. Within that very region or not?

**Krot:** No. I'm not within that region. I'm to the other direction.

**Ryazan:** A fighter has got lost there from this one . . . . He has . . . lost his crew.

**Krot:** What a launcher?

**Ryazan:** From a Buk.

**Krot:** From a Buk?

**Ryazan:** Yes.

**Krot:** And where is he?

**Ryazan:** Here he is standing at the checkpoint.

**Krot:** Take him and bring in here. . . . I'll be waiting for him in Snizhne near the petrol station.

**Ryazan:** Fine.



# Annex 396

Intercepted Conversation Between “Krot” and “Zmey” (13:09:27, 17 July 2014)

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*File: "380660827518-2014.07.17-13.09.27-27"*

*Target: 380660827518*

*MSISDN: 380660827518*

*IMEI: 35690703373870*

*IMSI: 255014170827518*

*Date: July 17, 2014*

*Time: 13:09:27*

*Duration: 0:0:53*

*Direction: Incoming*

*Calling parties: 380500372376*

*Type: Audio, Answered*

*Location:*

*43 Krestyanskaya Street, Snezhnoe, Donetsk Oblast (Univermag);*

*13 Militseyskaya Street, Snezhnoe, Donetsk Oblast (OGPO No. 15)*

At 13:09:27 hours on July 17, 2014 (duration: 0:00:53), **Krot** received a call on his mobile number 380660827518 (location: 43 Krestyanskaya Street, Snezhnoe, Donetsk Oblast) from **Zmey** from his mobile number 380500372376 (location: 43 Krestyanskaya Street, Snezhnoe, Donetsk Oblast):

**Krot:** Yes, Oleg?

**Zmey:** Yes, Linya. Listen . . . it turns to be the last checkpoint leaving Snizhne before Stepanivka . . . to the left . . . Is my sense of direction correct?

**Krot:** You have to go rightwards in Stepaninka and across the field to this fuckng what's it . . . this fucking Snizhne?

**Zmey:** Yes.

**Krot:** So, go to Snizhne. I'll give you further directions there.

**Zmey:** Got it. Ok. So it's the first roadblock from Pervomaysk if they explained it to me correctly.

**Krot:** We are actually somewhere there in that area. We'll meet up there.

**Zmey:** Uh-huh, take care. Over and out.

**Krot:** Take care.



# Annex 397

Intercepted Conversation Between “Khmuryi” and “Bibliotekar” (09:22:19, 17 July 2014)

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Time: July 17, 2014, 09:22:19  
Duration: 0:00:45  
MSISDN: 380631213401  
Direction: Outgoing  
Calling parties: <380665441455>  
Type: Audio ON  
SMS text: "  
MMS text: "  
Cells: <20542\_00213>  
DTMF:  
Call forwarding:  
IMEI: 355711020336760  
IMSI: 255061015419577  
Comments: "  
Session ID: 13214655  
Object ID: 8895  
Call ID: 47513  
Operator ID=2015; Name =otpz8; Last Name =otpz8  
Selection attribute: NUMBER =380631213401; Number Type=MSISDN

At 09:22:19 hours on July 17, 2014 (duration: 0:00:45), **Khmuryi** made a call from his mobile number 380631213401 (location 46 Shchorsa Street, Donetsk) to **Bibliotekar** on his mobile number 380665441455 (location: 99 Illicha Prospect, Donetsk):

**Bibliotekar:** Hello.

**Khmuryi:** Hello, where are you now anyway?

**Bibliotekar:** Hello, Nikolayich.

**Khmuryi:** Did you bring me one or two, would you tell me?

**Bibliotekar:** Just one for now because they had a misunderstanding, and they did not send our low loader here.

**Khmuryi:** I understand.

**Bibliotekar:** So we offloaded it and drove it here under its own power.

**Khmuryi:** Did it come in self-propelled mode? Or on a lowbed semitrailer?

**Bibliotekar:** It crossed, crossed the line.

**Khmuryi:** Aaaah, and now you brought it on a lowbed semitrailer, yes?

**Bibliotekar:** Yes, yes, yes.

**Khmuryi:** Look here, don't send it anywhere now. I'll say now where it should go. It will go together with the Vostok tanks. Do you understand?

**Bibliotekar:** Uh-huh. Hello. I understand.

**Khmuryi:** Stay in touch, uh-huh.

**Bibliotekar:** Fine. Over and out. Uh-huh.



# Annex 398

Intercepted Conversation Between “Khmuryi” and “Buriatik” (09:08:26, 17 July 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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Time: 07/17/2014 9:08:26 a.m.  
Duration: 0:01:08  
MSISDN: 380631213401  
Direction: Incoming  
Participants in the connection: <380665441455>  
Type: AudioON  
SMS text: "  
MMS text: "  
Cells: <20542\_00213><20542\_00217><20542\_00043><20542\_00217><20542\_00213>  
DTMF:  
Transfer:  
IMEI: 355711020336760  
IMSI: 255061015419577  
Comments: "  
Session ID: 13210920  
ObjID: 8895  
CallID: 47311  
Operator ID=2015; Name=otpz8; Last Name=otpz8  
NUMBER selection signature=380631213401; Number Type=MSISDN

07/17/2014 at 9:08:26 a.m. (Duration 0:01:08) to **Khmury** on the mobile number 380631213401 (location: 46 Bulvar Schorsa, Donetsk), called by **Buriatik** from the telephone number 380665441455 (location: 111 Prospekt Illicha, Donetsk):

**Buriatik:** (away from the phone): Guys, we need to brake, need to brake...need to brake, we'll be in the left row, we'll take all of it up . . . (indecipherable) that...in the left, stop here in the left, fuck...you're going right

**Khmury:** Yes, yes, I'm listening to you, Buriatik.

**Buriatik:** Hello, Nikolayich [sic]. And where should we unload this beauty, . . . ?

**Khmury:** Which one? This one?

**Buriatik:** Yes, yes, the one I brought with me. I'm already in Donetsk.

**Khmury:** The one that I thought about, yes? The one is M?

**Buriatik:** Yes.

**Khmury:** DM.

**Buriatik:** Yes, yes, yes, yes. Buk.

**Khmury:** Oops, BM. Yes, yes, yes. I got it.

**Buriatik:** Buk, buk, buk.

**Khmury:** So, so, so. And is it on whatsit a truck?

**Buriatik:** Yes, it's on whatsit . . . it needs to be unloaded somewhere in order to hide it.

**Khmury:** Is it with a crew?

**Buriatik:** Yes, it's with a crew.

**Khmury:** You don't need to hide it anywhere. It will go there now. Did you understand where?

**Buriatik:** I understood, but they need at least . . . time so that they had a look at it.

**Khmury:** Who?

**Buriatik:** Hello, hello.

**Khmury:** And there, Cripes. Wait, wait, Buriatik.

**Buriatik:** Aha.



# Annex 399

Intercepted Conversation Between “Krot” and “Khmuryi” (07:41:06, 18 July 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

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Time: July 18, 2014,  
07:41:06 Duration:  
0:02:14 MSISDN:  
380631213401  
Direction: Outgoing  
Calling parties: <380660827518>  
Type: Audio ON SMS text: "  
MMS text: "  
Cells:  
<20542\_01387x20542\_04807><20542\_04803><20542\_04807><20542\_01387x20542\_04803>  
<20542\_04807><20542\_04803><20542\_04807><20542\_04803>  
DTMF:  
Call forwarding:  
IMEI:  
355711020336760  
IMSI:  
255061015419577  
Comments: "  
Session ID: 13539806 Object ID: 8895 Call ID: 62836  
Operator ID=2015: Name =otpz8; Last Name =otpz8  
Selection attribute NUMBER=380631213401; Number Type = MSISDN

At 07:41:06 hours on July 18, 2014 (duration: 0:02:14), **Khmuryi** made a call from his mobile number 380631213401 (location: 9-A Ionina Street, Donetsk) to **Krot** on his mobile number 380660827518 (location: 17-A Adoradskogo Street, vil. Pervomayske, Snizhne):

**Krot:** Good morning, Nikolaevich!

**Khmuryi:** Good morning. What happened yesterday was messed up [swearing]. I am speechless.

**Krot:** What happened?

**Khmuryi:** Where is he, your comrade from yesterday? Leshyi. Is he back? There were some confusing movements yesterday [swearing]. Tell me what happened yesterday.

**Krot:** They brought the vehicle up to the crossroad, left it there, the lads went on themselves.

**Khmuryi:** Well.

**Krot:** So, the vehicle has left in the correct direction and arrived successfully. That's it.

**Khmuryi:** I see.

**Krot:** There were strange incoming calls which began suddenly from 10 persons.

**Khmuryi:** Who were those 10?

**Krot:** Err... There were different incoming calls to his phone from people who begun to introduce themselves... err... one and then the second, then the third, then the fourth... He told that he was pissed off... Later, Strelkov began to phone up...

**Khmuryi:** So?

**Krot:** He introduced himself.

**Khmuryi:** And he turned off his fucking telephone. Fucking shit... err... and we don't know at all where the vehicle is.

**Krot:** The vehicle is in Russia.

**Khmuryi:** Fucking shit... err... yesterday night I told that we didn't know.

# Annex 400

Ukrainian Request for Legal Assistance Concerning Case No. 12014000000000292 (4 September 2014) (concerning Zhironovsky)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To: The Competent Authorities  
of the Russian Federation**

**Commission  
to render legal assistance in  
criminal proceeding No. 1201400000000292**

**Kiev**

**September 4, 2014**

The Central Investigations Department of the Ukraine Security Service is conducting a pretrial investigation of criminal proceeding No. 1201400000000292 of 7/24/2014 against Russian Federation citizen V.V. Zhirinovsky on suspicion of a crime under art. 258-3, part 1 of the Criminal Code of Ukraine (UK Ukraine).

The Central Investigations Department of the Ukraine Security Service requests that the competent authorities of the Russian Federation keep the contents of this request confidential as far as possible in accordance with Russian Federation law, since the disclosure of this request could make it difficult to gather evidence in the criminal proceeding.

Said criminal proceeding is not pursuing any political objectives.

The Central Investigations Department of the Ukraine SS guarantees that the information obtained as a result of the execution of this commission will be used exclusively for the pretrial investigation of criminal proceeding No. 1201400000000292 of 7/24/2014 and its consideration in court.

The pretrial investigation of the criminal proceeding has established that in March 2014, in unclear circumstances, while in Lugansk Region, V.D. Bolotov and other unidentified persons, motivated by personal rejection of the current government in Ukraine, set up a terrorist organization which, from March 2014 to the present, has been operating in Lugansk Region, imperiling normal social activity, destabilizing economic and socio-political life, disrupting the normal functioning of social and economic institutions, engendering an atmosphere of vulnerability of the population of said region, etc.

The mission of said terrorist organization, according to the criminal intent of V.D. Bolotov and its other unidentified cofounders, is to use weapons, cause explosions and commit

arson, kidnap and murder citizens, as well as carry out other criminal actions that serve to endanger the life and health of people, cause significant property damage and other grave consequences to jeopardize public safety, terrorize the population, provoke armed conflict by calling for the entry of Russian Federation troops into Lugansk Region, cause international complications, destabilize the socio-political situation in the region and the government in particular, influence the activity of the governmental authorities and local self-government, as well as expose the public to the political views of the terrorists that the government in Ukraine is illegitimate.

The ultimate goal of the creation and activity of said terrorist organization, according to the criminal plan of the persons who founded, direct and/or participate in it, is to overthrow the existing constitutional order and change the borders of the territory or the national borders of Ukraine by illegally creating a government entity in Lugansk Region, a so-called Lugansk People's Republic.

From April 2014 to the present, while in the Russian Federation, Vladimir Volfovich Zhirinovskiy, Deputy of the State Duma of the Federal Assembly of the Russian Federation, has been providing material assistance to the activity of said terrorist organization, that is, a crime under art. 258-3 of the UK Ukraine.

On 5/6/2014, while in the Russian Federation and in the presence of Russian reporters and other citizens, V.V. Zhirinovskiy publicly declared his intention to hand over to the extralegal armed groups operating in Ukraine a Tigr light tactical vehicle belonging to him, Russian Federation state registration number UE986K (region 77) to be used during armed hostilities against the Ukraine Armed Forces.

On 5/7/2014 at 6:10 PM, unidentified persons in camouflage and masks arrived at the Izvarino customs entry point in 4 minivans, crossed the border of Ukraine and the Russian Federation in the direction of the latter, and secured the unlawful entry of said vehicle into Ukraine.

On 7/31/2014, the pretrial investigation of criminal proceeding No. 12014130010000249 prepared and cleared with the supervisor of the proceeding a notification to Deputy of the State Duma of the Federal Assembly of the Russian Federation V.V. Zhirinovskiy that he is suspected of having committed a crime under art. 258-3, part 1 of the Criminal Code of Ukraine.

In light of the foregoing and governed by the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of January 22, 1993, for the purpose of ensuring a comprehensive, complete and objective investigation of criminal proceeding No. 1201400000000292 of 7/24/2014, the Central Investigations Department of the Ukraine Security Service is seeking legal assistance in this criminal proceeding and requesting that a number of procedural actions be carried out in the Russian Federation:

**1. Serve Vladimir Volfovich ZHIRINOVSKY**, year of birth **4/25/1946**, native of Alma-Ata of the Kazakh SSR, registered at 14 ul. Nezhinskaya, Moscow, citizen of the Russian Federation, with a notice of suspicion in the commission of a crime under art. 258-3, part 1 of the Criminal Code of Ukraine, and obtain from him the relevant acknowledgement on the second copy of the notice of suspicion.

**2. Serve V.V. Zhirinovsky** with a memorandum on the procedural rights and obligations of suspects, and obtain from him the relevant acknowledgement on the second copy of the memorandum.

**3. Present copies of the registration documents for the Tigr vehicle**, Russian Federation state registration number UE986K (region 77), and establish the current and previous owners of this vehicle.

In accordance with art. 93 of the Code of Criminal Procedure of Ukraine, the prosecution has the right during evidence gathering to request from government agencies, enterprises, institutions, and organizations documents and records that are of relevance to the criminal proceeding.

**4. Question as witnesses employees of the border and customs services of the Russian Federation** who were on duty on 5/7/2014 at the Donetsk customs checkpoint regarding the ways and means by which the above vehicle crossed the national border of the Russian Federation, attaching copies of the documentary evidence for the following questions:

- To whom and on what basis does the Tigr, Russian Federation state registration number UE986K (region 77), belong?

- When and under what circumstances did the vehicle, Russian Federation state registration number UE986K (region 77), cross the national border of the Russian Federation?

- Who accompanied the Tigr, Russian Federation state registration number UE986K (region 77)?

- Was the customs control procedure complied with when the above vehicle crossed the border?

- Who was driving the vehicle and were there any passengers in the passenger compartment?
- Was there any cargo in the passenger compartment of the vehicle?
- What was the purpose of the crossing of the Russian Federation national border by the Tigr, Russian Federation state registration number UE986K (region 77)?
- Did the Tigr, Russian Federation state registration number UE986K (region 77), re-enter from Ukraine, when, who was driving the vehicle, and what was in its passenger compartment?
- Has a criminal case been opened, was an internal investigation carried out in response to the illegal crossing of the Russian Federation national border by the Tigr, Russian Federation state registration number UE986K (region 77)?
- Any other matters that may arise during witness questioning.

5. Question TV reporters from Rossiya, Life News, and Ren TV, and Komsomolskaya Pravda newspaper as witnesses in the following matters:

- where and when did V.V. Zhirinovskiy give an interview in which he stated his intentions to provide the Tigr to members of the LPR terrorist organization;
- during the interview, did V.V. Zhirinovskiy state the purpose of transporting and using the Tigr in Ukraine;
- any other questions that will arise during the interrogation;

6. Identify the persons who were at the Donetsk customs checkpoint on 5.7.2014 at 6:10 PM and secured the illegal entry of the Tigr, Russian Federation state registration number UE986K (region 77), into the Ukraine and question them as witnesses on the following matters:

- For what purpose was the witness near the national border of Ukraine with the Russian Federation on 5.7.2014 at 6:10 PM not far from the Izvarino customs checkpoint?
- On whose orders did he come to said location?
- Does he know the personal details of the other persons who were at said location with him?
- What does he know about the crossing of the border between Ukraine and the Russian Federation by said vehicle and who was driving it during said event?
- What does he know about the subsequent direction of travel of said vehicle in Ukraine and who was driving it?



- Does he know the location of said vehicle and for what purpose and by whom it is being used?

- Any other matters that may arise during witness questioning.

7. Request copies of the identity documents of Vladimir Volfovich Zhirinovskiy, date of birth 4/25/1946, that confirm his place of registration and residence and place of employment, as well as statements from state medical institutions of Moscow, Russian Federation, regarding V.V. Zhirinovskiy's having been under the care of a drug therapist or psychiatrist, and references from his employer and place of residence.

If necessary when conducting the procedural actions, allow witnesses to review the information in the laser disc video files.

**Procedure for executing the commission:** unless contrary to Russian Federation law, please carry out the requested procedural actions in accordance with Ukraine law.

Please affix the official seal of the executor's department to the documents obtained when executing the commission.

The reason for the procedural actions in the Russian Federation is the need for a rapid and complete investigation of the criminal proceeding.

When questioning the witnesses, please explain to them their rights under articles 18, 65, 66 and 67 of the Code of Criminal Procedure of Ukraine and article 63 of the Constitution of Ukraine.

The Central Investigations Department of the Ukraine Security Service guarantees that any evidence and information obtained during the provision of international legal assistance will be used exclusively in this criminal proceeding and will not be used for political, military or other purposes.

If there are any questions concerning this commission or its execution, contact Lieutenant Colonel of Justice Viktor Petrovich Makedonsky, senior major case investigator of the Central Investigations Department of the Ukraine Security Service, at +380-44-256-90-74.

If circumstances arise that prevent said procedural actions, please contact us at the Central Investigations Department of the Ukraine Security Service, 33 ulitsa Vladimirska, Kiev 01601.

Attachment:

1. Extracts from the Code of Criminal Procedure of Ukraine (article 2, 18, 40, and 93), 3 pages;
2. Extracts from the Code of Criminal Procedure of Ukraine (articles 18, 42, 50, 65, 66, 67, 95, 104, 106, 223, 224, and 276-279) and extracts from the Criminal Code of Ukraine (articles 384, 385 and 387) and the Constitution of Ukraine (article 63), 12 pages;
3. Extract from the Criminal Code of Ukraine (articles 110-2, 258-3, and 260), 3 pages;
4. Two copies of a notice of suspicion of 7/31/2014 in Ukrainian with a translation into Russian, 20 pages;
5. Two copies of a memorandum on the procedural rights and obligations of suspects in Ukrainian with a translation into Russian, a total of 16 pages;
6. A laser disc with a recording of the public speeches of V.V. Zhirinovskiy and V.D. Bolotov, 1 item.

**Lieutenant Colonel of Justice, Senior Major Case Investigator  
of Department 1 of Office of Pretrial Investigation 1  
of the Central Investigations Department  
of the Ukraine Security Service**

[signature] **Viktor Petrovich Makedonsky**  
[stamp:]  
Ukrainian Security Service  
[illegible]

**APPROVED**  
**Senior Prosecutor in the Department of  
Procedural Management and Support of  
Public Prosecution in Criminal Proceedings  
Concerning Criminal Groupings  
of the Office of the General Prosecutor of Ukraine  
Junior Counselor of Justice**

[signature] **Artem Andreevich Kiryushin**

[illegible]

[coat of arms]

[illegible]  
8/31/2015 [signature]

[bar code]

[illegible]

**Office of the General Prosecutor  
of the Russian Federation**

15a ul. B. Dmitrovka  
GSP-3, Moscow 125993, Russia

8/17/2015 No. 87-158-2015

**Re No. 14/2/2-30438-14**

Office of the General Prosecutor of Ukraine

To: Head of the Department of International  
and Legal Cooperation

A.V. Kovalenko

[illegible]

Dear Aleksandr Vladimirovich,

The Office of the General Prosecutor of the Russian Federation respectfully advises that the request of the Central Investigations Department of the Ukraine Security Service regarding legal assistance in criminal proceeding No. 1201400000000292 has been reviewed.

Said request cannot be fulfilled on the grounds of art. 2 “b” of the European Convention on Mutual Legal Assistance in Criminal Matters of 4/20/1959, art. 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters of 1/22/1993, and art. 457, part 4 of the Code of Criminal Procedure of the Russian Federation, since the rendering of the requested assistance may harm the sovereignty, security and other vital interests of the Russian Federation.

Attachment: 42 pages, compact disc in an envelope.

Head of the Department of International Cooperation for Major Cases (with the standing of a directorate) of the General Directorate for International Cooperation [stamp:]  
Office of the General Prosecutor  
of the Russian Federation,  
OGRN [Primary State  
Registration Number]  
1037739514196

[signature]

D.E. Grunis

[stamp:] Office of the General Prosecutor of Ukraine  
No. 262281-15 Date 8/28/2015  
[bar code]

**AR No. 052478**

Office of the General Prosecutor of  
the Russian Federation  
No. Isorg-87-8582-15/3357

[coat of arms]

[bar code]

**Office of the General Prosecutor  
of the Russian Federation**

**15a ul. B. Dmitrovka  
GSP-3, Moscow 125993, Russia**

2/8/2016 No. 87-158-2015

**Re No. 14/3-35vikh-15**

To: V.N. Shokin

Prosecutor General  
of Ukraine

Dear Viktor Nikolaevich,

Your letter of 9/14/2015 regarding the refusal of the Office of the General Prosecutor of the Russian Federation to fulfill requests for legal assistance in criminal proceedings Nos. 22014000000000234, 12014000000000292, 12014000000000293, and 12014000000000291 has been reviewed.

There are no grounds for reconsidering said decisions, therefore the requests of the Ukrainian investigative agencies are being returned unfulfilled.

We also advise that the applicable international treaties do not contain a requirement to specify the reason for the application of the grounds for refusing to provide legal assistance.

Attachment: 120 pages, 1 disc.

Deputy Prosecutor General  
of the Russian Federation

[stamp:]  
Office of the General Prosecutor  
of the Russian Federation,  
OGRN [Primary State  
Registration Number]  
1037739514196

[signature]  
S.G. Kekhlerov

[stamp:] Office of the General Prosecutor of Ukraine  
No. 36816-16 Date 2/22/2016  
[bar code]

**AR No. 028897**

Office of the General Prosecutor of  
the Russian Federation  
No. 87-158-2015/Nd3731-16

# Annex 401

Ukrainian Request for Legal Assistance Concerning Case No. 22014050000000015 (30 September 2014).

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To the Relevant Authorities  
of the Russian Federation**

**REQUEST  
for International Legal Assistance**

Kyiv

September 30, 2014

The Central Investigative Directorate of the Security Service of Ukraine assures the Federal Security Service of the Russian Federation of its profound respect and invokes the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of January 23, 1993 in requesting international legal assistance in Criminal Case No. 2201405000000015 involving alleged crimes falling under Part 1 of Article 109, Part 2 of Article 28, Part 1 of Article 109, Part 2 of Article 110, Part 2 of Article 201, Part 3 of Article 258, Part 1 of Article 258-3, Part 1 of Article 263, Part 1 of Article 294, Part 3 of Article 15, Part 1 of Article 294, Part 5 of Article 27, Part 1 of Article 294, Article 341, Part 2 of Article 345, and Part 3 of Article 357 of the Criminal Code of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine is requesting the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to these criminal proceedings.

The criminal investigation has ascertained that in May-June 2014 O.I. Kulygina, acting jointly with Ukrainian citizens V.F. Chernyak, S.V. Suvorov, A.N. Levkin, and Yu.A. Lukashov, assisted the terrorist organization Donetsk People's Republic. While committing the crime, she coordinated her actions with leaders of the terrorist organization according to the established criminal plan with the intention of putting up armed resistance against representatives of the incumbent authorities in Luhansk and Donetsk Oblasts, intimidating the population, committing serious and grave crimes against the fundamentals of national security of Ukraine, human lives and health, by enabling the transfer and smuggling of firearms, ammunition, and explosives from Russia to Ukraine.

Specifically, on May 30, 2014, while acting on a criminal pact aimed at facilitating the operations of the above-mentioned terrorist organization, O.I. Kulygina along with the above-mentioned individuals loaded weapons and ammunition into GAZEL vans near the state border between Ukraine and the Russian Federation in the area of responsibility of the Dyakovo border guard unit of the Luhansk Border Guard detachment of the State Border Guard Service of Ukraine, specifically: 27 AK-74 assault rifles, 4 PK machine guns, 5 SVD sniper rifles, 5 RPG-26 grenade launchers, 2 PM pistols, 102 F-1 hand grenades, 95 RGD-5 hand grenades, 74 crates with ammo (22 crates with 7.62 mm ammo, 40 crates with 12.7 mm ammo, 12 crates with 5.45 mm ammo, and 5 boxes with ammo), 36 AK-74 magazines, 9 SVD magazines, 2 calibrated anti-aircraft sights, 1 stun grenade, 2 bore-sighting tubes for a Kalashnikov machine gun, which they smuggled into Ukraine. Subsequently, O.I. Kulygina and said individuals transported said weapons and ammo to be handed over to representatives of the terrorist organization "Donetsk People's Republic".

The above-mentioned items are weapons and ammunition, according to ballistic forensic expert opinion No. 86/6 of July 16, 2014 and explosive forensic expert opinion No. 92/6-128/6 of July 21, 2014.

The above-mentioned circumstances indicate that the actions of O.I. Kulygina demonstrate elements of a crime falling under Part 1 of Article 258<sup>1</sup> of the Criminal Code of Ukraine, i.e. organizational and other assistance for the operations of a terrorist organization.

On June 11, 2014, Russian citizen Olga Ivanovna Kulygina, d.o.b. September 14, 1972, with her registered address of residence at 43 Leninskiy Prospect, apartment 17, Moscow, Russian Federation, was notified of being suspected of having committed a crime falling under Part 1 of Article 258<sup>3</sup> of the Criminal Code of Ukraine.

#### Article 258<sup>3</sup>. Creation of a Terrorist Group or Terrorist Organization

1. Creation of a terrorist group or terrorist organization, leadership of or participation in said group or organization, as well as organizational or other assistance for the creation or operations of the terrorist group or terrorist organization –

are punishable by imprisonment for a term of eight to fifteen years.

2. Exemption from criminal liability for acts mentioned in Part 1 of this article shall be granted to a person (other than the organizer or leader of the terrorist group or terrorist organization) who has voluntarily notified the law enforcement authority about the relevant terrorist activity, thereby helping put an end to such activity or solve crimes associated with the creation or operation of said group or organization, as long as this person has not committed another crime.

In the interests of a full, objective, and impartial pretrial investigation of said crime, a need has arisen to verify through the relevant law enforcement authorities of the Russian Federation the facts of I.O. Kulygina's involvement in illegal paramilitary groups, prior convictions for illegal possession of weapons or ammunition, instances of her crossing the state border of the Russian Federation in the direction from and into the Russian Federation, as well as a need to obtain documented evidence pertaining to this citizen and characterizing her personality and a need to question her next of kin.

Bearing in mind the foregoing and invoking the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of January 22, 1993, we hereby request that you review this request and provide international legal assistance in criminal case No. 2201405000000015 in the form of conducting the following procedural formalities in the territory of the Russian Federation:

1. Request from the relevant authorities of the Russian Federation information about the complete biography and address of residence of Russian citizen Olga Ivanovna Kulygina, with her registered address of residence at 43 Leninskiy Prospect, apartment 17, Moscow, Russian Federation;
2. Make available to us the certified copies of documents proving or disproving the involvement of O.I. Kulygina in illegal paramilitary groups;
3. Make available to us information about whether or not O.I. Kulygina has been prosecuted for illegal possession of weapons and ammunition;
4. Make available to us information about crossings by citizen O.I. Kulygina of the state border of the Russian Federation in the direction from and into the Russian Federation during the period since January 1, 2011 until present;



5. Obtain from the relevant authorities of the Russian Federation certificates issued by drug abuse specialists or psychiatrists about registration with the relevant prevention centers, a certificate listing the family members, and letters of reference characterizing O.I. Kulygina at her address of residence and place of employment;

6. Identify and question as witnesses the next of kin of O.I. Kulygina (the list of questions is attached);

Unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.

The Central Investigative Directorate of the Security Service of Ukraine would like to assure you that this request has been prepared strictly in accordance with Ukrainian laws by a duly authorized officer within the scope of his authority. Investigative activities in the territory of the Russian Federation are needed to ensure a comprehensive, full, and objective investigation of the circumstances relevant to the criminal proceedings.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives. Any original documents presented will be returned promptly as soon as they no longer become necessary.

Should you have any questions about honoring this request, do not hesitate to call the duty officer of the Central Investigative Directorate of the Security Service of Ukraine at +380 (44) 279-66-31.

If you are unable to honor this request, kindly inform us about the reasons preventing its performance and the conditions under which it can be honored.

Please honor this request in the Russian language.

The Central Investigative Directorate of the Security Service of Ukraine would like to use this opportunity to express its profound respect for the Federal Security Service of the Russian Federation.

Attachments:

- Excerpts from the Constitution of Ukraine, the Criminal Code of Ukraine, and the Criminal Procedure Code of Ukraine on [blank] pages;
- List of questions to be posed to the next of kin of O.I. Kulygina, on [blank] pages.

**Senior Investigator with the Operative Unit  
of the 4<sup>th</sup> Department at the 1<sup>st</sup> Pretrial Investigation Directorate  
of the Central Investigative Directorate  
of the Security Service of Ukraine  
Captain of Justice [Signature] V. Glushchenko  
[Seal: Central Investigative Directorate of the Security Service of Ukraine]**

**APPROVED BY  
Senior Prosecutor with the Department  
for Procedural Guidance and State Prosecution  
in Criminal Cases Against Crime Rings,  
Prosecutor General's Office of Ukraine  
Councilor of Justice [Signature] S. Zuzak**



# Annex 402

Russian Border Directorate of the FSB Letter No. 0.42-8801/0/6-14 to the Ukrainian State Border Guard (delivered 11 October 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[Handwriting:] *October 11, 2014*



**Federal Security Service  
of the Russian Federation**

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[Handwriting:] *Attn: V.O. Subotin, A.M. Zarytskyi. Please continue work*

[Signature] *October 13, 2014*

Attn: Deputy Director  
of the International Law Department  
– Chief of the International  
Cooperation Directorate  
of the State Border Guard Service of  
Ukraine  
Major-General A.M. Zaritskiy  
[Handwriting: illegible] [Signature]

Re: No. 0.42-8801/0/6-14 of October 7, 2014

Dear Anatoly Mikhaylovich [Mr. Zaritskiy],

The leadership of the Border Guard Service of the Federal Security Service of Russia has decided to conduct further legal due diligence at institutions of the Russian Federation of the Ukrainian side's proposals regarding joint border control at specific border crossing points in Russian territory and coordinated (joint) monitoring of the situation along the Russian-Ukrainian sector of the state border outside border crossing points from Russian territory.

In light of this, until this activity has been completed, we believe that the meeting of experts of border guard services of Russian and Ukraine scheduled for October 16, 2014 at the Nekhoteyevka-Goptovka border crossing point is premature.

We will inform you additionally about the new date and venue of the consultations.

First Deputy Chief of the International Cooperation Directorate

Major General

[Signature]

V.I. Ulyanov

October 11, 2014

No. 3/165

[Handwriting:] *October 11, 2014*

[Handwriting:] *Attn: O.O. Morozov, for your consideration*

[Signature]



## **Federal Security Service of the Russian Federation**

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Attn: Deputy Director  
of the International Law Department  
– Chief of the International  
Cooperation Directorate  
of the State Border Guard Service of  
Ukraine  
Major-General A.M. Zaritskiy

Re: No. 0.42-8801/0/6-14 of October 7, 2014

Dear Anatoly Mikhaylovich [Mr. Zaritskiy],

The leadership of the Border Guard Service of the Federal Security Service of Russia has decided to conduct further legal due diligence at institutions of the Russian Federation of the Ukrainian side's proposals regarding joint border control at specific border crossing points in Russian territory and coordinated (joint) monitoring of the situation along the Russian-Ukrainian sector of the state border outside border crossing points from Russian territory.

In light of this, until this activity has been completed, we believe that the meeting of experts of border guard services of Russian and Ukraine scheduled for October 16, 2014 at the Nekhoteyevka-Goptovka border crossing point is premature.

We will inform you additionally about the new date and venue of the consultations.

First Deputy Chief of the International Cooperation Directorate

Major General

[Signature]

V.I. Ulyanov

October 11, 2014

No. 3/165

**ADMINISTRATION OF THE STATE BORDER GUARD  
SERVICE OF UKRAINE**  
Incoming Ref. No. 36588/0/3-14 of October 13, 2014

0.42



# Annex 403

Russian Border Directorate of the FSB Letter No. 26-1209 to the Ukrainian State Border Guard  
(7 November 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





Ruslan Koloskov <No subject>

[Handwriting:] *November 7, 2014*

FROM: Border Directorate of the Federal Security Service of Russian in Rostov Oblast

Phone: 88632679838

JULY 29, 2014

4:08 p.m.

PAGE 1

Fax without follow-up original

FEDERAL SECURITY SERVICE OF THE  
RUSSIAN FEDERATION

BORDER DIRECTORATE OF THE FEDERAL  
SECURITY SERVICE OF RUSSIAN IN  
ROSTOV OBLAST

*November 7, 2014* No. 26/1209  
Rostov-on-Don, 344011

Attn: Chief of the Eastern Regional  
Directorate of the Border Guard Service of  
Ukraine

Major-General A.A. Binkovskyi

7 Inzhenerny Pereulok, Kharkov, 61045,  
Ukraine

Re: No. 4765 of November 6, 2014

Dear Alexander Antolyevich [Mr. Binkovskiy],

This is to respectfully inform you that decisions to clear the passage of vehicles transporting cargo for employees of state oversight agencies of Ukraine are outside the scope of authority of the border representative of the Russian Federation and the border directorate.

We propose initiating a resolution of this issue at the level of border agencies of the two states parties.

Head of Directorate  
Major-General

[Signature]

A.P. Ektov

[Scanned image info: Ectov to Binkovskyi-07-11-14.jpg. Download. Upload to cloud. 1 of 4. All attachments]



# Annex 404

Ukrainian Request for Legal Assistance Concerning Case No. 12014000000000293 (11 November 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To the competent authorities  
of the Russian Federation**

**REQUEST  
for international legal assistance**

**Kiev**

**November 11, 2014**

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine hereby presents its compliments to the competent authorities of the Russian Federation and, on the basis of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01.22.1993 and the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, would request international legal assistance in Criminal Proceedings No. 1201400000000293.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine would ask that the competent authorities of the Russian Federation keep the contents of this request confidential, as far as is possible, in accordance with the laws of the Russian Federation, insofar as disclosure of the information contained in this request may complicate the gathering of evidence in the criminal proceedings.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine is conducting a pre-trial investigation, as part of the consolidated Criminal Proceedings No. 1201400000000293, entered in the Unified Register of Pre-Trial Investigations of Ukraine on 07/25/2014, in relation to the funding by S.M. Mironov, the Chairman of the “A Just Russia” political party in the Russian Federation, of extralegal armed groups, into a criminal offence under Part 3 of Article 260 of the Criminal Code of Ukraine (hereinafter, the CC of Ukraine).

The pre-trial investigation established that S.M. Mironov, as a deputy of the State Duma of the Russian Federation and the head of the “A Just Russia” political party faction within this legislative body of the Russian Federation, acting by prior concert with V.D. Bolotov, the head of the “Lugansk People’s Republic” extralegal armed group and other unidentified persons, funded this armed group under the following circumstances.

During the period from February through May 2014, on the territory of the Lugansk Region, V.D. Bolotov, by prior concert with unidentified persons, set up an extralegal armed group – the “Lugansk People’s Republic” (hereinafter, the “LPR”), which has a military-type organizational

structure: unity of command, subordination, discipline, in which military training is carried out and which is illegally armed with serviceable firearms, explosives and other weapons.

The “LPR” extralegal armed group performs actions aimed at seizing the territory of the Lugansk Region of Ukraine, its retention, forceful support for the self-proclaimed government agencies on the territory of this region, and armed resistance against the lawful authorities of Ukraine with the extermination of the military personnel of the Armed Forces of Ukraine, the National Guard of Ukraine, the law-enforcement agencies and the civilian population.

The functioning of the “LPR” is secured through the provision to it of funding and supplies of weapons, ammunition, explosives and military equipment. These actions violate the safe living environment of the citizens of Ukraine, namely the safety of their lives and health, the security of other of society’s values, they cause considerable material harm and facilitate the creation of a threat of dire consequences and bring about such consequences.

It has been established that S.M. Mironov, a deputy of the State Duma of the Russian Federation and the head of the “A Just Russia” political party faction within this legislative body of the Russian Federation, with the aim of securing the functioning of the “LPR”, during the period from February through May 2014, entered into a criminal conspiracy with V.D. Bolotov, the head of the extralegal armed group, and reached agreement with him on the funding by S.M. Mironov of the “Lugansk People’s Republic”.

With the aim of disguising the unlawful actions and making them appear legitimate, S.M. Mironov arranged for a meeting to be held, on 05/22/2014, in Moscow, of the Presidium of the Central Council of the “A Just Russia” political party, at which the decision was taken to fund the “LPR” under the guise of “providing targeted material assistance to our fraternal people – the citizens of the Lugansk and Donetsk People’s Republics”. This decision was documented in Address No. SM-22/05-566 dated 05/22/2014, entitled “A Message from Sergey Mironov, the Chairman of the A JUST RUSSIA Political Party, to the Citizens of the Donetsk and Lugansk People’s Republics, in Connection with the Escalation of the Humanitarian Situation in the Area of the Armed Resistance in Ukraine”, which was signed by S.M. Mironov.

During this same period, with the aim of raising funds to finance the “LPR” and disguising the criminal actions, S.M. Mironov, by prior concert with unidentified persons, involved the “Fair Aid” international public organization in these unlawful activities. S.M. Mironov posted the account details of this organization on the official website of the “A Just Russia” political party of the Russian Federation (URL: <http://www.spravedlivo.ru/>). These bank accounts were used for the receipt of funds

which S.M. Mironov used to fund the “Lugansk People’s Republic”.

Continuing his criminal actions aimed at funding the “Lugansk People’s Republic” extralegal armed group and involving in this other persons, including politicians and businessmen of the Russian Federation, on 06/10/2014, from 10.33am to 10.43am, whilst at the rostrum of the State Duma of the Russian Federation at 1 Okhotny Ryad St., Moscow, Russian Federation, S.M. Mironov called for a “corridor” to be created from the Russian Federation to the Lugansk Region, through which “technical and other required aid” would be provided by Russia to the “Lugansk People’s Republic”. In other words, S.M. Mironov effectively called upon the State Duma of the Russian Federation to secure the ability for his unhampered funding of the “Lugansk People’s Republic”.

In implementing his criminal intentions aimed at securing the functioning of the “LPR” and the commission of offenses against public security and other offenses on the territory of Ukraine, S.M. Mironov, using, *inter alia*, the aforementioned criminal mechanisms for raising funds, as well as other material resources, during the period from 05/22/2014 through 07/05/2014, by prior concert with V.D. Bolotov, the head of the “Lugansk People’s Republic”, and other unidentified persons, funded the aforementioned extralegal armed group.

These circumstances are confirmed by the materials obtained during the pre-trial investigation.

Thus, S.M. Mironov, by prior concert with V.D. Bolotov and other unidentified persons, committed an offence, manifested in the funding of the “Lugansk People’s Republic” extralegal armed group.

On 08/01/2014 a notice of suspicion was drawn up in respect of:

**Sergey Mikhailovich Mironov, born on 02/14/1953** in the town of Pushkin, Pushkinsky District, St. Petersburg, Russian Federation, a citizen of the Russian Federation, a deputy of the State Duma of the Russian Federation and the leader of the “A Just Russia” political party faction within this legislative body of the Russian Federation,

on suspicion of having carried out deliberate actions, manifested in the funding of an extralegal armed group, i.e., a criminal offense under Part 3 of Article 260 of the CC of Ukraine.

The need has now arisen for procedural actions to be carried out in the Russian Federation to clarify and explore in detail the circumstances under which the criminal offense was committed.

We guarantee that the criminal proceedings are not aimed at political persecution. We also assure [you] that all the materials obtained during the performance of the instruction will be used exclusively in order to establish the objective truth during these criminal proceedings.

On the basis of the above, guided by the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01/22/1993 and the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, we would ask that you consider this request and provide international legal assistance in Criminal Proceedings No. 1201400000000293, which comprises the performance in the Russian Federation of the following procedural actions:

1. The questioning as witnesses of officials from the “Fair Aid” international public organization, namely the directors, accountants and lawyers of this organization, appending supporting documents. During the questioning, the following issues must be clarified:

- when, by whom and with what purpose was the “Fair Aid” international public organization created, what is the sphere and type of its activities? Has the organization carried out activities in the territory of Ukraine, when and which activities? Where is this organization actually located and where is it legally registered, who is currently its director and founder?

- are the following details posted on the official website of the “A Fair Russia” political party the details of the “Fair Aid” international public organization:

***Details of Bank VTB 24 for transfers in rubles***

Recipient: “Fair Aid” international public organization

INN [Taxpayer ID]: 7705044627

KPP [Tax Registration Code]: 770501001

Bank: Bank VTB 24 (CJSC), Moscow

BIC: 044525716

INN: 7710353606

Correspondent account: 30101810100000000716

Settlement account: Rubles (RUR)

40703810300000006541

***Details of Bank VTB 24 for transfers in dollars***

Recipient: “Fair Aid” international public organization

INN: 7705044627

KPP: 770501001

Bank: Bank VTB 24 (CJSC), Moscow

BIC: 044525716

INN: 7710353606

SWIFT: CBGURUMMXXX

Current account: Dollars (USD)

40703840600000006541

Transit account: Dollars (USD)

40703840900001006541

***Details of Bank VTB 24 for transfers in Euro***

Recipient: “Fair Aid” international public organization

INN: 7705044627



KPP: 770501001

Bank: Bank VTB 24 (CJSC),  
Moscow

BIC: 044525716

INN: 7710353606

SWIFT: CBGURUMMXXX

Current account: Euros (EUR)

4070397820000006541

Transit account: Euros (EUR)

40703978500001006541

- was permission granted to the “Fair Aid” international public organization for the posting of these details on this website, and if so, then when and with what purpose and when were they posted?

- were funds received in the aforementioned bank account following its posting on the website of the “A Just Russia” party, if so, then from whom, in what amount, and by whom and how were they spent?

- what does S.M. Mironov have to do with the “Fair Aid” international public organization, did he take part in (issue instructions in relation to) the distribution of the monetary and other resources of the organization received in the aforementioned account, and if so, in what connection?

Other issues will also have to be explored should they arise during questioning.

2. By submitting requests to the corresponding authorities, the obtaining of copies of the identity documents of the suspect, Sergey Mikhailovich Mironov, born on 02/14/1953, his place of residence, certificates from state medical institutions from a psychiatrist and a substance abuse professional, as well as character references from his place of residence and place of work. Official information will also have to be obtained regarding whether S.M. Mironov has been held criminally liable in the Russian Federation, and copies of the corresponding procedural decisions.

**Procedure for performing the instruction:** provided this does not contravene the laws of the Russian Federation, we would ask that the requested procedural actions be carried out in compliance with the requirements of the laws of Ukraine.

I would request that the documents obtained in performing the instruction be certified with the official seal of the subdivision of the executor.

The performance of the investigative actions in the Russian Federation is driven by the need to ensure a rapid, full and unbiased investigation into the criminal proceedings.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine guarantees that any evidence and information received in the rendering of the international legal assistance will be used exclusively in these criminal proceedings and will not be used for political, military or other purposes.

Should any questions arise concerning this instruction or its performance, please contact Police Major Vitaly Mitrofanovich Ovdiyenko, Senior Special Cases Investigator of the Central Investigations Department of the Ministry of Internal Affairs of Ukraine, on his work phone number +380-44-256-15-09 or by e-mail: [gsu\\_mv47@ukr.net](mailto:gsu_mv47@ukr.net).

Should circumstances arise which mean that these procedural actions cannot be performed, please notify us at: Central Investigations Department of the Ministry of Internal Affairs of Ukraine, 10 Akademika Bogomoltsa St., Kiev 01601.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine wishes to take this opportunity to present its compliments to the law-enforcement agencies of the Russian Federation.

**Enclosures:**

1. Excerpts from Articles 2, 40, 93 of the Code of Criminal Procedure of Ukraine on 2 pages;
2. Excerpts from Articles 18, 42, 50, 65, 66, 67, 95, 104, 106, 223 and 224 of the Code of Criminal Procedure of Ukraine and excerpts from Articles 384, 385 and 387 of the Criminal Code of Ukraine and from Article 63 of the Constitution of Ukraine on 11 pages;
3. Excerpt from Article 260 of the Criminal Code of Ukraine on 1 page.

**Senior Special Cases Investigator of the  
Central Investigations Department of the  
Ministry of Internal Affairs of Ukraine**

**Police Major**

[signature]

**Vitaly Mitrofanovich Ovdiyenko**

**APPROVED**

**Deputy Head of the Second Department of  
Procedural Guidance for  
Pre-Trial Investigations and Support for Public Prosecutions  
of the Prosecutor General's Office of Ukraine**

**Counsellor of Justice**

[signature]

**Andrey Grigoryevich Shevchenko**

14/3 [official emblem]

[illegible] 08/31/2015 [signature]

[barcode]

117553 534216

**Prosecutor General's Office  
of the Russian Federation**

**15a B. Dmitrovka St.,  
Moscow, GSP-3, 125993, Russia**

17.08.2015 No. 87-159-2015

To No. 14/2/2-30446-14

To A.V. Kovalenko

Head of the Department of International Legal  
Cooperation

Prosecutor General's Office of Ukraine

[illegible]

Dear Aleksandr Vladimirovich,

The Prosecutor General's Office of the Russian Federation presents its compliments to the Prosecutor General's Office of Ukraine and hereby states that the request of the Central Investigations Department of the Ministry of Internal Affairs of Ukraine for legal assistance to be rendered in Criminal Proceedings No. 1201400000000293 has been reviewed.

It will not be possible to comply with this request on the grounds provided by Article 2(b) of the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, Article 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01/22/1993, and Part 4 of Article 457 of the Code of Criminal Procedure of the Russian Federation, insofar as the rendering of the requested assistance could harm the sovereignty, security and other material interests of the Russian Federation.

Enclosures: on 20 pages.

Head of the Department of  
International Cooperation in  
Special Cases (Administrative Rights)  
of the Chief Administration for  
International Legal Cooperation

[signature]

D.E. Grunis

[seal:] [Prosecutor General's Office of the Russian Federation, Primary State Registration No. 1037733614196]

AR No. 052484

[stamp and barcode:] Office of the General Prosecutor Of Ukraine No. 262297-15 on 08.28.215

[stamp:] Prosecutor General's Office of the Russian Federation  
No. [illegible] 87-8584-15/3319



# Annex 405

Ukrainian Request for Legal Assistance Concerning Case No. 12014000000000291 (3  
December 2014)

This document has been translated from its original language into English, an official language  
of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the  
original document constituting this Annex. In further compliance with this Rule, Ukraine has  
provided two certified copies of the full original-language document



**To the competent authorities  
of the Russian Federation**

**REQUEST  
for international legal assistance**

**Kiev**

**December 3, 2014**

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine hereby presents its compliments to the competent authorities of the Russian Federation and, on the basis of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01/22/1993 and the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, would request international legal assistance in Criminal Proceedings No. 1201400000000291.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine would ask that the competent authorities of the Russian Federation keep the contents of this request confidential, as far as is possible, in accordance with the laws of the Russian Federation, insofar as disclosure of the information contained in this request may complicate the gathering of evidence in the criminal proceedings.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine is conducting a pre-trial investigation, as part of the consolidated Criminal Proceedings No. 1201400000000291, entered in the Unified Register of Pre-Trial Investigations of Ukraine on 07/24/2014, in relation to the funding by G.A. Zyuganov, the Chairman of the Central Committee of the Communist Party of the Russian Federation, of extralegal armed groups, into a criminal offence under Part 3 of Article 260 of the Criminal Code of Ukraine (hereinafter, the CC of Ukraine).

The pre-trial investigation established that G.A. Zyuganov, as a deputy of the State Duma of the Russian Federation and the Chairman of the Central Committee of the Communist Party of the Russian Federation, acting by prior concert with V.D. Bolotov, the head of the “Lugansk People’s Republic” extralegal armed group, funded this armed group under the following circumstances.

During the period from February through May 2014, on the territory of the Lugansk Region, V.D. Bolotov, by prior concert with unidentified persons, set up an extralegal armed group – the “Lugansk People’s Republic” (hereinafter, the “LPR”), which has a military-type organizational structure: unity of command,

[stamp:][illegible]

subordination, discipline, in which military training is carried out and which is illegally armed with serviceable firearms, explosives and other weapons.

The nature of the missions and methods with which this extralegal armed group is tasked and the resources it uses are militarized. Specifically, the “LPR” is tasked with seizing the territory of the Lugansk Region of Ukraine, its retention, forceful support for the self-proclaimed government agencies on the territory of this region, and armed resistance against the lawful authorities of Ukraine with the extermination of the military personnel of the Armed Forces of Ukraine, the National Guard of Ukraine, the law-enforcement agencies and the civilian population.

The functioning of the “LPR” is secured through the provision to it of funding and supplies of weapons, ammunition, explosives and military equipment.

It has been established that G.A. Zyuganov, a deputy of the State Duma of the Russian Federation and the Chairman of the Central Committee of the Communist Party of the Russian Federation, with the aim of securing the functioning of the “LPR”, during the period from February through May 2014, entered into a criminal conspiracy with V.D. Bolotov, the head of the extralegal armed group, and reached agreement with him on the funding by G.A. Zyuganov of the “Lugansk People’s Republic”.

With the aim of disguising the unlawful actions and making them appear legitimate, with the aim of raising funds to finance the “LPR”, an announcement was posted on the official website of the Communist Party of the Russian Federation (URL: <http://kprf.ru/international/ussr/132221.html>), entitled “Fundraising for humanitarian aid to the residents of the South-East of Ukraine”, with the following contents: “The Central Committee of the Communist Party of the Russian Federation is raising funds for humanitarian aid to the residents of the South-East of Ukraine. Funds should be transferred to the account of the “Russky Lad” [Russian Accord] Russian National Constructive Movement as specified in the attached file.” These bank accounts were used for the receipt of funds which G.A. Zyuganov used to fund the “Lugansk People’s Republic”.

Continuing his criminal actions aimed at securing the functioning of the “LPR” and the commission by the armed group of offenses against public security and other offenses on the territory of Ukraine, G.A. Zyuganov, using, *inter alia*, the aforementioned criminal mechanisms for raising funds, at the expense of these funds as well as other material resources, during the period from 05/22/2014 through 07/05/2014, by prior concert with V.D. Bolotov, the head of the “Lugansk People’s Republic”, and other unidentified persons, funded the aforementioned extralegal armed group.

[stamp:][illegible]



Thus, G.A. Zyuganov, by prior concert with V.D. Bolotov and other unidentified persons, funded the “Lugansk People’s Republic” extralegal armed group.

On 08/01/2014 a notice of suspicion was drawn up in respect of:

**Gennady Andreyevich Zyuganov, born on 06.26.1944** in the village of Mymrino, Khotinetsky District, Oryol Region of the Russian Federation, a citizen of the Russian Federation, a deputy of the State Duma of the Russian Federation, the Chairman of the Central Committee of the Communist Party of the Russian Federation,

on suspicion of having carried out deliberate actions, manifested in the funding of an extralegal armed group, i.e., a criminal offense under Part 3 of Article 260 of the CC of Ukraine.

The need has now arisen for procedural actions to be carried out in the Russian Federation to clarify and explore in detail the circumstances under which the criminal offense was committed.

We guarantee that the criminal proceedings are not aimed at political persecution, that this criminal offense is not a tax or political offense, and that it is not linked to political violations. We also assure [you] that all the materials obtained during the performance of the instruction will be used exclusively in order to establish the objective truth during these criminal proceedings.

On the basis of the above, guided by the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01/22/1993 and the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, we would ask that you consider this request and provide international legal assistance in Criminal Proceedings No. 1201400000000291, which comprises the performance in the Russian Federation of the following procedural actions:

1. The questioning as witnesses of officials from the “Russky Lad” Russian National Constructive Movement, namely the directors, accountants and lawyers of this organization, appending supporting documents. During the questioning, the following issues must be clarified:

- when, by whom and with what purpose was the “Russky Lad” Russian National Constructive Movement created, what is the sphere and type of its activities? Has the organization carried out activities in the territory of Ukraine, when and which activities? Where

[stamp:][illegible]

is this organization actually located and where is it legally registered, who is currently its director and founder?

- are the following details posted on the official website of the Communist Party of the Russian Federation the details of the “Russky Lad” Russian National Constructive Movement:

**name of recipient of payment:** “RUSSKY LAD” MOVEMENT,

**INN [Taxpayer ID] of recipient:** 7733191599,

**account number of recipient of payment:** 40703810038040005729,

**name of bank of recipient of payment:** SBERBANK OF RUSSIA OJSC,  
Moscow, Subsidiary Office No. 01827,

**BIC:** 044525225,

**correspondent account number of the bank of recipient of payment:**  
3010181040000000025?

- was permission granted to the “Russky Lad” Russian National Constructive Movement for the posting of these details on this website, and if so, then when and with what purpose and when were they posted?

- were funds received in the aforementioned bank account following its posting on the website of the Communist Party of the Russian Federation, if so, then from whom, in what amount, and by whom and how were they spent?

- what does G.A. Zyuganov have to do with the “Russky Lad” Russian National Constructive Movement, did he take part in (issue instructions in relation to) the distribution of the monetary and other resources of the organization received in the aforementioned account, and if so, in what connection?

Other issues will also have to be explored should they arise during questioning.

2. By submitting requests to the corresponding authorities, the obtaining of copies of the identity documents of the suspect, Gennady Andreyevich Zyuganov, born on 06/26/1944, his place of residence, certificates from state medical institutions from a psychiatrist and a substance abuse professional, as well as character references from his place of residence and place of work. Official information will also have to be obtained regarding whether G.A. Zyuganov has been held criminally liable in the Russian Federation, and copies of the corresponding procedural decisions.

**Procedure for performing the instruction:** provided this does not contravene the laws of the Russian Federation, we would ask that the requested procedural actions be carried out in compliance with the requirements of the laws of Ukraine.

I would request that the documents obtained in performing the instruction be certified with the official seal of the subdivision of the executor.

The performance of the investigative actions in the Russian Federation is driven by the need to ensure a rapid, full and unbiased investigation into the criminal proceedings.

[stamp:][illegible]

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine guarantees that any evidence and information received in the rendering of the international legal assistance will be used exclusively in these criminal proceedings and will not be used for political, military or other purposes.

Should any questions arise concerning this instruction or its performance, please contact Police Major Artem Sergeyeovich Tarasenko, Senior Special Cases Investigator of the Central Investigations Department of the Ministry of Internal Affairs of Ukraine, on his work phone number +380-44-254-78-57 or by e-mail: [gsu\\_mv47@ukr.net](mailto:gsu_mv47@ukr.net).

Should circumstances arise which mean that these procedural actions cannot be performed, please notify us at: Central Investigations Department of the Ministry of Internal Affairs of Ukraine, 10 Akademika Bogomoltsa St., Kiev 01601.

The Central Investigations Department of the Ministry of Internal Affairs of Ukraine wishes to take this opportunity to present its compliments to the law-enforcement agencies of the Russian Federation.

**Enclosures:**

1. Excerpts from Articles 2, 40, 93 of the Code of Criminal Procedure of Ukraine on 2 pages;
2. Excerpts from Articles 18, 42, 50, 65, 66, 67, 95, 104, 106, 223, 224, 566 of the Code of Criminal Procedure of Ukraine, excerpts from Articles 185-3 and 185-4 of the Code of Administrative Offenses of Ukraine and excerpts from Articles 384, 385 and 387 of the Criminal Code of Ukraine and from Article 63 of the Constitution of Ukraine on 13 pages;
3. Excerpt from Articles 110-2 and 260 of the Criminal Code of Ukraine on 3 pages;

**Senior Special Cases Investigator of the  
Central Investigations Department of the  
Ministry of Internal Affairs of Ukraine**

**Police Major**

[signature]

**Artem Sergeyeovich Tarasenko**

[seal:] [illegible]

**APPROVED**

**Deputy Head of the Second Department of  
Procedural Guidance for  
Pre-Trial Investigations and Support for Public Prosecutions  
of the Prosecutor General's Office of Ukraine**

**Counsellor of Justice**

[signature]

**Andrey Grigoryevich Shevchenko**

[seal:] [Office of the General Prosecutor of Ukraine]

14/3 [official emblem]

[illegible]

[barcode]  
117553 676213

**Prosecutor General's Office  
of the Russian Federation**

**15a B. Dmitrovka St.,  
Moscow, GSP-3, 125993, Russia**

17.08.2015 No. 87-157-2015

To No. 14/2-30451-14

To A.V. Kovalenko

Head of the Department of International Legal  
Cooperation

Prosecutor General's Office of Ukraine

[illegible]

Dear Aleksandr Vladimirovich,

The Prosecutor General's Office of the Russian Federation presents its compliments to the Prosecutor General's Office of Ukraine and hereby states that the request of the Central Investigations Department of the Ministry of Internal Affairs of Ukraine for legal assistance to be rendered in Criminal Proceedings No. 1201400000000291 has been reviewed.

It will not be possible to comply with this request on the grounds provided by Article 2(b) of the European Convention on Mutual Assistance in Criminal Matters dated 04/20/1959, Article 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters dated 01/22/1993, and Part 4 of Article 457 of the Code of Criminal Procedure of the Russian Federation, insofar as the rendering of the requested assistance could harm the sovereignty, security and other material interests of the Russian Federation.

Enclosures: on 23 pages.

Head of the Department of  
International Cooperation in  
Special Cases (Administrative Rights)  
of the Chief Administration for  
International Legal Cooperation

[signature]

D.E. Grunis

[seal:] Prosecutor General's Office of the Russian Federation, Primary State Registration No. 1037733614196

AR No. 052483

[stamp:] [illegible]

[stamp:] Prosecutor General's Office of the Russian Federation  
No. [illegible] 87-8585-15/3319

# Annex 406

Ukraine State Border Service Letter No. 72/36-994-73 to Ministry of Foreign Affairs, and annexes (10 December 2014)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





## ADMINISTRATION OF THE STATE BORDER GUARD SERVICE OF UKRAINE

(Administration of the State Border Guard Service of Ukraine)

26 Volodarska Street, Kyiv-601, 10601. Phone: (044) 235-11-00, fax: (044) 239-84-80, email: [adpsu@dpsu.gov.ua](mailto:adpsu@dpsu.gov.ua),  
[www.dpsu.gov.ua](http://www.dpsu.gov.ua)

---

December 10, 2014

55/2208

Foreign Ministry of Ukraine

Re: No. 72/36-994-73 DSK

This is to inform you that the State Border Guard Service of Ukraine is constantly making every reasonable effort – within its terms of reference – to document instances of illegal attempts to cross the state border of Ukraine from the direction of the Russian Federation.

Between June 2014 and now, we have submitted to the Foreign Ministry of Ukraine 19 written, photographic and video materials proving the involvement of the Russian Armed Forces in the armed conflict in Ukraine's east and the fact that they provided military vehicles, weapons, and ammunition to illegal paramilitary formations operated within Luhansk and Donetsk Oblasts.

The most telltale of them are as follows:

1. On May 30, 2014, border patrols of the State Border Guard Service detailed 11 citizens of Ukraine and Russian citizen Olga Ivanovna Kulygina (d.o.b. September 14, 1972, registered address of residence: 43 Leninskiy Prospect, apartment 17, Moscow) while they were attempting an illegal crossing of the state border. These individuals are involved in the contraband of weapons and ammunition to be handed over to terrorist groups operating in Luhansk and Donetsk Oblasts.

The following items were seized during the arrest: **27 AK-72 assault rifles**, **2 Makarov pistols**, **5 RPG-26 handheld anti-tank grenade launchers**, **5 Korovin pistols**, **5 Dragunov sniper rifles**, 36 magazines for AK-74, 9 magazines for Dragunov sniper rifle, 2 anti-aircraft collimator sights, **95 RGD-5 grenades**, **102 F1 grenades**, 1 stun grenade, 2 bore-sighting tubes for a Kalashnikov machine gun, **40 crates of large-caliber 12.7 mm cartridges**, **22 crates + 5 boxes of 7.62 cartridges**, **12 crates + 5 boxes of 5.45 mm cartridges**.

FOREIGN MINISTRY OF UKRAINE  
DEPARTMENT OF THE GENERAL  
SECRETARIAT  
Incoming Ref. No. 110899  
December 10, 2014



A search and screening also revealed mobile phones, a tablet PC, payment documents, personal memos, and paperwork proving that these individuals were implicated in separatist activities and had connections with intelligence services of the Russian Federation. Some of the documents found prove that their owners served in units of the special forces of the Ministry of Internal Affairs.

The fact that a portrait of Stepan Bandera was among the items seized does not rule out the possibility that they intended to stage provocations under the guise of Ukrainian nationalists.



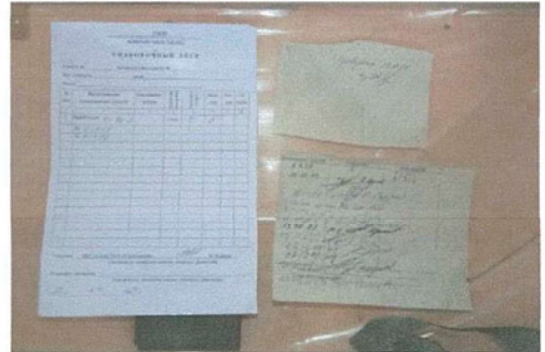
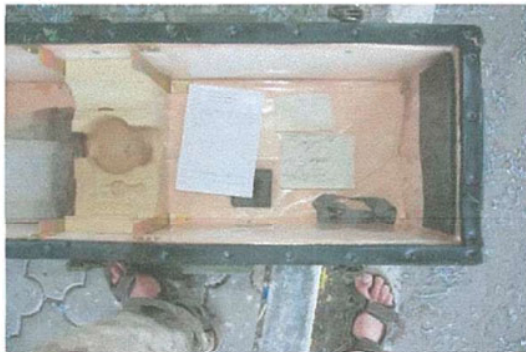


Attachment No. 1 (on a compact disk)

2. On June 6, 2014, after a successfully repelled attack by militants and the subsequent sweep of the territory around the Marynivka border crossing point of the Dmytrivka border guard service unit of the Donetsk Boarder Guard Detachment, a border patrol found a container that used to store a 9M39 IGLA shoulder-launched surface-to-air missile launcher and traces of its use at the site of combat.



The packing list contained in the container indicates that the missile launcher had been stored since 2001 at Military Unit No. 33859 of the Russian Anti-Aircraft Defense Forces (in the town of Eysk, Krasnodar Krai). The most recent packing notations are dated April 12, 2014.



Attachment No. 2 (on a compact disk)

3. At around 11:50 p.m. on July 15, 2014, a convoy of military vehicles comprised of five GRAD multiple rocket launchers and two BTR armored personnel carriers (providing cover) illegally crossed the state border of Ukraine in the direction of ROZHDESTVENSKIY (Russia) – KOSHARNE (Ukraine). Sixty meters into Ukrainian territory, they fired a salvo in the direction of the area where units of the Ukrainian Armed Forces were stationed. An inspection of the state border line revealed the location where they crossed the border with clear marks of military vehicle tires. Leftover caps of rocket missiles and scorched earth were found at the position from which the fire came.

Also, on the morning of July 16, 2014, we discovered an attempt to erase traces of an illegal border crossing from the direction of the Russian Federation using agricultural machinery that harrowed the fields.



Attachment No. 3 (on a compact disk)

4. At around 3:00 a.m. on July 22, 2014, a convoy of military vehicles comprised of fourteen GRAD multiple rocket launchers illegally crossed the state border of Ukraine in the vicinity of the population center of Pobeda. After this they fired a salvo in the direction of the population center of Amvrosiyivka.



Attachment No. 4 (on a compact disk)

Also please be informed that informational reference materials on the military and political situation at the state border submitted to the Foreign Ministry of Ukraine in September-October of this year were based on reports by border patrols, reconnaissance information, and reports from local residents. For objective reasons, the facts presented in your letter cannot be confirmed with evidentiary materials.

Attachment: 4 compact disks, for the specified recipient only.

First Deputy Chairman  
of the State Border Guard Service of Ukraine

Major General

[Signature]

V.M. Servatiuk

I.M. Kryzhanivskyi  
Phone: 527-63-70



# Annex 407

Intercepted conversation between DPR advisor O. Tsapliuk (code name “Gorets”) and DPR representative M. Vlasov (code name “Yuga”) 1(7:56:46, 23 January 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



24\_01\_2015\_\_17\_56\_46\_\_2804204\_(СБД)20596945\_00.wav

Time: 24.01.2015 17:56:46

Duration: 0:00:49

MSISDN: 380932804204

Direction: Incoming

Connection participants: <380993641081>

Type: AyduoON

Text SMS: "

Текст MMS: "

Cells:

DTMF:

Forwarding:

IMEI:

IMSI: 255062024424560

Comments: 'shln: first "collective farm" gone (Don2)'

Id of session: 95766303

ObjId: 39939

CallId: 7283

Operator ID=439;Name=coxp;LastName=coxp

Sign of selection NUMBER=380932804204;NumberType=MSISDN

**“Gorets”** - Hello Max!

**Max “Yugra”** - Hello!

**“Gorets”** -Hello!

**Max “Yugra”** - Yes!

**“Gorets”** - Max, listen, the first “kolkhoz”, what does your guide say? Left, crossed over?

**Max “Yugra”** - Yes, everything left. Yes.

**“Gorets”** - Are you sure?

**Max “Yugra”** - The guide ...Yes, sure. The guide says that the last vehicle has left, yes.

**“Gorets”** - And the second?

**Max “Yugra”** - Not yet. I'll tell you as soon as it leaves.

**“Gorets”** - The second... No, tell the second that as soon as they cross over, they should stay there and wait, somebody else is heading over there.

**Max “Yugra”** - And stand...wait?

**“Gorets”** - Yes, yes, yes. Reach out and wait there, somebody is heading towards them. And the first “kolkhoz” already left, right?

**Max “Yugra”** - Yes. Left, yes.

**“Gorets”** - Good. Bye.





# Annex 408

Intercepted Conversations of Maxim Vlasov (23–24 January 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



Ruben – 1  
Terek -2

**REPORT**  
**on the results of a covert investigative actions**

Kyiv

August 16, 2017

Commenced at 09:30 AM on 08/16/17

Ended at 5:00 p.m. on 08/16/17

I, First Lieutenant R.O. Narusevych, a detective with Section 4, of the 2nd Counterintelligence Directorate of the Security Service of Ukraine, in Office No. 415-1 (5/7 vul. Patorzhynskoho, Kyiv), pursuant to Article 7(6) of the Law of Ukraine “On Counterintelligence Activity” and the rulings of Deputy Chairman of the Kyiv Court of Appeal M.V. Pryndyuk No. 01-851tst of 10/15/14 (*valid from 10/15/14 to 12/15/14*), No. 01-10468tst of 12/10/14 (*valid from 12/10/14 to 02/10/15*), No. 01-1062tst and No. 01-1060tst of 02/04/15 (*valid from 02/04/15 to 04/04/15*), No. 01-2436tst of 03/26/15 (*valid from 03/26/15 to 05/26/15*), No. 01-5440tst of 07/07/15 (*valid from 07/07/15 to 09/07/15*), of Chairman of Kyiv Court of Appeal A.V. Chernushenko No. 01-3998tst of 05/20/15 (*valid from 05/20/17 to 07/20/17*), of Investigating Judge of the Kyiv Court of Appeal V.P. Hlynyanyi No. 01-6836tst of 08/27/15 (*valid from 08/27/15 to 10/27/15*), of Investigating Judge of the Kyiv Court of Appeal Ya.V. Holovachov No. 01-8319tst of 10/19/15 (*valid from 10/19/15 to 12/19/15*), and based on the results of technical field investigative actions taken by the Department of Technical Field Operations of the Security Service of Ukraine during the period from 11/28/14 to 12/12/15 in telecommunications systems and channels in order to identify signs or instances of terrorist and other unlawful activity, prepared this report about factual information obtained in the course of such actions that, according to Article 10(1) of the Law of Ukraine “On Operational Investigative Activity” and Article 256(1) of the Criminal Procedure Code of Ukraine, may be used in the course of the pre-trial investigation in Criminal Proceeding No. 22015050000000457 against unidentified persons complicit in the activity of the terrorist organization “DPR” [Donetsk People’s Republic] who used the cellphone numbers **380662624439**, **380958533685**, **380993641081**, **380993648631**, and **380993692433**.

The materials of the technical field investigative actions were received from the Department of Technical Field Operations of the Security Service of Ukraine on a CD-R, registry No. 5390 dated 06/19/17, and a DVD-R, registry Nos. 5359, 5363, 5360, 5352, and 5361 dated 06/19/17, marked “classified” (*declassified pursuant to Acts of the Expert Committee on Secrets of the 2nd Counterintelligence Directorate of the Security Service of Ukraine Nos. 2/2/8-20881, 2/2/8-20880, 2/2/8-20882, 2/2/8-20876, and 2/2/8-20877 dated 08/01/17, approved by First Deputy Director of the Security Service of Ukraine Colonel-General V.V. Makikov on 08/07/17*).

1. At 07:54:11 on 01/23/2015 (*session duration 00:52*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380954736392**, which is used by an **unidentified person**. The subscribers have the following conversation:

**Unidentified person:** Yes.

[stamp:] Exhibit to incoming No. 7456 08/21/07

“**Gorets**”: Only not on this one, on the military one.

**Max “Yugra”:** I understand exactly what you mean. M-hmm.

“**Gorets**”: OK, come on.

30. At 17:12:27 on 01/23/2015 (*session duration 00:48*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380508322870**, which is used by an **unidentified person**. The subscribers have the following conversation:

**Max “Yugra”:** Well, what’s the outcome?

**Unidentified person:** We just pulled in (*inaudible word*). We reported to “Pepel.” → *spotter*

**Max “Yugra”:** Have you arrived?

[illegible handwritten text]

**Unidentified person:** We’ve reached you (*inaudible word*) and reported to Pepel.

**Max “Yugra”:** So where are you now?

**Unidentified person:** I’m heading back to my position.

**Max “Yugra”:** What for?

**Unidentified person:** To pick up (*inaudible word*), to pick up the umm... We have assembly at a quarter to 10:00, right?

**Max "Yugra":** No, come on over by 21:00, all of you.

**Unidentified person:** By 21:00?

**Max "Yugra":** Yes.

31. At 17:59:51 on 01/23/2015 (*session duration 02:22*) cellphone number **380932804204**, which is used by a person with the call sign "**Gorets**," calls cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**." The subscribers have the following conversation:

**Max "Yugra":** Yes!

**"Gorets":** Max, you have the information. Did you get shelled by Grad rocket launchers today?

**Max "Yugra":** Yes, we did.

**"Gorets":** And, any casualties?

**Max "Yugra":** Yes, one advisor and one Russian.

**"Gorets":** Uh-huh, I see.

**Max "Yugra":** They counted and updated them, it's 100%. So there you go. They were working out there in the field.

**"Gorets":** You know what pisses me off? How the Ukrainian artillerymen hit their target and leave a bunch of corpses. The way the DPR artillerymen shoot, damn it, they don't get within 300 meters. That really bothers me and gets on my nerves. Did you get the DMK [airborne meteorological station]? I mean, not the DMK, the wind rifles? Do you have wind rifles?

**Max "Yugra":** Of course we do.

**"Gorets":** Are you counting (*inaudible word*)

[handwritten:] *an airborne meteorological station [text cut off] against the wind [text cut off]*

[handwritten:] *WR - a wind rifle shoots [text cut off]*

**Max "Yugra":** I'm constantly creating ranging points, but I don't just fire for nothing. Always from (*inaudible word*).

**"Gorets":** No, I understand. After all, you are (*inaudible word*). And when it isn't possible to create (*inaudible word*)?

**Max "Yugra":** I still have buyers<sup>??</sup>. I won't have cartridges until tomorrow. What's-his-name, my boss, will deliver them to me. You know how he is.

**"Gorets":** Yes.

**Max "Yugra":** It's always like that with him. I start with the guns, then up from there.

**"Gorets":** Get the cartridges at the warehouse.

**Max "Yugra":** Uh-huh. I'll definitely do that.

**"Gorets":** Get another little gun, too.

**Max "Yugra":** Understood.

**"Gorets":** Where did you get that gun? Did they drive it over?

**Max "Yugra":** Yes, they did.

**"Gorets":** I see, I see.

**Max "Yugra":** Well, they drove it over to me and said, "Use it as much as you want."

**"Gorets":** You'll take it away later?

**Max "Yugra":** No, I'll leave it here. I mean, it isn't mine. It belongs to the local guys.

**"Gorets":** Ah, I see. Ok, well, that's it. So, everything is in force. I won't say out loud over the phone what we were talking about today.

**Max "Yugra":** What do you mean? Where will they be? Are your guys flying over?

**"Gorets":** I called over there where I was supposed to. I'll try to let them know to go there, where you're going now.

**Max "Yugra":** Ok, gotcha. Understood, uh-huh.

36. At 20:19:41 on 01/23/2015 (*session duration 00:50*) cellphone number **380932804204**, which is used by a person with the call sign "**Gorets**," calls cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**." The subscribers have the following conversation:

**Max “Yugra”:** It’s me!

**“Gorets”:** Max, look – our guys are insisting on the first option, which was in the morning.

**Max “Yugra”:** Which is down below, which is down below, further south.

**“Gorets”:** Yes, yes, yes.

**Max “Yugra”:** Ok, understood. I’m carrying it out.

**“Gorets”:** Now look, Max, these organisms will be coming one by one. One will be there earlier, the second a little later, so the first ones you meet are picking up their own and transporting them. That means the guys you’re meeting don’t have any. You can contact me by air (*inaudible word*),

**Max “Yugra”:** Yes, of course. I’m on my way. I’m running, I’m running. I’m running already.

**“Gorets”:** Ok, let’s get in touch.

**“Gorets”:** Yes, yes.

40. At 20:56:05 on 01/23/2015 (*session duration 00:20*) cellphone number **380958533685**, which is used by an **unidentified person**, calls cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra.”** The subscribers have the following conversation:

**Max “Yugra”:** Yes

**Unidentified person:** Should we wait, or are we going?

**Max “Yugra”:** Go. Meet them. Everyone should meet their own.

**Unidentified person:** Ok, understood.

41. At 21:19:21 on 01/23/2015 (*session duration 00:39*) cellphone number **380993698923**, which is used by an **unidentified person**, calls cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra.”** The subscribers have the following conversation:

**Max “Yugra”:** Yes.

**Unidentified person:** Hello, Ivanovich? Hi, the canisters <sup>→Uragans?</sup> are under (*inaudible*) to save them, there aren’t any. None at all.

**Max “Yugra”:** I understand. Ok, I hear you, my friend.

**Unidentified person:** The bad weather is going to fuck things up, only tomorrow.

**Max “Yugra”:** I understand, ok, all right.

**Unidentified person:** Ok, bye.

**Max “Yugra”:** Uh-huh.

45. At 21:23:22 on 01/23/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra,”** calls cellphone number **380993648631**, which is used by an unidentified person with the call sign **“Terek.”** The subscribers have the following conversation:

**Terek:** Hello!

**Max “Yugra”:** Yes, tell all of your people, all of your people and what’s-his-name, Ruben, and all of your people at Kuznetsy, that everything has changed, at Kuznetsy.

**Terek:** Uh-huh, understood.

**Max “Yugra”:** Ok, everything has changed. Uh-huh.

**Terek:** Uh-huh.

46. At 21:29:30 on 01/23/2015 (*session duration 00:48*) cellphone number **380991821320**, which is used by an unidentified person with call sign **“Shram”** [“Scar”], calls cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra.”** In the course of the conversation, “Shram” hands the receiver to **“Alan”** The subscribers have the following conversation:

**“Shram”:** Hello!

**Max “Yugra”:** “Shram,” wait at Kuznetsy.

**“Shram”:** At Kuznetsy?

61. At 23:32:27 on 01/23/2015 (session duration 01:04) cellphone number 380993641081, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number 380993524267, which is used by an **unidentified person**. The subscribers have the following conversation:

**Unidentified person:** Yes!  
**Max “Yugra”:** Are “Terek” and “Ruben” far away from you?  
**Unidentified person:** Yes!  
**Max “Yugra”:** Where are they?  
**Unidentified person:** They went to get their parents.  
**Max “Yugra”:** Their parents? What parents?  
**Unidentified person:** I mean, their relatives.  
**Max “Yugra”:** What relatives?  
**Unidentified person:** The ones we’re supposed to meet.  
**Max “Yugra”:** Fuck, and where are you?  
**Unidentified person:** Well, in front of the spot where we’re supposed to meet them.  
**Max “Yugra”:** Shit. What the fuck? They need to get in touch with me right away. Right away. I mean right away!  
**Unidentified person:** Understood.  
**Max “Yugra”:** I mean right away.  
**Unidentified person:** I got it.  
**Max “Yugra”:** Ok, bye.  
**Unidentified person:** Uh-huh.

72. At 03:46:57 on 01/24/2015 (session duration 00:29) cellphone number 380993641081, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number 380993692433, which is used by a person with call sign “**Alan**.” The subscribers have the following conversation:

“**Alan**”: Yes.  
**Max “Yugra”:** So, what, are you on site then?  
“**Alan**”: Yes, yes, yes. We’re talking now.  
**Max “Yugra”:** One. One or two?  
“**Alan**”: Two.  
**Max “Yugra”:** Uh-huh, I see. Uh-huh.

73. At 03:50:48 on 01/24/2015 (session duration 00:42) cellphone number 380993641081, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number 380993692433, which is used by a person with call sign “**Alan**.” The subscribers have the following conversation:

**Max “Yugra”:** Hello? What did you call for? Hello!  
“**Alan**”: Hello!  
**Max “Yugra”:** You called?  
“**Alan**”: Yes.  
“**Alan**”: We’re basically starting to get drawn in now. → either into the territory or into the [illegible] zone  
**Max “Yugra”:** I see. No, tell your people to report to me, damn it. Why they hell aren’t they saying anything?  
“**Alan**”: Well (inaudible) we’re now (inaudible).  
**Max “Yugra”:** All right. And you had to find it in any case. Ok, I understand.  
“**Alan**”: Got it. Ok, bye.  
**Max “Yugra”:** Uh-huh.

74. At 03:54:35 on 01/24/2015 (session duration 00:38) cellphone number 380993641081, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number 380993648631, which is used by a person with the call sign “**Terek**.” The subscribers have the following conversation:

**Max “Yugra”:** Hello!  
**Terek:** Yes, I’m listening.  
**Max “Yugra”:** Well, what do you want?

**Terek:** No, you told me to call back, so I'm calling.

**Max "Yugra":** Well, damn it, somehow I don't even... Well, do you need to say a word there yet or what?

**Terek:** Not yet.

**Max "Yugra":** No one's there yet?

**Terek:** No, they were here. But, you know, they're standing deeper down over there.

**Max "Yugra":** And when will that (*inaudible*)?

**Terek:** They'll be here in a minute. They're about to head out.

**Max "Yugra":** Ah, but you'll call me, right? Uh-huh.

**Terek:** Uh-huh, yes, yes, yes.

75. At 04:44:16 on 01/24/2015 (*session duration 00:301*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**," calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben:** Hello!

**Max "Yugra":** Hello!

**Ruben:** Yes.

**Max "Yugra":** So, how's it going over there?

**Ruben:** Well, we're encountering "family" along the way.

**Max "Yugra":** Ah, you're still encountering them, huh?

**Ruben:** Uh-huh.

**Max "Yugra":** Ok, bye. Have a good night.

**Ruben:** Uh-huh.

76. At 05:01:33 on 01/24/2015 (*session duration 00:31*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**," calls cellphone number **380993648631**, which is used by a person with the call sign "**Terek**." The subscribers have the following conversation:

**Max "Yugra":** Hello!

**Terek:** "Ruben" met the last "family," going home.

**Max "Yugra":** I see. And you?

**Terek:** Not yet.

**Max "Yugra":** Well, but you saw them, right? You saw yours?

**Terek:** Huh?

**Max "Yugra":** You saw them, right?

**Terek:** Well, they're there, yes. They're transporting something for now.

**Max "Yugra":** Ok.

77. At 05:02:00 on 01/24/2015 (*session duration 00:12*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**," calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Max "Yugra":** Hello!

**Ruben:** I've encountered the "family."

**Max "Yugra":** Got it, uh-huh.

78. At 05:02:21 on 01/24/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**," calls cellphone number **380993692433**, which is used by a person with call sign "**Alan**." The subscribers have the following conversation:

**Max "Yugra":** Hello!

**"Alan":** They took everything away,

**Max "Yugra":** Well, that's just the first ones. What about the second ones?

**"Alan":** The second ones, who the fuck knows.

**Max "Yugra":** But you said two, damn it. I reported two, damn it (*inaudible*).

**"Alan":** (*inaudible*) I'll tell you everything when I get there.

**Max “Yugra”:** Uh-huh. Ok, bye.  
**“Alan”:** Uh-huh.

79. At 05:06:54 on 01/24/2015 (*session duration 00:24*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380993692433**, which is used by a person with call sign “**Alan**.” The subscribers have the following conversation:

**Max “Yugra”:** - (*speaks off to the side: I’ll fucking – how soon will he arrive, damn it? My damn brain is starting...*)  
**“Alan”:** Yes.  
**Max “Yugra”:** Hello, how soon will you arrive?  
**“Alan”:** We’re already (*inaudible*) we’ll get in the second one now and I’ll drive over to you.  
**Max “Yugra”:** Uh-huh, uh-huh. Good.  
**“Alan”:** Uh-huh.

80. At 05:10:39 on 01/24/2015 (*session duration 00:30*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben:** Hello!  
**Max “Yugra”:** Ruben, you need to go to the “flower beds” <sup>→ artillery positions</sup>, you need to go to the “flower beds” right away. Hello?  
**Ruben:** I, umm, I’ll stop by the house <sup>→ staging area [illegible]</sup> and head right over there.  
**Max “Yugra”:** No, well, to the “flower beds,” yes, then get right over there.  
**Ruben:** Yes, yes, yes, yes.  
**Max “Yugra”:** “Terek” told you, right? At 7:30 already.  
**Ruben:** Yes, yes, yes, yes.  
**Max “Yugra”:** Well, Ok, bye. Uh-huh.

81. At 05:25:28 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380508065681**, which is used by a person with the call sign “**Zhulyen**.” The subscribers have the following conversation:

**“Zhulyen”:** Yes, hello!  
**Max “Yugra”:** Are you with “Terek”?  
**“Zhulyen”:** Who?  
**Max “Yugra”:** Are you with “Terek,” I said?  
**“Zhulyen”:** Yes. He went down below. For the “guests,” I mean. I’m citing up above and waiting.  
**Max “Yugra”:** Ah, well, call me when you’ve, umm, really got them and start taking them out.  
**“Zhulyen”:** Understood.  
**Max “Yugra”:** Go straight to the “flower beds.” Ok?  
**“Zhulyen”:** Ok, ok.  
**Max “Yugra”:** All right, bye. Let him know. Tell him to call me back.  
**“Zhulyen”:** Ok.

82. At 05:43:45 on 01/24/2015 (*session duration 00:56*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**,” calls cellphone number **380993692433**, which is used by a person with call sign “**Alan**.” The subscribers have the following conversation:

**Max “Yugra”:** Yes.  
**“Alan”:** They stole enough for one “unit.” I can’t see the second one at all yet, damn it.  
**Max “Yugra”:** Well, but what did you tell me? You told me at 4:30 that there were still two, damn it. I reported that there were still two. What the fuck (*inaudible*)  
**“Alan”:** There were still two standing there. We fucking..., damn it, there were still two.  
**Max “Yugra”:** And where did the second one go?  
**“Alan”:** The second one? The second one is being filled <sup>→ filled with fuel</sup>, damn it  
**Max “Yugra”:** What’s it doing?



**“Alan”**: Getting filled.

**Max “Yugra”**: Ah, I see.

**“Alan”**: So it isn’t even on the horizon.

**Max “Yugra”**: No. And at 4:30, where the hell were they at 4:30?

**“Alan”**: We were standing in the courtyard and talking shit with the chief of staff and commander, the big big commander. Well, and both the first and second were there.

**Max “Yugra”**: Huh. Both the first and the second?

**“Alan”**: Yes. The first had already been fueled up, damn it, but the second one had just started.

**Max “Yugra”**: Ok. I understand. Uh-huh, bye.

83. At 05:46:07 on 01/24/2015 (*session duration 00:42*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra,”** calls cellphone number **380993692433**, which is used by a person with call sign **“Alan.”** The subscribers have the following conversation:

**Max “Yugra”**: Yes!

**“Alan”**: Well, at least let me know the decision, because the first “farm” has already headed north. It hasn’t arrived yet. So does it make any sense to start the work today or to hide them in a stack somewhere?

**Max “Yugra”**: What the hell should I report? They’ve already given me an assignment. What the hell should I tell them? They’re going to be fucking around, working in the fucking daytime.

**“Alan”**: I (*inaudible*) that well. I’ll be right there.

**Max “Yugra”**: Ok.

84. At 05:55:10 on 01/24/2015 (*session duration 00:45*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra,”** calls cellphone number **380508065681**, which is used by a person with the call sign **“Zhulyen.”** The subscribers have the following conversation:

**“Zhulyen”**: Yes, hello!

**Max “Yugra”**: Did you meet them?

**“Zhulyen”**: No, there aren’t any “guests” yet.

**Max “Yugra”**: (*off to the side*): you say he’s not here yet, he’s right here on the phone, waiting – he’s not here yet. No, what’s-his-name hasn’t arrived yet, right. Well, he came without the equipment. Do you understand? So there you go. He’s supposedly doing reconnaissance, everything’s there, damn it, and we’re supposed to go there, right? That’s my understanding, because I can’t say everything over the cell phone.

85. At 05:57:07 on 01/24/2015 (*session duration 00:49*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra,”** calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben**: Hello!

**Max “Yugra”**: Hello, Rubenchik, you have to go to the “flower beds” right away, right? To the flower beds.

**Ruben**: I’m processing <sup>→ [illegible handwriting]</sup> half the “family” right now, and half the “family” went straight away to the “flower beds.”

**Max “Yugra”**: Yes, you have to go to the “flower beds” then, everyone, right

**Ruben**: To the flower beds.

**Max “Yugra”**: And when will you be ready to report to me? Hello?

**Ruben**: Ok, understood, understood.

**Max “Yugra”**: Just be quick. They, those shitheads over there are fucking killing me already. Ok?

**Ruben**: I understand, damn it. We just don’t have enough damn time.

**Max “Yugra”**: Yes, I understand everything. I understand.

**Ruben**: As let you know as soon as the flags <sup>→ [illegible handwriting]</sup> ready.

**Max “Yugra”**: As soon as you’re ready, uh-huh.

**Ruben**: Yes, yes, yes.

96. At 07:19:10 on 01/24/2015 (*session duration 00:41*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra,”** calls cellphone number **380993648631**, which is used by an unidentified person with the call sign **“Terek.”** The subscribers have the following conversation:

**“Terek”**: Yes!

**Max “Yugra”**: Are you all done? Where are you now?

**“Terek”**: I met the “family” and crossed the, umm, **“ribbon”** <sup>border</sup>. That’s it, “Zhulyen” and I are driving straight over to the, um...

**Max “Yugra”**: I understand.

**“Terek”**: To work.

**Max “Yugra”**: How soon will you be on site – at the “flower beds” – approximately?

**“Terek”**: I don’t know. In about 40 minutes, probably.

**Max “Yugra”**: You’ll be at the “flower beds” in forty minutes. Ok, I’m reporting in forty...

**“Terek”**: Because, because they’re vehicles with carburetors.

**Max “Yugra”**: I understand, uh-huh. Ok, bye.

**“Terek”**: Uh-huh

*Ural 375 with carburetor*

113. At 08:10:27 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**“Terek”**: Yes?

**Max “Yugra”**: Hello? About how soon will you be ready?

**“Terek”**: I don’t know. I’m just approaching Bezymennoye at the moment.

**Max “Yugra”**: Just Bezymennoye?

**“Terek”**: Yes

**Max “Yugra”**: Motherfucker. Got it. Ok.

**“Terek”**: Uh-huh

114. At 08:14:02 on 01/24/2015 (*session duration 01:06*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**“Terek”**: Yes?

**Max “Yugra”**: Where did you leave it to work?

**“Terek”**: In Markino. Call “Oka”, he’ll tell you. He’s there with them.

**Max “Yugra”**: In Markino? Why in the world, why so far away, huh?

**“Terek”**: Where else should we put them?

**Max “Yugra”**: Closer. What the hell? I’m getting fucking shot. Closer...

**“Terek”**: Closer? Where closer?

**Max “Yugra”**: Well, well, where I said, that’s where. Let’s not say the name of the town out loud.

**“Terek”**: You mean in daylight (*inaudible*).

**Max “Yugra”**: Well, that’s fucking right. We’re under pressure from up top. And why the fuck should they spend half the day driving back and forth?

**“Terek”**: Yeah?

**Max “Yugra”**: Well, and the fuel, they’ll use up all the fuel. Go ahead and pull it over there where I said. At least for one. Well, pull it over there for one volley, for one. Call “Oka” and tell him to pull it closer for one volley.

**“Terek”**: Fuck.

**Max “Yugra”**: Come on, come on. Let’s go.

121. At 08:52:33 01/24/2015 (*session duration 00:33*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

*[illegible] +1020*

*[illegible] +0.23*

**“Terek”**: Hello?

**Max “Yugra”**: How much more time do you need?

**“Terek”**: That’s it, we’ve already done it – plus 1,020, plus 0.23.

**Max “Yugra”**: That doesn’t matter. When will you be ready?

**“Terek”**: Well, one – in about five minutes.

**Max “Yugra”**: Ok, report back to me in five minutes. Ok? Ok, bye.

**“Terek”**: One?

**Max “Yugra”**: Yes, one, then a second and immediately fucking reload. Got it?

**“Terek”**: Got it.

122. At 08:53:45 on 01/24/2015 (*session duration 00:20*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”**: Yes?

**“Terek”**: Which, umm, garden should we take?

**Max “Yugra”**: What?

**“Terek”**: “Concentrated” or what?

**Max “Yugra”**: Do “concentrated”, of course.

**“Terek”**: Or ~~“correct”~~? parallel

**Max “Yugra”**: “Concentrated”

**“Terek”**: Uh-huh, understood.

**Max “Yugra”**: Hurry up.

**“Terek”**: (off to the side) “Concentrated *battery of 4-6 units*”

123. At 08:58:27 on 01/24/2015 (*session duration 00:16*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”**: Yes?

**“Terek”**: Shit, I... He screwed up. The comrade. Then one who isn’t a comrade, damn it.

**Max “Yugra”**: What are you saying? What’s going on over there? How’s it going?

**“Terek”**: One is ready.

**Max “Yugra”**: Got it. I’ll let him know.

124. At 08:58:57 on 01/24/2015 (*session duration 00:49*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380932804204**, which is used by a person with the call sign **“Gorets”**. The subscribers have the following conversation:

**“Gorets”**: I’m listening, go ahead.

**Max “Yugra”**: One is ready.

**“Gorets”**: I know one is ready. When will number two be ready?

**Max “Yugra”**: He said in 5-7 minutes.

**“Gorets”**: 5-7 minutes? Got it. Do they have (*inaudible*)?

**Max “Yugra”**: What? I didn’t get that.

**“Gorets”**: Wait, wait until number two is ready, report back when it’s ready, and open fire on my command.

**Max “Yugra”**: Got it, Uh-huh.

**“Gorets”**: “Cosmos”, “Cosmos”, “Cosmos” → *satellite communications* , they need to deploy it. They need to deploy “Cosmos”.

**Max “Yugra”**: Uh-huh. Got it.

**“Gorets”**: Tell them about “Cosmos”. They brought “Cosmos” with them, right? They did bring it, didn’t they? They should deploy it, damn it.

**Max “Yugra”**: Understood, understood.

**“Gorets”**: Ok, let’s go. And then whoever reloads...

125. At 09:01:24 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**“Terek”**: Hello?

**Max “Yugra”**: When you’re ready with two, shell the shit out of them, get out to reload, and as soon as you’re done firing let me know. Hello?

**“Terek”**: So I shouldn’t wait for the command? Fire as soon as we’re ready?

**Max “Yugra”**: Yes, when you’re ready. Then give me a report. Go out and tell them yourself that they need to deploy some fricking “Cosmos”. They brought it with them. Go on. Uh-huh.

**“Terek”**: What did they bring?

**Max “Yugra”**: They brought something called “Cosmos” with them. “Cosmos” Ask them.

**“Terek”**: Understood.

**Max “Yugra”**: Go on, go on.

**“Terek”**: Well everything (*inaudible*)

126. At 09:05:02 on 01/24/2015 (*session duration 00:30*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Max “Yugra”**: Yes?

**Ruben**: I forgot to tell you – one of them didn’t go off. - Shell?

**Max “Yugra”**: That’s no big deal. Ok, keep working, all right?

**Ruben**: Listen, another thing, if it’s, so to speak, not just one, but all of them, if the “traverse” is kaput on all of them.  
→ whole pack of shells

**Max “Yugra”**: Ok, I understand. I understand. Keep working.

**Ruben**: If anything happens, I just (*inaudible*)

**Max “Yugra”**: Maybe.

**Ruben**: Do you understand?

**Max “Yugra”**: Ok, come on, let’s go. Let’s go.

127. At 09:07:50 on 01/24/2015 (*session duration 01:06*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380932804204**, which is used by a person with the call sign **“Gorets”**. The subscribers have the following conversation:

**“Gorets”**: Yes, Max?

**Max “Yugra”**: It’s me.

**“Gorets”**: So, is number two ready?

**Max “Yugra”**: Just one more minute. We expect it any moment now. It’s a matter of seconds. Yes.

**“Gorets”**: Give the order – “Fire” with one battery.

**Max “Yugra”**: Yes. Uh-huh.

**“Gorets”**: “Fire”. Then let them follow up with the other one. When number two is done firing, damn it, let me know.

**Max “Yugra”**: Yes. They’ve just about finished reloading already. Uh-huh, all done. Uh-huh.

**“Gorets”**: Well, let them load it then and take up a firing position.

**Max “Yugra”**: Yes, yes, yes. Understood.

**“Gorets”**: Your “Terek” needs to go up to the senior officer of that “farm”... He’s just hanging around by the battery commander.

**Max “Yugra”**: Yes, yes. They (*inaudible*).

**“Gorets”**: Tell him to go over to the senior officer. Are the batteries far away from each other?

**Max “Yugra”**: Well, I’m positioning them normally, so they’re about a kilometer or a kilometer and a half apart. So there you have it.

**“Gorets”**: (*inaudible*)

**Max “Yugra”**: Well of course. What else is the commander supposed to do?

**“Gorets”**: He needs to get over to the senior officer, damn it. What the fuck is he doing with the battery commander? I need “Lisai”, damn it. Do you understand? Do you understand? All right.

128. At 09:10:08 on 01/24/2015 (*session duration 01:00*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**, The subscribers have the following conversation:

**“Terek”:** Hello?

**Max “Yugra”:** Well, what’s happening over there?

**“Terek”:** Well, number two (*inaudible*).

**Max “Yugra”:** Then work with that one, work with that one. Once. Do you understand? That’ll be a follow-up. Listen to me, then you’ll have to find the senior officer. You’ll need to get right over to him. Over there.

**“Terek”:** (*inaudible*) probably stayed, damn it. I’m not driving over there now.

**Max “Yugra”:** Is he far away?

**“Terek”:** Well, of course, he’s at 60, damn it. No fucking way. That’s fucking bullshit.

**Max “Yugra”:** The most senior officer didn’t go? Is that right?

**“Terek”:** Well, I’m telling you, he’s at fucking “sixty”, at that...

**Max “Yugra”:** Understood. So how more time does number two need?

**“Terek”:** I don’t know. That “Korpan” guy is calling me again, damn it.

**Max “Yugra”:** Ok, understood. Look, finish working on number one, then go and reload. And follow up with number two. Understood? Tell “Zhulyen” to call me back. Ok, bye.

129. At 09:13:11 on 01/24/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380963375099**, which is used by a person with the call sign **“Oka”**. The subscribers have the following conversation:

**“Oka:** Yes?

**Max:** “Oka”, do you know where there commanding officer is?

**“Oka:** I don’t know. I took as much as I needed and came here.

**Max:** Ok, get in there right away!

130. At 09:13:32 on 01/24/2015 (*session duration 00:20*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”:** Yes?

**“Terek”:** I’m ready with number two.

**Max “Yugra”:** Ok, shell the shit out of them!

**“Terek”:** Well, I’m not going to do it quietly. You’ll probably hear it.

**Max “Yugra”:** Ok, go ahead, and leave right away. Let’s go!

**“Terek”:** Uh-huh.

**Max “Yugra”:** Understood.

**“Terek”:** Uh-huh.

**Max “Yugra”:** Get out of there and reload right away. Let’s go.

**“Terek”:** Got it.

131. At 09:15:04 on 01/24/2015 (*session duration 00:22*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380508065681**, which is used by a person with the call sign **“Zhulyen”**. The subscribers have the following conversation:

**“Zhulyen”:** Yes, hello?

**Max “Yugra”:** (*inaudible*) leave, no?

**“Zhulyen”:** No, especially at the same time.

**Max “Yugra”:** Ok, bye.

136. At 09:33:21 on 01/24/2015 (*session duration 00:43*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben:** Hello?

**Max “Yugra”:** Hello?

**Ruben:** Yeah?



**Max “Yugra”:** Ruben, how many of them did you meet? At what time did the column cross the you-know-what → *border* with it? At what time exactly did they arrive with the equipment? What time was it, exactly?

**Ruben:** About 6:30.

**Max “Yugra”:** It was somewhere around 6:25, right?

**Ruben:** Yes, yes, yes.

**Max “Yugra”:** Ok, fine. That’s exactly how they arrived, right? Ok, thanks.

**Ruben:** You can check with “Terek”, too.

**Max “Yugra”:** Ok, thanks. Bye.

**Ruben:** Bye.

137. At 09:34:22 on 01/24/2015 (*session duration 00:33*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380508065681**, which is used by a person with the call sign “**Zhulyen**”. The subscribers have the following conversation:

“**Zhulyen**”: Yes, hello?

**Max “Yugra”:** Zhulik, tell me exactly, at what time did that, you know, “farm” arrive? What time did it cross, that first vehicle, when did it cross the “**ribbon**” → *border*? I mean, roughly. What time was it, exactly?

“**Zhulyen**”: I can’t say exactly. “Shram” went down there below. I was standing up top and waiting.

**Max “Yugra”:** Well, how much later was it when they arrived, when they started crossing, time-wise?

“**Zhulyen**”: Around 8:00, roughly.

**Max “Yugra”:** Uh-huh, understood. Uh-huh, bye.

“**Zhulyen**”: Uh-huh.

168. At 11:46:09 on 01/24/2015 (*session duration 01:05*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

“**Terek**”: Yes?

**Max “Yugra”:** Hello? How much more do you need?

“**Terek**”: Huh?

**Max “Yugra”:** How much more time? Before moving out?

“**Terek**”: Well, number one is almost all ready. We have...

**Max “Yugra”:** Well?

“**Terek**”: We have about five more to put in. → *five shells [illegible]*

**Max “Yugra”:** And number two?

“**Terek**”: As for number two, I’m walking over to them now.

**Max “Yugra”:** Tell them to hurry up, friend. I’m already getting... They’re already reaming me out. Ah, when will it start to smoke. Ok, come on.

“**Terek**”: Well, they’re really running around. They brought two cases...

**Max “Yugra”:** Don’t give me any details. Not on the phone.

“**Terek**”: You know perfectly well...

**Max “Yugra”:** You know perfectly well. Come on, I mean, basically... Hello? What the hell?

“**Terek**”: Yes, ok.

**Max “Yugra”:** Come on, you need to move out faster. Let me know when you move out. Faster, faster.

169. At 11:57:31 on 01/24/2015 (*session duration 00:23*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

**Max “Yugra”:** Yes, I’m listening!

“**Terek**”: Well, I’m ready with **one** → *65M*. As for number **two** → *45M [illegible]*, four of them are ready.

**Max “Yugra”:** Damn! Hurry up with the rest. I’m already getting... damn it, the shit is really hitting the fan up here, buddy. Come on.

“**Terek**”: Understood

**Max “Yugra”:** Ok, all right. Bye.

170. At 12:01:46 on 01/24/2015 (*session duration 00:28*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380508065681**, which is used by a person with the call sign "**Zhulyen**". The subscribers have the following conversation:

**"Zhulyen"**: Yes, hello?

**Max "Yugra"**: Is it going to take you much longer, buddy?

**"Zhulyen"**: Well, I'm just finishing up the last one. They're a little slow somehow, damn it.

**Max "Yugra"**: Yeah? Well, come on, Sanechek, hurry them along, hurry them along, buddy.

**"Zhulyen"**: I'm hurrying them...

**Max "Yugra"**: You have to, you have to.

**"Zhulyen"**: He and "Gora" just – and I was running. Uh-huh. I'm doing it, I'm doing it.

**Max "Yugra"**: Come on, come on. We need it all already. They're screaming their heads off over there, damn it.

**"Zhulyen"**: Understood, Ok.

**Max "Yugra"**: Come on.

**"Zhulyen"**: We'll speed it up now.

171. At 12:07:19 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380963375099**, which is used by a person with the call sign "**Oka**". The subscribers have the following conversation:

**"Oka"**: Yes?

**Max "Yugra"**: Hello? "Oka", go ahead and pull up the next ones. Understood? Over here. Hello?

**"Oka"**: Yes, yes, I understand. That's what I'll do.

**Max "Yugra"**: Come one, pull them over. The next ones, right?

**"Oka"**: Yes, yes.

**Max "Yugra"**: Closer would be even better. Understood? Closer. Because I'm getting fucked from every side here. Hello?

**"Oka"**: Yes, Ok. Yes, yes, yes, understood.

172. At 12:13:24 on 01/24/2015 (*session duration 00:11*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380993641092**, which is used by a person by the name of Oleksandr with the call sign "**Riga**". The subscribers have the following conversation:

**Max "Yugra"**: Yes, I'm listening.

**"Riga"**: I see you called.

**Max "Yugra"**: Everything is fine. Do your thing. Uh-huh.

**"Riga"**: Uh-huh, understood.

173. At 12:17:50 on 01/24/2015 (*session duration 00:24*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380508065681**, which is used by a person with the call sign "**Zhulyen**". The subscribers have the following conversation:

**"Zhulyen"**: Yes, hello?

**Max "Yugra"**: "Zhulyen", how much more time do you need, buddy?

**"Zhulyen"**: About 5-7 more minutes and we'll be moving out.

**Max "Yugra"**: Ok, move faster yourselves, and hurry them along, ok? We've got to move faster, brothers. Uh-huh.

**"Zhulyen"**: Understood, understood.

174. At 12:19:45 on 01/24/2015 (*session duration 00:37*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben**: Hello?

**Max "Yugra"**: "Rubenchik", how's it going over there. Have you started yet?

**Ruben:** I was driving them back after they got lost. That's why, damn it... Now they're back on track.

**Max "Yugra":** Ah, is everything ok?

**Ruben:** Yes, yes.

**Max "Yugra":** Ok, load them and get the fuck back over there, ok?

**Ruben:** I didn't catch that.

**Max "Yugra":** Just load. Call me when you're moving out. Ok?

**Ruben:** Ah, ok. Yes.

175. At 12:46:41 on 01/24/2015 (*session duration 00:28*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380508065681**, which is used by a person with the call sign "**Zhulyen**". The subscribers have the following conversation:

**"Zhulyen":** Yes, hello?

**Max "Yugra":** So, is it ready yet?

**"Zhulyen":** Yes, we're on our way, we're on our way.

**Max "Yugra":** Ok.

176. At 12:49:39 on 01/24/2015 (*session duration 00:40*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380993648631**, which is used by a person with the call sign "**Terek**". The subscribers have the following conversation:

**Max "Yugra":** Hello?

**"Terek":** I'm at the "flower bed".

**Max "Yugra":** Uh-huh.

**"Terek":** But "Zhulyen", but "Zhulyen" just left.

**Max "Yugra":** I know, understood. Uh-huh. Ok.

**"Terek":** So, what should I do? Whenever I'm ready?

**Max "Yugra":** No, no. Wait for him for now... Check your corrections. Do you hear what I'm saying?

**"Terek":** Well, distance-wise – zero, and to the right – zero twenty-eight → *tighten 28 notches [illegible]*

**Max "Yugra":** Have you already counted?

**"Terek":** Yes.

**Max "Yugra":** Good, all right. Uh-huh. Ok.

**"Terek":** So, should I wait or...

**Max "Yugra":** Wait, wait for him.

**"Terek":** I mean, I'm standing right out in the open.

**Max "Yugra":** I'll call you right back. Ok, uh-huh.

**"Terek":** Uh-huh.

177. At 12:51:35 on 01/24/2015 (*session duration 00:52*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380932804204**, which is used by a person with the call sign "**Gorets**". The subscribers have the following conversation:

**"Gorets":** Yes, Max?

**Max "Yugra":** Hello?

**"Gorets":** Yes, Max, yes?

**Max "Yugra":** So, one of them is already at the "flower bed". The second is on its way.

**"Gorets":** And the first 200? The 200?

**Max "Yugra":** The 200, well, it's also being readied... It's being filled up.

**"Gorets":** I didn't get that.

**Max "Yugra":** The 200 is being loaded.

**"Gorets":** They're loading it, huh? For a third run.

**Max "Yugra":** Uh-huh. Hello?

**"Gorets":** Yes?

**Max "Yugra":** No, that...

**"Gorets":** Yes, yes, yes.



**Max “Yugra”:** Should he wait for the second one, or can he go ahead?

**“Gorets”:** He doesn’t need to wait. Let him fire and go reload again. Complete the assignment and go load. Come on, faster, come on. So, look, record the time...

178. At 12:52:41 on 01/24/2015 (*session duration 00:20*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380932804204**, which is used by a person with the call sign **“Gorets”**. The subscribers have the following conversation:

**Max “Yugra”:** Yes?

**“Gorets”:** Thirteen fifty-two. Write it down. Fire. Thirteen fifty-two.

**Max “Yugra”:** Thirteen fifty-two. Got it, yes.

**“Gorets”:** Yes. That’s the first battery. Yes.

**Max “Yugra”:** Yes.

**“Gorets”:** Yes.

179. At 12:57:55 on 01/24/2015 (*session duration 00:20*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”:** Hello?

**“Terek”:** So, what’s the...

**Max “Yugra”:** Are you ready?

**“Terek”:** Well, in a minute.

**Max “Yugra”:** Well, ok, as soon as...

**“Terek”:** Open fire right away, right? And then I pull out again.

**Max “Yugra”:** Yes, pull out. Yes. Ok.

**“Terek”:** Uh-huh

**Max “Yugra”:** Uh-huh. And report back.

180. At 13:01:37 on 01/24/2015 (*session duration 00:48*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”:** Hello?

**“Terek”:** I’m on my way.

**Max “Yugra”:** Ok, so, you fired everything already? Yes?

**“Terek”:** Yes, I’m on my way already.

**Max “Yugra”:** Ok, so tell me the first time you fucking fired.

**“Terek”:** What do you mean?

**Max “Yugra”:** The first time, when did you fire the first time? What time was it?

**“Terek”:** How many went off?

**Max “Yugra”:** No. I’m asking you at what time you fired the first time, you fucking shithead.

**“Terek”:** I don’t remember anymore.

**Max “Yugra”:** Roughly.

**“Terek”:** (*speaking aside to another person*) At what time did we shoot? The first time. What time was it when we fired? (*Then continues speaking with Max “Yugra”*): Somewhere around nine or ten, I don’t remember.

**Max “Yugra”:** Let’s say nine fifty-eight, ok?

**“Terek”:** Uh-huh

181. At 13:15:28 on 01/24/2015 (*session duration 00:42*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **Ruben**. The subscribers have the following conversation:

**Ruben:** Hello?

**Max “Yugra”:** “Ruben”, the very first one. You were working then. Can you remember the time? What time was it?

**Ruben:** Let’s see, we pounded them around 8:55.

**Max “Yugra”:** Ok, got it. Eight, right?  
**Ruben:** Fifty-five.  
**Max “Yugra”:** Eight fifty. Ok. Got it. That’s all clear.  
**Ruben:** Uh-huh.

182. At 13:21:08 on 01/24/2015 (*session duration 00:23*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

“**Terek**”: Hello?  
**Max “Yugra”:** Did you fire?  
“**Terek**”: No, I’m about to arrive already.  
**Max “Yugra”:** Who just fired?  
“**Terek**”: I don’t know, maybe “Zhulyen”?  
**Max “Yugra”:** Ok, fine. Uh-huh.

183. At 13:21:08 on 01/24/2015 (*session duration 00:38*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380508065681**, which is used by a person with the call sign “**Zhulyen**”. The subscribers have the following conversation:

“**Zhulyen**”: Yes?  
**Max “Yugra”:** Did you just fire?  
“**Zhulyen**”: Yes, yes, yes.  
**Max “Yugra”:** Ok, let’s go. Pull out.

184. At 13:22:42 on 01/24/2015 (*session duration 00:28*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380932804204**, which is used by a person with the call sign “**Gorets**”. The subscribers have the following conversation:

“**Gorets**”: Yes?  
**Max “Yugra”:** Another one finished firing.  
“**Gorets**”: So, at what time?  
**Max “Yugra”:** Yes.  
“**Gorets**”: Fourteen...  
**Max “Yugra”:** Yes.  
“**Gorets**”: Let’s write 14:22.  
**Max “Yugra”:** Yes. That’s all. It’s being reloaded. Uh-huh.  
“**Gorets**”: Yes, yes (*inaudible*)  
**Max “Yugra”:** Uh-huh.

185. At 13:23:44 on 01/24/2015 (*session duration 00:50*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380662624439**, which is used by a person with the call sign “**Dikyy**” [“**Wild**”]. The subscribers have the following conversation:

**Max “Yugra”:** Yes, I’m listening.  
“**Dikyy**”: Hello, “Mirza”?  
**Max “Yugra”:** Hello?  
“**Dikyy**”: Hello? So, there’s another set of bearings. Pichikus Station on the other side of Kalchik...  
**Max “Yugra”:** Uh-huh

“**Dikyy**”: Look on the map. They’re raining down Grad shells on Mariupol from there...  
**Max “Yugra”:** Uh-huh.  
“**Dikyy**”: And there’s a fucking 8-axle Smerch standing there. How the fuck it...  
**Max “Yugra”:** Yes, I got it. Understood. Tell me again, friend.  
“**Dikyy**”: There’s a station called Pichikus, the other side of Kalchik.

**Max “Yugra”:** “P.I.C.H.I.K.U.S.” Uh-huh.

**“Dikyy”:** The other side of Kalchik. It’s toward Volnovakha. I mean, if you’re heading up the Odessa Highway from Mariupol. Right there, around there, is Kalchik, and there, if you’re driving...

**Max “Yugra”:** So it’s called “Pichikus”.

**“Dikyy”:** Uh-huh. Ok, bye.

**Max “Yugra”:** Uh-huh.

186. At 13:26:23 on 01/24/2015 (*session duration 00:46*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”:** Hello?

**“Terek”:** Hello?

**Max “Yugra”:** Yes?

**“Terek”:** Your targets for the next run is “one hundred seven” and “one hundred nine”.

**Max “Yugra”:** “One hundred seven” and “one hundred nine”.

**“Terek”:** Yes.

**Max “Yugra”:** I think what’s-his-name, “Zhulyen”, was just working on “one hundred nine”. Repeat?

**“Terek”:** Ok. Then everything on “one hundred seventh”.

**Max “Yugra”:** Both, right? Ok, understood.

**“Terek”:** Yes, yes, on “one hundred seventh”.

**Max “Yugra”:** Did everything work out with the corrections?

**“Terek”:** We’re about to find out.

**Max “Yugra”:** Well, ok, call me after.

**Max “Yugra”:** Just a second, wait just a second! I’ll call you right back, ok!

**Ruben:** Ok!

197. At 14:19:42 on 01/24/2015 (*session duration 00:22*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**Ruben:** Hello?

**Max “Yugra”:** Ok, hide the division so it isn’t visible. Do you understand?

**Ruben:** Understood.

**Max “Yugra”:** Get the divisions out of there. The mission is on its way, do you understand?

**Ruben:** Understood.

**Max “Yugra”:** Load everything up and hide it, understood? So that it isn’t visible. Tell “Rizhy”, too. Put the whole fucking lot in the sheds.

**Ruben:** Understood.

**Max “Yugra”:** You got it, right? Hurry up.

**Ruben:** Got it.

198. At 14:20:21 on 01/24/2015 (*session duration 00:46*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”:** (speaking aside: Get everything the fuck out of there. Everyone load up and hide.) (Then converses with “Terek”).

**“Terek”:** Hello?

**Max “Yugra”:** “Terek”, listen! Everyone needs to load up and hide all the vehicles. Do you understand? Drive them into the sheds. Got it? The OSCE mission is coming, do you understand?

**“Terek”:** I understand.

**Max “Yugra”:** Do you understand or not? Hide both batteries. Everything...

**“Terek”:** Maybe I, maybe I, maybe I, umm... Load as much as possible and get out?

**Max “Yugra”:** Well, load it and hide it. Do you understand?

**“Terek”**: I understand.

**Max “Yugra”**: Ok.

**“Terek”**: I understand.

**Max “Yugra”**: Ok. Well, yes. In principle, that’s right. Make the decision, finish loading up if something happens. Put everything in the shed. You got it, right?

**“Terek”**: Yes, I got it.

**Max “Yugra”**: (*inaudible*) especially.

**“Terek”**: I understand.

**Max “Yugra”**: Get out and hide, do you understand? Hurry up.

**“Terek”**: I understand.

**Max “Yugra”**: Do it.

199. At 14:23:51 on 01/24/2015 (*session duration 00:29*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**Ruben**: Yes?

**Max “Yugra”**: Did you get through to “Rizhy”?

**Ruben**: He isn’t answering my fucking calls!

**Max “Yugra”**: Keep calling, keep calling. This is very important. He’s going to get busted over there...

**Ruben**: I understand.

**Max “Yugra”**: Call him, call him. As soon as you’ve hidden, report back to me, buddy. Ok, bye.

**Ruben**: Bye.

200. At 14:27:31 on 01/24/2015 (*session duration 00:54*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**, and hands the phone to someone by the name of **Oleksandr**. The subscribers have the following conversation:

**“Terek”**: Yes?

**Max “Yugra”**: “Terek”, so, you need to remove those **“centipedes”** → *Uragans* and hide them there. So that nobody sticks their noses in anywhere. In the woods somewhere. And everything else is clear, right?

**“Terek”**: I didn’t get that, I didn’t get that.

**Max “Yugra”**: Hide the “centipedes” first of all. Do you understand?

**“Terek”**: Yes

**Max “Yugra”**: The “centipedes”, yes. And everything else, so they’re completely gone. Even in the woods over there, ok, and nobody should come out. Don’t drive down these road in the “centipedes” – that would be a fuck-up! You can let the “supply train” on the road. That’s how...

**“Terek”**: I understand.

**Max “Yugra”**: And these fucking “butterflies” – you understand, right?

**“Terek”**: I’m driving them over there, over there. I understand.

**Max “Yugra”**: Ok, be careful (*inaudible*).

201. At 14:29:06 on 01/24/2015 (*session duration 00:31*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**Max “Yugra”**: Yes?

**Ruben**: The fucking bastard isn’t answering the phone.

**Max “Yugra”**: Well, keep calling the faggot. Shit, otherwise we're going to be fucked!

**Ruben**: It’s ringing. He not answering the fucking phone!

**Max “Yugra”**: Keep calling the idiot, keep calling. Uh-huh.

202. At 14:34:54 on 01/24/2015 (*session duration 00:41*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380955094461**, which is used by a person by the name of "**Ruben**". The subscribers have the following conversation:

**Ruben:** Hello?

**Max "Yugra":** Rubinchik, did you get through yet?

**Ruben:** Fuck no!

**Max "Yugra":** Fucking idiot! He's a goner. That...

**Ruben:** I can't believe he hasn't shown up.

**Max "Yugra":** Yes! The fucking idiot better turn up. Do you understand? Keep calling him. And, in general we need to save – umm, those "centipedes" need to go in the woods, damn it, but let the supply vehicles go. Got it? The main thing is to get rid of the "centipedes". Uh-huh.

**Ruben:** I understand, I understand.

**Max "Yugra":** Yes. Just hide them in the ravine, so they aren't visible. Here and there.

**Ruben:** Everything's fine here. The sheds are...

**Max "Yugra":** Ok, bye. Uh-huh. Keep calling that idiot.

**Ruben:** Uh-huh.

203. At 14:36:45 on 01/24/2015 (*session duration 01:10*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380993524267**, which is used by a person with the call sign "**Rizhy**" ["Redhead"]. The subscribers have the following conversation:

**Max "Yugra":** Hello?

**"Rizhy":** Hello? Yes?

**Max "Yugra":** Hello? Hide so no one can see you, especially the "centipedes". Do you understand? In the fucking ravine, got it? Hello?

**"Rizhy":** Yes, I understand.

**Max "Yugra":** Hurry up.

**"Rizhy":** Right away. We'll be ready soon.

**Max "Yugra":** You don't have to be ready! What the fuck do you mean, "ready"? Hurry the fuck up and hide. Take it away so no one can see it, so no one can fucking see you. Do you understand? What the fuck do you mean, "ready"?

**"Rizhy":** I understand.

**Max "Yugra":** Ok, come on, but let the supply vehicles go wherever the fuck they want. Do you understand? The supply vehicles over there. But these, hide them so they can't be seen from the road, nothing anywhere. Do you understand? In the ravine. Everyone just sit in the vehicles.

**"Rizhy":** And wait for further orders, right?

**Max "Yugra":** Yes! Wait for further orders. Just stay in contact. Do you understand? Wait, even if you have to spend all night there, do you understand. Ok, that's all.

**"Rizhy":** Yes, I understand.

At 14:38:14 on 01/24/2015 (*session duration 00:11*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380955094461**, which is used by a person by the name of "**Ruben**". The subscribers have the following conversation:

**Max "Yugra":** Yes?

**"Ruben":** I got through to him

**Max "Yugra":** Yeah, me too. Go on, report back as soon as you're hidden. Go on. Ok?

**"Ruben":** Uh-huh. Ok.

205. At 14:39:14 on 01/24/2015 (*session duration 00:50*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380993648631**, which is used by a person with the call sign "**Terek**". The subscribers have the following conversation:

**"Terek":** Yes?

**Max “Yugra”:** As soon as you’re hidden, report back to me. Just make sure no one finds you, not even Mandalay. Ok?

**“Terek”:** And in the sheds? In the sheds?

**Max “Yugra”:** Yes, just be careful. Hurry up, speed everything up. Have you cleared the fuck out yet?

**“Terek”:** Not yet.

**Max “Yugra”:** What the hell? I’m already, I’m already... Well? Hello?

**“Terek”:** Mine is, mine is standing on the dirt, in Kardashinka.

**Max “Yugra”:** I understand. Cover that one, and (*inaudible*) take it away already, move it out through the outskirts of the village, especially the “centipede”...

**“Terek”:** Understood.

**Max “Yugra”:** Get all of the fucking “centipedes” out of there. And you can seat the fucking retards up top on those boxes. Let’s go!

**“Terek”:** Understood.

209. At 15:11:19 on 01/24/2015 (*session duration 00:30*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380955094461**, which is used by a person by the name of “**Ruben**”. The subscribers have the following conversation:

**“Ruben”:** Hello?

**Max “Yugra”:** Hello, Rubinchik! Tell me that’s it. Tell all the guys, tell the guys, once it’s dark, they can come out carefully. Well, pull them out and take them over to “zero”. Got it?

**“Ruben”:** Uh-huh. That’s everything, for sure?

**Max “Yugra”:** Yes, that’s everything for sure. Ok, bye.

**“Ruben”:** Got it.

210. At 15:11:58 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

**“Terek”:** Yes?

**Max “Yugra”:** Hello, look, “Terek”, wait until dark and take them all out to “zero”. Understood?

**“Terek”:** Hello. What, am I supposed to go back now? I just turned around and I’m driving...

**Max “Yugra”:** Shit, what the hell am I going to do (*inaudible*)

**“Terek”:** No, no, so what am I...

**Max “Yugra”:** Hide them well. Hide them, wait for dark, and once it’s dark go quietly to “zero”. Ok?

**“Terek”:** Understood.

**Max “Yugra”:** Only when it’s pitch dark.

**“Terek”:** Ok.

211. At 15:18:31 on 01/24/2015 (*session duration 00:32*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

**“Terek”:** Yes?

**Max “Yugra”:** Hello? It’s going to be pitch dark there by 18:00. At 18:00 start carefully moving toward “zero”. To “zero”. Ok?

**“Terek”:** At 18:00.

**Max “Yugra”:** Yes. Well, it’s going to be dark already, right?

**“Terek”:** Well, yeah. Well, I’ll see how things look then.

**Max “Yugra”:**.. Ok. Uh-huh.

**“Terek”:** Uh-huh.

212. At 15:19:16 on 01/24/2015 (*session duration 00:37*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380955094461**, which is used by a person by the name of “**Ruben**”. The subscribers have the following conversation:

**“Ruben”**: Hello?

**Max “Yugra”**: Hello? So, as soon as it gets dark – 18:00, 18:15, start moving toward “zero”.

**“Ruben”**: Yes, yes, yes.

**Max “Yugra”**: Ok.

**“Ruben”**: Yes, yes. Tell me instead – they’re wondering if everything is ok over there?

**Max “Yugra”**: Well, I’ll tell you later. Come on, keep working. Uh-huh.

**“Ruben”**: People are wondering over there, damn it. Uh-huh.

**Max “Yugra”**: All right. Well, everything is fine over in your direction.

**“Ruben”**: Ok, got it.

213. At 15:44:45 on 01/24/2015 (*session duration 00:36*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”**: Hello?

**Max “Yugra”**: Rubenchik, have you left yet?

**“Ruben”**: No.

**Max “Yugra”**: Ah. Rubenchik – you and “Rizhy”, pound the same targets you hit before. Pound them and immediately pull back to “zero”. Got it? Hello?

**“Ruben”**: Yes. Got it.

**Max “Yugra”**: Yes, ok. Here’s your assignment: Call “Rizhy”, go out and pound them, got it? Then immediately report back to me. The same targets you fired on earlier, yes. Ok. Uh-huh.

**“Ruben”**: Ok, got it.

214. At 15:45:36 on 01/24/2015 (*session duration 00:32*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**“Terek”**: Yes?

**Max “Yugra”**: Hello, “Terek”, go ahead and start moving to “zero” in about 15 minutes. All right.

**“Terek”**: But I haven’t even arrived yet?

**Max “Yugra”**: Arrived where?

**“Terek”**: In Markino.

**Max “Yugra”**: All right, I’m going to keep it short: start the movement in about 15 minutes. Ok, bye.

230. At 17:00:41 on 01/24/2015 (*session duration 00:34*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**“Terek”**: Hello?

**Max “Yugra”**: Did you take it away?

**“Terek”**: I’m just pulling up now.

**Max “Yugra”**: Uh-huh. And those – the rest of his “farm”?

**“Terek”**: I don’t know yet.

**Max “Yugra”**: Uh-huh. But has it started moving yet? Can you find out? I’m asking you for real.

**“Terek”**: Ok, hang on. Let me just get out first.

**Max “Yugra”**: Ok, bye.

**“Terek”**: Uh-huh.

231. At 17:04:27 on 01/24/2015 (*session duration 00:23*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”**: Ok, I’m walking away.

**Max “Yugra”:** Come on, run! Fly over there to your guys. Find out where your guys are standing, ok. I mean, the “farm”...

**“Ruben”:** Uh-huh.

**Max “Yugra”:** The second one.

**“Ruben”:** Yes, yes.

**Max “Yugra”:** Take them over there.

232. At 17:07:17 of 01/24/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380993648631**, which is used by a person with the call sign “**Terek**”. The subscribers have the following conversation:

**“Terek”:** Yes?

**Max “Yugra”:** Do you know where the “supply train” is?

**“Terek”:** Huh?

**Max “Yugra”:** The “supply train”, do you know where it is?

**“Terek”:** Try calling “Oka”.

**Max “Yugra”:** What?

**“Terek”:** Try calling “Oka”. I...

**Max “Yugra”:** Ok, fine. All right, bye.

233. At 17:07:59 on 01/24/2015 (*session duration 00:39*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380963375099**, which is used by a person with the call sign “**Oka**”. The subscribers have the following conversation:

**“Oka”:** Yes?

**Max “Yugra”:** “Oka”, where’s the “supply train”?

**“Oka”:** Well, we’re making our way gradually.

**Max “Yugra”:** You’re already on your way there? Yes?

**“Oka”:** Yes, yes, yes.

**Max “Yugra”:** You’re taking everything, right? You’re taking everything, right?

**“Oka”:** Yes, yes, yes. Are we the first ones?

**Max “Yugra”:** Yes. How much longer will it take you?

**“Oka”:** Well, about 10-15 minutes if make a straight line.

**Max “Yugra”:** Ok, bye.

**“Oka”:** At least.

**Max “Yugra”:** Uh-huh, ok.

234. At 17:13:37 on 01/24/2015 (*session duration 01:44*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign “**Yugra**”, calls cellphone number **380932804204**, which is used by a person with the call sign “**Gorets**”. The subscribers have the following conversation:

**Max “Yugra”:** Yes, hello?

**“Gorets”:** Listen, can you somehow explain, in rough terms, what the hell happened over there and why they can't carry out a basic task? Where’s your what’s-his-name, “Rubin”, and “Terek”, damn it?

**Max “Yugra”:** They all moved out. I reported everything over the phone. I fulfilled my orders.

**“Gorets”:** How could you have reported over the phone if they are reporting that they haven’t done a damn thing yet?

**Max “Yugra”:** By the way, that’s what I told them. I’m telling you, I fulfilled (*inaudible*). I reported ten minutes ago. I reported where the unit is now (*inaudible*)

**“Gorets”:** I see that. I see that. Did you report the number of kilometers?

**Max “Yugra”:** Well, I’m not talking about the number of kilometers. How many kilometers from (*inaudible*) to “zero”, depending where, how far away they are now. It’s “Gorets”.... Yes!

**“Gorets”:** Listen, wait. Listen, damn it. Calm the hell down. Turn off the damn adrenaline. Max, turn off your damn adrenaline. Just calm down. Those idiots who stayed there, are they all moving out?

**Max “Yugra”:** Yes, they’re moving out.

**“Gorets”:** The “supply train” – is the “supply train” moving out?

**Max “Yugra”:** Yes, it’s moving out.



**“Gorets”**: The first “kolkhoz’s” supply train?

**Max “Yugra”**: Yes.

**“Gorets”**: Is the second half of the second “kolkhoz” moving out?

**Max “Yugra”**: Yes. Yes, it’s moving out.

**“Gorets”**: They’re carrying out all the orders and starting to move, right?

**Max “Yugra”**: Yes. Of course, yes. All of them.

**“Gorets”**: Listen, is your guide there? Is he with them to the end or not?

**Max “Yugra”**: They’re still leading them. They all have a guide.

**“Gorets”**: Ok, they’re in touch, I see. Regarding the first “kolkhoz”, I understand where they’re located. Tell them to let me know roughly when the second one reaches the same spot at the first one.

**Max “Yugra”**: Absolutely, absolutely.

**“Gorets”**: Ok. That’s all. I’m hanging up.

235. At 17:17:52 on 01/24/2015 (*session duration 00:50*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380988711487**, which is used by a person with the call sign **“Rizhy”**. The subscribers have the following conversation:

**“Rizhy”**: Yes?

**Max “Yugra”**: “Rizhy”, are you there now?

**“Rizhy”**: Yes.

**Max “Yugra”**: Call “Ruben”. Meet up and head over there. Got it?

**“Rizhy”**: Umm... where exactly?

**Max “Yugra”**: What do you mean, “where”? There, damn it. Where do you think?

**“Rizhy”**: Ah, I understand.

**Max “Yugra”**: Call “Ruben”, got it?

**“Rizhy”**: Ok.

**Max “Yugra”**: Have they brought the “supply train” up yet?

**“Rizhy”**: Well, we dragged all of our own stuff over here.

**Max “Yugra”**: Ok. That’s all fine. Ok, wait for “Ruben” get the fuck over there.

**“Rizhy”**: Got it.

236. At 17:19:04 on 01/24/2015 (*session duration 00:34*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380963375099**, which is used by a person with the call sign **“Oka”**. The subscribers have the following conversation:

**“Oka”**: Hello?

**Max “Yugra”**: Hello, when will you get there?

**“Oka”**: We’re just pulling up. We’ll be there in 3-4 minutes.

**Max “Yugra”**: And that’s it, you’re going to let them go, right?

**“Oka”**: Yes.

**Max “Yugra”**: Ok, bye.

237. At 17:21:58 on 01/24/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380993648631**, which is used by a person with the call sign **“Terek”**. The subscribers have the following conversation:

**Max “Yugra”**: Hello?

**“Terek”**: Umm... The “centipedes” have left.

**Max “Yugra”**: Uh-huh. He says he’ll be there shortly.

**“Terek”**: Somewhere, damn it. I don’t even know where he called from.

**Max “Yugra”**: He called, huh?

**“Terek”**: Only there was nobody here. We had to remove the gate bar.

**Max “Yugra”**: Well, that’s all fine. Uh-huh.

**“Terek”**: Are there any ABATO guys over there? No?

239. At 17:28:17 on 01/24/2015 (*session duration 00:14*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380963375099**, which is used by a person with the call sign "**Oka**". The subscribers have the following conversation:

**Max "Yugra"**: Yes?  
**"Oka"**: Ok, I brought them.  
**Max "Yugra"**: What?  
**"Oka"**: I brought them, I brought them.  
**Max "Yugra"**: Let them go there, let them go, then.  
**"Oka"**: Yes, yes, yes.  
**Max "Yugra"**: Uh-huh. They all came, right? All of them?

240. At 17:29:50 on 01/24/2015 (*session duration 00:51*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380963375099**, which is used by a person with the call sign "**Oka**". The subscribers have the following conversation:

**"Oka"**: Hello, yes?  
**Max "Yugra"**: Hello? Has everyone left? Nobody stayed behind?  
**"Oka"**: Well, yes, the column is passing by.  
**Max "Yugra"**: No, I understand. Any broken ones? Fuck, I'm asking that.  
**"Oka"**: I, I was at the head. I'll let them past, then I'll come back and report.  
**Max "Yugra"**: Uh-huh. Ok, bye.

241. At 17:40:16 on 01/24/2015 (*session duration 00:24*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380993648631**, which is used by a person with the call sign "**Terek**". The subscribers have the following conversation:

**Max "Yugra"**: Yes?  
**"Terek"**: I've escorted them all.  
**Max "Yugra"**: They've all moved out?  
**"Terek"**: Yes.  
**Max "Yugra"**: And what's left?  
**"Terek"**: Well, the last one has moved out. He said that was all, he was the last.  
**Max "Yugra"**: Good, ok.  
**"Terek"**: So, should I go home then?  
**Max "Yugra"**: Yes, go back to your place. Uh-huh.

242. At 17:56:43 on 01/24/2015 (*session duration 00:53*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign "**Yugra**", calls cellphone number **380932804204**, which is used by a person with the call sign "**Gorets**". The subscribers have the following conversation:

**"Gorets"**: Hello, Max?  
**Max "Yugra"**: Hello.  
**"Gorets"**: Hello.  
**Max "Yugra"**: Yes?  
**"Gorets"**: Max, listen, the first "kolkhoz" is yours. What does your guide say? Has it left? Has it crossed?  
**Max "Yugra"**: Yes, it has all left. Yes.  
**"Gorets"**: For sure?  
**Max "Yugra"**: Yes, for sure. The guide says the last vehicle has left, yes.  
**"Gorets"**: And the second?  
**Max "Yugra"**: Not yet. As soon as it leaves, I'll let you know.  
**"Gorets"**: The second... No, tell the second that as soon as they cross, they should immediately form up and wait there. People are on their way to meet them.  
**Max "Yugra"**: But they're standing...  
**"Gorets"**: Yes. They're contacting us. They're standing and waiting there, and people are on their way to meet them. But the first "kolkhoz" has left, right?

**Max “Yugra”:** Yes, it has left.  
**“Gorets”:** Good, ok.

243. At 17:57:50 on 01/24/2015 (*session duration 00:41*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”:** Hello?  
**Max “Yugra”:** Hello, “Ruben”, have they arrived yet?  
**“Ruben”:** I’m about to see them off already.  
**Max “Yugra”:** No, no, no. Tell the senior officer, tell the senior officer to go out past, well, past the “ribbon”.

**“Ruben”:** Uh-huh.  
**Max “Yugra”:** Ok. Hello? And tell him to wait there for his, well, tell him to go drive a bit further out and wait, and then make contact. Tell him the make contact. Got it?  
**“Ruben”:** Does he know who to contact?  
**Max “Yugra”:** Yes, he knows. He knows who to contact. And it’s not at all...  
**“Ruben”:** Uh-huh.  
**Max “Yugra”:** Ok.  
**“Ruben”:** Got it.

244. At 17:58:41 on 01/24/2015 (*session duration 00:27*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”:** Hello?  
**Max “Yugra”:** Yes, as soon as they go out, as soon as they get up there, well, as soon as they go out there, past the, umm...  
**“Ruben”:** Uh-huh  
**Max “Yugra”:** Past the thing. They should stand up so as to be visible, understood? And then they should make contact. Report back to me when they’ve moved out. Ok, let’s go.  
**“Ruben”:** Ok.

245. At 17:59:25 on 01/24/2015 (*session duration 00:25*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”:** Hello?  
**Max “Yugra”:** Hello, Ruben. There are three of our guys there, three of our guys. Three of our young guys. Take them with you, ok?  
**“Ruben”:** Ok.  
**Max “Yugra”:** Uh-huh, ok.

246. At 18:00:07 on 01/24/2015 (*session duration 00:19*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used by a person by the name of **“Ruben”**. The subscribers have the following conversation:

**“Ruben”:** Hello?  
**Max “Yugra”:** They’re there, umm, well, they’re standing at the post. Ok?  
**“Ruben”:** Uh-huh. I understand.

247. At 18:06:05 on 01/24/2015 (*session duration 00:25*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **“Yugra”**, calls cellphone number **380955094461**, which is used

by a person by the name of **"Ruben"**. The subscribers have the following conversation:

**"Ruben"**: Hello?

**Max "Yugra"**: Well, have they moved out yet?

**"Ruben"**: Not yet.

**Max "Yugra"**: What's going on?

**"Ruben"**: They're about to arrive, they're about to arrive.

**Max "Yugra"**: Ah, in Kuznetsy, right? Ok.

**"Ruben"**: Ok.

**Max "Yugra"**: All right, bye.

248. At 18:10:02 on 01/24/2015 (*session duration 00:19*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **"Yugra"**, calls cellphone number **380993641092**, which is used by a person with the call sign **"Andr"**. The subscribers have the following conversation:

**Max "Yugra"**: Yes?

**"Andr"**: This is "Andyr". I just wanted to clarify, what am I supposed to pass on for nineteen thirty?

**Max "Yugra"**: Don't pass anything on yet. Later, at the next capture, you'll do it.

**"Andr"**: Ok.

249. At 18:26:00 on 01/24/2015 (*session duration 00:32*) cellphone number **380993641081**, which is used by a person by the name of **Max** with the call sign **"Yugra"**, calls cellphone number **380955094461**, which is used by a person by the name of **"Ruben"**. The subscribers have the following conversation:

**Max "Yugra"**: Yes?

**"Ruben"**: Ok, I sent the "family".

**Max "Yugra"**: You told them to stop over there, in the bare patch.

**"Ruben"**: Yes, Yes. I told them to stop and call. Listen, what about those other three at the post?

**Max "Yugra"**: Can you pick them up and bring them here to us?

**"Ruben"**: Where?

**Max "Yugra"**: Well, to "one".

**"Ruben"**: Oy! Ok, I'll pick them up.

**Max "Yugra"**: All right.

The disks accompanying the transcript also contain other materials that may have a bearing on Criminal Proceeding No. 22015050000000047.

**Exhibit**: CD-R, registry No. 5390 dated 06/19/17; DVD-R, registry Nos. 5361, 5352, 5360, 5363, 5359 (*six*) items, declassified.

#### **Detective, Section 4**

**2<sup>nd</sup> Counterintelligence Directorate of the Security Service of Ukraine**

**First Lieutenant**

[signature]

**R. Naursevych**

August 16, 2017

Registry No. 2/2/5-4998

# Annex 409

Meta data for Conversation Between Phone Numbers 380993641081 and 380508065681  
(13:21:45, 24 January 2015)

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*380993641081-2015.01.24-13.21.45-273.wav*

*Object: 380993641081*

*MSISDN: 380993641081*

*IMEI: 35628805016889*

*IMSI: 255012940641081*

*Date: 24.01.2015*

*Time: 13:21:45*

*Duration: 0:0:39*

*Direction: Outgoing*

*Participants: 380508065681*

*Tun: Audio, Answered*

*Location:*

*village of Bezimennoe, Novoazovskiy district, Donetsk region, 51 Silskohospodarska Str (agro production facility No 5)*





# Annex 410

Meta data for Conversation Between Phone Numbers 380993641081 and 380993648631  
(09:13:32, 24 January 2015)

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*380993641081-2015.01.24-09.13.32-584.wav*

*Object: 380993641081*

*MSISDN: 380993641081*

*IMEI: 35628805016889*

*IMSI: 255012940641081*

*Date: 24.01.2015*

*Time: 9:13:32*

*Duration: 0:0:21*

*Direction: Incoming*

*Participants: 380993648631*

*Type: Audio, Answered*

*Location:*

*village of Bezimennoe, Novoazovskiy district, Donetsk region, 51 Silskohospodarska Str (agro production facility No 5)*



# Annex 411

Intercepted Conversation between Tsapliuk (“Gorets”) and Grynchev (“Terek”) (08:54:19, 24 January 2015)

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24\_01\_2015\_\_08\_54\_19\_\_2804204\_(СБД)205559870\_00.wav

Time: 24.01.2015 08:54:19

Duration: 0:00:45

MSISDN: 380932804204

Direction: Outgoing

Participants of connection: <380993648631>

Type: AyduoON

Text SMS: "

Text MMS: "

Cells: <20511\_00227><20511\_00223>

DTMF:

Forwarding:

IMEI:

IMSI: 255062024424560

Comment: 'shln: "Terek" on the position (mar2)'

Id of session: 95470762

ObjId: 39939

CallId: 427230

Operator ID=439;Name=save;LastName=save

Sign of selection NUMBER=380932804204;NumberType=MSISDN

**"Gorets"**- Terek!

**"Terek"**- Speaking!

**"Gorets"**- Terek! This is Gorets.

**"Terek"**- Yes, yes, yes.

**"Gorets"**- This is Gorets. So, tell me, are you in position?

**"Terek"**- Yes.

**"Gorets"**- How soon will you be ready?

**"Terek"**- Well, the first one will be ready in about five minutes.

**"Gorets"**- And the second one?

**"Terek"**- The second [Unclear].

**"Gorets"**- Listen, do you have "Belozer"? "Belozer", do you have a secure connection, telephone? "Belozer"?

**"Terek"**- No.

**"Gorets"**- You don't? No, not you, those who arrived. Do those who arrived have "Belozer"? Do they have "Belozer"?

**"Terek"**- [asking someone else:] do you have "Belozer"? [now addressing "Gorets":] - He does not, he says.

**"Gorets"**- No "Belozer", understood. [talking to someone else:] Hello! Yes, yes, yes.





# Annex 412

Intercepted Conversation between Tsapliuk (“Gorets”) and Grynchev (“Terek”) (09:11:34, 24 January 2015)

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Time: 24.01.2015 09:11:34  
Duration: 0:01:14  
MSISDN: 380932804204  
Direction: Outgoing  
Connection Participants: <380993648631>  
Type: AyduoON  
Text SMS: "  
Text MMS: "  
Cells: <20511\_00227><20511\_00223><20511\_00226><20511\_00227>  
DTMF:  
Forwarding:  
IMEI:  
IMSI: 255062024424560  
Comment: 'shln: "Terek" on preparedness of batteries (mar2)'  
Id of session: 95478144  
ObjId: 39939  
CallId: 427291  
Operator ID=439;Name=coxp;LastName=coxp  
Sign of selection NUMBER=380932804204;NumberType=MSISDN

**"Terek"**- Hello!

**"Gorets"**- Yes, so, are you ready, Terek?

**"Terek"**- The first one, the second one...

**"Gorets"**- And the second one?

**"Terek"**- It's running a little bit slow.

**"Gorets"**- Well, I need [someone] senior. Don't hang out in that battery, everything is fine in this battery. Find the other battery, where are their seniors located, damn it? On that battery?

**"Terek"**- Between us, between us is about two kilometers.

**"Gorets"**- Yes. So, take a car and drive there.

**"Terek"**- I'm, I'm, I'm not in that area, I'm...

**"Gorets"**- I understand, I understand. So, drive to the second, can you drive to the second area? To the second area? Or you can't?

**"Terek"**- And what if I leave and [unclear].

**"Gorets"**- No, no, and who's from that battery?

**"Terek"**- "Zhulyen" is there.

**"Gorets"**- "Zhulyen"?

**"Terek"**- Yes.

**"Gorets"**- Meaning the local fellow, yes? Local, local.

**"Terek"**- Yes, yes, yes.

**"Gorets"**- And do you [Unclear]

**"Terek"**- No, I have already received an order. I'm finishing work and leaving, and the second...

**"Gorets"**- Yes, yes, yes.

**"Terek"**- So it will follow right after

**"Gorets"**- Right after.

**"Terek"**- I'm leaving [Unclear].

**“Gorets”**- Good.

**“Terek”**- [Unclear]

**“Gorets”**- That’s it, start discharging the task. I’ll report that I opened fire, bye.

**“Terek”**- Got it.

**“Gorets”**- [to someone else:] Hello.

# Annex 413

Intercepted Conversation between Evdotiy (“Pepel”) and Kirsanov (10:36:40, 24 January 2015)

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380993641092-2015.01.24-10.36.40-46.wav

Object: 380993641092

MSISDN: 380993641092

IMEI: 86362301593840

IMSI: 255012940641092

Date: 24.01.2015

Time: 10:36:40

Duration: 0:1:2

Direction: Incoming

Participants: 380507037316

Type: Audio, Answered

Location:

village of Bezimennoe, Novoazovskiy district, Donetsk region, 51 Silskohospodarska Str (agro production facility No 5)

Azimuth: 150

LAC:0, CELL:0

**Evdotiy O.M. ("Pepel")** - Yes!

**Valeriy Kirsanov** - Alexander, well... Too far, too far, too far - overdid it.

**Evdotiy O.M. ("Pepel")** - Tell me, what's going on there?

**Valeriy Kirsanov** - What's going on? Long story short, everything flew over, and it went on houses... on houses, on nine-story buildings, on private residences, the Kievskiy market, in short. And...

**Evdotiy O.M. ("Pepel")** - And what's the direction of fire, tell me?

**Valeriy Kirsanov** - The direction of fire is from .... as if, as if, as if, it sticks out as if Vinogradnoye, from there, that side.

**Evdotiy O.M. ("Pepel")** - I don't fucking understand... Oy-oy-oy-oy... Ok, anyway, bye.





# Annex 414

Intercepted Conversation between Kirsanov and Ponomarenko (“Terrorist”) (10:38:14, 24  
January 2015)

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24\_01\_2015\_\_10\_38\_14\_\_Donetsk\_3427570\_(СБД)204745115\_00.wav

Time: 24.01.2015 10:38:14

Duration: 0:04:18

MSISDN: 380633427570

Direction: Outgoing

Connection participants: <380936255484>

Type: Аудио ON

Text SMS: "

text MMS: "

Cells: <20508\_20926><20508\_20272><20508\_20922><20508\_20041><20508\_20921>

DTMF:

Forwarding:

IMEI: 861188024350070

IMSI: 255061035199627

Comment: 'update shia aleksander overdid it; it overflow by 1 km shia (mar3)'

ID of session: 95521234

ObjId: 45489

CallId: 48250

Operator ID=439;Name=coxp;LastName=coxp

Selection sign NUMBER=380633427570;NumberType=MSISDN

[*Sound of a telephone call*]

**Ponomarenko S.L. ("Terrorist"):** Yes, hello.

**Valeriy Kirsanov:** Good morning.

**Ponomarenko S.L. ("Terrorist"):** Yes.

**Valeriy Kirsanov:** Look what Aleksander has done.

**Ponomarenko S.L. ("Terrorist"):** Yes.

**Valeriy Kirsanov:** It's a totally fucking disaster here.

**Ponomarenko S.L. ("Terrorist"):** What?

**Valeriy Kirsanov:** The damn market, nine story high-rise buildings, private houses. All the shit was fucked up.

**Ponomarenko S.L. ("Terrorist"):** Are you serious?

**Valeriy Kirsanov:** It fucking overflow. Overflow by approximately a kilometer.

**Ponomarenko S.L. ("Terrorist"):** To Vostochnyi?

**Valeriy Kirsanov:** Yes, yes. The Kievskiy market, school No. 5, nine-story high-rise buildings, right into the courtyards, fuck, the utility building. It fucking went and fell as far as Olimpiyskaya. Fucking fuck. Basically, they overflow the entire Vostochnyi.

**Ponomarenko S.L. ("Terrorist"):** Oh, fucking shit.

**Valeriy Kirsanov:** There...

**Ponomarenko S.L. ("Terrorist"):** What?

**Valeriy Kirsanov:** No, never mind.

**Ponomarenko S.L. ("Terrorist"):** Oh, the ukrops will do good PR now.

**Valeriy Kirsanov:** They are shooting, so fucking shooting

**Ponomarenko S.L. (“Terrorist”):**...

**Valeriy Kirsanov:** The windows blew out of the buildings. The cars. Lots of burned.

**Ponomarenko S.L. (“Terrorist”):** Cars?

**Valeriy Kirsanov:** Yes, there are fuck probably more than ten of them.

**Ponomarenko S.L. (“Terrorist”):** That doesn’t fucking matter.

**Valeriy Kirsanov:** I agree. But Vostochnyi seriously fucking suffered.

**Ponomarenko S.L. (“Terrorist”):** How about the check point?

**Valeriy Kirsanov:** Untouched motherfucker!

**Ponomarenko S.L. (“Terrorist”):** It sucks!

**Valeriy Kirsanov:** Hey, listen, the ukrops are shooting, they are shooting from... tell me... from-from-from Talakovka. From there. Orlovskoe, Talakovka. So, they were removing all that all the night on open trucks.

**Ponomarenko S.L. (“Terrorist”):** What are they removing?

**Valeriy Kirsanov:** Tanks, cannons, fuck and all kind of other shit.

**Ponomarenko S.L. (“Terrorist”):** Whole?

**Valeriy Kirsanov:** Whole. Something broken, something whole. They are removing it on open trucks. Even fucking now.

**Ponomarenko S.L. (“Terrorist”):** I fucking told him that it is going to be difficult there without eyes. But “No.”

**Valeriy Kirsanov:** Fuck, he is such a bitch, too. He had the fucking “eyes.” What the fuck is he doing? He is practicing in [*incomprehensible term*].

**Ponomarenko S.L. (“Terrorist”):** What?

**Valeriy Kirsanov:** I fucking called him. He is totally fucking shocked. He calls me and says: What the fuck is going on? He says: I have so much fucking information, and it is all different. I drove there now, and I see that it is totally fucking messed up. If Grad landed, of course the windows got blown out. That’s what is happening now.

**Ponomarenko S.L. (“Terrorist”):** No injured people, right?

**Valeriy Kirsanov:** There are, why not? Dead bodies are laying fucking everywhere.

**Ponomarenko S.L. (“Terrorist”):** ...

**Valeriy Kirsanov:** There are dead bodies lying around the market. Who knows what’s happened. Who knows what’s happening at the fucking market and in the stores. The stores in the market are burning. No one knows what’s happening in the apartments, because the nine-story high-rise buildings are standing there without any fucking window glass from the first story to the ninth.

**Ponomarenko S.L. (“Terrorist”):** .....

**Valeriy Kirsanov:** Ok, brother. I will call you later.

**Ponomarenko S.L. (“Terrorist”):** This is fucking awful fuck. Ok, ok.

# Annex 415

Intercepted Conversation between Kirsanov and Ponomarenko (“Terrorist”) (11:04:12, 24  
January 2015)

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24\_01\_2015\_\_11\_04\_12\_\_Donetsk\_6255484\_(SBD)205653518\_00.wav

Time: 24.01.2015 11:04:12

Duration: 0:02:38

MSISDN: 380936255484

Direction: Incoming

Connection participants: <380633427570>

Type: AudioON

SMS text: "

MMS text: "

Cells: <20510\_03232><20510\_03235><20510\_03232><20510\_03235><20510\_00333>

DTMF:

Forwarding:

IMEI: 357817050140520

IMSI: 255062064578259

Comments: ' shia [sic] summary report ukr column heading for Gnutovo shia[sic] (mar3)c'

Session ID: 95533795

ObjId: 46986

CallId: 123644

Operator ID=439;Name=coxp;LastName=coxp

Selection marker NUMBER=380936255484;NumberType=MSISDN

**Valeriy Kirsanov** - Hello. Well, he says, he says they're shooting. But it's that guy who works in the store. He says some fighters stopped to get some butter, and, well, he started chatting with them, and they say, basically, that, well, one way or another, they removed the hardware from here to Mariupol. I mean, Mariupol, damn it. And they say, He says a column of our guys is headed to Gnutovo to meet them. They say they're going in...

**Ponomarenko S.L. ("Terrorist")** - So the Ukrop column is heading toward Gnutovo.

**Valeriy Kirsanov** - Yes, to meet them.

**Ponomarenko S.L. ("Terrorist")** - I see. To meet them... And did they take our flags...?

**Valeriy Kirsanov** - I don't know (laughs).

**Ponomarenko S.L. ("Terrorist")** - Did they take bread, salt?

**Valeriy Kirsanov** - I don't know, I don't know, damn it. I don't know...

**Ponomarenko S.L. ("Terrorist")** - Well, they're shooting. You can hear it.

**Valeriy Kirsanov** - So basically that sucks.

**Ponomarenko S.L. ("Terrorist")** - And that one, it poured out from there, after all.

**Valeriy Kirsanov** - Yeah, Talakovka unleashed a bombardment first thing in the morning.

**Ponomarenko S.L. ("Terrorist")** - I know.

**Valeriy Kirsanov** - And then Vostochnyi.

**Ponomarenko S.L. ("Terrorist")** - Let the fucking bitches be more afraid.

**Valeriy Kirsanov** - Well, yes.

**Ponomarenko S.L. ("Terrorist")** - It just fucking sucks, you know that they're forcing people to leave now, and they're going to sit there.

**Valeriy Kirsanov** - Yeah. That's right. And the people there, I tell you, they're leaving in droves. In droves!

**Ponomarenko S.L. (“Terrorist”)** - Well, naturally. And they’re going to sit there. Do you understand?

**Valeriy Kirsanov** - That’s right.

**Ponomarenko S.L. (“Terrorist”)** - They’ll leave the nine-story building and go. Well, now I’ve made up my mind. I’ll have a word ...

**Valeriy Kirsanov** - Uh-huh.

**Ponomarenko S.L. (“Terrorist”)** - Take care.

**Valeriy Kirsanov** - Ok, bye.



# Annex 416

Intercepted Conversation between Tsapliuk (“Gorets”) and Yaroshuk (14:12:12, 24 January 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



24\_01\_2015\_\_14\_12\_12\_\_2804204\_(СБД)20575234\_00.wav

Time: 24.01.2015 14:12:12

Duration: 0:00:27

MSISDN: 380932804204

Direction: Incoming

Participants of connection: <79262391058>

Type: AudioON

Text SMS: "

Text MMS: "

Cells: <20511\_00227><20511\_00223>

DTMF:

Forwarding:

IMEI:

IMSI: 255062024424560

Comment: 'shln: leaving (mar2)'

Id of session: 95640594

ObjId: 39939

CallId: 25833

Operator ID=439;Name=coxp;LastName=coxp

Признак отбора NUMBER=380932804204;NumberType=MSISDN

**"Gorets"** - Hello, hello, hello, no connection, no connection, no...

**Yaroshuk S.S.** - Gorets, listen to me carefully, so, that's it for now, stop.

**"Gorets"** - Yes!

**Yaroshuk S.S.** - Let them leave somewhere.

**"Gorets"** - I understood you, got it, got it, got it!

**Yaroshuk S.S.** - Did you understand who?

**"Gorets"** - I understood who! Understood, understood. That's it. I'm giving an order. I know, I hear you, I hear you. [Unclear.]



# Annex 417

Intercepted Conversation between Grynchev (“Terek”) and Vlasov (“Yugra”) (12:57:55, 24 January 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



380993641081-2015.01.24-12.57.55-262.wav

*Object: 380993641081*

*MSISDN: 380993641081*

*IMEI: 35628805016889*

*IMSI: 255012940641081*

*Date: 24.01.2015*

*Time: 12:57:55*

*Duration: 0:0:24*

*Direction: Incoming*

*Participants: 380993648631*

*Type: Audio, Answered*

*Location:*

*LAC:0, CELL:0*

*village of Bezimennoe, Novoazovskiy district, Donetsk region, 51 Silskohospodarska Str (agro production facility No 5)*

**“Terek”** - Hello.

**Max “Yugra”** - So what ... Are you ready?

**“Terek”** - Well, in a minute.

**Max “Yugra”** - Ok, come on, as soon as ...

**“Terek”** - Immediately open fire, clear? ... And I leave again.

**Max “Yugra”**- Yes, leave. Yes, do it.

**“Terek”** - Yep.

**Max “Yugra”** - Yep. And report.





# Annex 418

Intercepted Conversation between Evdotiy (“Pepel”) and Ponomarenko (“Terrorist”) (18:00:22,  
23 January 2015)

This document has been translated from its original language into English, an official language  
of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the  
original document constituting this Annex. In further compliance with this Rule, Ukraine has  
provided two certified copies of the full original-language document



380958533685-2015.01.23-18.00.22-539.wav

Object: 380958533685

MSISDN: 380958533685

IMEI: 86629801127381

IMSI: 255011750533685

Date: 23.01.2015

Time: 18:00:22

Duration: 0:1:44

Direction: Incoming

Participants: 380936255484

Type: Audio, Answered

Location:

village of Bezimennoe, Novoazovskiy district, Donetsk region, 51 Silskohospodarska Str (agro production facility No 5)

**Evdotiy O.M. ("Pepel")** - Yes!

**Ponomarenko S.L. ("Terrorist")** - Little brother, so, did he give it to you?

**Evdotiy O.M. ("Pepel")** - No.

**Ponomarenko S.L. ("Terrorist")** - He says - I sent him everything.

**Evdotiy O.M. ("Pepel")** - Ah, he had sent it to me before you called.

**Ponomarenko S.L. ("Terrorist")** - I see, so is everything is ok?

**Evdotiy O.M. ("Pepel")** - Yes, yes, yes. Yes, little brother.

**Ponomarenko S.L. ("Terrorist")** - Because I'm looking at it right fucking now.

**Evdotiy O.M. ("Pepel")** - Yep.

**Ponomarenko S.L. ("Terrorist")** - You're going to make everything happen, right?

**Evdotiy O.M. ("Pepel")** - Yes, yes.

**Ponomarenko S.L. ("Terrorist")** - When are you starting today, are we going to "perform"?

**Evdotiy O.M. ("Pepel")** - Yes.

**Ponomarenko S.L. ("Terrorist")** - It's fucking seven already...

**Evdotiy O.M. ("Pepel")** - As if I cared!

**Ponomarenko S.L. ("Terrorist")** - You are always fucking working at night.

**Evdotiy O.M. ("Pepel")** - Well, yeah. This is already becoming a good habit.

**Ponomarenko S.L. ("Terrorist")** - Come on, fucking start earlier. I want to fucking hit them, fuck.

**Evdotiy O.M. ("Pepel")** - Well see... I'm not working alone.

**Ponomarenko S.L. ("Terrorist")** - I understand, come on, let's start.

**Evdotiy O.M. ("Pepel")** - [Laughing] Be patient, be patient.

**Ponomarenko S.L. ("Terrorist")** -

Fucking crush it, I fucking asked you, that one, fucking Vostochniy.

**Evdotiy O.M. ("Pepel")** - Well...

**Ponomarenko S.L. (“Terrorist”)** - There is fucking a big fucking distance to the houses, little brother!

**Evdotiy O.M. (“Pepel”)** - I will, I’ll do Vostochniy tonight as well, don’t worry.

**Ponomarenko S.L. (“Terrorist”)** - So that I can fucking come in there and fucking clean it up. I don’t give a fuck, we don’t give a fuck whether we can, or cannot ... we fuck them in their fucking ass!

**Evdotiy O.M. (“Pepel”)** - [Laughing]

**Ponomarenko S.L. (“Terrorist”)** - Take over and that’s fucking it. ... That’s the only way. Come on, I’m waiting for it tonight.

**Evdotiy O.M. (“Pepel”)** - Okay, okay.

**Ponomarenko S.L. (“Terrorist”)** - Bye.

# Annex 419

Ukrainian Request for Legal Assistance Concerning Case No. 22014000000000266 (2 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**Request  
for Legal Assistance  
in Criminal Case No. 2201400000000266**

**Kyiv**

**July 2, 2015**

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation in Criminal Case No. 2201400000000266 of July 24, 2014, in which Russian citizen A.I. Mozhaev is suspected of having committed crimes falling under Part 1 of Article 258-3 and Part 1 of Article 346 of the Criminal Code of Ukraine, which he continues to commit at present.

The Central Investigative Directorate of the Security Service of Ukraine is requesting the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to the criminal proceedings.

These criminal proceedings are not politically motivated.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that information received through this request will be used exclusively for the pretrial investigation of Criminal Case No. 2201400000000266 of July 24, 2014 and during the court hearing of the case.

The pretrial investigation of the criminal case has ascertained that in late February 2014 Russian citizen A.I. Mozhaev, acting on orders from individuals in Ukraine and the Russian Federation who have not been identified by the pretrial investigation with the intent to disrupt public safety, intimidate the population, provoke an armed conflict, a complication of international relations, and influence the decisions made by national and local government agencies of Ukraine, arrived in Ukraine with the intention of committing acts of terror in Donetsk Oblast.

In March-April 2014, A.I. Mozhaev and other individuals who have not been identified by the pretrial investigation formed a terrorist group as part of which they have been directly involved in the commission of crimes. They are also knowingly committing an aggregate of actions needed to support the criminal activity of said group.

Specifically, they supply the resources and weapons required for committing crimes, find accommodation and vehicles for group members, establish and maintain contacts with Ukrainian and Russian citizens with a view to creating conditions instrumental to the plotting and commission of acts of terrorism in Donetsk Oblast, armed resistance, illegal obstruction and interference with the official duties of law enforcement officers and military personnel of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation.

Furthermore, on May 28, 2014, A.I. Mozhaev, as an active member of the terrorist organization that plotted and committed acts of terrorism in Donetsk Oblast, engaged in armed resistance, illegal obstruction and interference with the official duties of law enforcement officers and military personnel of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation, while acting out of his own motives and his personal rejection of the state authorities in Ukraine, made a death threat against Ukrainian Parliament member and presidential election contender Petro Poroshenko during a video interview distrusted over the Internet, specifically by being posted on the [www.youtube.com](http://www.youtube.com) website.

As part of the pretrial investigation of Criminal Case No. 220140500000000015, a notice of suspicion was prepared on June 16, 2014 and approved by the procedural supervisor in respect of Russian citizen A.I. Mozhaev to the effect that he is suspected of having committed crimes falling under Part 1 of Article 258-3 and Part 1 of Article 346 of the Criminal Code of Ukraine.

Under Clause 4 of Part 1 of Article 91 of the Criminal Procedure Code of Ukraine, the investigation of a criminal case must prove circumstances influencing the severity of the criminal offense committed, the circumstances characterizing the accused individual's personality, aggravating or mitigating circumstances, circumstances that rule out criminal liability, or circumstances that serve as grounds for discontinuation of criminal proceedings.

Bearing in mind the foregoing and invoking the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, seeking to ensure a swift, full, and objective investigation of Criminal Case No. 22014000000000266 of July 24, 2014, the Central Investigative Directorate of the Security Service of Ukraine is requesting legal assistance in this criminal case and asking for a number of procedural formalities to be carried out in the territory of the Russian Federation:

1. Request from the relevant authorities information about the address of registration of Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977, information about his possible registration with drug abuse, mental or neurological disease prevention centers, information about the Russian citizen's internal passport and international passport issued to him, and copies of A.I. Mozhaev's requests to be issued said documents.



2. Request information from the relevant authorities about any prior record of criminal or administrative offenses committed by Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977, including possession or storage of weapons. If information to this effect is available, request copies of verdicts or rulings issued in respect of A.I. Mozhaev from the relevant judicial authorities.

3. Request from the relevant border control authorities information about crossings by Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977, of the state border of the Russian Federation during the period from January 1, 2014 until present, including the time of crossing, the border crossing point, and direction.

4. Request from the relevant authorities information about military service by Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977 (under contract or conscription), including the time of service and military unit, the position held, the period of service, and reasons for discharge.

5. Request from the relevant operational units of the law enforcement agencies information about the potential involvement of Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977, in the operations of illegal paramilitary groups in both the Russian Federation and abroad. If such information is available, provide specific names of such groups.

6. Request information from the relevant government agencies whether or not any criminal proceedings against A.I. Mozhaev [*translator's note: the name appearing in the original is "R.Z. Khalikov", presumably a clerical error*] are ongoing in connection with his involvement in the terrorist organization "Donetsk People's Republic" in Ukrainian territory.

7. Identify and question as witnesses the next of kin of Alexander Ivanovich Mozhaev, d.o.b. September 21, 1977, about his biographical data and information characterizing him, and also about his whereabouts.

Under Article 93 of the Criminal Procedure Code of Ukraine, in the process of gathering evidence the prosecutor may request documents and information relevant to the criminal proceedings from government agencies, businesses, institutions, and organizations.

**Procedure for honoring the request:** unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.

Please certify the documents obtained while honoring this request with the official seal of the issuing department.

Investigative activities in the territory of the Russian Federation are needed to ensure a swift and full investigation of the criminal case.

While questioning witnesses, we request that you explain to them their rights under Articles 18, 65, 66, 67 of the Criminal Procedure Code of Ukraine, and Article 63 of the Constitution of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions about this request or its performance, do not hesitate to contact Lieutenant Colonel of Justice Denis Leonidovich Ladonko, Senior Investigator of High-Profile Cases at the Central Investigative Directorate of the Security Service of Ukraine, at +380-44-255-82-68.

Should any circumstances arise preventing you from carrying out the requested procedural formalities, please notify us at 33 Vladimirska Street, Kyiv, 01601, Central Investigative Directorate of the Security Service of Ukraine.

Attachment:

1. Excerpt from the Criminal Procedure Code of Ukraine (Articles 2, 18, 40, and 93) on 3 pages;
2. Excerpts from the Criminal Procedure Code of Ukraine (Articles 50, 65, 66, 67, 95, 104, 106, 223, and 224), excerpts from the Criminal Code of Ukraine (Articles 384, 385, and 387) and from the Constitution of Ukraine (Article 63) on 9 pages.
3. Excerpt from the Criminal Code of Ukraine (Articles 258-3 and 346) on 1 page.

**Senior Investigator of High-Profile Cases  
with the 3<sup>rd</sup> Unit of the 1<sup>st</sup> Pretrial Investigation Directorate  
at the Central Investigative Directorate  
of the Security Service of Ukraine**

**Lieutenant Colonel of Justice                      [Signature]                      Denis Leonidovich  
Ladonko**

**APPROVED BY  
Senior Prosecutor with the Department  
for Procedural Guidance and State Prosecution  
in Criminal Cases Against Crime Rings,  
Prosecutor General's Office of Ukraine**

**Councilor of Justice    [Signature] Sergey Alexandrovich Zuzak**



[Handwriting: illegible name. Please prepare a report for the minister. March 18, 2016]

[Signature]



**Prosecutor General's Office of the  
Russian Federation**

15a Bolshaya Dmitrovka Street, Moscow,  
Russia, GSP-3, 125993

March 4, 2016 No. 82/1-5094-15

Re: No. 14/3-31155-15

**Prosecutor General's Office of  
Ukraine**

**Attn: Mr. A.V. Kovalenko, Chief of  
the Directorate for International  
Legal Cooperation**

[Handwriting: illegible name. For review.  
March 18, 2016]

[Signature]

Dear Aleksandr Vladimirovich [Mr. Kovalenko],

The Prosecutor General's Office of the Russian Federation presents its compliments to the Prosecutor General's Office of Ukraine and would like to make it known that the request for legal assistance in Criminal Case No. 2201400000000266 has been reviewed.

It follows from the text of the request that the Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation of a criminal case in which Russian citizen A.I. Mozhaev is suspected of having committed crimes falling under Part 1 of Article 258-3 and Part 1 of Article 346 of the Criminal Code of Ukraine.

The initiator has requested information about said person to be obtained from government agencies.

Meanwhile, contrary to the requirements of Clause (d), Part 1, Article 7 of the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of January 23, 1993, the request for legal assistance fails to provide information about the place of birth of A.I. Mozhaev.

Item 6 of the request contains a request to obtain information from the relevant government agencies whether or not any criminal proceedings against I.V. Girkin are ongoing in connection with his involvement in the terrorist organization "Donetsk People's Republic" in Ukrainian territory.

However, the request for legal assistance fails to state how these criminal proceedings are relevant to the person in question.

In light of this, the Prosecutor General's Office of the Russian Federation would like to suggest that you additionally send to us the information needed to honor this request.

**Chief of Legal Assistance Directorate  
at the Central Directorate for  
International Legal Cooperation**

[Signature] **I.D. Kamynin**

[Seal: Prosecutor General's Office of the Russian Federation. Primary State Registration Number [OGRN]: 1037739514196]

AP No. 669277 [Stamp: Prosecutor General's Office of Ukraine. No. 57770-16 of March 18, 2016]  
[Stamp: Prosecutor General's Office of the Russian Federation. No. 81/1-5094-2015/Nd7695-16]

**To the Relevant Authorities  
of the Russian Federation  
Request  
for Legal Assistance  
in Criminal Case No. 2201400000000266  
(SUPPLEMENT)**

**Kyiv**

**April 18, 2016**

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation in Criminal Case No. 2201400000000266 of July 24, 2014, in which Russian citizen A.I. Mozhaev is suspected of having committed crimes falling under Part 1 of Article 258-3 and Part 1 of Article 346 of the Criminal Code of Ukraine, which he continues to commit at present.

The Central Investigative Directorate of the Security Service of Ukraine is requesting the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to the criminal proceedings.

These criminal proceedings are not politically motivated.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that information received through this request will be used exclusively for the pretrial investigation of Criminal Case No. 2201400000000266 of July 24, 2014 and during the court hearing of the case.

The pretrial investigation of the criminal case has ascertained that in late February 2014 Russian citizen A.I. Mozhaev, acting on orders from individuals in Ukraine and the Russian Federation who have not been identified by the pretrial investigation with the intent to disrupt public safety, intimidate the population, provoke an armed conflict, a complication of international relations, and influence the decisions made by national and local government agencies of Ukraine, arrived in Ukraine with the intention of committing acts of terror in Donetsk Oblast.

In March-April 2014, A.I. Mozhaev and other individuals who have not been identified by the pretrial investigation formed a terrorist group as part of which they have been directly involved in the commission of crimes. They are also knowingly committing an aggregate of actions needed to support the criminal activity of said group.

Specifically, they supply the resources and weapons required for committing crimes, find accommodation and vehicles for group members, establish and maintain contacts with Ukrainian and Russian citizens with a view to creating conditions instrumental to the plotting and commission of acts of terrorism in Donetsk Oblast, armed resistance, illegal obstruction and interference with the official duties of law enforcement officers and military personnel of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation.

Furthermore, on May 28, 2014, A.I. Mozhaev, as an active member of the terrorist organization that plotted and committed acts of terrorism in Donetsk Oblast, engaged in armed resistance, illegal obstruction and interference with the official duties of law enforcement officers and military personnel of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation, while acting out of his own motives and his personal rejection of the state authorities in Ukraine, made a death threat against Ukrainian Parliament member and presidential election contender Petro Poroshenko during a video interview distrusted over the Internet, specifically by being posted on the [www.youtube.com](http://www.youtube.com) website.

As part of the pretrial investigation of Criminal Case No. 22014050000000015, a notice of suspicion was prepared on June 16, 2014 and approved by the procedural supervisor in respect of Russian citizen A.I. Mozhaev to the effect that he is suspected of having committed crimes falling under Part 1 of Article 258-3 and Part 1 of Article 346 of the Criminal Code of Ukraine.

On July 27, 2015, a request for legal assistance in Criminal Case No. 22014000000000266 was sent to the relevant authorities of the Russian Federation.

On March 4, 2016, following the review of the above-mentioned request, the Prosecutor General's Office of the Russian Federation sent its Letter No. 82/1-5094-15 retesting additional information needed to honor the request.

Bearing in mind the foregoing and invoking the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, seeking to ensure a swift, full, and objective investigation of Criminal Case No. 22014000000000266 of July 24, 2014, the Central Investigative Directorate of the Security Service of Ukraine is providing the information needed to carry out procedural formalities in the territory of the Russian Federation:

1. Alexander Ivanovich Mozhaev was born on September 21, 1977 in the town of Belorechensk, Krasnodar Krai, Russian Federation, and holds Russian citizen's passport 03 10 571208 issued on October 26, 2010 by the Krasnodar Krai Headquarters of the Federal Migration Service of Russia in the Belorechensk District, division code: 230-021.

2. Ravil Zakarievich Khalikov, born on February 23, 1969 in the village of Beloziorye, Romodanovskiy District, Republic of Mordovia, Russian Federation, is involved in the creation and operation of the terrorist organization known as "Donetsk People's Republic" and is suspected in the context of Criminal Case No. 2201400000000502 of having committed a crime falling under Part 1 of Article 258-3 of the Criminal Code of Ukraine. He is the former Prosecutor General and First Deputy Chairman of the Council of Ministers of the Donetsk People's Republic.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions about this request or its performance, do not hesitate to contact Lieutenant Colonel of Justice Denis Leonidovich Ladonko, Senior Investigator of High-Profile Cases at the Central Investigative Directorate of the Security Service of Ukraine, at +380-44-256-96-77.

Should any circumstances arise preventing you from carrying out the requested procedural formalities, please notify us at 33 Vladimirska Street, Kyiv, 01601, Central Investigative Directorate of the Security Service of Ukraine.

**Senior Investigator of High-Profile Cases  
with the 3<sup>rd</sup> Unit of the 1<sup>st</sup> Pretrial Investigation Directorate  
at the Central Investigative Directorate  
of the Security Service of Ukraine**

**Lieutenant Colonel of Justice  
Ladonko**

**[Signature]**

**Denis Leonidovich**

[Handwriting: illegible. April 26, 2016]

[Stamp: Records Management Department. Outgoing correspondence. April 26, 2016. Prosecutor General's Office of Ukraine]

April 26, 2016                      14/3-31155-15  
82/1-5094-15 of March 4, 2016

**Prosecutor General's Office of  
the Russian Federation  
Attn: I.D. Kamynin, Chief of  
Legal Assistance Directorate  
at the Central Directorate for  
International Legal Cooperation**

15a Bolshaya Dmitrovka Street,  
Moscow, Russia, GSP-3, 125993

Dear Igor Dmitrievich [Mr. Kadymin],

The Prosecutor General's Office of Ukraine presents its compliments to the Prosecutor General's Office of the Russian Federation and would like to bring the following to your attention.

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation in Criminal Case No. 2201400000000266, in which A.I. Mozhaev is suspected of having committed crimes falling under Part 1 of Article 258-3 (creation of a terrorist group or terrorist organization) and Part 1 of Article 346 (threat of violence or actual violence committed against a government or public figure) of the Criminal Code of Ukraine.

In the course of the investigation, a need has arisen to carry out procedural formalities in the Russian Federation, in light of which the Prosecutor General's Office of Ukraine sent a request for legal assistance in criminal proceedings to the Prosecutor General's Office of the Russian Federation under the cover of Letter No. 14/3-31155-15 of July 27, 2015.

In response to your request of March 4, 2016, we are sending additional information provided by the pretrial investigation authority.

**Attachment: on 3 pages.**

**Best regards,**

**Chief of the Directorate for**

**International Legal Cooperation**

[Signature] **A. Kovalenko**

Typed by: Helbak, +38 044-596-73-92

[Signature]

[Stamp: Prosecutor General's Office of Ukraine, No. 14/3-59807-out of April 26, 2016]



# Annex 420

Ukrainian Request for Legal Assistance Concerning Case No. 22014000000000245 (3 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





# SECURITY SERVICE OF UKRAINE

## Central Investigative Directorate

33 Volodymyrska Street, Kyiv, 01601. Fax: (044) 279-66-31. Phone: (044) 255-84-88

[www.ssu.gov.ua](http://www.ssu.gov.ua) Email: [san@ssu.gov.ua](mailto:san@ssu.gov.ua) Code per National Classification of Businesses and Organizations: 00034074

**To the Relevant Authorities  
of the Russian Federation**

### Request

### for Legal Assistance

**in Criminal Case No. 2201400000000245 of July 25, 2014**

Kyiv

July 3, 2015

The Central Investigative Directorate of the Security Service of Ukraine invokes the provisions of the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of January 23, 1993 and addresses the relevant authorities of the Russian Federation with a request for legal assistance in Criminal Case No. 2201400000000245 of July 25, 2014 registered in the Uniform Register of Pretrial Investigations in connection with alleged crimes falling under Part 1 of Article 258-3, Part 2 of Article 110, Part 2 of Article 28, and Part 1 of Article 109 of the Criminal Code of Ukraine.

These criminal proceedings are not politically motivated.

### **Circumstances of the criminal offense:**

The pretrial investigation has ascertained that A.Yu. Boroday, while being a radically-minded individual who rejects the state authorities in Ukraine and disagrees with the protesters' calls for European integration of Ukraine, believing that the Ukrainian Parliament illegitimately empowered the Ukrainian Parliament Speaker to act in the capacity of the Ukrainian President, being a supporter of criminal activity conducted by P.Yu. Gubarev, and supporting the criminal acts committed by the terrorist group led by I.V. Girkin, decided to resist the national and local government agencies with a view to forcibly disrupting the constitutional system and usurping state power in Ukraine.

Beginning in April 2014, he was an active participant of meetings of the so-called Donetsk People's Republic (hereinafter "DNR"), which took place on the premises of the captured Donetsk Regional State Administration at 32 Bulvar Pushkina, Donetsk.

Between April 7, 2014 and May 11, 2014, A.Yu. Boroday, acting in collusion with D.V. Pushilin, A.E. Purgin, and other accomplices in the crime, acting in contravention of Part 3 of Article 2, Article 73, Clause 2 of Part 1 of Article 85, and Article 132 of the Constitution of Ukraine, Clause 2 of Part 3 of Article 3, and Articles 6, 18, 27 of the Law of Ukraine *On the National Referendum of Ukraine*, organized and held in Donetsk Oblast an illegal referendum that approved an unlawful decision to declare the sovereignty of the illegitimate quasi-state entity known as the "DNR".

On April 14, 2014, assisted by A.Yu. Boroday, D.V. Pushilin, A.E. Purgin, and other unidentified individuals, the illegitimate government agencies of the DNR approved and published the draft of the "DNR Constitution". According to its text, state power in the "DNR" is represented by the so-called: "Supreme Council of the DNR", "Council of Ministers of the DNR", and "Security Council of the DNR".

Subsequently, D.V. Pushilin and A.E. Purgin, being aware that A.Yu. Boroday was an active opponent of the incumbent authorities in Ukraine, does not recognize Ukraine as a state, and supports the annexation of Ukraine's southeast to the Russian Federation, offered him to become the Prime Minister of the so-called "DNR", i.e. become one of its leaders. A.Yu. Boroday knowingly agreed to this proposal and on May 16, 2014 the 3rd session of the DNR Supreme Council elected him as the Prime Minister of the DNR, with a relevant announcement made through the mass media.

Subsequently, speaking in a news conference on May 17, 2014 in Donetsk, A.Yu. Boroday stated that the authorities of the "Donetsk People's Republic" were preparing a request for the Russian Foreign Ministry with a proposal to join the Russian Federation or deploy Russian military bases in its territory, and also announced the union of the Luhansk and Donetsk People's Republics.

In doing so, A.Yu. Boroday and other accomplices in this crime made an unconstitutional declaration (specifically in a manner that violates Articles 5, 140 and 141 of the Constitution of Ukraine, according to which the only bodies of state power at the regional level are regional councils elected by regional residents by exercising universal, equal, and direct voting rights through a secret ballot on the last Sunday of October in the fifth year of office of the relevant regional council and nobody may usurp state power) of the creation of illegitimate bodies of state power of the unlawfully declared illegitimate quasi-state entity known as the "Donetsk People's Republic" in the place of the existing legitimate bodies of national and local government specified in Articles 118 and 140 of the Constitution of Ukraine – the Donetsk Regional State Administration and the Donetsk Regional Council, respectively. In other words, they committed acts aimed at forcible disruption of the constitution system and usurpation of state power.

Continuing his criminal activity, A.Yu. Boroday (being an active member of the terrorist organization known as the "DNR", its main goal being to change the boundaries of the territory and the state borders of Ukraine and create the illegitimate quasi-state entity "DNR") in April-May 2014 deliberately acted to change the boundaries of the territory and the state borders of Ukraine in violation of the procedure prescribed by the Constitution of Ukraine, as well as made public calls for such acts to be committed.

Specifically, throughout May 2014, A.Yu. Boroday was in Slovyansk, Donetsk Oblast, and publicly addressed rallies and mass gatherings of Slovyansk residents, urging them to hold a referendum and declare the sovereignty of the "Donetsk People's Republic" as well as calling for its annexation to the Russian Federation.

While bringing to life their common criminal plan aimed at changing the boundaries of Ukraine's territory, A.Yu. Boroday repeatedly appeared in the mass media where he covered the operations of the "Donetsk People's Republic", denied Ukraine's existence as a nation state, and called for the need to annex the territory of the "Donetsk People's Republic" to the Russian Federation.

Also, while in Donetsk on May 11, 2014, A.Yu. Boroday (acting in collusion with other terrorist group members in contravention of Part 3 of Article 2, Article 73, Clause 2 of Part 1 of Article 85, and Article 132 of the Constitution of Ukraine, Clause 2 of Part 3 of Article 3, and Articles 6, 18, 27 of the Law of Ukraine On the National Referendum of Ukraine) organized a referendum on May 11, 2014 in the territory of Donetsk Oblast, which approved the illegal decision to declare the sovereignty of the "DNR".

It has also been determined that in March-May 2014, a terrorist organization was formed in Donetsk Oblast – the so-called "Donetsk People's Republic", which commits acts of terrorism, intimidation of the population, and takes over administrative buildings of national and local government agencies, which destabilizes the social and political situation in the country. The overriding goal of the activities of said terrorist organization is to change the boundaries of the territory and the state border of Ukraine and create an illegal quasi-state entity called the "DNR", whose leaders include P.Y. Gubarev, A.E. Purgin, D.V. Pushilin, I.V. Girkin, S.A. Zdryliuk, I.N. Bezler, and other unidentified individuals.

In early March 2014, A.Yu. Boroday—being a radically-minded individual who rejects the state authorities in Ukraine, and acting knowingly to change the boundaries of the territory and the state border of Ukraine—became a member of the terrorist organization "DNR", and throughout March-May 2014 participated in the activities of said terrorist organization, providing organizational and other support for its operations.

Specifically, beginning in April 2014 A.Yu. Boroday was an active participant of "DNR" meetings held on the premises of the captured Donetsk State Regional Administration at 34 Bulvar Pushkina, Donetsk, where he met its leaders: D.V. Pushilin, A.E. Purgin, and other members of said terrorist organization.

Notably, unidentified individuals, being aware that A.Yu. Boroday was an active opponent of the incumbent authorities in Ukraine, does not recognize Ukraine as a state, and supports the annexation of Ukraine's southeast to the Russian Federation, offered him to become the Prime Minister of the so-called "DNR", i.e. become its active member and one of its leaders. A.Yu. Boroday knowingly agreed to this proposal, thereby voluntarily agreeing to participate in the terrorist organization, provide organizational and other support for its operations, and on May 16, 2014 the 3rd session of the DNR Supreme Council elected him as the Prime Minister of the DNR, with a relevant announcement made through the mass media. Subsequently, he coordinated his actions as a member of the terrorist organization with other accomplices in this crime.

According to the criminal plan coordinated with other accomplices in this crime, A.Yu. Boroday was tasked with the following duties, *inter alia*:

- Representation of the "DNR" in relations with the Russian Federation and negotiations with Russian officials;
- Arranging negotiations regarding the annexation of Donetsk and Luhansk Oblasts to the Russian Federation;
- Coordination of activities of "DNR" members in Donetsk with other accomplices in this crime located in the Russian Federation;
- Organizational and other support for the operations of said terrorist organization.

On June 10, 2014, in connection with the above-mentioned facts of criminal activity A.Yu. Boroday was notified that he is suspected of having committed crimes falling under Part 1 of Article 258-3 (creation of a terrorist group or terrorist organization, leadership of said group or organization or participation therein, as well as organizational and other support for the creation or operations of the terrorist group or organization); Part 2 of Article 110 (acts committed repeatedly with a view to changing the territorial boundaries or the state borders of Ukraine in contravention of the procedure prescribed by the Constitution of Ukraine, as well as repeated public calls or dissemination of materials with calls inciting such acts); Part 2 of Article 28 and Part 1 of Article 109 (acts committed by a group of persons acting in collusion with the aim of forcibly modifying or disrupting the constitutional system or usurping state power, as well as collusion to commit such acts) of the Criminal Code of Ukraine.

On June 11, 2014, the suspect A.Yu. Boroday was put on a wanted list due to the fact that his whereabouts were unknown.

On February 18, 2015, the Shevchenkivsky District Court of Kyiv allowed A.Yu. Boroday to be arrested and brought before the court to choose a measure of pre-trial restriction against him in the form of placement in custody.

**Subject matter and reason for the request:**

In order to conduct a full, comprehensive, and objective pretrial investigation, the Ukrainian pretrial investigation authority needs obtain information characterizing the suspect in this criminal case – Russian citizen Alexander Yuryevich Boroday, born on July 25, 1972 in Moscow, Russian Federation.

In light of the foregoing and bearing in mind the fact that investigative activities need to be conducted in Russian territory in order to ascertain circumstances instrumental to establishing the objective truth in this criminal case, expose the guilty parties, and bring them to criminal account, we hereby invoke the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of January 23, 1993 and request that you perform the following:

1. Request from the relevant authorities information about the address of registration of A.Yu. Boroday, information about his possible registration with drug abuse, mental or neurological disease prevention centers, information about the Russian citizen's internal passport and international passport issued to him.
2. Request information about any prior criminal or administrative liability records of A.Yu. Boroday, including for possession or storage of firearms, from the relevant government agencies of the Russian Federation. If information to this effect is available, request copies of verdicts or rulings issued in respect of A.Yu. Boroday from the relevant judicial authorities.
3. Request from the relevant border control authorities information about crossings by A.Yu. Boroday of the state border of the Russian Federation during the period from January 1, 2014 until present, including the time of crossing, the border crossing point, and direction of the crossing of the state border between Ukraine and the Russian Federation.

4. Request from the relevant authorities information about military service by A.Yu. Boroday (under contract or conscription), including the time of service and military unit, the position held, the period of service, and reasons for discharge.
5. Request from the relevant operational units of the law enforcement agencies information about the potential involvement of A.Yu. Boroday in the operations of illegal paramilitary groups in both the Russian Federation and abroad.
6. Identify and question as witnesses the friends and next of kin of A.Yu. Boroday about his biographical data and information characterizing him, and also about his whereabouts.

**Let us assure you that the materials received will be used exclusively in the pretrial investigation and judicial examination of this criminal case.**

Unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law (excerpts of the relevant articles are enclosed); specifically, the questioning of the witness should be documented in a record, stating the information required under Article 104 of the Criminal Procedure Code of Ukraine, and in keeping with the procedure prescribed by Article 224 of the same code.

Before commencing the questioning, the provisions of Article 63 of the Constitution of Ukraine and Articles 65 (witness), 66 (rights and obligations of the witness), and 67 (liability of the witness) of the Criminal Procedure Code of Ukraine regarding the rights, obligations, and liability of the witness must be explained to the witness.

The witness must also be informed that he or she may be brought to criminal account for knowingly giving false testimony or refusing to testify under Articles 384 and 385 of the Criminal Code of Ukraine.

The witness must affix a handwritten signature to the record of questioning, thereby acknowledging awareness of the provisions of the above-mentioned articles of the Constitution of Ukraine, the Criminal Procedure Code and the Criminal Code of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine would like to assure you that this request has been prepared strictly in accordance with Ukrainian laws by a duly authorized officer within the scope of his authority.

**The Central Investigative Directorate of the Security Service of Ukraine would like to use this opportunity to express its gratitude for a favorable decision to honor the request for mutual legal assistance and would yet again like to use this opportunity to express its profound respect for the relevant authorities of the Russian Federation and offer assurances that all materials obtained through this request will be used exclusively in the investigation of said criminal case and its examination in court.**



Our address: 33 Volodymyrska Street, Kyiv, 01601, Ukraine.

If you are unable to honor this request, kindly inform us about the reasons preventing its performance and the conditions under which it can be performed by contacting Anatoly Vasilyevich Zhernov, Senior Investigator of High-Profile Cases at the Central Investigative Directorate of the Security Service of Ukraine, at his office number +38 (044) 255-51-62 or fax number +38 (044) 279-66-31. The email address of the Central Investigative Directorate of the Security Service of Ukraine is [san@ssu.gov.ua](mailto:san@ssu.gov.ua).

Attachment:

1. Excerpts from the Criminal Procedure Code of Ukraine (Articles 2, 18, 40, and 93) on 3 pages;
2. Excerpts from the Criminal Procedure Code of Ukraine (Articles 65, 66, 67, 95, 104, 106, 223, 224); excerpts from the Criminal Code of Ukraine (Articles 384, 385, 387) and the Constitution of Ukraine (Article 63) on a total of 8 pages;
3. Excerpts from the Criminal Code of Ukraine (Articles 28, 109, 110, and 258-3) on 2 pages.

Best regards,

**Senior Investigator with the 3<sup>rd</sup> Operations Unit  
of the 1<sup>st</sup> Pretrial Investigation Directorate  
at the Central Investigative Directorate  
of the Security Service of Ukraine**

**Major of Justice      [Signature]      Anatoly Vasilyevich Zhernovoy**

[Seal: Security Service of Ukraine, Investigative Directorate]

**"APPROVED"**

**Senior Prosecutor with the Department  
for Procedural Guidance and State Prosecution  
in Criminal Cases Against Crime Rings,  
Prosecutor General's Office of Ukraine**

**Junior Councilor of Justice      [Signature]      Oleg      Valeryevich  
Mazur**

[Seal: Prosecutor General's Office of Ukraine]



**Prosecutor General's Office of the  
Russian Federation**

15a Bolshaya Dmitrovka Street, Moscow,  
Russia, GSP-3, 125993

November 18, 2016 No. 82/1-5095-15

Re: No. 14/3-31144-15

**Prosecutor General's Office of  
Ukraine**

**Attn: Mr. E.S. Pikalov,  
Chief of Directorate for  
International Legal Cooperation  
and European Integration**

Dear Evgeny Sergeyevich [Mr. Pikalov],

The Prosecutor General's Office of the Russian Federation presents its compliments to the Prosecutor General's Office of Ukraine and, invoking the European Convention on Mutual Legal Assistance in Criminal Cases of April 20, 1959 and the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Cases of January 23, 1993, is hereby forwarding the materials obtained while performing the request of the relevant authorities of Ukraine for legal assistance in Criminal Case No. 2201400000000245 against A.Yu. Bezler.

Attachment: on 3 pages.

Best regards,

**Acting Chief of the Legal Assistance Directorate  
at the Central Directorate for International Legal Cooperation**

[Signature] **A.M. Tychinin**  
[Illegible seal]

Typed by: E.B. Stepanova

Phone: (495) 982-41-55

AC No. 419727 [Stamp: Prosecutor General's Office of Ukraine. No. 272913-16 of December 2, 2016]  
[Stamp: Prosecutor General's Office of the Russian Federation. No. 82/1-5095dsp-2015/Nd41450-16]

# Annex 421

Ukrainian Request for Legal Assistance Concerning Case No. 22014000000000283 (3 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To the Relevant Authorities  
of the Russian Federation**

**Request  
for Legal Assistance  
in Criminal Case No. 2201400000000283**

**Kyiv**

**July 3, 2015**

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation in Criminal Case No. 2201400000000283 of July 25, 2014, in which Russian citizen Igor Nikolaevich Bezler is suspected of having committed crimes falling under Part 1 of Article 258-3, Part 1 of Article 294, Part 3 of Article 258, Article 341, Article 348, and Article 349 of the Criminal Code of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine is requesting the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to the criminal proceedings.

These criminal proceedings are not politically motivated.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that information received through this request will be used exclusively for the pretrial investigation of Criminal Case No. 2201400000000283 of July 25, 2014 and during the court hearing of the case.

The pretrial investigation has ascertained that in late February 2014 Russian citizen Igor Vsevolodovich Girkin, acting on orders from individuals in the Russian Federation who have not been identified by the pretrial investigation with the intent to disrupt public safety, intimidate the population, provoke an armed conflict, a complication of international relations, and influence the decisions made by national and local government agencies of Ukraine, arrived in the Autonomous Republic of Crimea with the intention of forming a terrorist group and committing acts of terror in Ukrainian territory, organizing public disturbances, capturing administrative buildings, endangering the lives of law enforcement officers, and taking law enforcement officers hostage.

During the period from March to April 2014, I.V. Girkin—while staying in the Autonomous Republic of Crimea and concealing his identity under the name of Igor Ivanovich Strelkov and the alias (code name) "Strelok"—found and recruited for his terrorist group Russian citizen Igor Nikolaevich Bezler (code name "Bes"), Ukrainian citizen Sergey Anatolyevich Zdryliuk (code name "Abver"), as well as other individuals who have not been identified by the pretrial investigation, who joined a criminal conspiracy to commit acts of terror in Ukrainian territory, particularly in Donetsk Oblast.

Also in March-April 2014, I.V. Girkin—while operating as part of the terrorist group he formed—organized the commission of crimes as a result of which the members of his terrorist group obtained firearms, ammunition, means of communication, motor vehicles, and cash as well as created other conditions essential to the operation of this group.

Also, while acting on the criminal plan devised in advance and known to all members of the terrorist group, in April 2014 I.N. Bezler arrived in Donetsk Oblast with the intention of organizing public disturbances in Slovyansk, Kramatorsk, and other population centers in Donetsk Oblast, which were accompanied by physical violence, riotous damage, arson, destruction of property, takeovers of buildings and facilities, resistance against the authorities with the use of weapons and other items used in lieu of weapons.

To this end, I.N. Bezler and other members of the terrorist group led by I.V. Girkin established contact with local residents, who acted out of personal motives driven by rejection of the legitimate government in Ukraine and provided them with weapons prepared in advance. Afterwards, I.N. Bezler along with other terrorist group members supported with force the actions of local residents who resisted the authorities with the use of weapons, organized public disturbances in the town of Slovyansk, during which administrative buildings were taken over and property of the town hall, municipal department of the Directorate of the Ukrainian Ministry of Internal Affairs, and the municipal department of the Directorate of the Security Service of Ukraine was destroyed.

At around 9:00 a.m. on April 13, 2014, I.N. Bezler, acting in collusion with the above-mentioned individuals and other terrorist group members and using a vehicle prepared in advance with the intention of committing the crime, discharged weapons and committed an act of terrorism that resulted in the death of Security Service of Ukraine officer G.V. Bilichenko and severe injuries to Security Service of Ukraine officers G.I. Kuznetsov, A.Yu. Dubovik, and A.I. Kuksa, who were performing their official duties in the context of the Anti-Terrorist Operation.

Also, in April 2014, I.N. Bezler—acting in collusion with other terrorist group members while in Donetsk Oblast—devised a detailed plan to capture administrative buildings of the municipal department of the Ministry of Internal Affairs, the Security Service of Ukraine, and the town hall in Slovyansk. To this end, I.N. Bezler—acting in collusion with I.V. Girkin, S.A. Zdryliuk, and other terrorist group members—used firearms on April 12, 2014 to take over a government building – the building of the Slovyansk Municipal Department of the Central Directorate of the Ukrainian Ministry of Internal Affairs in Donetsk Oblast, located at 30 Lenina Street, Slovyansk, Donetsk Oblast, the building of the Slovyansk Municipal Department of the Donetsk Oblast Directorate of the Security Service of Ukraine located at 32 Karla Marxa Street, as well as the building of Slovyansk Town Hall located at 2 Ploshchad Oktyabrskoy Revolutsiyi, Slovyansk, Donetsk Oblast.

Subsequently, on April 13, 2014, I.N. Bezler—while acting with other terrorist group members according to a pre-devised plan to kill law enforcement officers participating in the Anti-Terrorist Operation—used vehicles and automatic firearms prepared in advance to commit an attack outside the town of Slovyansk on law enforcement officers performing their official duties in the context of the Anti-Terrorist Operation, and more specifically committed the murder of Security Service of Ukraine officer G.V. Bilichenko and an attempted murder of Security Service of Ukraine officers G.I. Kuznetsov, A.Yu. Dubovik, and A.I. Kuksa.

Also, while acting on a pre-devised criminal plan known to all terrorist group members, on April 26, 2014 I.N. Bezler—acting in collusion with I.V. Girkin, S.A. Zdryliuk, and other terrorist group members who have not been identified by the pretrial investigation in the town of Horlivka, Donetsk Oblast, used firearms and vehicles prepared in advance to take Security Service of Ukraine officers R.M. Kiyashko, S.P. Potemskiy, and E.Yu. Varyinskiy hostage and then transported them to the town of Slovyansk, Donetsk Oblast.

Subsequently, on April 27, 2014, I.V. Girkin—while acting on a pre-devised criminal plan known to I.N. Bezler, S.A. Zdryliuk, and other terrorist group members and looking to force the law enforcement agencies to act in certain ways in the interests of the terrorist group members as a condition for the release of R.M. Kiyashko, S.P. Potemskiy, and E.Yu. Varyinskiy taken hostage the other day—spoke in a LifeNews TV channel broadcast and confirmed that said individuals had been taken hostage. He also made known the specific conditions for their release.

In the course of the pretrial investigation of the criminal case, on May 3, 2014 a notice of suspicion was prepared and approved by the procedural supervisor against Russian citizen Igor Nikolaevich Bezler, d.o.b. December 30, 1965 (holder of Russian citizen's passport 1102600442), born in Simferopol, residing at 33-A Rudakova Street, Horlivka, Donetsk Oblast, to the effect that he is suspected of having committed crimes falling under Part 1 of Article 258-3, Part 1 of Article 294, Part 3 of Article 258 of the Criminal Code of Ukraine.

On August 13, 2014 a notice of suspicion was prepared and approved by the procedural supervisor against Russian citizen Igor Nikolaevich Bezler, d.o.b. December 30, 1965 (holder of Russian citizen's passport 1102600442), born in Simferopol, residing at 33-A Rudakova Street, Horlivka, Donetsk Oblast, to the effect that he is suspected of having committed crimes falling under Articles 341, 348, and 349 of the Criminal Code of Ukraine.

Bearing in mind the foregoing and invoking the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, seeking to ensure a comprehensive, full, and objective investigation of Criminal Case No. 22014000000000283 of July 25, 2014, the Central Investigative Directorate of the Security Service of Ukraine is requesting legal assistance in this criminal case and asking for a number of procedural formalities to be carried out in the territory of the Russian Federation:

1. Request information about the address of registration of I.N. Bezler from the relevant government agencies of the Russian Federation;
2. Request information about I.N. Bezler's registration with any drug abuse or mental and neurological disease control centers from the relevant government agencies of the Russian Federation;
3. Request information about the Russian citizen's passport and an international passport received by I.N. Bezler as well as copies of applications requesting the issuance of said passports from the relevant government agencies;
4. Request information about any prior criminal or administrative liability records of I.N. Bezler, including for possession or storage of firearms, from the relevant government agencies of the Russian Federation. If this information is confirmed, request copies of court verdicts or rulings from the relevant judicial institutions;
5. Request information from the relevant government agencies whether or not any criminal proceedings against I.N. Bezler are ongoing in connection with his involvement in the terrorist organization "Donetsk People's Republic" in Ukrainian territory;
6. Request from the relevant government agencies of the Russian Federation information about instances in which I.N. Bezler crossed the state border of the Russian Federation during the period from January 1, 2014 until present, including information about the time of the crossing, the border crossing point, and the direction of movement upon crossing the state border between the Russian Federation and Ukraine;
7. Request from the relevant government agencies information about I.N. Bezler's service in the army (compulsory, under contract), including the time and place of service, position held, military rank, period of service, and reason for discharge;
8. Request from the relevant government agencies of the Russian Federation information about I.N. Bezler's potential involvement in the operations of illegal paramilitary groups both in the Russian Federation and abroad.
9. Identify and question as witnesses the close friends and next of kin of I.N. Bezler about his biographical information, his character profile, as well as his actual whereabouts during the period from January 1, 2014 until present.

**Procedure for honoring the request:** unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.



Please certify the documents obtained while honoring this request with the official seal of the issuing department.

Investigative activities in the territory of the Russian Federation are needed to ensure a swift and full investigation of the criminal case.

While questioning witnesses, we request that you explain to them their rights under Articles 18, 65, 66, 67 of the Criminal Procedure Code of Ukraine, and Article 63 of the Constitution of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions about this request or its performance, do not hesitate to contact Major of Justice Igor Romanovich Ivashko, Senior Investigator of High-Profile Cases at the Central Investigative Directorate of the Security Service of Ukraine, at +380-44-255-51-62.

Should any circumstances arise preventing you from carrying out the requested procedural formalities, please notify us at 33 Vladimirska Street, Kyiv, 01601, Central Investigative Directorate of the Security Service of Ukraine.

Attachment:

1. Excerpts from the Criminal Procedure Code of Ukraine (Articles 2, 18, 40, and 93) on 3 pages;
2. Excerpts from the Criminal Procedure Code of Ukraine (Articles 65, 66, 67, 95, 104, 106, 223, and 224), excerpts from the Criminal Code of Ukraine (Articles 384, 385, and 387) and from the Constitution of Ukraine (Article 63) on 8 pages;
3. Excerpt from the Criminal Code of Ukraine (Articles 258-3, 258, 294, 341, 348, and 349) on 3 pages.

**Senior Investigator of High-Profile Cases  
of the 3<sup>rd</sup> Unit at the 1<sup>st</sup> Pretrial Investigation Directorate  
of the Central Investigative Directorate  
of the Security Service of Ukraine**

**Major of Justice**

**[Signature] Igor Romanovich Ivashko**

**APPROVED BY  
Senior Prosecutor with the Department of Procedural Guidance  
and State Prosecution in Criminal Cases Against Crime Rings  
Prosecutor General's Office of Ukraine  
Councillor of Justice**

**[Signature] Vladimir Anatolyevich Vlasok**

[Seal: Prosecutor General's Office of Ukraine]



# Annex 422

Ukrainian Request for Legal Assistance Concerning Case No. 22014000000000286 (3 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To the Relevant Authorities  
of the Russian Federation**

**Request  
for Legal Assistance  
in Criminal Case No. 2201400000000286**

**Kyiv**

**July 3, 2015**

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation in Criminal Case No. 2201400000000286 of July 25, 2014, in which Russian citizen Igor Vsevolodovich Girkin is suspected of having committed crimes falling under Part 1 of Article 258-3, Part 1 of Article 294, Part 3 of Article 258, Article 341, Article 348, and Article 349 of the Criminal Code of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine is requesting the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to the criminal proceedings.

These criminal proceedings are not politically motivated.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that information received through this request will be used exclusively for the pretrial investigation of Criminal Case No. 2201400000000286 of July 25, 2014 and during the court hearing of the case.

The pretrial investigation has ascertained that in late February 2014 Russian citizen Igor Vsevolodovich Girkin, acting on orders from individuals in the Russian Federation who have not been identified by the pretrial investigation with the intent to disrupt public safety, intimidate the population, provoke an armed conflict, a complication of international relations, and influence the decisions made by national and local government agencies of Ukraine, arrived in the Autonomous Republic of Crimea with the intention of forming a terrorist group and committing acts of terror in Ukrainian territory, organizing public disturbances, capturing administrative buildings, endangering the lives of law enforcement officers, and taking law enforcement officers hostage.

During the period from March to April 2014, I.V. Girkin—while staying in the Autonomous Republic of Crimea and concealing his identity under the name of Igor Ivanovich Strelkov and the alias (code name) "Strelok"—found and recruited for his terrorist group Russian citizen Bezler (code name "Bes"), Ukrainian citizen Sergey Anatolyevich Zdryliuk (code name "Abver"), as well as other individuals who have not been identified by the pretrial investigation, who joined a criminal conspiracy to commit acts of terror in Ukrainian territory, particularly in Donetsk Oblast.

Also in March-April 2014, I.V. Girkin—while operating as part of the terrorist group he formed—organized the commission of crimes as a result of which the members of his terrorist group obtained firearms, ammunition, means of communication, motor vehicles, and cash as well as created other conditions essential to the operation of this group.

Also, while acting on the criminal plan devised in advance and known to all members of the terrorist group, in April 2014 I.V. Girkin arrived in Donetsk Oblast with the intention of organizing public disturbances in Slovyansk, Kramatorsk, and other population centers in Donetsk Oblast, which were accompanied by physical violence, riotous damage, arson, destruction of property, takeovers of buildings and facilities, resistance against the authorities with the use of weapons and other items used in lieu of weapons.

To this end, I.V. Girkin and other members of the terrorist group led by him established contact with local residents, who acted out of personal motives driven by rejection of the legitimate government in Ukraine and provided them with weapons prepared in advance. Afterwards, I.V. Girkin along with other terrorist group members supported with force the actions of local residents who resisted the authorities with the use of weapons, organized public disturbances in the town of Slovyansk, during which administrative buildings were taken over and property of the town hall, municipal department of the Directorate of the Ukrainian Ministry of Internal Affairs, and the municipal department of the Directorate of the Security Service of Ukraine was destroyed.

At around 9:00 a.m. on April 13, 2014, I.V. Girkin, acting in collusion with the above-mentioned individuals and other terrorist group members and using a vehicle prepared in advance with the intention of committing the crime, discharged weapons and committed an act of terrorism that resulted in the death of Security Service of Ukraine officer G.V. Bilichenko and severe injuries to Security Service of Ukraine officers G.I. Kuznetsov, A.Yu. Dubovik, and A.I. Kuksa, who were performing their official duties in the context of the Anti-Terrorist Operation.

Also, in April 2014, I.V. Girkin—acting in collusion with other terrorist group members while in Donetsk Oblast—devised a detailed plan to capture administrative buildings of the municipal department of the Ministry of Internal Affairs, the Security Service of Ukraine, and the town hall in Slovyansk. To this end, I.V. Girkin—acting in collusion with I.N. Bezler, S.A. Zdryliuk, and other terrorist group members—used firearms on April 12, 2014 to take over a government building – the building of the Slovyansk Municipal Department of the Central Directorate of the Ukrainian Ministry of Internal Affairs in Donetsk Oblast, located at 30 Lenina Street, Slovyansk, Donetsk Oblast, the building of the Slovyansk Municipal Department of the Donetsk Oblast Directorate of the Security Service of Ukraine located at 32 Karla Marxa Street, as well as the building of Slovyansk Town Hall located at 2 Ploshchad Oktyabrskoy Revolutsiyi, Slovyansk, Donetsk Oblast.

Subsequently, on April 13, 2014, I.V. Girkin—having devised a detailed plan to assassinate law enforcement officers participating in the Anti-Terrorist Operation and acting in collusion with other terrorist group members according to a pre-devised plan—used vehicles and automatic firearms prepared in advance to commit an attack outside the town of Slovyansk on law enforcement officers performing their official duties in the context of the Anti-Terrorist Operation, and more specifically committed the murder of Security Service of Ukraine officer G.V. Bilichenko and an attempted murder of Security Service of Ukraine officers G.I. Kuznetsov, A.Yu. Dubovik, and A.I. Kuksa.

Also, while acting on a pre-devised criminal plan known to all terrorist group members, on April 26, 2014 I.V. Girkin—while in Donetsk Oblast and acting in collusion with I.N. Bezler, S.A. Zdryliuk, and other terrorist group members who have not been identified by the pretrial investigation in the town of Horlivka, Donetsk Oblast, used firearms and vehicles prepared in advance to take Security Service of Ukraine officers R.M. Kiyashko, S.P. Potemskiy, and E.Yu. Varyinskiy hostage and then transported them to the town of Slovyansk, Donetsk Oblast.

Subsequently, on April 27, 2014, I.V. Girkin—looking to force the law enforcement agencies to act in certain ways in the interests of the terrorist group members as a condition for the release of R.M. Kiyashko, S.P. Potemskiy, and E.Yu. Varyinskiy taken hostage the other day—spoke in a LifeNews TV channel broadcast and confirmed that said individuals had been taken hostage. He also made known the specific conditions for their release.

In the course of the pretrial investigation of the criminal case, on May 3, 2014 a notice of suspicion was prepared and approved by the procedural supervisor against Russian citizen Igor Vsevolodovich Girkin, d.o.b. December 17, 1970, born in the Russian Federation, with his registered address at 8-B Shenkurskiy Proyezd, apartment 136, Moscow, to the effect that he is suspected of having committed crimes falling under Part 1 of Article 258-3, Part 1 of Article 294, Part 3 of Article 258 of the Criminal Code of Ukraine.

On August 13, 2014 a notice of suspicion was prepared and approved by the procedural supervisor against Russian citizen Igor Vsevolodovich Girkin, d.o.b. December 17, 1970, born in the Russian Federation, with his registered address at 8-B Shenkurskiy Proyezd, apartment 136, Moscow, to the effect that he is suspected of having committed crimes falling under Articles 341 and 349 of the Criminal Code of Ukraine.

Bearing in mind the foregoing and invoking the Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, seeking to ensure a comprehensive, full, and objective investigation of Criminal Case No. 2201400000000286 of July 25, 2014, the Central Investigative Directorate of the Security Service of Ukraine is requesting legal assistance in this criminal case and asking for a number of procedural formalities to be carried out in the territory of the Russian Federation:

1. Request information about the address of registration of I.V. Girkin from the relevant government agencies of the Russian Federation;
2. Request information about I.V. Girkin's registration with any drug abuse or mental and neurological disease control centers from the relevant government agencies of the Russian Federation;
3. Request information about the Russian citizen's passport and an international passport received by I.V. Girkin as well as copies of applications requesting the issuance of said passports from the relevant government agencies;
4. Request information about any prior criminal or administrative liability records of I.V. Girkin, including for possession or storage of firearms, from the relevant government agencies of the Russian Federation. If this information is confirmed, request copies of court verdicts or rulings from the relevant judicial institutions;
5. Request information from the relevant government agencies whether or not any criminal proceedings against I.V. Girkin are ongoing in connection with his involvement in the terrorist organization "Donetsk People's Republic" in Ukrainian territory;
6. Request from the relevant government agencies of the Russian Federation information about instances in which I.V. Girkin crossed the state border of the Russian Federation during the period from January 1, 2014 until present, including information about the time of the crossing, the border crossing point, and the direction of movement upon crossing the state border between the Russian Federation and Ukraine;
7. Request from the relevant government agencies information about I.V. Girkin's service in the army (compulsory, under contract), including the time and place of service, position held, military rank, period of service, and reason for discharge;
8. Request from the relevant government agencies of the Russian Federation information about I.V. Girkin's potential involvement in the operations of illegal paramilitary groups both in the Russian Federation and abroad.
9. Identify and question as witnesses the close friends and next of kin of I.V. Girkin about his biographical information, his character profile, as well as his actual whereabouts during the period from January 1, 2014 until present.

**Procedure for honoring the request:** unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.



Please certify the documents obtained while honoring this request with the official seal of the issuing department.

Investigative activities in the territory of the Russian Federation are needed to ensure a swift and full investigation of the criminal case.

While questioning witnesses, we request that you explain to them their rights under Articles 18, 65, 66, 61 of the Criminal Procedure Code of Ukraine, and Article 63 of the Constitution of Ukraine.

The Central Investigative Directorate of the Security Service of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions about this request or its performance, do not hesitate to contact Major of Justice Igor Romanovich Ivashko, Senior Investigator of High-Profile Cases at the Central Investigative Directorate of the Security Service of Ukraine, at +380-44-255-51-62.

Should any circumstances arise preventing you from carrying out the requested procedural formalities, please notify us at 33 Vladimirska Street, Kyiv, 0160, Central Investigative Directorate of the Security Service of Ukraine.

Attachment:

1. Excerpts from the Criminal Procedure Code of Ukraine (Articles 2, 18, 40, and 93) on 3 pages;
2. Excerpts from the Criminal Procedure Code of Ukraine (Articles 65, 66, 67, 95, 104, 106, 223, and 224), excerpts from the Criminal Code of Ukraine (Articles 384, 385, and 387) and from the Constitution of Ukraine (Article 63) on 8 pages;
3. Excerpt from the Criminal Code of Ukraine (Articles 258-3, 258, 294, 341, 348, and 349) on 3 pages.

**Senior Investigator of High-Profile Cases  
of the 3<sup>rd</sup> Unit at the 1<sup>st</sup> Pretrial Investigation Directorate  
of the Central Investigative Directorate  
of the Security Service of Ukraine**

**Major of Justice**

**[Signature] Igor Romanovich Ivashko**

**APPROVED BY**

**Senior Prosecutor with the Department of Procedural Guidance  
and State Prosecution in Criminal Cases Against Crime Rings  
Prosecutor General's Office of Ukraine**

**Councilor of Justice**

**[Signature] Vladimir Anatolyevich Vlasok**

[Seal: Prosecutor General's Office of Ukraine]



# Annex 423

Ukrainian Request for Legal Assistance Concerning Case No. 42014000000000457 (28 July 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**To the Competent Authorities  
of the Russian Federation**

**REQUEST  
for international legal assistance in criminal proceeding  
No. 4201400000000457**

Kyiv

July 28, 2015

The General Prosecutor's Office of Ukraine presents its complements to the competent authorities of the Russian Federation and on the basis of the 1993 Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters, and the 1959 European Convention on Mutual Assistance in Criminal Matters submits a request for international legal assistance in criminal proceeding No. 4201400000000457 of May 31, 2014 for criminal offenses under Article 258(3), Article 15(3) [sic] Article 258-3(1), Article 260(5), Article 263(1), Article 437(2) and Article 447(1) of the Criminal Code of Ukraine.

**Article 258. Act of Terrorism**

**1.** An act of terrorism, that is, the use of weapons, explosion, fire or other actions that have exposed human life or health to danger or caused significant property damage or other grave consequences, where such actions sought to violate public security, intimidate the population, provoke an armed conflict, international tension, or to exert influence on decisions made or actions taken or not taken by state or local government authorities, officials and officers of such bodies, associations of citizens, legal entities, or to attract attention of the public to certain political, religious or other convictions of the culprit (terrorist), and also a threat to commit such acts for the same purposes, -

shall be punishable by imprisonment for a term of five to ten years with or without confiscation of property.

[seal:] GENERAL PROSECUTOR OF UKRAINE

2. The same actions, if repeated or committed by a group of persons by prior conspiracy, or where these actions caused significant property damage or other grave consequences, - shall be punishable by imprisonment for a term of seven to twelve years with or without confiscation of property.

3. The actions provided for by the first and second parts of this article, which caused the death of a person, - shall be punishable by imprisonment for a term of ten to fifteen years, or life imprisonment with or without confiscation of property.

4. Fourth part of Article 258 deleted on the basis of Law No. 170-V of September 21, 2006

5. Fifth part of Article 258 deleted on the basis of Law No. 170-V of September 21, 2006

6. A person shall be discharged from criminal liability for any action provided for by the first part of this article with respect to threatening to commit an act of terrorism if before being notified that he or she was suspected of committing a crime, he or she has voluntarily reported it to a law enforcement authority and assisted in its termination or disclosure if as a result of this and the measures taken the danger for human life and health or the causing of significant property damage or the occurrence of other grave consequences were prevented, if his or her actions contain no elements of another crime.

(Article 258 as amended in accordance with Law No. 1689-VII of October 7, 2014)

### **Article 258-3. Establishment of a Terrorist Group or Terrorist Organization**

1. Establishing, leading or participating in a terrorist group or terrorist organization, and also providing organizational or other assistance in the establishment or operation of a terrorist group or terrorist organization, -

shall be punishable by imprisonment for a term of eight to fifteen years with or without confiscation of property.

2. A person, other than an organizer or leader of a terrorist group or terrorist organization, shall be discharged from criminal liability for any action provided for by the first part of this article, if he or she has voluntarily reported the terrorist operation to a law enforcement authority and assisted in its termination or the disclosure of criminal offenses related to the establishment or operation of such group or organization, if his or her actions contain no elements of another crime.

**Article 260. Creation of Extralegal Paramilitary or Armed Groups**

1. The creation of paramilitary groups in contravention of Ukrainian laws or participation in their operations –

shall be punishable by imprisonment for a term of two to five years with or without confiscation of property.

2. Creation of armed groups in contravention of Ukrainian laws or participation in their operations, -

shall be punishable by imprisonment for a term of three to eight years with or without confiscation of property.

3. Leadership of the groups mentioned in the first or second parts of this article, financing, supplying weapons, ammunition, explosives or military equipment to these groups, -

shall be punishable by imprisonment for a term of five to ten years with or without confiscation of property.

4. Participation in attacks on businesses, institutions, organizations or private individuals as a member of the groups provided for by the first or second parts of this article, -

shall be punishable by imprisonment for a term of seven to twelve years with or without confiscation of property.

5. The action provided for by the fourth part of this article which caused the death of people or other grave consequences, -

shall be punishable by imprisonment for a term of ten to fifteen years with or without confiscation of property.

6. A person who was a member of the groups mentioned in this article shall be discharged from criminal liability under this article for actions provided for by the first or second parts of this article if he or she has voluntarily left such group and reported its existence to the state or local government authorities.

**Note.**

1. Paramilitary groups shall mean groups that have a military organizational structure, namely: unity of command, subordination and discipline, and perform military exercises, line training or physical drills.

2. Armed groups shall mean military groups that are illegally armed with firearms, explosives or other weapons fit for use.

**Article 263. Unlawful Handling of Weapons, Ammunition or Explosives**

1. Carrying, storing, purchasing, producing, repairing, transferring or selling firearms (other than smoothbore hunting guns), ammunition, explosive substances or explosive devices without a permit required by law, -

shall be punishable by imprisonment for a term of three to seven years.

2. Carrying, producing, repairing or selling of daggers, Finnish knives, brass knuckles or other sidearms without a permit required by law, -

shall be punishable by a fine of up to fifty tax-free minimum incomes, or public work for a term of one hundred twenty to two hundred forty hours, or restraint of liberty for a term of two to five years, or imprisonment for a term of up to three years.

3. A person who committed a crime provided for by the first or second parts of this article shall be discharged from criminal liability if he or she voluntarily surrendered the weapons, ammunition, explosive substances or explosive devices to the authorities.

#### **Article 437. Planning, Preparation, Initiating and Waging an Aggressive War**

1. Planning, preparation or initiation of an aggressive war or armed conflict, or conspiring to take such actions, -

shall be punishable by imprisonment for a term of seven to twelve years.

2. Waging an aggressive war or aggressive military operations -

shall be punishable by imprisonment for a term of ten to fifteen years.

#### **Article 447. Mercenaries**

1. Recruiting, financing, supplying and training of mercenaries for the purpose of using them in armed conflicts of other states or violent actions aimed at overthrowing of government or violation of territorial integrity, and also the use of mercenaries in armed conflicts or operations -

shall be punishable by imprisonment for a term of three to eight years.

2. Participation in armed conflicts of other states for the purpose of pecuniary compensation without authorization obtained from appropriate government authorities -

shall be punishable by imprisonment for a term of five to ten years.

#### **Article 15. Criminal Attempt**

1. A criminal attempt shall mean a directly intended act (action or omission) made by a person and aimed directly at the commission of a criminal offense provided for by the relevant article of the Special Part of this Code, where this criminal offense has not been consummated for reasons beyond that person's control.

2. A criminal attempt shall be consummated where a person has completed all such actions as he or she deemed necessary for the consummation of an offense; however, the offense was not completed for reasons beyond that person's control.



3. A criminal attempt shall be unconsummated where a person has not completed all such actions as he or she deemed necessary for the consummation of the offense due to reasons beyond that person's control.

The pretrial investigation found that pursuant to clauses 1 and 2 of the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland and the United States of America assured Ukraine of their obligation according to the principles of the Final Act of the Conference on Security and Cooperation in Europe of August 1, 1975 to respect the independence, sovereignty and existing borders of Ukraine, committed to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons would ever be used against Ukraine other than for the purposes of self-defense or otherwise in accordance with the United Nations Charter.

In accordance with Article 2(4) of the UN Charter, all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations.

According to United Nations General Assembly Declaration 36/103 of December 9, 1981 on the Inadmissibility of Intervention and Interference in the Internal Affairs of States and Resolutions 2734 (XXV) of December 16, 1970 containing the Declaration on the Strengthening of International Security; 2131 (XX) of December 21, 1965 containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty 3314 (XXIX) of December 14, 1974 containing a definition of aggression, it has been determined that none of the states shall have the right to intervene or interfere in any form or for any reason in the internal and foreign affairs of other states. Duties have been set forth for states to refrain from armed intervention, subversion, military occupation; from the promotion, encouragement or support of secessionist activities; to prevent on its territory the training, financing and recruitment of mercenaries, or the sending of such mercenaries into the territory of another State.

In addition, Articles 1-5 of United Nations General Assembly Declaration No. 3314 (XXIX) of December 14, 1974 specifies that, inter alia:

- aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State;
- the first use of armed force by a State in contravention of the Charter shall constitute prima facie evidence of an act of aggression.

Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression:

- The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;
- Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- The blockade of the ports or coasts of a State by the armed forces of another State;
- An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- The sending by or on behalf of the State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above.

No consideration of whatever nature, whether political, economic, military, or otherwise, may serve as a justification for aggression.

Articles 1-3 of the Constitution of Ukraine specify that Ukraine is a sovereign and independent, democratic, social, and rule of law state. The sovereignty of Ukraine extends to its entire territory, which is integral and inviolable within the existing border. The person, his life and health, honor and dignity, inviolability, and safety are considered the greatest social value in Ukraine.

In accordance with Article 68 of the Constitution of Ukraine, each person shall strictly comply with the Constitution of Ukraine and the laws of Ukraine and not infringe the rights and freedoms, honor, and dignity of other people.

According to Article 1 of the Law of Ukraine “On the Defense of Ukraine,” **armed aggression** is the use by another state or group of states of armed force against Ukraine. Any of the following actions shall be considered armed aggression against Ukraine:

- invasion or attack by the armed forces of another state or group of states of the territory of Ukraine, and also occupation or annexation of part of the territory of Ukraine;
- the blockade of the ports, coasts, or airspace, disruption of the communications of Ukraine by the armed forces of another state or group of states;
- the attack by the armed forces of another state or group of states on the land, marine or air forces or civil marine or air fleets of Ukraine;
- the sending by another state or on its behalf of armed groups of regular or irregular forces committing acts of armed force against Ukraine that are of such a serious nature that it is equivalent to the actions listed in paragraphs five through seven of this article, including the significant participation of the third state in such actions;
- the actions of another state or states which allow its territory, which it has placed at the disposal of a third state, to be used by that third state or states to take the actions listed in paragraphs five through eight of this article;
- the use of divisions of the armed forces of another state or group of states which are within the territory of Ukraine in accordance with international treaties concluded with Ukraine against a third state or group of states, other violation of the terms of such treaties or extension of the stay of such divisions in Ukraine beyond the termination of said treaties.

**A division of the armed forces of another state** is an armed group of a foreign state that has a permanent or temporary organization, belongs to the infantry (land), marine, air or special forces of that state, is armed with light weapons or heavy military equipment falling under the Treaty on Conventional Armed Forces in Europe, is under the command of a person responsible to his state and the laws of Ukraine for the conduct of his subordinates who are obligated to comply with internal discipline, the laws of Ukraine and the norms of international law.

Order No. 1505 of the President of the Russian Federation of November 9, 2012 appointed commander of the Central Military District of the Russian Federation Colonel General V.V. Gerasimov to the post of Chief of the General Staff of the Armed Forces of the Russian Federation and First Deputy Minister of Defense of the Russian Federation (hereinafter the General Staff of the Armed Forces of the Russian Federation).

In accordance with clauses 1, 6, 7, 9, 20, and 21 of the Regulations on the General Staff of the Armed Forces of the Russian Federation approved by Decree No. 631 of the President of the Russian Federation on July 23, 2013, the General Staff of the Armed Forces of the Russian Federation is the central authority of military administration of the Russian Federation Ministry of Defense and the principal command and control body of the Armed Forces of the Russian Federation.

The key tasks and functions of the General Staff of the Armed Forces of the Russian Federation are:

- the organization of planning and centralized battlefield management of the Armed Forces of the Russian Federation;
- the organization of the use of the Armed Forces, other forces, military groups, agencies, and special groups in accordance with the defense plan of the Russian Federation;
- the organization of strategic deployment of the Armed Forces and their administration, supporting cooperation with other forces and military groups, agencies and special groups during deployment;
- projecting the development of military assets, assessing the nature of present-day and projecting possible armed conflicts, ways and forms of military actions, and ways of waging them, and forming a strategy for the armed defense of the interests of the state;
- the organization of cooperation with military Cossack societies;
- the organization of distribution of arms, specialized military equipment and supplies among the different types of forces of the Armed Forces and forces that are not among the Armed Forces.

According to clauses 25-30 of the Regulations, the Chief of the General Staff of the Armed Forces of the Russian Federation heads the General Staff, oversees the administration of the staff, issues orders and directives, provides instructions; in carrying out the decisions of the Minister of Defense of the Russian Federation issues orders to persons subordinate to the Minister in his name; organizes and monitors their performance. The instructions of the Chief of the General Staff of the Armed Forces of the Russian Federation must be carried out by the deputy Defense Ministers of the Russian Federation, commanders in chief of the forms of Armed Forces, commanders of the forces of military districts, types of forces of the Armed Forces, central military administration agencies, military administration agencies, major formations of military units, and organizations of the Armed Forces.

Considering the above, Chief of the General Staff of the Armed Forces of the Russian Federation V.V. Gerasimov is a military official of the Armed Forces of the Russian Federation who is vested with administrative and management functions and is authorized to make military planning and control decisions to use the Armed Forces of the Russian Federation, other forces, military groups, agencies, and special groups.

In 2013, in connection with the democratic processes that were occurring in the territory of Ukraine, V.V. Gerasimov and other officials of the General Staff of the Armed Forces of the Russian Federation unidentified by the pretrial investigation and subordinate to him conceived of a criminal intent to violate Ukraine's sovereignty and territorial integrity, to change the borders of the territory, and to violate the procedure established by the Constitution of Ukraine.

With the objective of carrying out this intent, officials of the General Staff of the Armed Forces of the Russian Federation under the direct command of V.V. Gerasimov devised a criminal plan that involved, in order to achieve the military and political objectives of the Russian Federation simultaneously with the use of political, diplomatic, economic, and informational means, and the use of covert means, which consisted in using the protest potential of the population of the southeastern regions of Ukraine,

in forming under the information influence of the internal opposition to create a permanent active front throughout the territory of Ukraine.

In order to carry out these criminal actions, V.V. Gerasimov initiated an expansion of the powers of the General Staff of the Armed Forces of the Russian Federation, which consisted of coordinating the activity of all the federal executive authorities of the Russian Federation and was reflected in the Regulations on the General Staff of the Armed Forces of the Russian Federation approved by Decree No. 631 of the President of the Russian Federation of July 23, 2013.

The reasons for implementing this plan were Ukraine's course of development toward integration with Europe, preparation for signing the Association Agreement between Ukraine and the European Union, the European Atomic Energy Community and its member states, which the higher military command of the Armed Forces of the Russian Federation, V.V. Gerasimov, considered a direct threat to the economic and geopolitical interests of the Russian Federation that would contribute to loss of influence over the political processes in Ukraine and would keep it from controlling its economic activity, would lead to closer cooperation with the North Atlantic Treaty Organization in order to meet the criteria necessary to acquire membership in that organization, and denunciation of the agreements on temporary stationing of the Russian Federation Black Sea Fleet on the territory of Ukraine.

Then, from December 2013 through February 2014, in order to secure approval and support by the citizens of the Russian Federation and residents of the southeastern regions of Ukraine for the criminal acts aimed at violating the sovereignty and territorial integrity of Ukraine and restoring the influence and importance of the Russian Federation on the world stage, the mass media were used to conduct subversive information and propaganda activity.

To wit, with the help of all types of Russian Federation media resources, there began a negative distortion of the events on "Euromaidan" as a mistaken European vector of development of Ukraine's foreign relations. By means of distortion, false interpretation, and packaging of information in order to change the awareness and attitude of Russian Federation citizens and local residents of the southeastern regions of Ukraine as to the authenticity and importance of the events that were actually occurring in Ukraine, the representatives of opposition forces were portrayed as supporters of nationalistic views and of structuring the Ukrainian state based on the principles of ideas of ethnic self-awareness and identity, participants of the mid-20th century national liberation movement (the OUN [Organization of Ukrainian Nationalists], the UNA [Ukrainian National Assembly]) were portrayed as supporters and followers of Fascism, and there was propaganda of their inferiority based on ideological and political beliefs.

Then V.V. Gerasimov, by issuing orders to his subordinate service members of the Armed Forces of the Russian Federation, organized the training, financing and material support (supply of weapons, ammunitions, military equipment and other assets) of the "Russian Sector" and "Oplot" armed criminal groups. These extralegal armed groups, under the direct leadership of reconnaissance and sabotage groups headed by career officers of the Main Intelligence Directorate

of the General Staff of the Armed Forces of the Russian Federation, Russian Cossack paramilitary groups, and the “Vostok” battalion made up of Russian Federation citizens planned and created the controlled “Donetsk People’s Republic” and “Lugansk People’s Republic” anti-constitutional terrorist organizations.

During April 2014, with the objective of carrying out the criminal plan of waging an aggressive war intended to violate the territorial integrity of Ukraine and to change the borders of its territory and to carry out the criminal orders of V.V. Gerasimov, the above-mentioned extralegal armed groups took over administrative buildings and key military and civilian infrastructure on the territory of the Donetsk and Lugansk regions, including armed attacks on military units of the Armed Forces of Ukraine located in those regions.

Then, on April 7, 2014 and April 27, 2014, the creation of the so-called “Donetsk People’s Republic” and “Lugansk People’s Republic,” which are essentially terrorist organizations, was unconstitutionally declared.

With the objective of assisting in the creation of the so-called “Donetsk People’s Republic” and “Lugansk People’s Republic” and their terrorist activity, on the orders of V.V. Gerasimov, massive relocations of groups of forces near the border of Ukraine were accomplished to quickly increase the forces and assets of those terrorist organizations.

Furthermore, on April 24, 2014 V.V. Gerasimov announced military training exercises of battalion tactical groups of mixed forces of the Southern and Western Military Districts of the Armed Forces of the Russian Federation in connection with the escalation of the situation in the southeast of Ukraine, during the conduct of which in the Russian districts bordering the Donetsk and Lugansk regions, in the Belgorod, Bryansk, Voronezh, Kursk, and Rostov regions, and in Krasnodar Krai, more than one hundred Russian military bases were relocated and heavy military equipment (tanks, as well as helicopters and airplanes) and a contingent of 30,000 to 40,000 service members of the Armed Forces of the Russian Federation were concentrated on their territory.

On April 7, 2014, an antiterrorist operation was commenced in the Donetsk and Lugansk regions on the proposal of the director of the Antiterrorism Center in the Security Service of Ukraine and coordinated with the chairman of the Security Service of Ukraine.

On April 13, 2014, due to the increase in separatist speeches and takeovers of government institutions in the east of Ukraine, the acting President of Ukraine approved in Decree No. 405/2014 of April 14, 2014 the decision of the Council of National Security and Defense of Ukraine “On Immediate Measures to Overcome the Threat of Terrorism and Preserve the Territorial Integrity of Ukraine” and Ukraine commenced a wide-reaching antiterrorist operation (hereinafter the ATO) involving the Armed Forces of Ukraine on the territory of the Donetsk and Lugansk regions.

In performance of that decision of the Council of National Security and Defense of Ukraine, the Command and Control Headquarters for the ATO on the territory of the Donetsk and Lugansk regions developed several action plans for using the forces and assets of the Armed Forces of Ukraine and other armed groups, which provided for the conduct of offensive raid, storm, guarding, and defensive actions on the territory of the Donetsk and Lugansk republics.

As a result of planning and implementing those plans, during May-July 2014 the ATO forces took control of about 70 percent of the territory of the Donetsk and Lugansk regions, liberated a considerable number of cities and population centers from control of the so-called "Donetsk People's Republic" and "Lugansk People's Republic" and extralegal armed groups, and controlled the main transportation lines.

In particular, from May through July 2014 the Antiterrorist Operation forces liberated a number of population centers: Stanichno-Luganskoye, Schastye, Severodonetsk, Lisichansk, Rubezhnoye, Siversk, Yampol, Krasny Liman, Kremenna, Artemevsk, Soledar, Slavyansk, Kramatorsk, Konstantinovka, Druzhkovka, Dzerzhinsk, Uglegorsk, Debaltsevo, Krasnoarmeisk, Dimitrov, Volnovakha, Novotroitskoye, Starobeshevo, Komsomolskoye, Kuteinikovo, Avdeevka, Mariupol, and the left bank districts of Lugansk Region to the north of the Siverskiy Donetsk River.

At the same time, the Donetsk Region cities of Lugansk and Gorlovka and part of the city of Donetsk were blocked.

During the period from August 8 through August 23, 2014, with the objective of carrying out the criminal plan to wage an aggressive war, a plan that was intended to violate the territorial integrity of Ukraine and change the borders of its territory, in order to cause significant losses to the ATO forces, massive artillery missile bombardments were systematically done from the combat vehicles BM-21 "Grad" (Index GRAU 9K51), BM-30 "Smerch" (Index GRAU 9K58), and 9G140 "Uragan" (Index GRU 9K57) from the Russian Federation territory of the ATO forces' positions in the directions of Saur-Mohyla-Uspenski-Amvrosievka.

Between August 12 and August 23, 2014, according to the decision of the Command and Control Headquarters of the ATO on the territory of the Donetsk and Lugansk regions, an operation was planned from August 11, 2014, to crush the main forces of the extralegal armed groups (hereinafter extralegal armed groups) in the cities of Yenakievo, Gorlovka, Pervomaisk, and Stakhanov and in nearby districts; to fully block the cities of Lugansk, Donetsk, and Makeevka; to tighten the outer circle of isolation and restore the operations of the government authorities and local government in districts that were liberated; to carry out information influence measures on the population of the Donetsk and Lugansk regions.

There were plans to complete the security sweep of extralegal armed groups from the city of Ilovaisk in Donetsk Region and take control of the city on August 12 and August 13, 2014.

This would have caused a total blocking of extralegal armed groups in the city of Donetsk from the south and would have contributed to moving the forces and assets of the Armed Forces of Ukraine in the direction

of the city of Zugres, and other forces and assets in the direction of Khartsyzsk-Zugres from the north with the objective of fully blocking and liberating the population center of Donetsk from the extralegal armed groups.

Divisions of the Armed Forces of Ukraine, special-purpose militia divisions, and a special-purpose battalion of the National Guard of Ukraine took part in carrying out the operation to crush the main forces of the extralegal armed groups in the city of Ilovaisk, Donetsk Oblast, and to take control of it.

In performance of the decision of the Command and Control Headquarters of the ATO, as at August 7-8, 2014, divisions of the 40th battalion of territorial defense of the 17th separate mechanized brigade blocked the city of Ilovaisk, thereby securing control over the main transportation lines, and the special-purpose militia divisions and special-purpose battalion of the National Guard of Ukraine took control of the western part of the city of Ilovaisk by taking offensive action.

Representatives of the General Staff of the Armed Forces of the Russian Federation who have not been identified by the pretrial investigation, carrying out the extralegal orders of V.V. Gerasimov, coordinating and managing the actions of the extralegal armed groups, with the objective of containing the ATO forces' offensive in the direction of the city of Ilovaisk and not allowing the city of Donetsk to be surrounded, continued to augment the capabilities of the extralegal armed groups by providing military equipment, arms, ammunition, and supplies in the area of the Donetsk Region cities of Ilovaisk, Shakhtersk, Torez, and Snezhnoye.

Between August 12, 2014 and August 23, 2014, the main forces of the extralegal armed groups were used to maintain control of the city of Ilovaisk.

As at August 23, 2014, the special-purpose militia divisions with the support of the Armed Forces of Ukraine continued offensive actions in the city of Ilovaisk.

Thus, the Decision of the Command and Control Headquarters of the ATO regarding taking the city of Ilovaisk using the forces and assets of the Armed Forces of Ukraine involving other armed groups was essentially completed, and considering the conditions of the situation, it was predicted that the city would be finally taken over and the extralegal armed groups eliminated by the end of August 2014.

Recognizing the importance of controlling the city of Ilovaisk, which would enable the ATO forces on the territory of the Donetsk and Lugansk regions to surround the terrorist groups in the city of Donetsk, in violation of the requirements of clauses 1 and 2 of the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994, the principles of the Final Act of the Conference on Security and Cooperation in Europe of August 1, 1975, and the requirements of Article 2(4) of the UN Charter, V.V. Gerasimov decided to initiate and wage an aggressive war against Ukraine by way of the involvement and subsequent invasion by separate divisions of the Armed Forces of the Russian Federation located in districts near the borders of the Donetsk and Lugansk regions, and to march them across the territory of Ukraine to the area of the city of Ilovaisk to provide military support for the controlled terrorist organizations.



Thus, from August 7 through August 11, 2014, the groups of the Armed Forces of the Russian Federation were strengthened along the State Border of Ukraine; this included up to 32 battalion task groups and three company task groups. The total number of personnel was at least 45,100 individuals, and there were up to 160 tanks, up to 1,360 infantry fighting vehicles (armored vehicles), up to 350 units of artillery, up to 130 multiple rocket launcher systems, and up to 192 military airplanes and 137 helicopters.

At the same time, measures intended to both support the activity of the controlled terrorist organizations and to prepare the forces, assets and tactical scenarios for possible invasion of the territory of Ukraine continued to be carried out.

In order to prepare for the waging of an aggressive war, the military equipment of three battalion task groups (total military service personnel under contract with the Armed Forces of the Russian Federation of more than 3,500 individuals, who had at their disposal around 60 tanks, 320 infantry fighting vehicles (armored vehicles), 60 cannon, including up to 16 antitank cannon and up to 45 mortar launchers), was prepared in advance by the Russian Federation military personnel by removing all military symbols that would indicate that it belonged to the Armed Forces of the Russian Federation.

Furthermore, with the objective of misleading the command of the Command and Control Headquarters of the ATO, military signs similar to those that were used to identify the armed forces and assets of the ATO were placed on the military equipment.

On August 24, 2014 at 01:00, A.V. Nemolyaev, commander of the 331st Guards Airborne Regiment of the 98th Guards Airborne Division of the Armed Forces of the Russian Federation (military unit 71211, permanent location 8-a ul. Skvortsova, Kostroma, Russian Federation), whose division was located at the time of the training exercises near the village of Novoandrianovka, Matveevo-Kurganskiy District, Rostov Region, Russian Federation, carrying out the extralegal order of the leadership of the General Staff of the Armed Forces of the Russian Federation regarding initiating and waging an aggressive war against Ukraine by invading the Donetsk Region with forces of battalion task groups of the Armed Forces of the Russian Federation and marching them across the territory of Ukraine to the area of the city of Ilovaisk for armed support of the controlled terrorist organizations, put the divisions of the created tactical exercise battalions on military alert and gave orders to his subordinate military divisions to march across the state border with Ukraine in the area of the population centers Pobeda-Berestovoye of the Starobeshevskiy District of the Donetsk Region to the city of Ilovaisk, Donetsk Region, with the objective of surrounding and crushing the ATO armed groups on the territory of the Donetsk and Lugansk regions.

On August 24, 2014 at 02:45, contract service members of the 331st Guards Airborne Regiment of the 98th Guards Airborne Division of the Armed Forces of the Russian Federation (military unit 71211), namely: assistant machine gunner of the 3rd airborne company junior sergeant Ye.V. Pochtoev, squad leader V.V. Savosteev [sic], private first class A.E. Kuzmin, deputy combat vehicle commander gunner private first class S.A. Arkhipov, deputy combat vehicle commander gunner private first class

I.I. Romantsev, rifleman sergeant S.A. Smirnov, sergeant A.N. Generalov, machine gunner private A.V. Garyashin, senior sapper rifleman private first class I.V. Melchakov, and combat vehicle gunner private first class A.V. Mitrofanov, with other servicemen of the tactical training battalion of the 331st Guards Airborne Regiment of the 98th Guards Airborne Division of the Armed Forces of the Russian Federation not identified by the pretrial investigation on 40 units of military equipment (BMB-2 and BTRD) totaling around 400 people in cooperation with other military divisions of the Armed Forces of the Russian Federation as part of three battalion tactical groups, total military service personnel under contract with the Armed Forces of the Russian Federation of more than 3,500 individuals, who had at their disposal around 60 tanks, 320 infantry fighting vehicles (armored vehicles), 60 cannons, including up to 16 antitank cannons and up to 45 mortar launchers, acting intentionally, aware that military aggression of the Armed Forces of the Russian Federation resulted in the death on a daily basis of a significant number of citizens of Ukraine, realizing the clear criminality of the order of the General Staff of the Armed Forces of the Russian Federation, assuming the possibility of grave consequences in the form of the death of service members of the Armed Forces of Ukraine and civilian population as a result of its actions, **invaded the administrative territory of Ukraine** in the area of the population centers Pobeda-Berestovoye of the Starobeshevskiy District of Donetsk Region.

In doing so they understood that together with other Russian Federation military service members they were violating the state structure and order established by Articles 1-3 and 68 of the Constitution of Ukraine, infringing the sovereignty and territorial integrity of Ukraine to change the borders of its territory and expand the influence of the state in which they were doing military service, on a administrative territorial unit of Ukraine, directly violating the requirements of clauses 1 and 2 of the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons of December 5, 1994 and violated the principles of the Final Act of the Conference on Security and Cooperation in Europe of August 1, 1975, the requirements of Article 2(4) of the UN Charter and Articles 1-3 and 68 of the Constitution of Ukraine.

These persons thereby violated the sovereignty and territorial integrity of Ukraine, changed the borders of its territory and violated the procedure established by the Constitution of Ukraine.

On the same day, at around 16:00, near the population center of Zerkalnoye of the Amvrosievskiy District of Donetsk Region, service members of the Armed Forces of the Russian Federation Ye.V. Pochtoev, V.V. Savosteev [sic], A.E. Kuzmin, S.A. Arkhipov, I.I. Romantsev, S.A. Smirnov, A.N. Generalov, A.V. Garyashin, I.V. Melchakov, and A.V. Mitrofanov were detained by service members of the Armed Forces of Ukraine.

As a result of the above-mentioned actions, the group of forces of the Armed Forces of Ukraine, special-purpose militia divisions, and National Guard of Ukraine that were in the area of the city of Ilovaisk were surrounded by divisions of the Armed Forces of the Russian Federation (in the South and Southwest) and extralegal armed groups (in the West, North, and East).

On August 29, 2014, service members of the Armed Forces of Ukraine who were surrounded attempted to break out of their encirclement in two columns in certain directions of movement. As a result of taking these actions, both columns were ambushed and came under fire by divisions of the Armed Forces of the Russian Federation and extralegal armed groups in the area of the population centers Starobeshevo, Chumaki, Novodvorskoye, Agronomicheskoye, Mnogopolye, Chervonoselskoye, Osykovoe, and Novokaterinovka.

The criminal actions of V.V. Gerasimov and his subordinate service members of the Armed Forces of the Russian Federation and the extralegal armed groups controlled by him caused **grave consequences** in the form of **the deaths of at least 366 service members** of the Armed Forces of Ukraine and employees of special-purpose militia divisions involved in conducting the ATO on the territory of the Donetsk and Lugansk regions, **429 people suffering bodily injuries of varying degrees of severity**, and property damage in the form of destroying military equipment of Ukraine, weapons, and other military assets for the total amount of **298,292,955.37 hryvna**.

Subsequently, these service members of the Armed Forces of the Russian Federation, as a result of being exchanged for service members of the Armed Forces of Ukraine who had been taken prisoner, according to the certificates of entry (return) to the Russian Federation issued on August 30, 2014 by the General Consulate of Russia in the city of Kharkov, crossed the border of Ukraine and departed for the territory of the Russian Federation.

On July 28, 2015 a written charge sheet was drawn up in this criminal proceeding for Chief of the General Staff of the Armed Forces of the Russian Federation Valeriy Vasilievich Gerasimov and service members of the 331st Guards Airborne Regiment of the 98th Guards Svir Order of the Red Banner and Order of Kutuzov, second degree, airborne division named after the 70th anniversary of Great October: Yegor Valerievich Pochtov, Artem Eduardovich Kuzmin, Vladimir Vyacheslavovich Savasteev, Sergey Aleksandrovich Arkhipov, Ivan Igorevich Romantsev, Sergey Alekseevich Smirnov, Aleksey Nikolaevich Generalov, Andrey Valerievich Garyashin, Ivan Vasilievich Melchakov, and Artem Valerievich Mitrofanov.

The currently effective Criminal Procedure Code of Ukraine regulates the procedure for an investigator or prosecutor delivering a written charge sheet directly to the person mentioned in the charge sheet. If it is not possible to deliver the written charge sheet directly to the person mentioned therein, the investigator or prosecutor shall use other means provided for by the Criminal Procedure Code of Ukraine to deliver the charge sheets (Articles 135-136).

Considering that the above-mentioned individuals are on the territory of the Russian Federation, it has become necessary to submit a request for international legal assistance to the competent authorities of the Russian Federation: to deliver the written charge sheets to V.V. Gerasimov, Ye.V. Pochtov, A.E. Kuzmin, V.V. Savasteev,

S.A. Arkhipov, I.I. Romantsev, S.A. Smirnov, A.N. Generalov, A.V. Goryashin, I.V. Melchakov, and A.V. Mitrofanov; to advise the suspects of their rights under Article 42 of the Criminal Procedure Code of Ukraine; to deliver instructions on the procedural rights and obligations of a suspect; to ensure the right to a defense.

On the basis of the above, according to the 1993 Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters and the 1959 European Convention on Mutual Assistance in Criminal Matters, the Office of the General Prosecutor of Ukraine submits a request to the competent authorities of the Russian Federation **with a polite request to do the following:**

**1.** To determine the place of residence (stay) and deliver the written charge sheet to **Chief of the General Staff of the Armed Forces of the Russian Federation Valeriy Vasilievich Gerasimov**, having promptly advised him in doing so of his rights under Article 42 of the Criminal Procedure Code of Ukraine (*Enclosure 1*); to deliver to V.F. [sic] Gerasimov instructions on the procedural rights and obligations of a suspect (*Enclosure 2*).

After advising him of his rights, explain in detail to the suspect V.V. Gerasimov each of these rights of a suspect upon his request.

**2.** To determine the place of residence (stay) and deliver the written charge sheets to service members of the 331st Guards Airborne Regiment of the 98th Guards Svir Order of the Red Banner and Order of Kutuzov, second degree, airborne division named after the 70th anniversary of Great October:

- **Yegor Valerievich Pochtoev, date of birth April 16, 1994;**
- **Artem Eduardovich Kuzmin, date of birth February 4, 1993;**
- **Vladimir Vyacheslavovich Savasteev, date of birth August 3, 1987;**
- **Sergey Aleksandrovich Arkhipov, date of birth November 16, 1991;**
- **Ivan Igorevich Romantsev, date of birth June 11, 1992;**
- **Sergey Alekseevich Smirnov, date of birth February 5, 1986;**
- **Aleksey Nikolaevich Generalov, date of birth August 6, 1986;**
- **Andrey Valerievich Garyashin, date of birth July 31, 1994;**
- **Ivan Vasilievich Melchakov, date of birth June 7, 1995;**
- **Artem Valerievich Mitrofanov, date of birth December 29, 1986,**

Having promptly advised them in doing so of their rights under Article 42 of the Criminal Procedure Code of Ukraine (*Enclosures 3-12*); to deliver to each of them instructions on the procedural rights and obligations of a suspect (*Enclosures 13-22*).

After advising them of their rights, explain in detail to the suspects each of these rights of a suspect upon their request.

3. To obtain from the individuals listed in items 1 and 2, after delivery to them of the charge sheets and instructions on the rights of the suspect, their petitions, and statements, including regarding whether they have a chosen or appointed defender ensuring their rights to professional legal assistance (including free of charge at the expense of the state of Ukraine).

I also ask that you advise whether currently effective Russian Federation legislation on the territory of the Russian Federation provides for the conduct of questioning of the individuals listed in items 1-2 of the request as suspects in order to execute the request for international legal assistance.

The information received by the Office of the General Prosecutor of Ukraine will be used only in this criminal proceeding and if and when it is tried in court.

This criminal proceeding does not pursue political objectives and is not political in nature.

Please send documents received in the course of executing the request to the address: Office of the General Prosecutor of Ukraine, 13/15 ul. Reznitskaya, Kyiv, Ukraine, 01011.

Should you have any questions regarding this request or its execution, please contact prosecutor of the department of procedural management of pretrial investigation and support for the public prosecution in criminal proceedings of the investigative division of the department of procedural management of the Chief Military Prosecutor's Office of the Office of the General Prosecutor of Ukraine Roman Aleksandrovich Bagrienko at the telephone number +380445967210.

If it is not possible to comply with this request, please advise us of the reasons preventing it from being executed and the conditions in which it can be executed.

The Office of the General Prosecutor of Ukraine thanks you in advance for a favorable resolution of the request.

Enclosures: 1) Enclosure 1 mentioned in the Request: written charge sheet for V.V. Gerasimov on 14 pages in two copies;  
2) Enclosure 2 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;  
3) Enclosure 3 mentioned in the Request: written charge sheet for Ye.V. Pochtoev on 13 pages in two copies;

[seal:] General Prosecutor of Ukraine

- 4) Enclosure 4 mentioned in the Request: written charge sheet for A.E. Kuzmin on 13 pages in two copies;
- 5) Enclosure 5 mentioned in the Request: written charge sheet for V.V. Savasteev on 13 pages in two copies;
- 6) Enclosure 6 mentioned in the Request: written charge sheet for S.A. Arkhipov on 13 pages in two copies;
- 7) Enclosure 7 mentioned in the Request: written charge sheet for I.I. Romantsev on 13 pages in two copies;
- 8) Enclosure 8 mentioned in the Request: written charge sheet for S.A. Smirnov on 13 pages in two copies;
- 9) Enclosure 9 mentioned in the Request: written charge sheet for A.N. Generalov on 13 pages in two copies;
- 10) Enclosure 10 mentioned in the Request: written charge sheet for A.V. Goryashin on 13 pages in two copies;
- 11) Enclosure 11 mentioned in the Request: written charge sheet for I.V. Melchakov on 13 pages in two copies;
- 12) Enclosure 12 mentioned in the Request: written charge sheet for A.V. Mitrofanov on 13 pages in two copies;
- 13) Enclosure 13 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 14) Enclosure 14 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 15) Enclosure 15 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 16) Enclosure 16 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 17) Enclosure 17 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 18) Enclosure 18 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 19) Enclosure 19 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 20) Enclosure 20 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;
- 21) Enclosure 21 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;

22) Enclosure 22 mentioned in the Request: instructions on the procedural rights and obligations of a suspect on seven pages in two copies;

23) Excerpts from the Constitution of Ukraine, the Criminal Code of Ukraine and the Criminal Procedure Code of Ukraine on 21 pages.

**Prosecutor in the criminal proceeding,  
prosecutor of the department of procedural  
management of pretrial investigation and  
support for the public prosecution in  
criminal proceedings of the investigative  
division of the department of procedural  
management of the Chief Military  
Prosecutor's Office of the Office of the  
General Prosecutor of Ukraine**

[seal:] General Prosecutor of Ukraine

[signature] **R. Bagrienko**





# Annex 424

Prosecutor General's Office of the Russian Federation Letter No. 87-157-2015 (17 August 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[ . . . ]

The Prosecutor General's Office of the Russian Federation sends its compliments to the Prosecutor General's Office of Ukraine and states that the request of the Main Investigation Directorate of the Ministry of Internal Affairs of Ukraine for legal assistance with criminal proceeding No. 1201400000000291 has been reviewed.

This request cannot be executed based on the provisions of Article 2 “b” of the European Convention on Mutual Legal Assistance in Criminal Matters of April 20, 1959, Article 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, and Part 4, Article 457, of the Code of Criminal Procedure of the Russian Federation, because the requested assistance may harm the sovereignty, security and other vital interests of the Russian Federation.

[ . . . ]



# Annex 425

Prosecutor General's Office of the Russian Federation Letter No. 87-158-2015 (17 August 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[ . . . ]

The Prosecutor General's Office of the Russian Federation sends its compliments to the Prosecutor General's Office of Ukraine and states that the request of the Main Investigation Directorate of the Security Service of Ukraine for legal assistance with criminal proceeding No. 1201400000000292 has been reviewed.

This request cannot be executed based on the provisions of Article 2 “b” of the European Convention on Mutual Legal Assistance in Criminal Matters of April 20, 1959, Article 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, and Part 4, Article 457, of the Code of Criminal Procedure of the Russian Federation, because the requested assistance may harm the sovereignty, security and other vital interests of the Russian Federation.

[ . . . ]





# Annex 426

Prosecutor General's Office of the Russian Federation Letter No. 87-159-2015 (17 August 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[ . . . ]

The Prosecutor General's Office of the Russian Federation sends its compliments to the Prosecutor General's Office of Ukraine and states that the request of the Main Investigation Directorate of the Ministry of Internal Affairs of Ukraine for legal assistance with criminal proceeding No. 1201400000000293 has been reviewed.

This request cannot be executed based on the provisions of Article 2 “b” of the European Convention on Mutual Legal Assistance in Criminal Matters of April 20, 1959, Article 19 of the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, and Part 4, Article 457, of the Code of Criminal Procedure of the Russian Federation, because the requested assistance may harm the sovereignty, security and other vital interests of the Russian Federation.

[ . . . ]



# Annex 427

Ukrainian Request for Legal Assistance Concerning Case No. 42014000000000457 (15 September 2015)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[Handwriting: final version]

**To the Relevant Authorities  
of the Russian Federation**

**REQUEST**

**for International Legal Assistance in a Criminal Case**

**No. 4201400000000457**

**Kyiv**

**September 15, 2015**

The Prosecutor General's Office of Ukraine presents its compliments to the relevant authorities of the Russian Federation and, invoking the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of 1993 and the European Convention on Mutual Legal Assistance in Criminal Cases of 1959, is hereby requesting international legal assistance in Criminal Case No. 4201400000000457.

This criminal case was registered in the Uniform Register of Pretrial Investigations of Ukraine on May 31, 2014 in connection with suspected crimes punishable under Part 2 of Article 28, Part 2 of Article 437; Part 2 of Article 28, Part 1 of Article 258-3; Part 2 of Article 28, Part 1 of Article 263; Part 2 of Article 332-1 of the Criminal Code of Ukraine. A pretrial investigation of the case is being conducted by the Investigative Department of the Main Military Prosecutor's Office of the Prosecutor General's Office of Ukraine.

**Article 28. Crime committed by a group of people, by a group of people acting in collusion, by an organized group, or by a criminal organization**

1. A crime shall be found to have been committed by a group of people if it involves several perpetrators (two or more) who did not act in collusion.

2. A crime shall be found to have been committed by a group of people acting in collusion if it has been perpetrated jointly by several individuals (two or more) who agreed to commit it in advance, i.e. before committing the crime.

3. A crime shall be found to have been committed by an organized group if it has been prepared or perpetrated by several individuals (three or more), who previously formed a stable association to commit this and other crime(s), who are acting on a common plan with the allocation of functions among group members toward the achievement of this plan known to all group members.

4. A crime shall be found to have been committed by a criminal organization if it has been perpetrated by a stable hierarchical association of several individuals (three or more), whose members or structural components colluded to engage in joint activity directly aimed at committing severe or grave crimes by members of this organization, or to lead or coordinate the criminal activity of other individuals, or to support the operation of both this criminal organization and other criminal groups.

**Article 258-3. Creation of a Terrorist Group or Terrorist Organization**

1. Creation of a terrorist group or terrorist organization, leadership of or participation in said group or organization, as well as organizational or other assistance for the creation or operations of the terrorist group or terrorist organization –

are punishable by incarceration for eight to fifteen years, with or without confiscation of property.

2. Exemption from criminal liability for acts mentioned in Part 1 of this article shall be granted to a person (other than the organizer or leader of the terrorist group or terrorist organization) who has voluntarily notified the law enforcement authority about the relevant terrorist activity, thereby helping put an end to such activity or solve crimes associated with the creation or operation of said group or organization, as long as this person has not committed another crime.

**Article 263. Illegal handling of weapons, ammunition, or explosives**

1. Possession, storage, acquisition, transfer, or sale of firearms (other than smooth-bore hunter shotguns), live ammunition, explosives, or explosive devices without a permit prescribed by law –

are punishable by imprisonment for a term of three to seven years.

2. Possession, manufacture, repairs, or sale of daggers, switchblades, brass knuckles, or other melee weapons without a permit prescribed by law –

are punishable by a fine of up to 50 tax exempt minimum personal incomes or 120 to 240 hours of community service, or arrest for a term of three to six months, or restriction of freedom for a term of two to five years, or incarceration for a term of up to three years.

3. A person who committed crimes listed under Parts 1 or 2 of this article shall be exempted from criminal liability if this person has voluntarily surrendered to the authorities such weapons, ammunition, explosives, or explosive devices.

**Article 437. Planning, Preparation, Initiation, and Conduct of an Aggressive War**



[Page 3 omitted]

... Ukraine – a paramilitary group called the “People’s Resistance of Donbas”. After illegally arming themselves with military vehicles, artillery, firearms, and other kinds of weapons, members of this illegal group united to resist the public authorities of Ukraine, infringe on the sovereignty and territorial integrity of Ukraine by illegally creating a new quasi-state entity in the territory of Donetsk Oblast.

The pretrial investigation has also ascertained that Russian citizen Vladimir Alexandrovich Starkov (ID badge of a serviceman of the Russian Armed Forces: F-549345), while serving in the military in the position of chief of the missile and artillery armaments service at the 3rd Directorate of the 12th Command Reserve of Military Unit 89462 of the Russian Armed Forces and while being stationed at the site of said military unit in Novochoerkassk, Rostov Oblast, Russian Federation, on one of the days in early March 2015 received a clearly criminal order from unidentified Russian army officers to invade (along with other servicemen of the Russian Army) into Ukrainian territory and join the terrorist organization “Donetsk People’s Republic” as well as commit other crimes.

On March 4, 2015, V.A. Starkov—while realizing the apparent criminal nature of said orders and understanding that combat operations activities of the terrorist organization “Donetsk People’s Republic” in Ukrainian territory would claim many lives and have other severe consequences—voluntarily and unquestioningly agreed to fulfill the orders he received and commit crimes in Ukrainian territory.

Specifically, on March 4, 2015 V.A. Starkov illegally crossed the state border into the temporarily occupied territory of Ukraine in order to harm the interests of Ukraine by participating in the activities of the terrorist organization “Donetsk People's Republic”. In other words, he invaded the territory of Ukraine while being a serviceman of another country – the Russian Federation. He did so while following clearly criminal orders of Russian Army officers and acting in collusion with other 73 unidentified servicemen of the Russian Army within an unidentified segment of the Ukrainian-Russian border that is not controlled by the public authorities of Ukraine, in violation of the requirements of the Interim Procedure for Monitoring the Movement of Individuals, Motor Vehicles, and Cargo Along the Line of Contact in Donetsk and Luhansk Oblasts, approved by Order No. 27og of January 22, 2015 of the Anti-Terrorist Center of the Security Service of Ukraine, specifically: outside border crossing points and without a passport (or an equivalent ID), and also with registration of his (V.A. Starkov’s) details in the electronic registry.

[Page 5 omitted]

... remote RGD-5 grenades (without fuses) rigged with an explosive charge (TNT) and unified fuses of an UZRGM-2 hang grenade (totaling 200 pcs); 43 crates with 5.45x39 mm cartridges (totaling 91,800 cartridges); 13 crates with 7.62x54 mm cartridges (totaling 11,466 cartridges); 57 crates with 12.7x108 mm cartridges (totaling 8,800 cartridges); One 7.62x54 mm cartridge marked with 85\*188; 6 factory cardboard boxes with 9x18 mm cartridges (totaling 96 cartridges), which he stored in the compartment of the same vehicle.

By knowingly committing these acts, V.A. Starkov became directly involved in the activities of the terrorist organization "Donetsk People's Republic" and in an aggressive war against Ukraine while acting on clearly criminal orders from Russian Army officers who have not been identified by the pretrial investigation.

However, at around 10 p.m. on July 25, 2015, V.A. Starkov together with G.A. Iotko were detained near the village of Beriozovoe, Maryinka District, Donetsk Oblast by officers of the law enforcement agencies of Ukraine while illegally transporting said ammunition without a permit prescribed by the law in a KAMAZ truck with the number plates DK 2095, whereupon said firearms and ammunition were seized from them.

According to expert examination conducted as part of the pretrial investigation of the criminal case, the weapons seized from V.A. Starkov and G.A. Iotko on July 25, 2015 are firearms that can be used for the purpose intended, while live ammunition sized from them are can be used for their intended purpose as live ammunition.

In connection with the above-mentioned circumstances of criminal activity, on September 15, 2015 Russian citizen Vladimir Alexandrovich Starkov, d.o.b. April 29, 1978, was notified that he is suspected of having committed crimes punishable under Part 2 of Article 28, Part 2 of Article 437; Part 2 of Article 28, Part 1 of Article 258-3; Part 2 of Article 332-1, Part 2 of Article 28, and Part 1 of Article 263 of the Criminal Code of Ukraine.

In light of the foregoing, a need has arisen during the pretrial investigation of this criminal case to obtain evidence documenting V.A. Starkov's service in the Russian Armed Forces, and to question as witnesses the commanders of Military Unit 89462 of the Russian Armed Forces regarding the circumstances under which orders were issued for V.A. Starkov to cross the state border of Ukraine to participate in the activities of the terrorist organization "Donetsk People's Republic".

Furthermore, Article 91 of the Criminal Procedure Code of Ukraine stipulates that circumstances characterizing the personality of the defendant must be proven in the context of criminal proceedings; hence the need to obtain the relevant documents.

**PROCEDURAL FORMALITIES REQUESTED:**

Bearing in mind the foregoing and invoking the European Convention on Mutual Legal Assistance in Criminal Cases of 1959 and the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of 1993, we hereby request that you review this request and provide international legal assistance in criminal case No. 4201400000000457 of May 31, 2014 in the form of conducting the following procedural formalities in the territory of the Russian Federation:

1. Carry out every possible procedural formality to obtain certified copies of identity documents of Vladimir Alexandrovich Starkov, d.o.b. April 29, 1978, proving his address of registration and actual residence and also containing information about his place of employment (service), marital status, level of education, prior convictions, certificates issued by drug abuse specialists or psychiatrists about registration of V.A. Starkov with the relevant state prevention centers, and letters of reference from the place of employment (service) and residence.

2. Carry out every possible procedural formality to obtain from the relevant units of the Russian Armed Forces duly certified copies of the officer's ID, contracts for military service in the Russian Armed Forces, and lists of official duties of Major V.A. Starkov, a serviceman of Military Unit 89462, as well as copies of travel authorizations, orders, and other administrative documents based on which said serviceman of the Russian Armed Forces was in Ukrainian territory between March 2015 and June 25, 2015.

3. Carry out every possible procedural formality to identify the commanders of Military Unit 89462 of the Russian Armed Forces, including the chief of staff and the chief of the HR department, other commanders who are associated in any way with the military service of V.A. Starkov and his deployment to Ukraine. Also, question them as witnesses by asking the following questions according to the procedure described below:

– At which military unit is the witness located at the time of questioning?  
What are his official duties?

– When and by whose order was the witness appointed to the position currently held?

– What educational institution did the witness graduate from and when?  
What education and specialty did the witness receive? When was the witness conscripted for military service? Where and in what position?

– What is the previous place of service and position? What were the official duties of the witness? What is the number of the military unit and its address?

– Where, since when, in what position and rank did V.A. Starkov serve in the military? What is his military specialty?

- What official duties did V.A. Starkov perform while serving in the military? Which document defines those duties?
- Who owns the Russian Army serviceman's ID with the personal number F549345?
- Where, when, and under what circumstances was it decided to deploy (dispatch, send) V.A. Starkov for military service in Ukraine, including in Donetsk Oblast? To what end was V.A. Starkov deployed to serve in Ukrainian territory?
- Based on which specific administrative documents issued by the military command was the decision made to arrange the deployment of V.A. Starkov for military service in Ukrainian territory?
- How many servicemen of Military Unit 89462 were deployed to Ukraine together with V.A. Starkov?
- With whom and based on which administrative documents, including guidelines and orders, were the issues of V.A. Starkov's crossing of the state border of Ukraine coordinated?
- How were servicemen of the Russian Ministry of Defense serving in Ukrainian territory, including V.A. Starkov, paid their fees?
- Which administrative document governs the procedure for paying fees to said individual?

#### **PROCEDURE FOR HONORING THE REQUEST:**

Unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.

When requesting from the relevant authorities of the Russian Federation the documents characterizing the personality of V.A. Starkov, one should be guided by the provisions of Article 93 of the Criminal Procedure Code of Ukraine, according to which documents can be requested and received by an investigator or prosecutor from national and local government agencies, enterprises, institutions, and organizations.

The following must be done when questioning individuals as witnesses:

1. Begin the questioning of the witness by ascertaining his full name, current address, date and place of birth.

Inform the witness that he is not obligated to answer questions about himself, his next of kin, and family members. The witness must also be informed that he can be brought to criminal account for knowingly giving false testimony and for refusing to testify. In addition, please explain to the witness his other rights and obligations under Article 66 of the Criminal Procedure Code of Ukraine. While questioning witnesses, we request that you explain to them their rights under Articles 18, 65, 66, 67 of the Criminal Procedure Code of Ukraine, and Article 63 of the Constitution of Ukraine.

Witnesses should also be warned about liability for knowingly giving false testimony or refusing to testify under existing criminal laws of Ukraine, which must be stated in the record of questioning and signed for.

2. Pose to the witness the questions that need to be answered.

3. Formalize all of the above-mentioned information in the form of a record of questioning. The record must include: 1) personal details provided by the witness; 2) a statement to the effect that the relevant authority of the Russian Federation has notified the witness that he may refrain from answering questions about himself, his family members and next of kin; however, answers to all other questions must be truthful, or else the witness may be brought to criminal account; 3) the questions asked and answers given.

4. Subsequently; 1) read aloud for the witness the questions and answers written down; or 2) ask the witness to personally review all of the questions and answers documented in the record.

5. State in the record of questioning whether the representative of the relevant authority of the Russian Federation read aloud the questions and answers for the witness or if the witness reviewed them personally.

6. Every page of the record of witness questioning must be signed by the person who offered testimony as a witness. The record must then be signed by a representative of the relevant authority of the Russian Federation who conducted the questioning.

7. We request that you videotape and questioning of witnesses.

Please certify the documents obtained while honoring this request with the official seal of the issuing department.

#### **FINAL PROVISIONS:**

The Prosecutor General's Office would like to assure you that this request has been prepared strictly in accordance with Ukrainian laws by a duly authorized officer within the scope of his authority.

Investigative activities in the territory of the Russian Federation are needed to ensure a swift, full, and impartial investigation of the criminal case.

Honoring of this request will not harm the sovereignty, security, public order, or other vital interests of the country. Neither is it in contravention of the basic principles of Russian legislation.

Prosecutor General's Office of Ukraine guarantees that any evidence or information received as part of international legal assistance will be used exclusively in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions regarding this request or the procedure for honoring it, do not hesitate to contact Lieutenant Colonel of Justice Andrey Nikolaevich Tkachenko, Deputy Chief of the Investigative Department at the Directorate for Investigation of Crimes Against Fundamentals of National Security of Ukraine, Peace, Safety of Mankind, and International Law and Order at the Main Military Prosecutor's Office of the Prosecutor General's Office

of Ukraine. Alternatively, please contact Lieutenant of Justice Alexander Alexandrovich Klimovich, Prosecutor with the Department of Procedural Guidance of Pretrial Investigation and State Prosecution in Criminal Proceedings of the Investigative Department at the Directorate for Investigation of Crimes Against Fundamentals of National Security of Ukraine, Peace, Safety of Mankind, and International Law and Order at the Main Military Prosecutor's Office of the Prosecutor General's Office of Ukraine, at +380-44-242-03-41.

If you are unable to honor this request, kindly inform us about the reasons preventing its performance and the conditions under which it can be honored.

Attachments:

- Excerpts from the Constitution of Ukraine on 1 page;
- Excerpts from the Criminal Code of Ukraine on 6 pages;
- Excerpt from the Criminal Procedure Code of Ukraine on 1 page.

Procedural Supervisor of Criminal Proceedings:

Prosecutor with the Department of Procedural Guidance of Pretrial Investigation and State Prosecution in Criminal Proceedings of the Investigative Department at the Directorate for Investigation of Crimes Against Fundamentals of National Security of Ukraine, Peace, Safety of Mankind, and International Law and Order at the Main Military Prosecutor's Office of the Prosecutor General's Office of Ukraine

[Signature]                      A. Klimovich

[Seal: Prosecutor General's Office of Ukraine]

# Annex 428

Prosecutor General's Office of the Russian Federation Letter No. No. 82/1-5444-14 (dated 23 October 2015, sent 6 November 2015).

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document







[Handwriting: O. Bomaniuk. Please process thoroughly. November 9, 2015]

[Signature]



**Prosecutor General's Office of the  
Russian Federation**

15a Bolshaya Dmitrovka Street, Moscow,  
Russia, GSP-3, 125993

October 23, 2015 No. 82/1-5444-14

Re: No. 14/2/2-30440-14

**Prosecutor General's Office of  
Ukraine**

**Attn: Mr. A.V. Kovalenko, Chief of  
the Directorate for International  
Legal Cooperation**

[Handwriting: M.R. Shekeryak. Notify the initiator  
and prepare a response to the Russian Prosecutor's  
Office. November 11, 2015]

Dear Aleksandr Vladimirovich [Mr. Kovalenko],

The Prosecutor General's Office of the Russian Federation presents its compliments to the Prosecutor General's Office of Ukraine and would like to make it known that the request of the Central Investigative Directorate of the Security Service of Ukraine for legal assistance in Criminal Case No. 2201405000000015 has been reviewed.

It follows from the text of the request that in May-June 2014 Russian citizen O.I. Kulygina, acting jointly with Ukrainian citizens V.F. Chernyak, S.V. Suvorov, A.N. Levkin, and Yu.A. Kukashov, assisted the terrorist organization Donetsk People's Republic. While committing the crime, she coordinated her actions with leaders of the terrorist organization according to the established criminal plan with the intention of putting up armed resistance against representatives of the incumbent authorities in Luhansk and Donetsk Oblasts, intimidating the population, committing serious and grave crimes against the fundamentals of national security of Ukraine, human lives and health, by enabling the transfer and smuggling of firearms, ammunition, and explosives from Russia to Ukraine.

After reviewing the request we found that this request (to the extent of the request for information about the instances in which "citizen O.I. Kulygina" crossed the state border during the period since January 1, 2011) contains a request for a procedural formality that is irrelevant to the subject matter of the pretrial investigation being conducted by the Central Investigative Directorate of the Security Service of Ukraine.

The request initiator has also requested certified copies of documents proving or disproving the involvement of O.I. Kulygina in illegal paramilitary groups. However, the request fails to state which procedural or other formalities should be carried out in order to provide legal assistance.

AP No. 509116 [Stamp: Prosecutor General's Office of Ukraine. No. 318379-15 of November 6, 2015]  
[Stamp: Prosecutor General's Office of the Russian Federation. No. 81/2-5444-2014/Nd36315-15]

We also find it impossible at this time to honor the request in terms of identifying and questioning the next of kin of O.I. Kulygina as witnesses.

According to the requirements of Clause (d), Part 1, Article 7 of the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Cases of January 23, 1993, the request must state: the first names and last names of witnesses, their address of residence, and in the case of criminal cases – also the date and place of birth. The request in question lacks the above-mentioned information.

In light of this, the Prosecutor General's Office of the Russian Federation would like to suggest that you additionally send to us the information that we need to further review your request for legal assistance. Also present copies of official documents based on which the self-proclaimed Donetsk People's Republic has been declared a terrorist organization in Ukrainian territory.

Chief of Legal Assistance Directorate

at the Central Directorate for

International Legal Cooperation

[Signature] I.D. Kamynin

[Seal: Prosecutor General's Office of the Russian Federation. Primary State Registration Number [OGRN]: 1037739514196]

# Annex 429

Prosecutor General's Office of the Russian Federation Letter No. 82/1-759-16 (14 September 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



[ . . . ]

The Prosecutor General's Office of the Russian Federation sends its compliments to the General Prosecutor's Office of Ukraine and in accordance with the Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Cases of January 22, 1993, and the European Convention on Mutual Legal Assistance in Criminal Matters of April 20, 1959, hereby requests clarification of the requests of the Internal Investigations Division of Ukraine in the Poltava Province for legal assistance on the criminal proceedings against V. A. Trifonov and I. O. Sokolov.

Information provided by the Prosecutor General's Office of Ukraine on July 8, 2016 regarding No. 14/3-25775-16 indicates that the procedure for declaring a terrorist organization is established by the Ukrainian Law "On Combating Terrorism."

In pursuance of the requirements of this law, the "Luhansk Peoples Republic" was declared a terrorist organization based on court decisions. According to the information received, electronic copies of the court decisions are contained in the Unified State Register of Judicial Decisions of Ukraine.

The letter we received lacks information regarding the specific finding on which the declaration of the "Luhansk Peoples Republic" as a terrorist organization is based.

In addition, the copies of the Ukrainian court decisions we received have not been translated into Russian. Also, they contain no information regarding the persons on which sentence was passed.

Please also send us the documents we need to continue reviewing your requests for legal assistance.

[ . . . ]



# Annex 430

Intercepted Conversations of Yuriy Shpakov (16 September 2016)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document





**RECORD**  
**Of the Results of a Technical Investigations Event**

City of Kyiv

September 16, 2016

Began at 9 a.m. on 09.16.2016

Ended at 11:30 a.m. on 09.16.2016

I, the authorized operative of Section 8, 2<sup>nd</sup> Directorate (Counterintelligence) of the Security Service of Ukraine, Senior Lieutenant R.O. Narusevych, in the service office No. 415-1 (5/7 Patorzhynskogo Street), pursuant to the provisions of Article 7(6) of the Law of Ukraine “On Counterintelligence Operations” and in accordance with the decisions of the Deputy Chairman of the Kyiv Court of Appeal M.V. Pryndyuk, dated 10.15.2014, No. 01-8509TsT (from 10.15.2014 to 12.15.2014); dated 12.10.2014, No. 01-10470TsT (from 12.10.2014 to 02.10.2015); dated 02.04.2015, No. 01-1060TsT (from 02.04.2015 to 04.04.2015); dated 03.26.2015, No. 01-2433TsT (from 03.26.2015 to 05.26.2015); dated 05.20.2015, No. 01-3995TsT (from 05.20.2015 to 07.20.2015); dated 07.07.2015, No. 01-5443TsT (from 07.07.2015 to 09.07.2015); decisions of the investigative judge of the Kyiv Court of Appeal Ya.V. Glynyany dated 08.27.2015, No. 01-6838TsT (from 08.27.2015 to 10.27.2015 ) and 12.9.2015, No. 01-9576TsT (from 12.9.2015 to 02.09.2016); decisions of the investigative judge of the Kyiv Court of Appeal Ya.V. Golovachov dated 10.19.2015, No. 01 -8317TsT (from 10.19.2015 to 12.19.2015 ) and 01.29.2016, No. 01-453TsT (from 01.29.2016 to 03.29.2016), during the period from 12.27.2014 to 03.15.2016; decision of the investigative judge of the Kyiv Court of Appeal M.V. Pryndyuk dated 10.15.2014, No. 01-8511TsT (from 10.15.2014 to 12.15.2014 ), during the period from 12.07.2014 to 12.14.2014, as per the results of the technical investigations measures by the Security Service of Ukraine across the communications systems and channels, while looking for signs and facts of terrorist and other unlawful activities during the period from 27.12.2014 to 15.03.2016, put together this record to the effect that in the course of conducting said measures specific data was gathered that, in accordance with Article 10(1) of the Law of Ukraine “On Investigative Operations” and Article 256(1) of Ukraine’s Code of Criminal Procedure could be used for the purposes of pre-trial investigations in Criminal Case No. 2201505000000021 of 01.13.2016 with respect to the unidentified person with the call sign of “**Yust**” belonging to the terrorist organization DNR (Donetsk People's Republic) who used the mobile phone No. 380509604816 (mobile phone number of the cellular operator MTS).

Materials of the technical investigations event were obtained from the technical investigations action by the Security Service of Ukraine on a DVD-R disk, register Nos. 3849 and 3852 of 04.11.2016 (to incoming DKR No. 10691 of 09.05.2016) designated as “secret” (declassified as per acts No. 2/2/8-16915v and 16916v of 09.14.2016).

1. LEGEND: “**Yust**”—unidentified party using the call sign of “Yust”; **Subject**—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 10:31:35, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**”

[stamp:]                      Main Investigations Directorate  
Of the Security Service of Ukraine  
To Incoming No. 7600  
09.20.2016

to the mobile No. 380635045391 used by an unidentified person; the subscribers had the following conversation (duration: 00 min 52 sec):

**Subject:** Yes.

**Yust:** Comrade Colonel, are you anywhere near Dokuchayevsk?

**Subject:** Will be in a moment, why?

**Yust:** Why don't you drive by the commander's office, I'll show you a tanker who is f\*cking blue in the ass.

**Subject:** Oh, I am gonna...

**Yust:** With weapons, [but] in civvies.

**Subject:** Yura, I am gonna go pick up a tanker.

**Yust:** Uh-huh.

**Subject:** ... The political officer or whoever, and bring them over. Hold him right there. I am gonna swing by the commander's office, yes.

**Yust:** Understood, Comrade Colonel.

**Subject:** Uh-huh.

2. LEGEND: "**Yust**"—unidentified party using the call sign of "Yust"; "**Batyushka**" (Priest)—unidentified party using the call sign of Batyushka; "**Male Voice**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:07:43, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380508746689 used by the unidentified party using the call sign of "**Batyushka**"; the subscribers had the following conversation (duration: 2 min 09 sec):

**Yust:** Yes, Batyushka.

**Batyushka:** Look, the first one that you dictated to me [is] 9492. Did you dictate it right?

**Yust:** Yes, yes.

**Batyushka:** You dictated 92-94.

**Yust:** 94-92.

**Batyushka:** (talking away from the receiver) He is saying 94 is first.

**Yust:** Yes.

**Batyushka:** So it appears we are standing behind Berezovy.

**Yust:** Yes, yes.

**Batyushka:** The tractor and equipment depot, behind Berezovy, but not the turnoff to Dokuchayevsk at all.

**Yust:** Yes, yes.

**Batyushka:** Behind Berezovy, shooting at a farm.

**Yust:** Yes.

**Batyushka:** [It's] all good [then], let's go to work.

**Yust:** Yes, look, the first there is a township, by the name of Slavnoye too, it seems (unintelligible).

**Batyushka:** I am gonna whack [it], here... fretting around.

**Male voice:** Hello, the thing is that, look... what [you] transmitted, if you read it in the same order you transmitted it, then the first target we have is not the checkpoint at all, but rather 2 kilometers away; there, behind Berezovy, [there is] a tractor and machinery depot, and the second target then appears to

be in the middle of Dokuchayevsk rather than Slavnoye; I suspect you mixed them up (unintelligible)... the first target [is] 9294.

**Yust:** What do you mean I mixed them up?

**Male voice:** Look, I am going to read it [back] to you, but you look it up on the map yourself [too].

**Yust:** Slavnoye

**Male voice:** Slavnoye

**Yust:** Slow down then, I want to say something too.

**Male voice:** Yes, yes.

**Yust:** As you go down from Berezovy, the first turn is to Dokuchayevsk.

**Male voice:** The first turn is to Dokuchayevsk; so if that's the 92-94 square, and Slavnoye is the 01-93 square.

**Yust:** 92-94 and the beginning of Slavnoye.

**Male voice:** All right, I got the 01-93 square, that's it, good.

**Yust:** Take care.

3. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:42:45, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380508440132 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 17 sec):

**Yust:** Yes.

**Subject:** San-Sanych

**Yust:** Huh?

**Subject:** Get me connected to the mortarmen right away. Let them dial me ASAP.

4. LEGEND: "**Yust**"—unidentified party using the call sign of "Yust"; "**Volk**" (Wolf)—unidentified party using the call sign of "Batyushka" [sic].

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:47:43, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380662362864 used by an unidentified party using the call sign of "**Volk**"; the subscribers had the following conversation (duration: 0 min 37 sec):

**Volk:** Hello, Yuri Nikolayevich, this is Volk.

**Yust:** Do you have everything ready?

**Volk:** Yes, by one o'clock they will be completely ready.

**Just:** Give them my phone number, to the battery commander.

**Volk:** One second.

**Yust:** Let him call me and report when ready.

**Volk:** Understood. Right now, right?

**Yust:** Well not right now (unintelligible) call.

**Volk:** Got it, will do now.

5. LEGEND: “**Yust**”—unidentified party using the call sign of “Yust”; “**Batyushka**” (Priest)—unidentified party using the call sign of “Batyushka.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:48:35, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” from the mobile phone No. 380951726404 used by the unidentified party using the call sign of Batyushka; the subscribers had the following conversation (duration: 00 min 46 sec):

**Yust:** Yes, speaking.

**Batyushka:** Hello.

**Yust:** Yes.

**Batyushka:** So, I am in a tank, to check things out, about to move out to the firing line and do some spotting.

**Yust:** Yes, Batya, go right ahead, but don’t you forget you have to be on the drill ground at one [o’clock].

**Batyushka:** Well I am here, I am in command at this (unintelligible).

**Yust:** Yes, go ahead.

**Batyushka:** Only [we] had to move out to the green, where the little gifts were; [they] will guide us [from] there and [do] the work.

**Yust:** Go ahead, we will be [there?] at one [o’clock] too.

**Batyushka:** All right, will report.

**Yust:** Go ahead.

**Batyushka:** Everything OK.

6. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Subject**”—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:53:02, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of **Yust** from the mobile phone No. 380637490719 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 20 sec):

**Yust:** Yes, speaking.

**Subject:** (unintelligible) We are ready to start.

**Yust:** Got it. Wait for me, [I’ll] be there soon.

7. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Subject**”—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:54:54, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” to the mobile phone No. 380662033211 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 31 sec):

**Subject:** Speaking, Comrade (unintelligible)

**Yust:** Where the f\*ck is communications with Stas? Where the f\*ck is communications with Eyes?

**Subject:** Let me check.

**Yust:** Get me connected.

8. LEGEND: **“Yust”**—unidentified party using the call sign of “Yust”; **“Subject”**—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:55:32, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of **“Yust”** to the mobile phone No. 380505411083 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 34 sec):

**Subject:** Hello, yes.

**Yust:** Yes, speaking.

**Subject:** Commander, this (unintelligible) deuce of mine is ready.

**Yust:** All right, I got it, and where the f\*ck is it?

**Subject:** What’s that?

**Yust:** Did you come out with the eyes or not?

**Subject:** No, I have no such eyes.

**Yust:** All right, I got it.

**Subject:** I will now...

**Yust:** All right, all right, I got it. Take care.

**Subject:** Uh-huh.

9. LEGEND: **“Yust”**—unidentified party using the call sign of Yust; **“Stas”**—unidentified party using the call sign of Stas.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 11:56:55, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of **“Yust”** to the mobile phone No. 380990478333 used by an unidentified party using the call sign of Stas; the subscribers had the following conversation (duration: 2 min 21 sec):

**Stas:** Speaking.

**Yust:** Uh-huh, greetings (unintelligible).

**Stas:** Yes.

**Yust:** Are you there?

**Stas:** No, not there. We have just come. That car gave us the jitters like no one’s business.

**Yust:** Oh, f\*ck, Stas, you out of your f\*cking minds there or something?

**Stas:** Hello, commander, I can’t figure this f\*cking sh\*t out myself either, what the f\*ck is going on. No time for anything.

**Yust:** Let the f\*cking arties (artillerists) get working, I need coordinates, f\*ck and frack your mothers.

**Stas:** F\*ck!

**Yust:** F\*ck, Stas, when did you get the order?

**Stas:** Well, I did get it, with those f\*cking reports, but those f\*cking tanks, I've had it with them. Total f\*cking horror!

**Yust:** Where are you now?

**Stas:** At Omunalny already. Loading up and leaving.

**Yust:** On the f\*cking double, get there; half a f\*cking hour delay; I will hold the f\*cking fire.

**Stas:** Understood, and where do I meet the guide (unintelligible)?

**Yust:** Hello?

**Stas:** Do I meet the guide at the passing point?

**Yust:** Come again?

**Stas:** Do I meet the guide at the passing point?

**Yust:** Get the f\*ck going, to Yasnoye, on the f\*cking double.

**Stas:** All right, be there momentarily.

10. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:00:07, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380637490719 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 45 sec):

**Subject:** Yes, speaking.

**Yust:** Yes, I hear you.

**Subject:** Hello.

**Yust:** Yes, yes, speaking.

**Subject:** Battery ready to start working at 13:00 hours.

**Yust:** Got it.

**Subject:** Do we open up when ordered, or do we wait?

**Yust:** Yes, when ordered. Wait, I am coming now.

**Subject:** Understood, standing by on the line, locked and loaded.

11. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:13:25, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of Yust from the mobile phone No. 380956497364 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 29 sec):

**Yust:** Yes.

**Subject:** Hello, battalion commander, look, there was this bus with officers moving, I had a report [it] turned towards Berezovo.

**Yust:** Understood. We are going to start working now. All movements stop at my order.

**Subject:** Understood, battalion commander. Just don't forget to let us know when to halt all traffic.

**Yust:** All right, take care.

**Subject:** All right.

12. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Opasny**” (Dangerous)—unidentified party using the call sign of Opasny.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:16:35, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” from the mobile phone No. 380661271550 used by an unidentified party using the call sign of “**Opasny**”; the subscribers had the following conversation (duration: 1 min 16 sec):

**Opasny:** Hello, Opasny?

**Yust:** Opasny, what’s your wavelength?

**Opasny:** (unintelligible)

**Yust:** Come again?

**Opasny:** 136-122-upper.

**Yust:** One second.

**Opasny:** Select 136-100.

**Yust:** One second (turning on the radio in the background), 136-100 selected (talking into the radio: Checking, attention! Open up on my order).

13. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Subject**”—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:19:08, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of Yust to the mobile phone No. 380637490719 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 30 sec):

**Subject:** Yes.

**Yust:** Hello.

**Subject:** Yes.

**Yust:** Let’s get started!

**Subject:** Received (in the background: Load them up!)

14. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Opasny**” (Dangerous)—unidentified party using the call sign of Opasny.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:23:06, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” to the mobile phone No. 380637490719 used by an unidentified party using the call sign of “**Opasny**”; the subscribers had the following conversation (duration: 0 min 56 sec):

**Opasny:** Speaking.

**Yust:** (unintelligible)

**Opasny:** Hello.

**Yust:** (unintelligible)

**Opasny:** Hold on, one more time, Yust told me to stand by.

**Yust:** I did not say stand by, I said let's get started. That's me, Yust. I say get started.

**Opasny:** We are standing by for orders. Now it's let [them] pass, now it's open up. We will begin later

**Yust:** Are you Opasny?

**Opasny:** Yes.

**Yust:** F\*ck, I (illegible) your number, sorry. We are all waiting until the artillery is done.

**Opasny:** Waiting until the artillery is done, then we will get started.

**Yust:** Yes.

15. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Batyushka**" (Priest)—unidentified party using the call sign of Batyushka.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:24:19, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380508746689 used by the unidentified party using the call sign of "**Batyushka**"; the subscribers had the following conversation (duration: 7 min 27 sec):

**Yust:** Batyushka, let's get started.

**Batyushka:** All right, do you want the first ranging [shot]?

**Yust:** Yes, first ranging [shot], go ahead. I'll be watching.

**Batyushka:** Go (away from the receiver: Go, Igoryok, send the first ranging [shot], Igoryok), 38 seconds.

**Yust:** Batya, correct 100 to the right.

**Batyushka:** (Away from the receiver: 100 to the right, go one, Igoryok).

**Yust:** Batya, gimme two volleys here.

**Batyushka:** (Away from the receiver: two volleys there, please!) So how does it look there?

**Yust:** One sec.

**Batyushka:** So how is it?

**Yust:** Batya, now let's move a little further than 100.

**Batyushka:** (Igoryok, minus 100)

**Yust:** 150 further.

**Batyushka:** 150 further. Just one or all of them?

**Yust:** Gimme all.

**Batyushka:** Entire battery.

**Yust:** Go!

**Batyushka:** What, 2 batteries?

**Yust:** Hello (unintelligible).

**Batyushka:** Yes.

**Yust:** What's there?

**Batyushka:** One by one or another [volley]?



**Yust:** One by one, Opasny [sic]. What's the holdup?  
**Batyushka:** What's there?  
**Yust:** One second. All right, Opasny, oh, I mean Batyushka, gimme 300 to the left.  
**Batyushka:** 300 to the left.  
**Yust:** (unintelligible) off it went, you hear?  
**Batyushka:** So how does it look, tell me.  
**Yust:** Well, [you] hit something BK.  
**Batyushka:** Aimed for BK, hit BK.  
**Yust:** Uh-huh.  
**Batyushka:** I sent my bird up, the bird is there with you too. Look, [I] sent some more.  
**Yust:** Exit 3, (unintelligible) 4.  
**Batyushka:** [Is it] all right?  
**Yust:** Yes.  
**Batyushka:** I have three [tubes] working, I can do a double, or I could also do eight and nine.  
**Yust:** Hello, Batyushka, put three volleys there and go.  
**Batyushka:** (away from the receiver: 3 volleys there, and [then we are] leaving.)

16. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:32:29, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380956497364 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 13 sec):

**Yust:** Bars, cut it off!

**Subject:** Yes, commander.

17. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Opasny**" (Dangerous)—unidentified party using the call sign of Opasny.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 12:46:06, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380637490719 used by an unidentified party using the call sign of "**Opasny**"; the subscribers had the following conversation (duration: 1 min 00 sec):

**Opasny:** Yes, speaking.

**Yust:** Hello.

**Opasny:** Yes.

**Yust:** Opasny, when you are ready for target No. 2, call me.

**Opasny:** Wind it up, we are leaving.

**Yust:** I am saying call me when you are ready at your second firing position.

**Opasny:** Give me the number, it shows private subscriber, I don't have your number.

**Yust:** Oh f\*ck, do you have a pencil?

**Opasny:** We are loading up [and] pulling up stakes.

**Yust:** One second, I am gonna send you a blank sms.

**Opasny:** Got it.

**Yust:** 48-16 are my last digits.

**Opasny:** Got it.

18. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; **Subject**—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 13:54:11, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” to the mobile phone No. 380637490719 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 51 sec):

**Subject:** Yes, speaking.

**Yust:** So what have you got there?

**Subject:** [We are] loading.

**Yust:** No eyes, so we’ll have to make do with the sights.

**Subject:** All right, have a go at it, at the station.

19. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Batyushka**” (Priest)—unidentified party using the call sign of Batyushka.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 13:55:14, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” to the mobile phone No. 380508746689 used by the unidentified party using the call sign of “**Batyushka**”; the subscribers had the following conversation (duration: 4 min 16 sec):

**Batyushka:** Yes.

**Yust:** Batyushka, you ready?

**Batyushka:** I am.

**Yust:** All right, give me two cucumbers, I am watching.

**Batyushka:** All right, here they come, watch (away from the receiver: Igoryok (unintelligible) watch). Two right away, or maybe one ranging [shot] first?

**Yust:** All right, [let’s] do one.

**Batyushka:** (away from the receiver: give me one, ranging) explosion... off it goes, just you look at it.

**Yust:** I am watching, where’s the explosion, where? That was just the sound.

**Batyushka:** I can feel that explosion.

**Yust:** Oh, wait-wait-wait, I see it now. Batyushka, give me one a little closer.

**Batyushka:** How much?

**Yust:** 200?

**Batyushka:** (away from the receiver: minus 200)

**Yust:** Yes. Oops, and here’s one coming for us.

**Batyushka:** (unintelligible)

**Yust:** It went elsewhere, but I don’t see no f\*cking explosions.

**Batyushka:** Where are you at?

**Yust:** At Mukhomolny.

**Batyushka:** Got it (unintelligible).

**Yust:** What's the story with the eyes out front? We're gonna dial the second [pair of] eyes, Batya.

**Batyushka:** Do that.

**Yust:** I'll call you right back.

20. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Batyushka**" (Priest)—unidentified party using the call sign of Batyushka.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:02:14, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380508746689 used by the unidentified party using the call sign of "**Batyushka**"; the subscribers had the following conversation (duration: 0 min 34 sec):

**Batyushka:** Yes.

**Yust:** Now wait, it went close to the town, you need to put them further [away], Batyushka. Let's make it plus 150.

**Batyushka:** Shit, guys, you better give me the corrections pronto, I can't sit here long.

**Yust:** It's the bad comms, comms, commms, Batyushka. Give me plus 150, they started moving. You have a radio?

(In the background: Gun!)

**Yust:** Batyushka, to Yust.

**Batyushka:** Yes, yes.

**Yust:** Hello.

**Batyushka:** Yes, yes.

**Yust:** All right, shoot now (unintelligible).

**Batyushka:** You want to contact me on the radio? You have to get up on the roof to try to contact me. There's iron everywhere [here], it blocks the signal.

**Yust:** None of it is good (away from the receiver: Send two volleys to the same spot.)

**Yust:** Send two volleys to the same spot.

**Batyushka:** Two volleys to the same spot.

(On the radio, in the background: Tell Batyushka 350 to the left).

**Yust:** 350 to the left.

**Voice in the background:** 350 to the left, one volley.

**Batyushka:** 1 volley there.

**Yust:** Yes.

**Batyushka:** What is it? Speak!

**Voice on the radio in the background:** (unintelligible)

**Yust:** Batyushka, cease fire!

**Batyushka:** Battery, unload!

21. LEGEND: **“Yust”**—unidentified party using the call sign of Yust; **“Subject”**—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:12:53, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of **“Yust”** from the mobile phone No. 380632317132 used by an unidentified party; the subscribers had the following conversation (duration: 1 min 01 sec):

**Yust:** Speaking.

**Subject:** Listen, battalion commander, we are at the hill, [and] we have tanks and automatic grenade launchers firing on us. Mortars fell short of them.

**Yust:** Fell short?

**Subject:** They did.

**Yust:** All right, I got it, hold on.

**Subject:** They are behind the 198<sup>th</sup>, if [you are] facing them now, it’s across the field.

**Yust:** We see them, we do.

**Yust:** Dangerous to Yust.

(In the background: (unintelligible)).

**Yust:** What is the approximate distance?

**Subject:** Well, the field is a kilometer two.

**Yust:** (speaking to Opasny on the radio) Opasny, increase distance by 1 kilometer.

Opasny in the background: 1 km.

22. LEGEND: **“Yust”**—unidentified party using the call sign of Yust; **“Angel”**—unidentified party using the call sign of Angel.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:31:52, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of **“Yust”** to the mobile phone No. 380662033211 used by the unidentified party using the call sign of **“Angel”**; the subscribers had the following conversation (duration: 0 min 23 sec):

**Angel:** Speaking, comrade major!

**Yust:** Angel, get in touch with Spas. Let him contact me ASAP.

**Angel:** Received.

23. LEGEND: **“Yust”**—unidentified party using the call sign of Yust; **“Spas”**—unidentified party using the call sign of Spas.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:35:36, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of **“Yust”** from the mobile phone No. 380956261697 used by the unidentified party using the call sign of **“Spas”**; the subscribers had the following conversation (duration: 0 min 37 sec):

**Yust:** Yes, speaking.

**Spas:** Hello.  
**Yust:** (unintelligible)  
**Spas:** Commander, this is Spas.  
**Yust:** Yes, Spas, get yourself (unintelligible)...  
**Spas:** I have wheels.  
**Yust:** Get yourself to the commander's office ASAP.  
**Spas:** Understood. On my way.

24. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Mareman**"—unidentified party using the call sign of Mareman.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:36:19, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380508818538 used by the unidentified party using the call sign of "**Mareman**"; the subscribers had the following conversation (duration: 0 min 37 sec):

**Mareman:** Hello.  
**Yust:** Yes, Mareman, go ahead.  
**Mareman:** So, Nikolayevich, I am taking my people off combat readiness, the ones that are standing [by]?  
**Yust:** Yes, go ahead, let them stand down.  
**Mareman:** Uh-huh, good.

25. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Opasny**" (Dangerous)—unidentified party using the call sign of Opasny.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:43:47, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380637490719 used by an unidentified party using the call sign of "**Opasny**"; the subscribers had the following conversation (duration: 0 min 38 sec):

**Opasny:** Speaking.  
**Yust:** Yes, Opasny, speak.  
**Opasny:** (Unintelligible) Tulchiki ["people from Tula"? –Tr. Note] need to be picked up. How are they out there, where are they?  
**Yust:** Yes, yes, yes.  
**Opasny:** Should I send a vehicle to the crossing?  
**Yust:** Say it again, I didn't get that.  
**Opasny:** Should I send a vehicle for them to the crossing?  
**Yust:** Yes.  
**Opasny:** All right, we are at the base. Everyone's here (unintelligible) 22.  
**Yust:** Yes, all right.  
**Opasny:** Over and out.

26. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:51:46, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” from the mobile phone No. 380956497364 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 26 sec):

**Yust:** Yes, speaking.

**Subject:** Hello, battalion commander, should I let people through?

**Yust:** Yes, yes, let them through.

**Subject:** All right, fine.

27. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Subject**”—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 14:52:27, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” to the mobile phone No. 380956261697 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 32 sec):

**Subject:** Speaking.

**Yust:** Hello, hello.

**Subject:** Speaking.

**Yust:** And where’s Spas?

**Subject:** Spas is here. Who is this?

**Yust:** Yust.

**Subject:** Oh, I see. [He] has just driven up.

**Yust:** Are you here already, at the commander’s office?

**Subject:** Yes, yes, [I] have just arrived.

**Yust:** All right, take care.

28. LEGEND: “**Yust**”—unidentified party using the call sign of Yust; “**Subject**”—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 15:29:09, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of “**Yust**” from the mobile phone No. 380502180196 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 44 sec):

**Yust:** Yes, honey.

**Subject:** How are you? Are you all right?

**Yust:** Yes.

**Subject:** You busy?

**Yust:** Hello.

**Subject:** Hello.

**Yust:** I am driving now, I am on my way to the base.

**Subject:** Oh, all right, I see.

**Yust:** [We] blew a Ukropian checkpoint to hell.  
**Subject:** Which one?  
**Yust:** For the guys (unintelligible) Ukrops.  
**Subject:** Blew it up? Good boys!  
**Yust:** I'll be back soon and tell you about it.  
**Subject:** Please do, and here's to you, my sweet.

29. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 16:14:49, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380632317132 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 35 sec):

**Subject:** With your permission, can I go home for like, an hour and a half, to do my laundry?

**Yust:** From what unit?

**Subject:** That was us just pulling back, to Slavnoye. This is Surgeon's platoon.

**Yust:** So let the platoon commander call Sergey Vasilyevich and make a note of it.

**Subject:** Uh-huh, fine.

30. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 16:28:29, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380950436115 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 54 sec):

**Yust:** Speaking, Comrade Colonel!

**Subject:** Yura, have you left yet?

**Yust:** Well, I am leaving in about 15 minutes. [I'll] just get the keys... (unintelligible).

**Subject:** So what about that Batyushka there? How many guns does he have?

**Yust:** I don't even know, Comrade Colonel, but I think he was using three guns today.

**Subject:** And who is he?

**Yust:** I don't even know (unintelligible).

**Subject:** All right, I am waiting for you at my place.

**Yust:** Working with Batyushka. I didn't get that.

**Subject:** All right, I am waiting for you at my place.

**Yust:** Got it.

31. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 16:54:08, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of Yust to the mobile phone No. 380635045391 used by an

unidentified party; the subscribers had the following conversation (duration: 0 min 33 sec):

**Subject:** Yura!

**Yust:** Yes, speaking, Comrade Colonel.

**Subject:** Who is that f\*cking Batyushka who shelled Volnovakha from Dokuchayevsk today, that sh\*t?

**Yust:** I'll be at the boss' [office] soon. The commander has already asked me. I'll be there in 10 minutes.

**Subject:** All right, I am about to come back from the Headquarters, I'll call you then. Take care.

**Yust:** Got it.

32. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Subject**"—unidentified party.

Summary of the information obtained during the measures conducted:

On 01.13.2015, at 17:49:08, a call was made to the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" from the mobile phone No. 380635045391 used by an unidentified party; the subscribers had the following conversation (duration: 0 min 15 sec):

**Subject:** Where are you?

**Yust:** At my place.

**Subject:** Go [see] the commander, now.

**Yust:** Understood. On my way.

33. LEGEND: "**Yust**"—unidentified party using the call sign of Yust; "**Opasny**" (Dangerous)—unidentified party using the call sign of Opasny.

Summary of the information obtained during the measures conducted:

On 01.14.2015, at 10:51:01, a call was made from the mobile phone No. 380509604816 used by the unidentified party using the call sign of "**Yust**" to the mobile phone No. 380637490719 used by an unidentified party using the call sign of "**Opasny**"; the subscribers had the following conversation (duration: 1 min 27 sec):

**Opasny:** Yes, speaking.

**Yust:** Hello, Opasny.

**Opasny:** Yes.

**Yust:** Sound the alarm for three crews, man the main firing position and open up on the checkpoint that we gave a workout to yesterday.

**Opasny:** Uh-huh.

**Yust:** This intersection here.

**Opasny:** Uh-huh.

**Yust:** Take 1.5 km to the left.

**Opasny:** 2 km?

**Yust:** Come again?

**Opasny:** Well (unintelligible) to the left... how many [mortar] rounds should we take? Hello... hello!



**Yust:** 60

**Opasny:** 60 rounds.

**Yust:** Discharge 60, report when ready.

**Opasny:** Time for manning the position?

**Yust:** Right now, get going ASAP. Battle stations, and then remain on standby. Take a reserve, another 60.

**Opasny:** Received.

**Yust:** A total of 120, discharge 60 when ready and keep 60 in reserve.

**Opasny:** Received.

**Yust:** Take care.

Additionally, the disks have other materials that are of relevance for ascertaining the circumstances of the crime and identifying the perpetrators.

**Addendum:** 2 (two) DVD-Rs, register Nos. 3849, 3852 of 04.11.2016, declassified.

**Authorized Operative of Section 8,  
2<sup>nd</sup> Directorate (Counterintelligence)  
of the Security Service of Ukraine,**

**Senior Lieutenant**

[signature]

**R.O. Narusevych**

September 16, 2016

Register No. 2/2/8-31825



# Annex 431

Ukrainian Request for Legal Assistance Concerning Case No. 22015050000000021 (23 March 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**REQUEST  
for International Legal Assistance in a Criminal Case  
No. 2201505000000021**

City of Kyiv

March 23, 2017

The Central Investigative Directorate of the Security Service of Ukraine is conducting a pretrial investigation of Criminal Case No. 2201505000000021 of January 13, 2015, in which Ukrainian citizen Yu.N. Shpakov is suspected of having committed crimes punishable under Part 3 of Article 258 and Part 1 of Article 258<sup>3</sup> of the Criminal Code of Ukraine, and Russian citizen A.A. Sinelnikov is suspected of having committed crimes falling under Part 3 of Article 27, Part 3 of Article 258, Part 1 of Article 258<sup>3</sup>, and Part 2 of Article 437 of the Criminal Code of Ukraine and a crime punishable under Part 2 of Article 438 of the Criminal Code of Ukraine.

**Article 258. Act of Terrorism**

**1.** An act of terrorism, i.e. the use of weapons, staging of an explosion, perpetration of arson or other acts endangering human lives or health or causing material property damage or other severe consequences, committed with the intention of disrupting public safety, intimidating the population, provoking an armed conflict or a complication of international relations, or influencing decisions or actions (omission to act) on the part of national or local government agencies or their officials, associations of citizens, or legal entities, or with the intention of drawing public attention to specific political, religious, or other views of the perpetrator (terrorist), as well as threats to commit said acts with the same objective –

are punishable by incarceration for five to ten years, with or without confiscation of property.

**2.** The same acts committed repeatedly or by a group of persons acting in collusion, or if they caused material property damage or other severe consequences –

are punishable by incarceration for seven to twelve years, with or without confiscation of property.

**3.** Acts mentioned in Parts 1 and 2 of this article, which have resulted in the death of a person –

are punishable by incarceration for ten to fifteen years or life in prison, with or without confiscation of property.

(Part 4 of Article 258 was removed by Law No. 170-V of September 21, 2006)

(Part 5 of Article 258 was removed by Law No. 170-V of September 21, 2006)

**6.** A person shall be exempted from criminal liability for the act indicated in Part 1 of this article to the extent of a threat to commit an act of terrorism if, prior to receiving a notice of suspicion of

having committed this crime, this person has voluntarily reported this crime to a law enforcement agency, helped put an end to or solve this crime, where such actions and the subsequent measures taken have prevented danger to human lives or health or material property damage or the occurrence of other severe consequences, as long as this person has not committed another crime.

(Article 258 as amended by Law No. 1689-VII of October 7, 2014)

**Article 258<sup>3</sup>. Creation of a Terrorist Group or Terrorist Organization**

1. Creation of a terrorist group or terrorist organization, leadership of or participation in said group or organization, as well as organizational support or other facilitation of the creation or operations of the terrorist group or terrorist organization –

are punishable by incarceration for eight to fifteen years, with or without confiscation of property.

2. Exemption from criminal liability for acts mentioned in Part 1 of this article shall be granted to a person (other than the organizer or leader of the terrorist group or terrorist organization) who has voluntarily notified the law enforcement authority about the relevant terrorist activity, thereby helping put an end to such activity or solve crimes associated with the creation or operation of said group or organization, as long as this person has not committed another crime.

(The Code was supplemented with Article 258<sup>3</sup> by Law No. 170-V of September 21, 2006; as amended by Law No. 2258-VI of May 18, 2010, Law No. 1689-VII of October 7, 2014)

**Article 437. Planning, Preparation, Initiation, and Conduct of an Aggressive War**

1. Planning, preparation, or initiation of an aggressive war or military conflict as well as involvement in a conspiracy to do so –

are punishable by imprisonment for seven to twelve years.

2. Conduct of an aggressive war or aggressive combat operations –  
is punishable by imprisonment for ten to fifteen years.

**Article 438. Violations of Laws and Customs of War**

1. Cruel treatment of prisoners of war or civilian population, forcible resettlement of civilian population to perform forced labor, theft of national landmarks in the occupied territory, use of the means of warfare prohibited by international law,

other violations of laws and customs of war prescribed by international treaties ratified as binding by the Ukrainian Parliament, as well as issuance of orders to commit such acts –  
are punishable by imprisonment for eight to twelve years.  
2. The same acts associated with homicide –  
are punishable by imprisonment for ten to fifteen years or life in prison.

#### **Article 27. Types of Accomplices**

1. In addition to the perpetrator, accomplices in a crime include the organizer, the instigator, and the accessory.

2. The perpetrator (co-perpetrator) is a person who committed a crime punishable under this Code jointly with other criminal actors, either directly or by using other individuals who are not criminally punishable under law for the crime committed.

3. The organizer is a person who organized the commission of the crime(s) or supervised the preparation or commission of the crime(s). The organizer is also a person who created an organized group or criminal organization or headed it, or the person that provided funding or organized concealment of the criminal activity of the organized group or criminal organization.

4. The instigator is a person who caused another accomplice to commit a crime through persuasion, bribery, threat, coercion or otherwise.

5. An accessory is a person who facilitated the commission of a crime by other accomplices by providing advice, instructions, resources or tools or by eliminating obstacles, as well as a person who made a promise in advance to conceal a criminal, weapon, or tool used to commit the crime, evidence of the crime, or items obtained in a criminal manner, to acquire or sell said items or otherwise facilitate the concealment of the crime.

6. Concealment of a criminal, weapon, or tool used to commit the crime, evidence of the crime or items obtained in a criminal manner, or acquisition or sale said items shall not constitute complicity in the crime if such acts had not been promised in advance. Individuals who committed such acts shall be criminally punishable only in the instances specified in Articles 198 and 396 of the Criminal Code of Ukraine.

7. A promise given prior to commission of a crime not to disclose the crime reliably known to be prepared or committed shall not constitute complicity in the crime. Such individuals shall be criminally punishable only in the instances where the act committed by them contains elements of another crime.

The pretrial investigation has ascertained that, according to Clauses 1, 2 of the Memorandum on Security Assurances in connection with Ukraine's accession to the Treaty on the Non-Proliferation of Nuclear Weapons dated December 5, 1994, the United States

of America, the Russian Federation, and the United Kingdom of Great Britain and Northern Ireland reaffirm their commitment to Ukraine, in accordance with the principles of the CSCE Final Act (of August 1, 1975) to respect the independence and sovereignty and the existing borders of Ukraine and reaffirm their obligation to refrain from the threat or use of force against the territorial integrity or political independence of Ukraine, and that none of their weapons will ever be used against Ukraine except in self-defense or otherwise in accordance with the Charter of the United Nations.

According to Item 4 of Part 2 of the UN Charter, all [UN] Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

The UN General Assembly Declaration No. 36/103 of December 9, 1981 on the Inadmissibility of Intervention and Interference in the Internal Affairs of States, recalling its resolution No. 2734 (XXV) of December 16, 1970 containing the Declaration on the Strengthening of International Security, and its resolution No. 2131 (XX) of December 21, 1965 containing the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of Their Independence and Sovereignty, declares that no State has the right to intervene or interfere in any form or for any reason whatsoever in the internal and external affairs of other States. The declaration sets forth the duties of States to refrain from: military intervention, subversion, and military occupation; promotion, encouragement or support of secessionist activities; allowing its territory to be used for the training, financing and recruitment of mercenaries, or the sending of such mercenaries into the territory of another State.

In addition, Articles 1-5 of the UN General Assembly Declaration No. 3314 (XXIX) of December 14, 1974 offer the following definitions, *inter alia*:

- Aggression is the use of armed force by a State against the sovereignty, territorial integrity or political independence of another State;

- The first use of armed force by a State in contravention of the Charter shall constitute *prima facie* evidence of an act of aggression.

Any of the following acts, regardless of a declaration of war, shall qualify as an act of aggression:

- The invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack, or any annexation by the use of force of the territory of another State or part thereof;



- Bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State;
- The blockade of the ports or coasts of a State by the armed forces of another State;
- An attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- The use of armed forces of one State which are within the territory of another State with the agreement of the receiving State, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement;
- The action of a State in allowing its territory, which it has placed at the disposal of another State, to be used by that other State for perpetrating an act of aggression against a third State;
- The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts listed above, or its substantial involvement therein.

No consideration of whatever nature, whether political, economic, military or otherwise, may serve as a justification for aggression.

Articles 1 - 3 of the Constitution of Ukraine define that Ukraine is a sovereign, independent, democratic, social, and law-governed state. Ukraine's sovereignty covers all of its territory, which is integral and inviolable within its existing boundaries. Human beings, their lives and health, honor and dignity, inviolability and safety are recognized as the highest social value in Ukraine.

According to Article 68 of the Constitution of Ukraine, everybody must unquestioningly respect the Constitution of Ukraine and laws of Ukraine and refrain from infringing on the rights and freedoms, honor and dignity of other people.

According to Article 1 of the Law of Ukraine *On Defense of Ukraine*, armed aggression is the use of armed force against Ukraine by another state or group of states. Any of the following acts constitutes armed aggression against Ukraine:

- invasion or attack by the armed forces of another state or group of states in Ukrainian territory, as well as occupation or annexation of a part of Ukrainian territory;
- blockade of the ports or coasts of a State by the armed forces of another State;
- attack by the armed forces of a State on the land, sea or air forces, or marine and air fleets of another State;
- sending by another State or on its behalf of armed groups of regular or irregular forces that commit acts of use of armed force against Ukraine,

the nature of which is serious to a point where they are equivalent to the acts listed in paragraph 5 to 7 of this article, including significant involvement of a third State in such acts;

- actions by another State (or States) permitting its territory made available to a third State to be used by said third State(s) to commit acts listed in paragraph 5 - 7 of this article;
- use of the armed forces of another State or group of States stationed in Ukrainian territory in Ukrainian territory under international treaties signed with Ukraine against a third State or group of States, other violations of the terms of such treaties, or continued stay of the relevant units in Ukrainian territory after termination of said treaties;

The pretrial investigation has ascertained that in March-April 2014 a stable hierarchical structure was formed in Donetsk, Ukraine – a terrorist organization known as the “Donetsk People’s Republic” (hereinafter “the DNR”), whose members in Ukrainian territory are engaged in committing acts of terrorism, intimidation, homicides, takeovers of administrative buildings of national and local government agencies, as well as other severe and grave crimes, thereby destabilizing the social and political situation in the country.

The overriding goal of said terrorist organization is forcible change and disruption of the constitutional system, usurpation of state power in Ukraine, and change of the territorial boundaries and state border of Ukraine by creating the illegitimate state entity called the “DNR”.

This terrorist organization is stable and has a clearly defined hierarchy and structure consisting of a political wing and an army wing, with the functions allocated among its members in accordance with the joint criminal plan.

Leaders of the wings are tasked with managing and organizing activities and monitoring the operations of the accomplices in the crime subordinated to them with the help of group leaders within said wings.

The “DNR” has a stable list of leaders of said terrorist organization, who maintain close relations, with members of the political and army wings centrally subordinated to organization leaders, along with a plan of criminal activity and clear allocation of the functions of members toward the accomplishment of this plan.

According to the joint criminal plan, the members of the political wing are also tasked with:

- creating the so-called bodies of state power of the “DNR” and organizing their activities;
- issuing regulatory acts of legislation on behalf of the illegitimate bodies of state power of the “DNR”;

- holding an illegal referendum in Donetsk Oblast to proclaim the sovereignty of the illegitimate state entity known as the “DNR”;
  - conducting propaganda among the population extolling the terrorist organization “DNR” in order to persuade them to join said terrorist organization and win support for their activities among residents of Ukraine’s eastern regions;
  - arranging the collection and receipt of material and financial aid from other terrorist organization members and individuals loyal toward its activities, as well as distributing such aid;
  - arranging interactions with the illegal state entity “Luhansk People’s Republic” and its leaders in order to coordinate acts aimed at disrupting the constitutional system and usurping state power of Ukraine as well as acts aimed at changing the territorial boundaries and state border of Ukraine in contravention of the Constitution of Ukraine;
  - arranging interactions with international supporters of this criminal activity with a view to coordinating their activity, receiving financial and humanitarian aid and weapons, as well as recruiting foreign nationals to resist the law enforcement agencies and Armed Forces of Ukraine;
  - arranging interactions with the local and international mass media in order to use them for propaganda, coverage of “DNR” activities, discrediting of the Ukrainian authorities and individuals involved in the Anti-Terrorist Operation, and to perpetuate beliefs among the local population about the legitimate nature of their activities, as well as to use them to incite the public to disrupt the constitutional system and usurp state power in Ukraine and commit acts aimed at changing the territorial boundaries and state border of Ukraine in contravention of the procedure prescribed by the Constitution of Ukraine;
  - providing financial aid and organizational assistance to members of the army wing of the “DNR” in order to support their criminal activity;
  - providing “DNR” members with vehicles, insignia, and propaganda materials.
- According to the joint criminal plan, the members of the army wing are tasked with:
- organizing and conducting armed resistance, illegal interference and obstruction of the official duties of personnel of law enforcement agencies and servicemen of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation;
  - forming groups of supporters of criminal activity of the “DNR”, arming said individuals and managing their activities in order to resist representatives of the Ukrainian authorities and prevent the law enforcement agencies and Armed Forces of Ukraine from putting an end to the criminal activity;

- forming illegal paramilitary groups and participating in their activities;
- recruiting new members for the army wing of the “DNR” and managing their activities;
- capturing population centers, buildings, military units, and other facilities in Donetsk Oblast;
- committing acts of terrorism and sabotage in Ukrainian territory;
- seizing weapons and otherwise obtaining ammunition, explosives, military vehicles, motor vehicles, as well as building reinforcements in order to resist the personnel involved in the Anti-Terrorist Operation as well as to support their continued criminal activity;
- abducting people to collect ransom and intimidate residents who support the incumbent government of Ukraine;
- providing armed support for members of the political wing as they hold an illegal referendum in Donetsk Oblast to proclaim the sovereignty of the illegitimate state entity known as the “DNR”, as well as securing and guarding the buildings and premises occupied by them;
- arranging deliveries of weapons, ammunition, explosives, military vehicles, and allocating them among terrorist organization members, etc.

The Anti-Terrorist Operation has been conducted in Donetsk Oblast since April 14, 2014 with the intention of putting an end to the operations of the terrorist organization “Donetsk People’s Republic” pursuant to Ukrainian President's Decree No. 405/2014 of April 14, 2014 *On the April 13, 2014 Resolution of the National Security and Defense Council of Ukraine ‘On Urgent Measures to Overcome the Terrorist Threat and Preserve the Territorial Integrity of Ukraine’*.

It has also been ascertained that Russian citizen A.A. Sinelnikov, born in 1964, served in the Armed Forces of the Russian Federation and has the military rank of colonel. Between 2002 and 2007 he served as deputy commander of the 28<sup>th</sup> Separate Mechanized Infantry Brigade stationed in Ekaterinburg, Russian Federation, and commanded the same brigade between 2008 and 2010. After retiring from the military, he served as the military commissioner of Penza Oblast, Russian Federation, since February 11, 2011 until October 2014. He was decorated with the order “For Courage” and departmental awards of the Russian Armed Forces for meritorious service.

In November 2014, A.A. Sinelnikov returned to military service and was transferred to the Southern Military Command Region of the Russian Ministry of Defense.

It was then that A.A. Sinelnikov, acting on orders from his command and realizing the illegal nature of the activities of the terrorist organization “DNR”, secretly arrived in the territory of Donetsk Oblast controlled by said terrorist organization

and joined its ranks. To maintain secrecy and conceal the involvement of the Armed Forces of the Russian Federation in the armed conflict in Ukraine's east on the side of the terrorist organization, he received and used the code name of "Zakhar".

Between November 2014 and July 18, 2015, A.A. Sinelnikov stayed in Donetsk Oblast and occupied the following position within the terrorist organization "DNR": "Commander-Supervisor of the 5<sup>th</sup> Separate Mechanized Infantry Brigade (hereinafter "5<sup>th</sup> SMIB") of the 1<sup>st</sup> Army Corps (hereinafter "1<sup>st</sup> AC") of the Ministry of Defense of the DNR".

In this position, A.A. Sinelnikov performed the following duties: organized armed resistance against personnel of the law enforcement agencies and servicemen of the Armed Forces of Ukraine involved in the Anti-Terrorist Operation; conducted training for units, battalion commanders and their deputies, kept the brigade in a state of battle readiness, managed its combat training and personnel outreach; commanded operations to capture population centers, buildings, and other facilities in the territory of Donetsk Oblast; managed deliveries of weapons, ammunition, explosives, and military vehicles and their allocation among members of the terrorist organization "DNR", organized acts of terrorism and sabotage in Ukrainian territory, etc.

Specifically, on January 13, 2015, acting with the intention of disrupting public safety, intimidating the population, provoking an armed conflict, a complication of international relations, influencing decisions by the Ukrainian authorities and forcing them to act in a certain manner, A.A. Sinelnikov arranged for his subordinates to commit an act of terrorism – an artillery attack on a roadblock of the Ukrainian Armed Forces while civilians were at the roadblock among other individuals.

To this, A.A. Sinelnikov gave a criminal order to launch an artillery attack on the roadblock of the Armed Forces of Ukraine to his subordinate – Yu.N. Shpakov, the so-called "Commander of the 1<sup>st</sup> Battalion of the 5<sup>th</sup> SMIB of the 1<sup>st</sup> AC of the DNR", who operated under the code name of "Yust".

At around 2 p.m. on January 13, 2015, while carrying out their joint criminal plan and acting on orders from A.A. Sinelnikov, his subordinates – terrorists of the so-called "Angely Ada [Angels of Hell] rocket missile division" commanded by Yu.N. Shpakov fired 88 unguided 120-mm high-explosive fragmentation shells M-21-OF (product 9 M22U) from three BM-21 GRAD multiple rocket launchers at once.

This attack targeted the premises of a roadblock of the Ukrainian Armed Forces on the N-20 Slovyansk-Mariupol motor road in the vicinity of the fixed Road Post No. 5 of the State Traffic Inspectorate Directorate of the Donetsk Oblast Central Directorate of the Ministry of Internal Affairs of Ukraine.

At this roadblock, one of the missiles damaged an "i-Van TATA A0718" "Zlatoustovka-Donetsk" commuter bus, state number plates AH0985AA, en route from Volnovakha in the direction of Buhas, Donetsk Oblast,

whose passengers were in the process of passport control.

The following 12 civilians died of their wounds: Larisa Ivanovna Starchak, born in 1944, Olga Nikolaevna Shudykina, born in 1956, Inna Alexandrovna Kornilova, born in 1994, Tatyana Viktorovna Morgasyuk, born in 1960, Alexander Alexandrovich Morgasyuk, born in 1957, Mariya Mikhaylovna Grinnik, born in 1965, Roman Anatolyevich Kolomoyets, born in 1988, Vladislav Alexandrovich Polyakov, born in 1986, Dmitry Viktorovich Dukov, born in 1976, Nataliya Mikhaylovna Kazeko, born in 1982, Anastasia Vladimirovna Lazutkina, born in 1990, and Anatoly Ivanovich Karpov, born in 1954. The following 19 civilians sustained wounds of varying severity: Nina Mikhaylovna Malakhova, born in 1938, Anna Mikhaylovna Karmatskaya, born in 1959, Margarita Nikolaevna Dolgosh, born in 1963, Vitaliy Stanislavovich Liutyi, born in 1966, Vladimir Alexeyevich Khlepytko, born in 1986, Valeriy Pavlovich Zubkov, born in 1950, Galina Vasilyevna Kovalenko, born in 1954, Taisiya Alexandrovna Kusmarova, born in 1952, Vladimir Grigoryevich Kolodiazhnyi, born in 1955, Yuriy Vladimirovich Bakhal, born in 1962, Elena Sergeyevna Krivobedraya, born in 1950, Olga Anatolyevna Kukuyuk, born in 1983, Andrey Vladimirovich Pavlov, born in 1984, Evgeny Alexandrovich Baldin, born in 1979, Ekaterina Vasilyevna Litvinenko, born in 1985, Vladimir Anatolyevich Guban, born in 1955, Snezhana Anatolyevna Koriska, born in 1971, Tatyana Iosifovna Nikitenko, born in 1952, and Vladislav Yuryevich Voron, born in 1974.

Subsequently, while staying in Ukrainian territory until July 18, 2015, Colonel A.A. Sinelnikov—an active officer of the Russian Armed Forces—repeatedly issued orders to his subordinates to put up armed resistance against Anti-Terrorist Operation forces and commanded the activities of members of the terrorist organization “DNR” during combat operations against law enforcement agencies and Armed Forces of Ukraine involved in the Anti-Terrorist Operation in Ukraine’s east.

A.A. Sinelnikov was granted a leave of absence on July 18, 2015, during which he returned to the Russian Federation. After his leave, he was appointed to a senior position with the staff of the Central Military Command Region of the Russian Armed Forces.

On February 27, 2017, a written notice of suspicion was prepared as part of this criminal case against Russian citizen Anatoly Alexandrovich Sinelnikov, an employee of the combat training directorate of the Central Military Command Region of the Russian Armed Forces.

The existing Criminal Procedure Code of Ukraine prescribes the procedure for serving a written notice of suspicion by the investigator or prosecutor directly on the person named in the notice of suspicion. If the notice of suspicion cannot be served directly on the person named in the notice of suspicion, the investigator or prosecutor must use other methods provided for in the Criminal Procedure Code of Ukraine to serve the notice (Articles 135-136).

Considering that A.A. Sinelnikov took a leave of absence on July 18, 2015 and left for the Russian Federation, after which he was appointed to a position with the Central Military Command Region of the Russian Armed Forces, i.e. is currently in Russian territory, a need has arisen to approach the relevant authorities of the Russian Federation for international legal assistance: to serve the written notice of suspicion on the suspect, A.A. Sinelnikov, and inform the suspect about his rights available under Article 42 of the Criminal Procedure Code of Ukraine; to serve the pamphlet listing the procedural rights and obligations of the suspect; to ensure the right to defense and subsequently question him as a suspect.

In light of the foregoing, the Central Investigative Directorate of the Security Service of Ukraine invokes the 1993 Convention on Legal Aid and Legal Relations in Civil, Family and Criminal Matters and the 1959 European Convention on Mutual Legal Assistance in Criminal Cases and requests that the relevant authorities of the Russian Federation do the following:

1. Explain the rights of the suspect to A.A. Sinelnikov according to provisions of criminal procedure law of Ukraine as long as doing so does not contravene the laws of the Russian Federation.

2. Serve the pamphlet listing the procedural rights and obligations of a suspect on A.A. Sinelnikov against signed receipt according to provisions of criminal procedure law of Ukraine as long as doing so does not contravene the laws of the Russian Federation. Return one copy of the pamphlet listing the procedural rights and obligations of a suspect signed by A.A. Sinelnikov to the Central Investigative Directorate of the Security Service of Ukraine.

3. Serve the notice of suspicion on A.A. Sinelnikov against signed receipt according to provisions of criminal procedure law of Ukraine as long as doing so does not contravene the laws of the Russian Federation. Return one copy of the notice of suspicion signed by A.A. Sinelnikov to the Central Investigative Directorate of the Security Service of Ukraine. Also, bearing in mind that criminal procedure laws of Ukraine make it obligatory for a defense attorney to participate in criminal proceedings involving grave crimes, please arrange for the suspect's defense attorney to be present during this procedural formality.

4. Question A.A. Sinelnikov as a suspect in the presence of his defense attorney according to the following procedure (unless it contravenes the laws of the Russian Federation) by asking him the following questions:

- When exactly, for what reason, and under what circumstances did the suspect decide to oppose the national and local government agencies of Ukraine, put up armed resistance against personnel of the law enforcement agencies and

servicemen of the Ukrainian Armed Forces, and become one of the active members of the terrorist organization “DNR”, whose overriding goal is to forcibly change and disrupt the constitutional system, usurp state power in Ukraine, change the territorial boundaries and state border of Ukraine, and create the illegitimate state entity “DNR”?

- For what purpose did the suspect use the code name of “Zakhar”?
- What acts, when and under what circumstances did the suspect commit in order to accomplish the above-mentioned criminal objectives?
- Whom of the organizers and active members of the terrorist organization “DNR” is the suspect familiar with and cooperated with to achieve the criminal objectives? It should be suggested that the suspect enumerate all of the individuals known to him who are involved in the activities of the terrorist organization “DNR”, including their full identity information.
- Is the suspect acquainted with representatives of the terrorist organization “DNR” by the names of M.G. Tikhonov, Yu.N. Shpakov, and A.V. Zakharchenko? If so, when and under what circumstances did he get to know them and what kind of relations does he maintain with them?
- When in Ukraine, did the suspect stage explosions, commit arson, and put up armed resistance, illegal interference with and obstruction of the official duties of representatives of the law enforcement agencies and Armed Forces of Ukraine involved in the Anti-Terrorist Operation? If so, when, where, and under what circumstances? Who else was involved in these criminal activities in addition to the suspect?
- Who supervised the activities of the suspect in the territory temporarily controlled by the terrorist organization “DNR”? What were his tasks?
- Was the suspect involved in battles against Anti-Terrorist Operation forces in Donetsk and Luhansk Oblasts? If so, when and where exactly and under what circumstances?
- Did the suspect and his subordinates – militants of the illegal paramilitary group “5th SMIB of the 1st AC of the DNR Ministry of Defense” take part in combat operations against ATO forces in Donetsk Oblast in the vicinity of the population centers of Dokuchaevsk, Elenovka, and Volnovakha? If so, when exactly and under what circumstances?
- Who guided the operations of militants subordinated to the suspect during the artillery attack on the roadblock of the Ukrainian Armed Forces on January 13, 2015, which killed 12 civilians and inflicted wounds of varying severity in 19 more civilians? Who did the suspect instruct to launch this artillery attack and from whom did he receive this order?
- Is the suspect aware which specific militants in the so-called missile division “Angely Ada” [Angels of Hell] carried out the artillery attack on the roadblock of the Armed Forces of Ukraine on January 13, 2015? If so, what exactly does he know about these individuals?



*The list of questions is not exhaustive, while the manner in which they must be asked is mandatory. In light of this, depending on the questioning tactics and the information to be obtained during questioning, the scope of questions may be modified or expanded, while the manner in which they are asked may be chosen by the investigator.*

5. Request certified copies of documents proving the identity of Russian citizen Anatoly Alexandrovich Sinelnikov, born in 1964 in the village of Naumkino, Shemysheysk District, Penza Oblast, Russian Federation, who is serving in the military in the Central Military Command Region of the Russian Ministry of Defense stationed at 71 Lenina Prospect, Ekaterinburg, Russian Federation, and evidencing the address of his registration and residence, providing information about his place of employment, marital status, level of education, any prior convictions, record of administrative or criminal liability, as well as certificates issued by drug abuse specialists or psychiatrists about registration with the relevant state prevention centers, and letters of reference from the place of employment and residence.

**Procedure for honoring the request:** unless this contravenes the law of the Russian Federation, we request that you carry out the requested procedural formalities in keeping with the requirements of Ukrainian law.

Investigative activities in the territory of the Russian Federation are needed to ensure a swift and full investigation of the criminal case.

When conducting the procedural formalities with the suspect:

- Begin the questioning of the suspect by ascertaining his full name, current address, date and place of birth;
- Inform the suspect that he has the right to refrain from saying anything regarding suspicions against him and refuse to answer questions at any time. In addition, please explain to the suspect his other rights and obligations under Article 42 of the Criminal Procedure Code of Ukraine;
- Ask the questions that need to be answered;
- Formalize all of the above-mentioned information in the form of a record of questioning, the form of which is attached to this request;
- Subsequently: 1) Read aloud the questions and answers enclosed with the request for the suspect; or 2) Ask the suspect to personally review all of the questions and answers documented in the record;
- State in the record of questioning whether the representative of the relevant authority of the Russian Federation read aloud the questions and answers for the suspect or if the suspect reviewed them personally;
- Every page of the record of suspect questioning must be signed at the bottom of the page. The record must then be signed by a representative of the relevant authority of the Russian Federation who conducted the questioning.

Please certify the documents obtained while honoring this request with the official seal of the issuing department.

The information received by the Central Investigative Directorate of the Security Service of Ukraine will be used exclusively in the context of this criminal case and its hearing in court.

This criminal case is not politically motivated.

Please send the documents obtained while performing this request to the following address: 33 Vladimirskaya Street, Kyiv, 01601, Central Investigative Directorate of the Security Service of Ukraine.

Should you have any questions regarding this request or how to honor it, please contact Dmitry Vladimirovich Ziuzia, Senior Investigator of High-Profile Cases at the 5<sup>th</sup> Department of the 1st Pretrial Investigation Directorate of the Central Investigative Directorate of the Security Service of Ukraine at: +380-44-255-52-63.

If you are unable to honor this request, kindly inform us about the reasons preventing its performance and the conditions under which it can be honored.

Attachments:

1. Excerpts from the Criminal Procedure Code of Ukraine (Articles 2, 18, 40, and 93) on \_\_\_\_\_ pages.
2. Excerpts from the Criminal Procedure Code of Ukraine (Articles 42, 52, 95, 104, 105, 106, 111, 223, 224, and 276-279) and from the Constitution of Ukraine (Article 63) on \_\_ pages.
3. A notice of suspicion against A.A. Sinelnikov – 2 copies in Ukrainian and 2 copies in Russian, on a total of \_\_ pages.
4. Pamphlet listing the procedural rights and duties of the suspect – 2 copies in Ukrainian and 2 copies in Russian, on a total of \_\_\_\_\_ pages.
5. Form of the witness questioning record in the Russian language.

**Senior Investigator with the Office of Internal Affairs at the 5<sup>th</sup> Department  
of the 1<sup>st</sup> Pretrial Investigation Directorate  
of the Central Investigative Directorate of the Security Service of Ukraine  
Lieutenant Colonel of Justice**

**D. Ziuzia**

**APPROVED:  
Deputy Chief of Department  
of the Prosecutor General's Office of Ukraine  
Senior Councilor of Justice  
March \_\_, 2017**

**O. Peresada**

# Annex 432

Email Communication Between Evgeny Manuylov and “minions2015@bk.ru” (12 October 2017)

This document has been translated from its original language into English, an official language of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the original document constituting this Annex. In further compliance with this Rule, Ukraine has provided two certified copies of the full original-language document



**From:** Евгений Мануйлов  
**To:** [minions2015](#)  
**Subject:** (T2) Платежки\_от\_12.10.17\_7штук.pdf, Распределение\_T2\_октябрь3.xlsx  
**Date:** Thursday, October 12, 2017 3:23:15 AM  
**Attachments:** [Платежки\\_от\\_12.10.17\\_7штук.pdf](#)  
[Распределение\\_T2\\_октябрь3.xlsx](#)

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С уважением,  
Евгений Мануйлов  
[mevgeny777@bk.ru](mailto:mevgeny777@bk.ru)



# Annex 433

Ukrainian Request for Legal Assistance Concerning Case No. 22015000000000001 (14  
November 2017)

This document has been translated from its original language into English, an official language  
of the Court, pursuant to Rules of the Court, Article 51.

Pursuant to Rules of the Court Article 51(3), Ukraine has translated only an extract of the  
original document constituting this Annex. In further compliance with this Rule, Ukraine has  
provided two certified copies of the full original-language document







**SECURITY SERVICE OF UKRAINE**  
**Central Directorate of the Security Service of Ukraine**  
**in Donetsk and Luhansk Oblasts**

56 Yaroslava Mudroho Street, Kramatorsk, Donetsk Oblast, 84300. Phone (06264) 3-03-33

www.ssu.gov.ua, email: usbu\_don@ssu.gov.ua. Code in the Uniform State Register of Businesses and Organizations of Ukraine: 20001504

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*November 14, 2017, No. 56/13-6101nt* Re: No. [blank] of [blank]

**To the relevant authorities  
of the Russian Federation**

**REQUEST**  
**for International Legal Assistance**

Mariupol

November 14, 2017

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast expresses respect for the Prosecutor General's Office of the Russian Federation and invokes the 1993 Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters to respectfully request international legal assistance in Criminal Case No. 22015000000000001 registered on January 5, 2015 in the Uniform State Register of Pretrial Investigations, in which G.L. Kornilov is suspected of having committed a criminal offense falling under Part 1 of Article 258-5 of the Criminal Code of Ukraine (funding of a terrorist organization).

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast requests the relevant authorities of the Russian Federation to keep the contents of this request confidential to the extent practicable under the law of the Russian Federation, since disclosure of information contained in this request may complicate the process of gathering evidence relevant to the criminal proceedings.

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast is investigating Criminal Case No. 22015000000000001, in which Gleb Leonidovich Kornilov, d.o.b. November 21, 1985, is suspected of having committed a crime falling under Part 1 of Article 258-5 of the Criminal Code of Ukraine (an excerpt from the Criminal Code of Ukraine is attached).

A pretrial investigation of this criminal case has ascertained that since August 2014 (the exact date has not been determined by the pretrial investigation) until present Russian citizen G.L. Kornilov, Leader of the Novorossiya

[Seal: Security Service of Ukraine. Luhansk and Donetsk Oblast Directorate of the Security Service of Ukraine. Investigative Department] [Handwriting: True to original!] [Signature]

Security Service of Ukraine Re: Incoming Ref. No. 3080-r April 2, 2018
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Assistance Foundation ("Svoyik Ne Brosayem" [Our people don't get left behind] Foundation to Assist Refugees, Fellow Compatriots, and Russian-Speaking Population, registered at 1 Akademika Vinogradova Street, Office No. 270, Moscow, Russian Federation, primary state registration number 1147799012151, website: <http://spasidonbass.ru>), intending to support financially the terrorist organizations of the "Donetsk People's Republic" and the "Luhansk People's Republic", has been supplying military uniforms, ammunition, military personal protective equipment, means of radio communication and medications to members of said terrorist organizations operating in Donetsk and Luhansk Oblasts.

Material damage caused to the state of Ukraine by this criminal offense is currently being assessed.

The pretrial investigation authority is suspecting G.L. Kornilov of having committed acts aimed at delivering supplies to representatives of the above-mentioned terrorist organizations, who have in turn been committing acts of terrorism since April 7, 2014 until present in the territory of Ukraine with a view to disrupting public safety, intimidating the population, provoking an armed conflict and a complication of international relations, and also pressuring national or local government agencies as well as officials of said agencies into making certain decisions.

In light of the foregoing and considering the available evidence of the criminal case, on November 14, 2017 a notice of suspicion was issued against Gleb Leonidovich Kornilov, d.o.b. November 21, 1985, to the effect that he is suspected of having committed a criminal offense falling under Part 1 of Article 258-5 of the Criminal Code of Ukraine, specifically: funding of terrorism, i.e. acts committed with a view to providing material resources to an individual terrorism or a terrorist group (organization), as well as facilitation of an act of terrorism by supplying military uniform and ammunition, military personal protective equipment, means of radio communication and medications to representatives of the combat wing of the so-called "DNR" and "LNR", which have been declared to be terrorist organizations pursuant to Paragraph 19 of Article 1 of the Law of Ukraine *On Combating Terrorism*.

In November 14, 2017 the notice of suspicion of having committed a criminal offense falling under Part 1 of Article 258-5 of the Criminal Code of Ukraine was mailed to the address of registration of suspect G.L. Kornilov, specifically 23 Akademika Volgina, building 1, apartment 179, Moscow, Russian Federation, and also via the available electronic means of communication at the email address [spasidonbass@gmail.com](mailto:spasidonbass@gmail.com) in order to notify G.L. Kornilov that he is a suspect under applicable laws of Ukraine.

According to Clause 4 of Part 1 of Article 91 of the Criminal Procedure Code of Ukraine, the circumstances characterizing the personality of the defendant and suspect must be proven in the context of a criminal investigation.

To ensure a comprehensive, full, and objective investigation of the circumstances of the criminal offense, a need has now arisen to request information characterizing the personality of the suspect – Russian citizen Gleb Leonidovich Kornilov, d.o.b. November 21, 1985 (Russian taxpayer identification number 7728503466280, with his registered address of residence at 23 Akademika Volgina, building 1, apartment 179, Moscow, Russian Federation).

Bearing in mind the foregoing and invoking the Convention on Legal Assistance and Legal Relations in Civil, Family, and Criminal Matters of 1993, we hereby request that you review this request and provide international legal assistance in criminal case No. 2201500000000001 in the form of conducting the following procedural formalities in the territory of the Russian Federation:

Request from the relevant authorities of the Russian Federation and send to our address the following materials:

- A letter of reference issued in respect of G.L. Kornilov by the local housing management office along with a certificate listing his family members;
- A certificate of receipt by G.L. Kornilov of a Russian citizen's internal passport and international passport as well as duly certified copies of said passports;
- A certificate proving G.L. Kornilov's registration at her address of residence;
- Certificates issued by the local mental disease and drug abuse prevention centers in the area where G.L. Kornilov resides along with information whether or not he has an active file with said prevention centers (if so, specify the date of registration and diagnosis);
- Information about any prior criminal record of G.L. Kornilov (if such information is available, request from the relevant authorities and send to our address certified copies of verdicts issued by courts of the Russian Federation as well as letters of reference issued by penitentiary facilities where G.L. Kornilov may have served his sentences), as well as information about any instances of G.L. Kornilov having been brought to administrative account;
- Information about any crossings by G.L. Kornilov of the state border between the Russian Federation and Ukraine between April 7, 2014 and this day;
- Information from agencies of the Federal Security Service (Ministry of Internal Affairs) of the Russian Federation about G.L. Kornilov's involvement in activities of terrorist organizations or groups, extremist religious organizations.

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast would like to assure you that this request has been prepared strictly in accordance with Ukrainian laws by a duly authorized officer within the scope of his authority.

Investigative activities in the territory of the Russian Federation are needed to ensure a comprehensive, full, and objective investigation of the circumstances relevant to the criminal proceedings.

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast guarantees that any evidence or information received as part of international legal assistance will be used exclusively for purposes of gathering evidence in the context of this criminal case and will not be used for political, military, or other objectives.

Should you have any questions regarding this request or its performance, do not hesitate to contact Lieutenant Andrey Dmitrievich Nazaruk, investigator with the Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast, at: phone number: +38-0629-47-03-25, fax number: +380629-47-03-75, email address: usbu\_don@ssu.gov.ua.

If you are unable to honor this request, kindly inform us about the reasons preventing its performance and the conditions under which it can be honored.

The Investigative Office of the 2<sup>nd</sup> Directorate (stationed in Mariupol, Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in Donetsk and Luhansk Oblast would like to use this opportunity to express its respect for the relevant authorities of the Russian Federation and its willingness to provide reciprocal legal assistance should they ever request it.

Attachments:

- Excerpt from the Criminal Code of Ukraine – 2 pages;
- Excerpt from the Criminal Procedure Code of Ukraine – 4 pages;
- Excerpt from the Law of Ukraine *On Combating Terrorism* – 4 pages.

**Investigator with the Investigative Office  
of the 2<sup>nd</sup> Directorate (stationed in Mariupol,  
Donetsk Oblast) of the Central Directorate of Security Service of Ukraine in  
Donetsk and Luhansk Oblast**

**Lieutenant [Signature] A.D. Nazaruk**  
[Seal: Security Service of Ukraine. Donetsk Oblast Directorate of the  
Security Service of Ukraine]

**“APPROVED”**

**Department Prosecutor  
at the Donetsk Oblast Prosecutor’s Office**  
**Junior Councilor of Justice [Signature] S.S. Knysh**

# Annex 434

Consolidated Banking Records of Transfer Between the Fund and the State Bank of the LPR  
(various dates) This document has been translated from its original language into English, an  
official language of the Court, pursuant to Rules of the Court, Article 51.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 41 Date 06/01/2017

Electronic Payment Type

Amount Written One billion thirty-eight million three hundred forty-five thousand six hundred nine rubles

<b>Out</b> INN 0061102447	<b>KPP</b>	<b>Amount</b> 1038345609
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroyev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>		<b>Acct #</b> 408078108660000000002
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payer's Bank</b>		<b>BIC</b> 001001105
		<b>Acct #</b> 30101810100000000105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>		<b>BIC</b> 001001105
		<b>Acct #</b> 30101810100000000105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee</b>		<b>Acct #</b> 30111810000000000720
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b> 01	<b>Deadline</b>
	<b>Purpose</b>	<b>Priority</b> 5
	<b>Code</b>	<b>Reserved</b>

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 (MFO 400008 USRLE 61102447 (Expense classification code 2710 (pension fund allowance))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 42 Date 06/01/2017

Electronic Payment Type

Amount Written Seventy-one million three hundred eighty-five thousand seven hundred twenty-six rubles

<b>Out</b> INN 0061102447	<b>KPP</b>	<b>Amount</b> 71385726=
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroyev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>		<b>Acct #</b> 408078108660000000002
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payer's Bank</b>		<b>BIC</b> 001001105
		<b>Acct #</b> 30101810100000000105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>		<b>BIC</b> 001001105
		<b>Acct #</b> 30101810100000000105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee</b>		<b>Acct #</b> 30111810000000000720
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b> 01	<b>Deadline</b>
	<b>Purpose</b>	<b>Priority</b> 5
	<b>Code</b>	<b>Reserved</b>

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 (MFO 400008 USRLE 61102447 (Expense classification code 2610 (allowance for Social Security Fund))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 43 06/01/2017 Date Electronic Payment Type

<b>Amount Written</b>	Thirty hundred fifty thousand rubles	<b>Amount</b>	350000=
<b>Out</b>	INN 0061102447 KPP	<b>Acct #</b>	4080781086600000000002
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic/Luhansk People's Republic, 3a ploschad Geroyev Velikoy Otechestvennoy Voyny, Luhansk//	<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301118100000000000720
<b>Payee</b>	State Bank of the Luhansk People's Republic	<b>Type</b>	01
		<b>Purpose</b>	5
		<b>Code</b>	

{Y060075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 (subsidy for state enterprise Uglestrukturiizatsiya))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 44 06/01/2017 Date Electronic Payment Type

<b>Amount Written</b>	Thirty-seven million nine hundred six thousand nine hundred ninety-eight rubles	<b>Amount</b>	37906998=
<b>Out</b>	INN 0061102447 KPP	<b>Acct #</b>	4080781086600000000002
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic/Luhansk People's Republic, 3a ploschad Geroyev Velikoy Otechestvennoy Voyny, Luhansk//	<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301118100000000000720
<b>Payee</b>	State Bank of the Luhansk People's Republic	<b>Type</b>	01
		<b>Purpose</b>	5
		<b>Code</b>	

{Y060075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2110, 2120, 2240 (wages, wage withholding, bank services))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 45 Date 06/01/2017 Electronic Payment Type

<b>Amount Written</b>	One million rubles	<b>Amount</b>	10000000=
<b>Out</b>	INN 0061102447 <b>KPP</b>	<b>Acct #</b>	408078108600000000002
<b>Payer</b>			
Ministry of Finance of Luhansk People's Republic/Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Payee's Bank</b>			
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105	<b>Type</b>	01
<b>Acct #</b>	30101810100000000105	<b>Purpose</b>	5
<b>Payee's Bank</b>			
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105	<b>Code</b>	
<b>Acct #</b>	30101810100000000105	<b>Deadline</b>	
<b>Acct #</b>	30111810000000000720	<b>Priority</b>	
<b>Acct #</b>	30111810000000000720	<b>Reserved</b>	
<b>Payee</b>			
State Bank of the Luhansk People's Republic			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 3110 (procuring computers for online education))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 127 Date 11/02/2017 Electronic Payment Type

<b>Amount Written</b>	One billion three hundred seventy-seven million eight hundred twenty-nine thousand fifty-four rubles	<b>Amount</b>	137829054=
<b>Out</b>	INN 0061102447 <b>KPP</b>	<b>Acct #</b>	408078108600000000002
<b>Payer</b>			
Ministry of Finance of Luhansk People's Republic/Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Payee's Bank</b>			
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105	<b>Type</b>	
<b>Acct #</b>	30101810100000000105	<b>Purpose</b>	
<b>Payee's Bank</b>			
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105	<b>Code</b>	
<b>Acct #</b>	30101810100000000105	<b>Deadline</b>	
<b>Acct #</b>	30111810000000000720	<b>Priority</b>	
<b>Acct #</b>	30111810000000000720	<b>Reserved</b>	
<b>Payee</b>			
State Bank of the Luhansk People's Republic			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2710 (pension fund allowance))

Payment Purpose

Signatures

Bank Stamps

L.S.



0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 128 11/02/2017

Electronic

Payment Type

Amount Written Forty-five million ninety-three thousand seven hundred seventy-nine rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	45093779=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 (allowance for Social Security Fund))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 129 11/02/2017

Electronic

Payment Type

Amount Written Nine million six hundred forty thousand seventy-three rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	9640073=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2610, 3210 (subsidy for state enterprise Uglestrukturzatsiya))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 130      11/02/2017      Date      Electronic      Payment Type

Amount Written      Four million thirty thousand eight hundred fifty-one rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	4030851=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	408078 1086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282, cultural program) ✓

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 131      11/02/2017      Date      Electronic      Payment Type

Amount Written      Sixteen million two hundred fifty thousand nine hundred rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	16250900=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	408078 1086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2730, Social security: replacing rations with cash) ✓

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 133      11/02/2017

Electronic  
Payment Type

Amount Written      Eleven thousand fifty-three rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	11053=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01		<b>Deadline</b>	
<b>Purpose</b>			<b>Priority</b>	5
<b>Code</b>			<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282, Humanitarian program (media support))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 133      11/02/2017

Electronic  
Payment Type

Amount Written      Three million six hundred seventy-six thousand six hundred rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	3676600=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	301018101000000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	3011181000000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01		<b>Deadline</b>	
<b>Purpose</b>			<b>Priority</b>	5
<b>Code</b>			<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610, Payments to citizens finding themselves in difficult life situations)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 134      11/02/2017      Date      Electronic      Payment Type

Amount Written      One million two hundred eighty-four thousand rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	1284000=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>BIC</b>	001001105	<b>Acct #</b>	4080781086000000000002	
<b>Acct #</b>	30101810100000000105	<b>BIC</b>	001001105	
<b>Acct #</b>	30101810100000000105	<b>Acct #</b>	001001105	
<b>BIC</b>	30101810100000000105	<b>Acct #</b>	30111810000000000720	
<b>Acct #</b>	30111810000000000720	<b>Acct #</b>		
<b>Payee's Bank</b>	State Bank of the Luhansk People's Republic			
<b>Payee</b>		<b>Type</b>	01	<b>Deadline</b>
		<b>Purpose</b>		<b>Priority</b>
		<b>Code</b>		<b>Reserved</b>
				5

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2730, 2282, 2240, 2210, Humanitarian program: event-related expenses)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 135      11/02/2017      Date      Electronic      Payment Type

Amount Written      Eight hundred seven thousand eight hundred fourteen rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	807814=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>BIC</b>	001001105	<b>Acct #</b>	4080781086000000000002	
<b>Acct #</b>	30101810100000000105	<b>BIC</b>	001001105	
<b>Acct #</b>	30101810100000000105	<b>Acct #</b>	001001105	
<b>BIC</b>	30101810100000000105	<b>Acct #</b>	30111810000000000720	
<b>Acct #</b>	30111810000000000720	<b>Acct #</b>		
<b>Payee's Bank</b>	State Bank of the Luhansk People's Republic			
<b>Payee</b>		<b>Type</b>	01	<b>Deadline</b>
		<b>Purpose</b>		<b>Priority</b>
		<b>Code</b>		<b>Reserved</b>
				5

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2250, 2282, Humanitarian program: expenses related to integration measures)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 114      10/04/2017

Electronic

Payment Type

Amount Written [Twenty-five million nine hundred sixty-two thousand one hundred fifty-six rubles and 09 kopecks]

<b>Out</b> INN 0061102447	<b>KPP</b>	<b>Amount</b> 25962156-09
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>		<b>Acct #</b> 40807810860000000002
<b>Payer's Bank</b> INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		<b>BIC</b> 001001105 <b>Acct #</b> 30101810100000000105
<b>Payee's Bank</b> INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		<b>BIC</b> 001001105 <b>Acct #</b> 30101810100000000105
<b>Payee's Bank</b> INN 0061102720	<b>KPP</b>	<b>Acct #</b> 30111810000000000720
State Bank of the Luhansk People's Republic		

<b>Payee</b>	<b>Type</b> 01	<b>Deadline</b>
	<b>Purpose</b>	<b>Priority</b> 5
	<b>Code</b>	<b>Reserved</b>

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Compensation of difference in rates to pay for water consumption)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 136      11/07/2017

Electronic

Payment Type

Amount Written [Twenty-five million four hundred eleven thousand nine hundred eighty-two rubles and 83 kopecks]

<b>Out</b> INN 0061102447	<b>KPP</b>	<b>Amount</b> 25411982-83
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>		<b>Acct #</b> 40807810860000000002
<b>Payer's Bank</b> INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		<b>BIC</b> 001001105 <b>Acct #</b> 30101810100000000105
<b>Payee's Bank</b> INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		<b>BIC</b> 001001105 <b>Acct #</b> 30101810100000000105
<b>Payee's Bank</b> INN 0061102720	<b>KPP</b>	<b>Acct #</b> 30111810000000000720
State Bank of the Luhansk People's Republic		

<b>Payee</b>	<b>Type</b> 01	<b>Deadline</b>
	<b>Purpose</b>	<b>Priority</b> 5
	<b>Code</b>	<b>Reserved</b>

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Compensation of difference in rates to pay for water consumption)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 137 11/07/2017

Electronic Payment Type

Amount Written Ninety-three thousand four hundred twenty-three rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	93423=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105	301018101000000000105
<b>Payee</b>	INN 0061102720	<b>kPP</b>	<b>Amount</b>	301118100000000000720
	State Bank of the Luhansk People's Republic			
	<b>Type</b>	<b>Purpose</b>	<b>Code</b>	<b>Deadline</b>
	01			
	<b>Priority</b>	<b>Reserved</b>		

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 Humanitarian program (media support))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 138 11/07/2017

Electronic Payment Type

Amount Written One thousand rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	1000=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>BIC</b>	001001105	301018101000000000105
<b>Payee</b>	INN 0061102720	<b>kPP</b>	<b>Amount</b>	301118100000000000720
	State Bank of the Luhansk People's Republic			
	<b>Type</b>	<b>Purpose</b>	<b>Code</b>	<b>Deadline</b>
	01			
	<b>Priority</b>	<b>Reserved</b>		

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2250, 2282 Humanitarian program: expenses related to integration measures)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 115 10/12/2017 Electronic Payment Type

Amount Written Out {Seventy-five rubles} Amount {729723675=}

INN 0061102447 KPP Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk// Payer INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC Payer's Bank INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC Payee's Bank INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC INN 0061102720 KPP State Bank of the Luhansk People's Republic

Acct # Acct # BIC Acct # BIC Acct # Acct # Type Purpose Code Deadline Priority Reserved

Payee {VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2710 (Pension Fund allowance))

Payment Purpose Signatures Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 116 10/12/2017 Electronic Payment Type

Amount Written Out {Thirty-five million eight hundred twenty thousand seventy rubles} Amount {35820070=}

INN 0061102447 KPP Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk// Payer INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC Payer's Bank INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC Payee's Bank INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC INN 0061102720 KPP State Bank of the Luhansk People's Republic

Acct # Acct # BIC Acct # BIC Acct # Acct # Type Purpose Code Deadline Priority Reserved

Payee {VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 (allowance for Social Security Fund))

Payment Purpose Signatures Bank Stamps

L.S.

0401060

Payment rec'd by bank

Payment debited from acct.

Electronic

Electronic

BANK TRANSFER ORDER # 117

10/12/2017

Payment Type

Amount Written Twenty-nine million nine hundred ninety-one thousand six hundred seventy-five rubles

Five hundred million rubles

<b>Out</b>	<b>Amount</b>	<b>Acct #</b>	<b>Acct #</b>	<b>Acct #</b>	<b>Acct #</b>
INN 0061102447	KPP	39991675=	4080781086000000000002	001001105	301018101000000000105
Payer					
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC					
Payer's Bank					
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC					
Payee's Bank					
INN 0061102720					
KPP					
State Bank of the Luhansk People's Republic					
Payee					
Type	Purpose	Code	Deadline	Priority	Reserved
01	5				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2270 (payment for utilities and energy carriers))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank

Payment debited from acct.

10/12/2017

Electronic

BANK TRANSFER ORDER # 118

Amount Written Five hundred million rubles

<b>Out</b>	<b>Amount</b>	<b>Acct #</b>	<b>Acct #</b>	<b>Acct #</b>	<b>Acct #</b>
INN 0061102447	KPP	500000000=	4080781086000000000002	001001105	301018101000000000105
Payer					
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC					
Payer's Bank					
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC					
Payee's Bank					
INN 0061102720					
KPP					
State Bank of the Luhansk People's Republic					
Payee					
Type	Purpose	Code	Deadline	Priority	Reserved
01	5				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2110, 2120, 2240 (wages, wage withholding, bank services))

Payment Purpose

Signatures

Bank Stamps

L.S.



0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 119 10/12/2017

Electronic Payment Type

Amount Written Sixteen million two hundred fifty thousand nine hundred rubles

<b>Out</b>	<b>Amount</b>	<b>Acct #</b>
INN 0061102447	KPP	16250900=
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>	<b>Acct #</b>	4080781086000000000002
<b>Payer's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	<b>Acct #</b>	301118100000000000720
INN 0061102720	KPP	
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b>	01
	<b>Purpose</b>	5
	<b>Code</b>	
	<b>Deadline</b>	
	<b>Priority</b>	
	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2240, 2730 Social Security: replacing rations with cash)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 120 10/12/2017

Electronic Payment Type

Amount Written Fifty-six thousand three hundred thirty-nine rubles

<b>Out</b>	<b>Amount</b>	<b>Acct #</b>
INN 0061102447	KPP	56339=
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>	<b>Acct #</b>	4080781086000000000002
<b>Payer's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	<b>Acct #</b>	301118100000000000720
INN 0061102720	KPP	
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b>	01
	<b>Purpose</b>	5
	<b>Code</b>	
	<b>Deadline</b>	
	<b>Priority</b>	
	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 Humanitarian program (media support))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 121      10/12/2017

Electronic  
Payment Type

Amount Written      Four million six hundred twenty-eight thousand four hundred eighty rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	4628480=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	408078108600000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Payments to citizens finding themselves in difficult life situations)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 99      09/14/2017

Electronic  
Payment Type

Amount Written      Twenty-two million six hundred nineteen thousand one hundred twenty-seven rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	22619127=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	408078108600000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BANK LLC</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2610, 3210 (subsidy to state enterprise Uglestrukturzatsiya))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 100 09/14/2017 Electronic Payment Type

Amount Written Four hundred twenty-eight million one hundred seventy-two thousand five hundred sixty-seven rubles

Out	INN 0061102447	KPP	Amount	42817567=
Payer	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
			Acct #	4080781086000000000002
			BIC	001001105
			Acct #	30101810100000000105
			BIC	001001105
			Acct #	30101810100000000105
			Acct #	30111810000000000720
			Type	01
			Purpose	\$
			Code	
Payee	State Bank of the Luhansk People's Republic			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 4000008 USRLE 61102447 (Expense classification codes 2110, 2120, 2240 (wages, wage withholding, bank services))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 101 09/14/2017 Electronic Payment Type

Amount Written Five thousand eighty-one rubles

Out	INN 0061102447	KPP	Amount	5000000000000002
Payer	Ministry of Finance of Luhansk People's Republic			
			Acct #	4080781086000000000002
			BIC	001001105
			Acct #	30101810100000000105
			BIC	001001105
			Acct #	30101810100000000105
			Acct #	30111810000000000720
			Type	01
			Purpose	\$
			Code	
Payee	State Bank of the Luhansk People's Republic			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 4000008 USRLE 61102447 (Expense classification codes 2240, 2730 Social Security: replacing rations with cash)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 102      09/14/2017

Electronic  
Payment Type

Amount Written      Four million one hundred eighty-three thousand seven hundred fifty rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	4183750=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	301118100000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	01			
<b>Code</b>	5			
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Payments to citizens finding themselves in difficult life situations)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 103      09/14/2017

Electronic  
Payment Type

Amount Written      One hundred ninety-one thousand seven hundred forty-seven rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	191747=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	301118100000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	01			
<b>Code</b>	5			
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2250, 2282 Humanitarian program: expenses related to integration measures)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 104      09/25/2017      Date      Electronic      Payment Type

Amount Written      Three million five hundred thirty-four thousand three hundred forty rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	353440= ✓
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Payer's Bank</b>	BANK LLC	<b>BIC</b>	001001105	
		<b>Acct #</b>	30101810100000000105	
<b>Payee's Bank</b>	BANK LLC	<b>BIC</b>	001001105	
		<b>Acct #</b>	30101810100000000105	
<b>Payee</b>	INN 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
	State Bank of the Luhansk People's Republic			
	<b>Type</b>	<b>Purpose</b>	<b>Code</b>	<b>Deadline</b>
	01	5		
		<b>Priority</b>	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Payments to citizens finding themselves in difficult life situations)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 105      09/25/2017      Date      Electronic      Payment Type

Amount Written      Two million seven hundred twenty-four thousand six hundred fourteen rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	2724614=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Payer's Bank</b>	BANK LLC	<b>BIC</b>	001001105	
		<b>Acct #</b>	30101810100000000105	
<b>Payee's Bank</b>	BANK LLC	<b>BIC</b>	001001105	
		<b>Acct #</b>	30101810100000000105	
<b>Payee</b>	INN 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
	State Bank of the Luhansk People's Republic			
	<b>Type</b>	<b>Purpose</b>	<b>Code</b>	<b>Deadline</b>
	01	5		
		<b>Priority</b>	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 Communications (Television and radio broadcast and rebroadcast program))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 106      09/25/2017      Date      Electronic      Payment Type

Amount Written      Four million seven hundred ninety-two thousand five hundred eighty-nine rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	4792589-
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Payer's Bank</b>	BANK LLC	<b>BIC</b>	001001105	30101810100000000105
<b>Payee's Bank</b>	BANK LLC	<b>BIC</b>	001001105	30101810100000000105
<b>Payee</b>	State Bank of the Luhansk People's Republic			
	INN 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
			<b>Type</b>	01
			<b>Purpose</b>	5
			<b>Code</b>	
			<b>Deadline</b>	
			<b>Priority</b>	
			<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 (Cultural program))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 78      08/14/2017      Date      Electronic      Payment Type

Amount Written      Three hundred ninety-four million one hundred forty thousand rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	394140000-
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Payer's Bank</b>	BANK LLC	<b>BIC</b>	001001105	30101810100000000105
<b>Payee's Bank</b>	BANK LLC	<b>BIC</b>	001001105	30101810100000000105
<b>Payee</b>	State Bank of the Luhansk People's Republic			
	INN 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
			<b>Type</b>	01
			<b>Purpose</b>	5
			<b>Code</b>	
			<b>Deadline</b>	
			<b>Priority</b>	
			<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2710 (Pension Fund allowance))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 79      08/14/2017      Date      Electronic      Payment Type

Amount Written      Thirty-five million seven hundred fifty-seven thousand eight hundred twenty-seven rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	35757827=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2270 (payment for utilities and energy carriers))

Payment Purpose      Signatures      Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 80      08/14/2017      Date      Electronic      Payment Type

Amount Written      Twenty-one million thirty-three thousand four hundred sixty-two rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	21033462=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2610, 3210 (subsidy for state enterprise Uglerestrurizatsiya))

Payment Purpose      Signatures      Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 81 08/14/2017 Electronic Payment Type

Amount Written Six hundred ninety-three million seven hundred ninety thousand three hundred eighty-eight rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	693790388=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INN 0061102720			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2110, 2120, 2240 (wages, wage withholding, bank services))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 82 08/14/2017 Electronic Payment Type

Amount Written Two million seven hundred thirty-four thousand seven hundred seventy-eight rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	2734778=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INN 0061102720			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>	Reserved			

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 Communications (Television and radio broadcast and rebroadcast program))

Payment Purpose

Signatures

Bank Stamps

L.S.



0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 83      08/14/2017      Date      Electronic      Payment Type

Amount Written      Forty-two thousand four hundred twenty rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	42420=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01	<b>Deadline</b>		
<b>Purpose</b>		<b>Priority</b>	5	
<b>Code</b>		<b>Reserved</b>		

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2730 Social Security: replacing rations with cash)

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 84      08/14/2017      Date      Electronic      Payment Type

Amount Written      One hundred ninety-four thousand five hundred rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	194500=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01	<b>Deadline</b>		
<b>Purpose</b>		<b>Priority</b>	5	
<b>Code</b>		<b>Reserved</b>		

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2282 Humanitarian program (media support))

Payment Purpose

Signatures

Bank Stamps

L.S.

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 85      08/14/2017      Date      Electronic      Payment Type

Amount Written      One million two hundred eighty-five thousand six hundred rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	1285600=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>				
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2730, 2240 Payments to miners (1<sup>st</sup>-category disability, Heroes of Socialist Labor, members of the Order of Mining Glory))

Payment Purpose

Signatures

L.S.

Bank Stamps

0401060

Payment rec'd by bank      Payment debited from acct.

BANK TRANSFER ORDER # 86      08/14/2017      Date      Electronic      Payment Type

Amount Written      Three million one hundred eight thousand nine hundred ninety-six rubles

<b>Out</b>	INN 0061102447	<b>KPP</b>	<b>Amount</b>	3108996=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//			
<b>Acct #</b>	4080781086000000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>				
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Payments to citizens finding themselves in difficult life situations)

Payment Purpose

Signatures

L.S.

Bank Stamps

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 87 08/14/2017 Electronic Payment Type

Amount Written Six hundred thirty-two thousand nine hundred fifty rubles

<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b>	632950=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	40807810860000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>				
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2250, 2282 Humanitarian program: expenses related to integration measures)

Payment Purpose

Signatures

Bank Stamps

L.S.

08/03/2017

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 69 08/03/2017 Electronic Payment Type

Amount Written One billion thirty-nine million four hundred nineteen thousand three hundred thirty rubles

<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b>	1039419330=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//			
<b>Acct #</b>	40807810860000000002			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>BIC</b>	001001105			
<b>Acct #</b>	30101810100000000105			
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC			
<b>Acct #</b>	30111810000000000720			
<b>Payee</b>	State Bank of the Luhansk People's Republic			
<b>Type</b>	01			
<b>Purpose</b>	5			
<b>Code</b>				
<b>Deadline</b>				
<b>Priority</b>				
<b>Reserved</b>				

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2710 (Pension Fund allowance))

Payment Purpose

Signatures

Bank Stamps

L.S.

INTERNATIONAL SETTLEMENTS BANK  
COMMERCIAL BANK LLC  
ACCEPTED  
08/03/2017  
BIC 001001105  
Corr. acct. 30101810100000000105  
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08/03/2017

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 70 08/03/2017 Date Electronic Payment Type

Amount Written Eight million two hundred eighty-one thousand forty-six rubles

<b>Out</b>	<b>Inn</b>	<b>Amount</b>
INN 0061102447	KPP	8281046=
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>	<b>Acct #</b>	40807810860000000002
<b>Payer's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee</b>	<b>Acct #</b>	3011181000000000720
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b>	01
	<b>Purpose</b>	\$
	<b>Code</b>	
	<b>Deadline</b>	
	<b>Priority</b>	
	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 (allowance for Social Security Fund))

Payment Purpose

Signatures

Bank Stamps

L.S.

INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC

ACCEPTED

08/03/2017

BIC 001001105

Corr. acct. 30101810100000000105

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08/03/2017

0401060

Payment rec'd by bank Payment debited from acct.

BANK TRANSFER ORDER # 71 08/03/2017 Date Electronic Payment Type

Amount Written Fourteen million nine hundred sixty-five thousand eight hundred sixty-six rubles

<b>Out</b>	<b>Inn</b>	<b>Amount</b>
INN 0061102447	KPP	14963866=
Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payer</b>	<b>Acct #</b>	40807810860000000002
<b>Payer's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee's Bank</b>	<b>BIC</b>	001001105
INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC	<b>Acct #</b>	30101810100000000105
<b>Payee</b>	<b>Acct #</b>	3011181000000000720
State Bank of the Luhansk People's Republic		
<b>Payee</b>	<b>Type</b>	01
	<b>Purpose</b>	\$
	<b>Code</b>	
	<b>Deadline</b>	
	<b>Priority</b>	
	<b>Reserved</b>	

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2730 Social Security: replacing rations with cash)

Payment Purpose

Signatures

Bank Stamps

L.S.

INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC

ACCEPTED

08/03/2017

BIC 001001105

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Elena Aleksandrova Bondareva E-signature verification key 2: 1499693878346241

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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
 BANK TRANSFER ORDER # 72 08/03/2017 Electronic  
Payment Type

**Amount Written** Six hundred eighteen thousand four hundred forty-three rubles  
**Out** INN 0061102447 **KPP** **Amount** 618443=  
 Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//  
**Payer** Acct # 408078108600000000002  
**INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC** BIC 010001105 Acct # 30101810100000000105  
**Payer's Bank** **INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC** BIC 010001105 Acct # 30101810100000000105  
**Payee's Bank** INN 0061102720 **KPP** Acct # 30111810000000000720  
 State Bank of the Luhansk People's Republic  
**Payee** Type 01 Purpose \$ Code  
 Deadline Priority Reserved

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2240, 2250, 2282 Humanitarian program: expenses related to integration measures)

**Payment Purpose** \_\_\_\_\_ **Signatures** \_\_\_\_\_ **Bank Stamps**  
 L.S. \_\_\_\_\_  
 INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC  
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 08/03/2017  
 BIC 001001105  
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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
 BANK TRANSFER ORDER # 73 08/03/2017 Electronic  
Payment Type

**Amount Written** Two hundred ninety thousand rubles  
**Out** INN 0061102447 **KPP** **Amount** 290000=  
 Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//  
**Payer** Acct # 408078108600000000002  
**INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC** BIC 010001105 Acct # 30101810100000000105  
**Payer's Bank** **INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC** BIC 010001105 Acct # 30101810100000000105  
**Payee's Bank** INN 0061102720 **KPP** Acct # 30111810000000000720  
 State Bank of the Luhansk People's Republic  
**Payee** Type 01 Purpose \$ Code  
 Deadline Priority Reserved

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2730, 2282, 2240, 2210 Humanitarian program: event-related expenses)

**Payment Purpose** \_\_\_\_\_ **Signatures** \_\_\_\_\_ **Bank Stamps**  
 L.S. \_\_\_\_\_  
 INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC  
 ACCEPTED  
 08/03/2017  
 BIC 001001105  
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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
**BANK TRANSFER ORDER # 75** **08/03/2017**  
 Date Electronic  
Payment Type

<b>Amount Written</b>	Three million three hundred two thousand four hundred rubles		
<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b> 3302400=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//		
		<b>Acct #</b>	408078108600000000002
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
		<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
		<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee</b>	State Bank of the Luhansk People's Republic		
		<b>Acct #</b>	30111810000000000720
	<b>Type</b>	<b>Code</b>	<b>Deadline</b>
	<b>Purpose</b>		<b>Priority</b>
	<b>Code</b>		<b>Reserved</b>
			01

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2730, 2240 Payments to miners (1<sup>st</sup>-category disability, Heroes of Socialist Labor, members of the Order of Mining Glory))

<b>Payment Purpose</b>	<b>Signatures</b>	<b>Bank Stamps</b>
	L.S.	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC ACCEPTED 08/03/2017 BIC 001001105 Corr. acct. 301018101000000000105 E-SIGNATURES VALID
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Document ID: 823601		
Yana Aleksandrovna Shevtsova	E-signature verification key 1: 1499854151492282	
Elena Aleksandrovna Bondareva	E-signature verification key 2: 1499693878346241	
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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
**BANK TRANSFER ORDER # 74** **08/03/2017**  
 Date Electronic  
Payment Type

<b>Amount Written</b>	One million fifty thousand four hundred rubles		
<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b> 1050400=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voiny, Luhansk//		
		<b>Acct #</b>	408078108600000000002
<b>Payer's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
		<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
		<b>BIC</b>	001001105
		<b>Acct #</b>	301018101000000000105
<b>Payee</b>	State Bank of the Luhansk People's Republic		
		<b>Acct #</b>	30111810000000000720
	<b>Type</b>	<b>Code</b>	<b>Deadline</b>
	<b>Purpose</b>		<b>Priority</b>
	<b>Code</b>		<b>Reserved</b>
			01

{VO60075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Payments to citizens finding themselves in difficult life situations)

<b>Payment Purpose</b>	<b>Signatures</b>	<b>Bank Stamps</b>
	L.S.	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC ACCEPTED 08/03/2017 BIC 001001105 Corr. acct. 301018101000000000105 E-SIGNATURES VALID
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Document ID: 823596		
Yana Aleksandrovna Shevtsova	E-signature verification key 1: 1499854151492282	
Elena Aleksandrovna Bondareva	E-signature verification key 2: 1499693878346241	
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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
 BANK TRANSFER ORDER # 76 08/03/2017  
 Date Electronic  
Payment Type

<b>Amount Written</b>	Twenty million six hundred thousand rubles		
<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b> 20600000=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>INN</b> 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
State Bank of the Luhansk People's Republic			
<b>Payee</b>	<b>Type</b>	<b>Deadline</b>	<b>Priority</b>
	<b>Purpose</b>		<b>Reserved</b>
	<b>Code</b>		

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification code 2610 Compensation of difference in rates to pay for water consumption)

**Payment Purpose** **Bank Stamps**  
 \_\_\_\_\_ SIGNATURES  
 L.S. INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC  
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08/03/2017  
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 Elena Aleksandrovna Bondareva E-signature verification key 2: 1499693878346241  
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08/03/2017 0401060  
 Payment rec'd by bank Payment debited from acct.  
 BANK TRANSFER ORDER # 77 08/03/2017  
 Date Electronic  
Payment Type

<b>Amount Written</b>	Seven million three hundred forty-nine thousand seven hundred sixteen rubles		
<b>Out</b>	<b>INN</b> 0061102447	<b>KPP</b>	<b>Amount</b> 7349716=
<b>Payer</b>	Ministry of Finance of Luhansk People's Republic//Luhansk People's Republic, 3a ploschad Geroev Velikoy Otechestvennoy Voyny, Luhansk//		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>Payee's Bank</b>	INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC		
<b>INN</b> 0061102720	<b>KPP</b>	<b>Acct #</b>	30111810000000000720
State Bank of the Luhansk People's Republic			
<b>Payee</b>	<b>Type</b>	<b>Deadline</b>	<b>Priority</b>
	<b>Purpose</b>		<b>Reserved</b>
	<b>Code</b>		

{VO600075} Transfer of funds to be applied to the LNR Ministry of Finance current account 25205001020003 MFO 400008 USRLE 61102447 (Expense classification codes 2610, 3210 (subsidy for state enterprise Uglestrukturzaiatsiya))

**Payment Purpose** **Bank Stamps**  
 \_\_\_\_\_ SIGNATURES  
 L.S. INTERNATIONAL SETTLEMENTS BANK COMMERCIAL BANK LLC  
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08/03/2017  
BIC 001001105  
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 Elena Aleksandrovna Bondareva E-signature verification key 2: 1499693878346241  
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