

MH17

MH17 Passenger information



Vertrek
Departures

MH17 Passenger information

The Hague, October 2015

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Dutch Safety Board

The aim in the Netherlands is to limit the risk of accidents and incidents as much as possible. If accidents or near accidents nevertheless occur, a thorough investigation into the causes, irrespective of who are to blame, may help to prevent similar problems from occurring in the future. It is important to ensure that the investigation is carried out independently from the parties involved. This is why the Dutch Safety Board itself selects the issues it wishes to investigate, mindful of citizens' position of dependence with respect to authorities and businesses. In some cases the Dutch Safety Board is required by law to conduct an investigation.

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ABBREVIATIONS AND TERMS

ANVR	General Dutch Association of Travel Companies (<i>Algemene Nederlandse Vereniging van Reisondernemingen</i>).
API	Advance Passenger Information: personal details pertaining to a passenger that airlines must provide to the authorities of the destination country at the latter's request. API data include passport details such as the surname, first name, date of birth, gender, nationality, passport number, country where the passport was issued and its expiry date.
CBP-S	Schiphol Crisis Response Plan (<i>Crisisbestrijdingsplan Schiphol</i>): an elaboration of the Regional Crisis Plan for municipalities and emergency services of the Kennemerland Safety Region related to Schiphol. Due to the connection between the crisis plan and the CBP-S, there is a coherent system of planning with regard to the preparation of the municipality and emergency services for the response to (foreseeable) crises. The CBP-S is an outline plan for multi-disciplinary cooperation.
CET	Central European Time: time in the time zone in Central Europe that includes the Netherlands. During summer, CET is 2 hours ahead of Universal Time Coordinated (UTC).
Committee of Consultation	The Committee of Consultation (<i>Commissie van Overleg</i>) operates as the action centre at Amsterdam Airport Schiphol during a crisis at the airport.
DCC	Departmental Coordination Centre for Crisis Management (<i>Departementaal coördinatiecentrum crisisbeheersing</i>).
Departure Control System	Computer registration system used by the airline to process and register data for flight handling (including data of the passengers that boarded the aeroplane).
GRIP	Coordinated Regional Incident Response Procedure (<i>Gecoördineerde regionale incidentbestrijdingsprocedure</i>): procedure that defines the coordination and cooperation between emergency services during an incident. The procedure distinguishes between several GRIP phases that depend on the scope of the incident.
Ground handling agent	A company that is commissioned by the airline to perform all ground handling operations at the airport, such as check-in, boarding, baggage handling and transport to and from the aeroplane.
IATA	International Air Transport Association: international association of airlines.

ICAO	International Civil Aviation Organization: United Nations organisation that issues international standards for civil aviation.
ICCb	Interdepartmental Crisis Management Committee (<i>Interdepartementale Commissie Crisisbeheersing</i>): committee within the national crisis structure in which, under the chairmanship of the NCTV, interdepartmental crisis decision-making occurs at a senior official level.
KMar	Royal Netherlands Marechaussee (<i>Koninklijke Marechaussee</i>): police organisation with a military status. One of the tasks of the Royal Netherlands Marechaussee is the performance of police duty at Amsterdam Airport Schiphol and at other airports designated by the Minister of Security and Justice and the Minister of Defence, as well as the security of civil aviation.
LTFO	National Forensic Investigation Team (<i>Landelijk Team Forensische Opsporing</i>): national team comprising the National Police and partners with expertise in the fields of forensic investigation and victim identification.
MCCb	Ministerial Crisis Management Committee (<i>Ministeriële Commissie Crisisbeheersing</i>): committee that can convene as part of the national crisis structure in situations that require the coordination of intersectoral crisis management and decision-making related to the coherent approach of intersectoral crisis management at the political-governmental level. The committee includes the Prime Minister, the Minister of Security and Justice and the ministers of the ministries involved in the crisis.
NCC	National Crisis Centre (<i>Nationaal CrisisCentrum</i>): organisation that forms the basis of the crisis organisation at the national level during a crisis. The centre is part of the Ministry of Security and Justice and operates under the authority of the NCTV. During a crisis (or potential crisis), the crisis centre is the information hub for ministries as well as for safety regions.
NCTV	National Coordinator for Security and Counterterrorism (<i>Nationaal Coördinator Terrorismebestrijding en Veiligheid</i>): organisation (part of the Ministry of Security and Justice) whose main purpose is to prevent and limit social disruption by protecting vital interests.
Operations Team	Multidisciplinary (regional) team that consists of representatives from the fire department, the medical response service for accidents and disasters, the police and the municipality. This team is charged with operational management, coordinating with other parties involved in the disaster or crisis, and advising the municipal or regional policy team, if present.

Passenger information	The personal data of the passengers (in this case, of flight MH17) and of their relatives.
Passenger list	A list of the passengers on board an aeroplane drawn up by the airline operating the flight. This refers to both the list in the aeroplane and the list that the airline releases after an accident (possibly in different versions).
Population Management Sub-plan	The Population Management Sub-plan (<i>Deelplan Bevolkingszorg</i>) is a more detailed elaboration of the Kennemerland Regional Crisis Plan. It describes the organisation, tasks and responsibilities of municipalities and the measures that they take with regard to disaster response and crisis management. Appendix C of the sub-plan concerns population management at Schiphol.
Relative	Any person who feels or actually has a connection (especially a family connection) with the victim. This includes at least the partner (including a spouse, registered partner or cohabiting partner) and first-degree blood relatives (parents and children) as well as second-degree blood relatives, i.e. brothers and sisters and grandparents.
SGBO	Large-Scale and Special Operations Staff (<i>Staf Grootchalig en Bijzonder Optreden</i>): action centre of, in this case, the Royal Netherlands Marechaussee at Schiphol. The staff mainly focuses on managing the operation in the field.
SIS	Victim information system (<i>Slachtofferinformatiesystematiek</i>): national system to register victims and relatives' information with the main objective of informing relatives quickly and accurately about the fate of their loved ones.
UTC	Coordinated Universal Time: universal time based on an atomic clock and coordinated with the earth's rotation. For cross-border applications (such as aviation) times are often given universally in UTC. In Central Europe (except for the British Isles and Portugal) UTC+2 applies in summer. For Malaysia, UTC+8 applies in summer.

CONSIDERATION

It is important for people who fear that a family member or friend has been involved in an accident to obtain clarity about the fate of their loved ones as quickly as possible. However, following the crash of flight MH17 on 17 July 2014, the relatives of Dutch victims were subjected to uncertainty regarding the fate of their loved ones for an unnecessarily long time. It took two to four days before they received confirmation from the Dutch government that their loved ones were on the aeroplane. The Dutch Safety Board investigated why this took so long.

The Dutch Safety Board appreciates the efforts of all parties that were involved in the collection, verification and distribution of information pertaining to the passengers of flight MH17 and in informing their loved ones. All those involved did their utmost - in the areas in which they were involved - to ensure that this process ran as efficiently as possible. Nevertheless, the Board is of the opinion that it could have been handled better, especially since there was a lack of control and coordination of all the efforts that the individual parties undertook.

The investigation makes it clear that the passenger list that was available immediately after the crash of flight MH17 was not sufficient to establish who was on the aeroplane. To this end, Malaysia Airlines first had to retrieve additional information about the passengers, such as their nationality and date of birth, from the underlying registration systems. Since the related information had not been entered for all the passengers, this took some time to obtain. According to the Board, this situation could be improved relatively effortlessly if the airlines were to record the nationalities of all passengers in the systems that provide passenger information in the event of an aircraft accident.

The fact that it is not possible to establish who is on board an aeroplane at a simple press of a button is well-known and generally accepted in the aviation sector. It was therefore surprising to the Dutch Safety Board that the Dutch crisis organisation was unable to respond in a speedy and adequate manner in this respect. After all, the bottlenecks that emerged in the collection and verification of passenger information were not new. The investigation that was conducted in relation to the crash of a Turkish Airlines aeroplane close to Schiphol¹ also revealed that the passenger list that was available immediately after the crash was neither complete nor reliable. The Board expects the authorities involved to be aware of this and to be able to quickly verify the passenger information, add to this information and link it to relatives. This turned out not to be the case.

¹ Dutch Safety Board, *Emergency assistance after Turkish Airlines aircraft incident, Haarlemmermeer, 25 February 2009, July 2010.*

The finding that parties learned little from the past was confirmed by the lack of preparation for an aircraft accident abroad involving a large number of Dutch victims. The scenario of such an accident is not unlikely, however. In recent decades, there have been various aircraft accidents abroad with large numbers of Dutch victims. Examples include the crash in Faro in 1992 and the crash in Tripoli in 2010. Nevertheless, the Dutch authorities were not prepared, neither on the national nor on the regional level, for a disaster such as the crash of flight MH17. The entire process of collecting, distributing and verifying the information necessary to inform relatives about the fate of their loved ones had not been thought through. As a result, it was not clear in advance who was in charge of the overall process pertaining to this disaster. This lack of clarity led to bottlenecks in the operations.

Several parties collected information about the passengers and their relatives, virtually unaware of each other's activities. The parties carried out their work separately, based on different responsibilities. The Ministry of Foreign Affairs had the consular task of retrieving data on the victims and informing the relatives through the police. The Ministry set about its task in the usual manner and limited itself to its usual - mainly internationally-focused - network. The Ministry had very little idea of the activities being conducted by parties outside that network, such as the Royal Netherlands Marechaussee, and did not use the information those parties possessed.

Although various parties noticed that obtaining passenger information was a difficult process and that information was being collected by several parties, nobody assumed responsibility for coordinating the activities. It is the Board's opinion that the National Coordinator for Security and Counterterrorism (NCTV) should have taken the lead in this matter. The national crisis structure in the Netherlands provides a crisis centre, the National Crisis Centre (NCC, which is part of the NCTV). This interdepartmental coordination centre should act as hub in crisis decision-making. Following the crash of flight MH17, the NCC did not assume the coordinating role of retrieving information about the victims and their relatives as quickly as possible.

It is not the first time that the Dutch Safety Board concludes that the Dutch crisis organisation has not functioned effectively.² In its investigation it also observed bottlenecks that had already been highlighted during the evaluation of the Dutch Safety Regions Act (*Wet veiligheidsregio's*).³ All in all, the Board arrives at the conclusion that the crisis management structure in the Netherlands is now so complex that it impedes effective cooperation between all parties involved. In the event of supraregional disasters and crises, there is a lack of clarity about who actually exercises operational and administrative control; especially the division of responsibilities between the safety regions and the central government's crisis structure is a subject for discussion in this respect.

² Dutch Safety Board, *Emergency assistance after Turkish Airlines aircraft incident*, Haarlemmermeer, 25 February 2009, July 2010. Dutch Safety Board, *Fire at Chemie-Pack in Moerdijk*, 5 January 2011, February 2012.

³ Hoekstra Committee, *Evaluatiecommissie Wet veiligheidsregio's en het stelsel van rampenbestrijding en crisis-beheersing (Evaluation Committee for the Dutch Safety Regions Act and the system for disaster prevention and crisis management)*, September 2013.

The Dutch Safety Board is aware that, in the wake of a disaster, initially the situation will always be chaotic. However, it surprised the Board that the Dutch crisis organisation was unable to respond adequately to this type of situation yet again, especially as this is exactly the sort of thing that one might expect a crisis organisation to be able to do. In recent years, efforts have been made to eradicate the bottlenecks that were identified in the crisis organisation's operations by drafting an increasing number of manuals and procedures. It is the Board's opinion that this can actually impede the effective management of crises, not least because the introduction of new tools and terms can in practical terms lead to a greater lack of clarity and increase confusion about the steering of crisis management processes. The investigation into passenger information revealed, for example, that there are different views regarding in which cases the recently introduced incident response phase GRIP Rijk can be declared effective.

The Board therefore sees no benefit in developing additional manuals, procedures and other tools to ensure that operations run smoothly. The time has come to critically review the existing crisis organisation and identify where it can be clarified and simplified, so that it becomes perfectly clear to all involved who is in charge and who is doing what in a given situation.

All 298 passengers of Malaysia Airlines flight MH17 lost their lives when the aeroplane, which had departed from Amsterdam Schiphol Airport, crashed in the eastern part of Ukraine. Many of the victims were Dutch. The crash had a huge impact on Dutch society, while elsewhere sorrow and disbelief about the crash were great as well. This was the start of a difficult and uncertain time for the victims' families. After hearing the news about flight MH17 many of them rushed off to Schiphol to get information. Relatives also contacted organisations that had opened up an information number. This, however, did not bring an end to their uncertainty. In practice, it took two to four days before the Dutch authorities confirmed to the relatives of the Dutch victims that their loved ones were on the flight. The Dutch Safety Board has investigated why it took two to four days and whether it would be possible to speed up this process in the future. The Dutch Safety Board is of the opinion that the authorities should be able to inform relatives within 48 hours, leaving aside exceptional personal circumstances, whether their loved ones were on the flight.

Based on its investigation, the Board has reached the following conclusion:

The relatives of the Dutch victims of the crash of flight MH17 had to wait for an unduly long time before they were given clarity regarding the presence of their loved ones on the aeroplane, because:

- the passenger information that was available immediately after the crash offered an insufficient foundation to be able to confirm to relatives that their loved ones were on the aeroplane;
- the Dutch crisis organisation was insufficiently prepared for such a situation, and
- there was a lack of control and coordination in the execution.

As the Ministry of Security and Justice (in particular the National Coordinator for Security and Counterterrorism - NCTV) did not take charge of the organisation and the Ministry of Foreign Affairs cooperated insufficiently with other interested parties, the information that the various parties gathered regarding the victims and their relatives was not combined. As a result, it took a long time before the correct information was available and relatives could be informed.

The investigation has shown that the passenger information that was available after the crash of flight MH17 was not sufficient to confirm to the relatives that their loved ones were on the flight. Malaysia Airlines has done what could be expected of an airline based on the aviation regulations. The airline issued a list of the passengers' names, which afterwards turned out to be almost entirely correct, and handed this list to the Dutch authorities as soon as possible. Additional information about the passengers, such as

their nationalities and dates of birth, had to be extracted from secondary registration systems; as a result, it took some time before the data were available. For 75% of the passengers, this was possible on the evening of the crash; for the rest of the passengers, up to two days were required to collect additional information. Not being able to establish who was on board the flight at the push of a button is not an exceptional situation. This is a known and generally accepted fact in the aviation sector. The Board therefore expects that authorities that have a role to play in the process of informing the relatives of the victims are familiar with this. They should be aware of the fact that they still need to perform numerous actions after receiving the passenger list from the airline. They need to verify the passenger information on the list, add to this information and link it to relatives.

However, the investigation into the passenger information pertaining to flight MH17 makes it clear that the authorities were inadequately prepared. Neither the national, nor the regional crisis management plans included a detailed scenario for an aircraft accident abroad with a large number of Dutch victims. There was no indication of a coordinating plan with a clear allocation of roles and responsibilities. Nor was there any coordinating institute in place, as was previously recommended by the International Civil Aviation Organization (ICAO).

In cases where there is a lack of preparation, it is all the more important that parties respond immediately and appropriately to the crisis situation and agree on who does what and who is in charge. This was not the case. As a result, different parties proceeded separately, based on different responsibilities, to collect information about victims and relatives and to draw up lists: Malaysia Airlines, the Royal Netherlands Marechaussee, the National Forensic Investigation Team (LTFO), the Ministry of Foreign Affairs and the National Crisis Centre (NCC). It was not always known or clear among these parties who was doing what, and why. Information was not shared, or only shared on an ad-hoc basis. The parties didn't make use of the existing victim information system (SIS), which makes it possible to collect the available information in one place. The Board is of the opinion that had such a system been used, the cooperation and information sharing among the parties and thus the efficiency of the overall process would have benefited.

The Board has found that the approach of the Ministry of Foreign Affairs and that of the NCTV determined the course of the process. The Ministry of Foreign Affairs had the consular task of retrieving data on the victims and informing the relatives through the police. The Ministry, however, limited itself to its own procedures and frameworks and to its usual network, as a result of which it failed to use information already available outside that network. This approach was not conducive to general cooperation. The Board is of the opinion that the Ministry, because of its priority task with regard to this crash, should have taken note of the activities of other parties and should have put these activities to good use.

The NCTV did not assume the role of controlling the overall process, while the situation that occurred clearly called for this. The national crisis structure in the Netherlands provides a crisis centre, the NCC, which is part of the NCTV, that should be able to connect the parties concerned during a crisis in order to ensure that activities are coordinated. At one point, the NCC was in touch with all parties and was aware that several of them were compiling lists. Nevertheless, this did not lead to the NCC taking over the coordination and bringing the relevant parties in contact with each other.

The lack of coordination and control had an effect on the term within which relatives were informed about the fate of their loved ones. Both Malaysia Airlines and the Dutch authorities notified relatives about whether their loved ones were on the passenger list, but they did not coordinate the exact moment at which they supplied this information. As a result, Malaysia Airlines made the passenger list of flight MH17 public before the family liaison officers of the Dutch National Police delivered the official message to the families on behalf of the central government. The central government wanted to wait until a complete, verified list of victims and relatives was available. This led to a delay. Many relatives were therefore subject to uncertainty longer than was strictly necessary. Through different channels they were confronted with news that had not yet been provided by the authorities. Especially where the use of social media is involved, it is important to carefully weigh up the time required for the sake of completeness and the speed at which information spreads through these channels. If the authorities do not wait until the information about all the victims is complete, but start to inform the relatives as soon as is established that their loved ones were on the aeroplane, the Board is of the opinion that it is possible to notify relatives within 48 hours (leaving aside exceptional personal circumstances).

As soon as the family liaison officers became the personal contact point for relatives, the information provision process improved. Relatives perceived the deployment of the family liaison officers as very positive, as they offered the assistance and information that were so badly needed.

Recommendations

The Board's investigation has brought several points to light with regard to improving and accelerating the process of informing relatives. To this end, the Board finds the following matters to be important:

- keeping records on nationality;
- improving the process of collecting, distributing and verifying passenger information and improving the provision of information to victims' relatives, and
- simplifying the Dutch crisis organisation.

Keeping records on nationality

In the Board's opinion, in future the nationalities of the passengers should be available on the passenger list that is drawn up by the airline. This relatively simple procedure would make it easier to register victims of aircraft accidents and to trace and inform their relatives. The Board considers it excessive to require all airlines to, for example, register the passport numbers of passengers and the details of contact persons at home, as the benefits - given the small chance of an accident - do not outweigh the extra effort that this would require. In the opinion of the Board, a passenger list that includes the nationalities of all passengers and a smoothly functioning crisis organisation, would provide sufficient guidance after an aircraft accident to retrieve information about victims and their families more quickly. The Board therefore recommends the following:

To the Minister of Infrastructure and the Environment:

1. Take initiatives at international level to incorporate the registration of the nationality of airline passengers in international regulations. In the meantime, encourage airlines to record the nationality of each passenger travelling to or from a Dutch airport before departure, in the systems that provide passenger information in case of an accident.

Improving the process of collecting, distributing and verifying passenger information and improving the provision of information to relatives.

In the opinion of the Board, the NCTV should have managed the overall process in order to improve its efficiency. The Board feels that a clear management role is required to ensure that the activities of individual parties are coordinated, and that information is shared as well as collected and managed in one place. Nonetheless, other parties involved, such as the Ministry of Foreign Affairs, have a specific task within that process and need to contribute, in the context of that task, to the coordination of the process. Taking that into consideration, the Board makes the following recommendation:

To the Minister of Security and Justice:

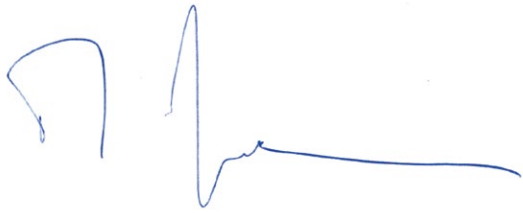
2. Establish that in case of accidents (including aircraft accidents) abroad involving a large number of Dutch victims, the NCTV controls the overall process of collecting and verifying passenger information. Make sure that it is clear to other relevant public and private organisations that the NCTV is in charge, including what this means for the process and for everyone's duties, responsibilities and authorities within that process.

Simplifying the Dutch crisis organisation

One of the aims of the progress letter on the National Security Strategy that was established in the Council of Ministers on 1 May 2015 is to improve crisis management. The progress letter states that the need exists for a maximally flexible crisis organisation, that can act quickly and decisively on both the administrative and the operational level in all situations. It also states that clear responsibilities and authorities, and having as few layers as possible, will help speed things up. To this end, the aim is to simplify the crisis organisation and increase its flexibility. In line with this development, the Dutch Safety Board is of the opinion that the Dutch crisis organisation, which in the view of the Board is too complex, should be reviewed to see what it is needed to make it function more effectively in major crisis situations. People can and should learn intensively from other crises and assessments thereof. To this end, the Board recommends:

To the Minister of Security and Justice:

3. Include the lessons learned from this investigation and previous investigations into the functioning of the Dutch crisis organisation in the announced improvement, simplification and flexibilisation of crisis management. Make sure that unambiguous control and overruling power form part thereof.

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a series of loops and a long horizontal stroke.

T.H.J. Joustra
Chairman, Dutch Safety Board

A handwritten signature in blue ink, featuring a stylized 'M' followed by several diagonal strokes.

M. Visser
General Secretary

1 INTRODUCTION

1.1 Background

On Thursday 17 July 2014 at 12.31 CET⁴ (10.31 UTC) Malaysia Airlines⁵ flight MH17 departed from Amsterdam to Kuala Lumpur. There were 283 passengers and 15 crew members on board the Boeing 777-200. At approximately 15.20 CET (13.20 UTC), Russian air traffic control noted that it had lost contact with the aeroplane. It was soon discovered that the aeroplane had crashed near the Russian border, in the eastern part of Ukraine. All 298 occupants lost their lives.

Days of uncertainty lay ahead for relatives and friends of the occupants of the aeroplane. It was important for them to obtain clarification about the fate of their loved ones as quickly as possible. However, not all the information necessary to inform relatives of the Dutch passengers of flight MH17 regarding the fate of their loved ones was available right away. The general expectation was that - with today's technology - it should be possible to retrieve all the information that passengers provide before they board the aeroplane from the computer systems at a single push of a button. This was not the case. It took several days before the relatives of the Dutch victims received formal confirmation from the Dutch authorities. Between Saturday 19 July and Monday 21 July, the Dutch authorities informed one or more of the relatives of all Dutch victims that their loved ones had been on the flight.

The observation that passenger information was not immediately available led the Dutch Safety Board to conduct an investigation into the steps necessary to formally confirm the presence of passengers on board flight MH17 to their relatives. In deciding whether to launch an investigation into this matter, the Dutch Safety Board included previous experience pertaining to the availability of passenger information after the crash of a Turkish Airlines aeroplane in 2009. The passenger list that was made available to the authorities shortly after this crash was incomplete. The passenger list included the first eight letters of the surnames and - in so far as available - the first names of the passengers. The passenger list did not include the date of birth, place of birth or nationality of the passengers. Moreover, the number of passengers listed on the passenger list was not correct. Several occupants lost their lives or were wounded in the crash. Due to the incomplete victim registration the names of the victims, their temporary

⁴ All times mentioned in this report are given in Central European Time (CET) followed by the Coordinated Universal Time (UCT) in brackets.

⁵ Where this report refers to flight MH17, the flight on 17 July 2014 is meant.

location and the nature of their injuries were not clear for some time.⁶ As a result relatives were informed about the fate of their loved ones at a late stage.⁷

1.2 Objective and investigation question

The authorities are responsible for personally informing relatives regarding a death resulting from an accident or a crime, or a person missing. In the Netherlands this task is carried out by the police. To be able to provide a formal confirmation, it must be established with certainty who the victim is and who his or her relatives are. In case of a crash involving an international flight, the process begins by determining who boarded the flight and their respective nationalities. The airline's passenger list is the main starting point for this process. Information about the nationality of the victims makes it possible to determine which countries have suffered victims.⁸ The authorities in these countries, such as the Netherlands, are then responsible for the process of informing the relatives of victims from their respective countries. The authorities should therefore receive the information about the nationalities of the victims as soon as possible. If the information on the passenger list is insufficient and/or unreliable, authorities will have to gather additional information about the passengers and verify the information in order to draw up a final list of victims. Relatives should then be linked to the list of victims and their relationship to the victims verified.

In the investigation into passenger information pertaining to flight MH17, the following question is key:

Why did it take two to four days before relatives of Dutch victims of the crash of flight MH17 received confirmation from the authorities that their loved ones were on board the flight? Are there measures which could accelerate this process in future?

The investigation question is divided into the following sub-questions:

- What passenger information did the airline have available? How can it be explained that the required information concerning the passengers of flight MH17 could not be generated immediately by the systems?
- What steps were taken between the crash of flight MH17 on 17 July 2014 and the authorities' informing relatives of Dutch passengers? How can it be explained that this took two to four days?

⁶ The crash of a Turkish Airlines aeroplane at Schiphol airport resulted in various improvements to the victim information process, including the development of the victim information system (SIS).

⁷ Dutch Safety Board, *Emergency assistance after Turkish Airlines aircraft incident*, Haarlemmermeer, 25 February 2009, July 2010.

⁸ Complicating factors may include passengers having dual nationality or passengers not living in the country that issued their passport.

The investigation question refers to formal confirmation by the authorities. Relatives require certainty and, with this in mind, attach great value to an official confirmation by the authorities, even if it is obvious from other channels that their loved ones were on board the aeroplane. Relatives expect to receive reliable information and final confirmation from an authority.

Figure 1 shows the process from the moment of the crash of flight MH17 to the moment when relatives received formal confirmation from the authorities.⁹ The process consists of two parts: the part that took place prior to the crash, from booking flight MH17 to compiling the passenger list for departure (this part answers the first investigation sub-question and is described in Chapter 3), and a part that took place after the crash, from providing the passenger list to formally informing the relatives of the passengers (this part answers the second investigation sub-question and is described in Chapter 4).

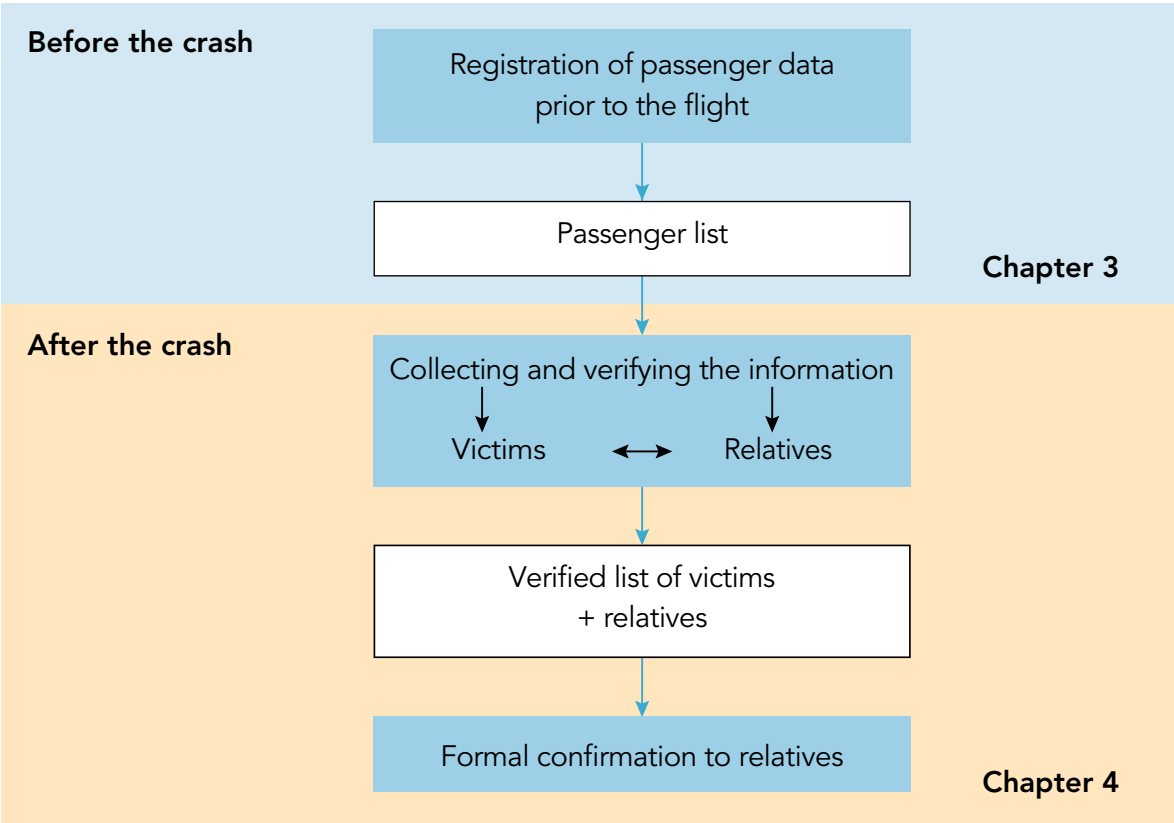


Figure 1: Diagram illustrating the process from the moment when a flight is booked to the moment when the Dutch authorities formally inform relatives about the presence of their loved ones on board the aircraft.

The sole objective of this investigation by the Dutch Safety Board is to draw lessons to ensure that relatives are informed as soon as possible in future.

⁹ Victim information provided by emergency services and hospitals is an important source of information pertaining to the fate of the passengers. Since there were only fatalities and no wounded passengers after the crash of flight MH17, the information provided by emergency services and hospitals has not been taken into consideration for this figure.

Prior to a flight, airlines compile a list of passengers that boarded the aeroplane. In the event of an aircraft accident or a disaster, this list is the first source of information about the passengers. This report uses the term *passenger list* to refer to the list of passengers that is compiled by the airline; this refers to the list on board the aeroplane as well as the list released by the airline following an accident (of which several different versions may exist).

The details of the passengers and their relatives are referred to in this report as *passenger information*.

Regulations do not clearly define the term *relative*. In this report, the term *relative* is used to refer to any person who has or feels a connection (including a family connection) with the victim. This includes at least the partner (including the spouse, registered partner, cohabiting partner) and first-degree blood relatives (parents and children) as well as second-degree blood relatives (brothers and sisters and grandparents).

1.3 Investigative approach

In order to answer the investigation questions documentation was requested from various relevant parties and interviews were conducted. The Dutch Safety Board used the information gathered to identify how data provided by passengers prior to the flight are registered in the systems, which parties have carried out which steps to collect and verify the information about the passengers of flight MH17 and to inform the relatives, and when. No fewer than fifty interviews were conducted, both with employees of the parties involved in the process, as indicated in figure 1, as well as with relatives of the Dutch victims. Investigators from the Dutch Safety Board also made working visits to airlines to obtain practical insight into the registration of passenger data prior to a flight.

1.4 Scope of the investigation

The investigation focuses on the period from the moment when information about passengers of flight MH17 was registered (that is from the moment when flight MH17 was booked) up to the moment when the relatives of Dutch victims received confirmation from the authorities that their loved ones were on board the aeroplane.

The process of identifying the victims is not included in the scope of this investigation.

With regard to collecting passenger information after the crash and informing relatives, the investigation focuses on the steps taken by Malaysia Airlines and Dutch public and private parties. The Dutch Safety Board has not investigated how information was provided to the relatives of the victims in the other countries involved.

The overall performance of the Dutch crisis organisation after the crash of flight MH17 was only examined insofar as this was relevant to the process of informing the relatives of Dutch victims. A wider investigation into this matter is being conducted by the Dutch Research and Documentation Centre (*Wetenschappelijk Onderzoek- en Documentatiecentrum*).

1.5 Frame of reference

The Dutch Safety Board assesses the findings of this investigation into passenger information pertaining to flight MH17 against a frame of reference. This frame of reference comprises regulations and guidelines on the one hand, and the Dutch Safety Board's own frame of reference on the other. The latter pertains to the assessment by the Dutch Safety Board of what can be expected from the parties involved in addition to legislative provisions.

Regulations and guidelines

Under the Chicago Convention,¹⁰ an airline must carry a list of passenger names in the aeroplane when transporting passengers.¹¹ Annex 9 (Facilitation) of the Chicago Convention provides a format for the passenger list.¹² This format includes only the passengers' surnames and initials.

Airlines departing from the European Union are obliged under European regulations to provide the authorities of any involved country with a validated list containing the best possible information about all passengers on board the aeroplane within two hours of an aircraft accident being reported.¹³ There is no further clarification of 'validated' or 'best possible'. Under the guidelines of the International Civil Aviation Organization (ICAO), the airline is also the first designated party to inform the relatives of victims and to provide passenger information to other authorities that have a role in helping victims and relatives. Furthermore, the airline should also set up a free information telephone number for relatives.

In its manual¹⁴ ICAO establishes that the need for providing assistance to relatives may arise in countries with nationals among the victims of an aircraft accident. Since many institutions and authorities are involved in providing assistance to relatives, ICAO recommends Member States to appoint a coordinating organisation. This coordinating organisation (or coordinator) must be involved in developing the plans and, after an accident, is vitally important to enable institutions to work together and to be able to provide proper assistance to victims and relatives. The coordinating institute can also act as a contact for relatives and authorities.

¹⁰ Convention on International Civil Aviation, ICAO Doc 7300, usually referred to as the Chicago Convention.

¹¹ Article 29 (f) of the Chicago Convention.

¹² Annex 9 (Facilitation) Appendix 2 of the Chicago Convention.

¹³ Article 20, EU Regulation 996/2010.

¹⁴ ICAO Doc 9973, *Manual on Assistance to Aircraft Accident Victims and their Families*.

The Board's basic principles

Partly based on the above, the Dutch Safety Board expects airlines to register, as accurately as possible, which passengers and crew members are on a flight, thus ensuring that an accurate list of all occupants of the aeroplane will be available as quickly as possible in the event of an aircraft accident. The Board is of the opinion that the information provided by an airline following an aircraft accident should provide starting points to inform relatives about the presence of their loved ones on the aeroplane quickly. This means that, in addition to their names and initials, the information should also include at least the nationality of those on board.¹⁵ The more complete the list, the quicker there will be clarity regarding the victims and their relatives.

The Board considers it important that it is not just the airline that informs relatives, but that relatives also receive a formal confirmation from the authorities about whether or not their loved ones were actually on board the aeroplane.¹⁶ The Dutch authorities are in charge of informing relatives of Dutch passengers in this regard. The Board expects the Dutch authorities to be prepared for a scenario in which an aeroplane with many Dutch nationals on board is involved in a crash abroad and that, in its preparations, consideration has gone into how all the parties involved should work together in such a situation in order to inform relatives quickly. In fact, such a scenario is not unthinkable. A large-scale accident occurred in Tripoli in 2010, for example. Seventy Dutch nationals lost their lives in that crash.

The Board expects the following from parties comprising in the Dutch crisis organisation:

- Parties are familiar with the crisis system of which they are part and are aware of their own and others' roles, responsibilities and competences. Also, they have an understanding of the parties that play a role in the process of collecting, distributing and verifying information about victims and relatives and informing the latter after an aircraft accident. It should be clear which party is in charge of this process and which other parties have a role to play.
- Parties are able to respond appropriately to crisis situations and do everything necessary to inform relatives as quickly as possible. To this end, they work together as effectively as possible and share the available information in order to compile a complete and verified passenger list as quickly as possible.

The Board also refers to the *Eenheid in verscheidenheid*¹⁷ (Unity in Diversity) report on cooperation between authorities in crisis management. This report states that, in the event of (supra-regional) disasters and crises, there must be no discussion about who is in charge, who informs whom, who communicates with the public and what the public is told. It involves joint action by all authorities involved leading to coherent crisis management. Cooperation between different safety regions, between the central government and the safety regions, and between ministries is essential to truly act as a single authority.

¹⁵ Whether the obligation to register a passenger's nationality applies depends on the destination of the passenger.

¹⁶ The authorities must issue a formal statement of death to a victim's relatives after a victim has been identified. Prior to this, the Board believes that it is important that relatives are informed by the authorities whether their loved ones were actually on board the aircraft as soon as possible.

¹⁷ *Unity in diversity, Elaboration of the Recommendation by the Administrative Working Group for Supra-regional Cooperation (Eenheid in verscheidenheid, Uitwerking Advies Bestuurlijke Werkgroep Bovenregionale Samenwerking)*, February 2013 (compiled following, inter alia, the fire at Chemie-Pack in 2011 and the crash of the Turkish Airlines aeroplane in 2009).

The Board considers it important that relatives of victims of an aircraft accident or disaster are informed formally about whether or not their loved ones were actually on board the aircraft as quickly as possible and no later than after 48 hours (leaving aside exceptional personal circumstances). The period should be as short as possible so as not to subject relatives to uncertainty any longer than necessary. On the other hand, authorities must go through a number of steps in order to provide this certainty. If the names and nationalities of all the passengers are known within two hours after the accident, the authorities of the countries involved can focus on the list of victims from their country. They need to verify and supplement the list and link the victims to relatives. This requires research and is time-consuming. Registration systems and digital sources, such as the basic municipal administration, make it possible for the Dutch authorities to link data. Additionally, some relatives will get in touch of their own accord. Therefore, the Board is of the opinion that it is feasible that relatives of victims receive formal confirmation from the Dutch authorities regarding the presence of their loved ones on board the aircraft within 48 hours (leaving aside exceptional personal circumstances).¹⁸

1.6 Other investigations

In addition to this investigation, the Dutch Safety Board investigated the causes of the crash, the flight route taken by flight MH17 on 17 July 2014 and the decision-making process related to flight routes over conflict zones in general. All the investigations were published simultaneously and can be consulted on the Dutch Safety Board's website.

1.7 Reading Guide

Chapter 2 describes the main facts concerning reports about the victims of the crash and the provision of information to their relatives. Chapter 3 describes the compilation of the passenger list of flight MH17 and the impact this process had on the availability of passenger information after the crash. Chapter 4 describes the activities that were undertaken after the crash to inform the relatives of Dutch victims about the fate of their loved ones. This chapter outlines the activities of Malaysia Airlines as well as the activities of public and other private parties in the Netherlands. Chapter 5 presents the conclusions of the investigation. These conclusions lead to recommendations, which are included in Chapter 6.

¹⁸ Because, from a legal perspective, identification must take place before it can be confirmed with certainty that the person concerned indeed died during the crash, this is a probability that borders on certainty.

2 FLIGHT MH17 ON 17 JULY 2014

2.1 Introduction

This chapter reconstructs the main events in the days following the crash concerning reports about the victims and the provision of information to their relatives. The reconstruction is mainly limited to the facts that society in general and relatives in particular were privy to. The events taking place 'behind the scenes' are described and analysed in Chapters 3 and 4.

2.2 Flight MH17

The afternoon of Thursday, 17 July 2014: Malaysia Airlines flight MH17 was ready for take-off from Amsterdam Airport Schiphol to Kuala Lumpur International Airport in Malaysia.



Figure 2: Malaysia Airlines Boeing 777-200 at Schiphol, ready for departure. (Source: ANP/V. Kuypers)

It was a scheduled flight; on board the aeroplane were passengers with various destinations. For a number of them, Kuala Lumpur was not their final destination; they were to travel on to Thailand, Indonesia or Australia, for example. The flight was overbooked, which meant that a few passengers were asked to take a later flight. In the end it was necessary to book eight people on a different flight. With a delay of 13 minutes as a result of the overbooking and the late arrival of some connecting passengers, the aeroplane departed at 12.13 CET (10.13 UTC) from gate G3 to the runway for take-off.

The aeroplane took off at 12.31 CET (10.31 UTC).¹⁹ When the aeroplane approached the border between Ukraine and Russia, it disappeared from the radar at 15.20 CET (13.20 UTC). This was reported to the Malaysia Airlines headquarters in Kuala Lumpur by Russian air traffic control shortly after 15.30 CET (13.30 UTC). In the following half an hour these reports were verified and confirmed. Around 16.00 CET (14.00 UTC) Malaysia Airlines' headquarters in Kuala Lumpur informed the Malaysia Airlines branch at Schiphol on the missing of flight MH17.

In the Dutch media the first news reports appeared shortly after 17.00 CET (15.00 UTC). It was reported that an aeroplane had crashed close to the border between Ukraine and Russia. This was probably flight MH17. At approximately 17.30 CET (15.30 UTC) Malaysia Airlines confirmed in a press release that air traffic control had lost contact with flight MH17 around two hours earlier.²⁰ According to the initial media reports, there were 295 people on board: 280 passengers and 15 crew members, all of whom had probably lost their lives.

As more information emerged, the scale of the event became increasingly clear. In the Netherlands, awareness was growing that many Dutch nationals were among the victims. Crisis management was initiated and parties began obtaining clarification about who was on the flight so that relatives could be informed accordingly.

2.3 Releasing the passenger list

During the course of Thursday evening (22.30 CET; 20.30 UTC) Malaysia Airlines' Regional Senior Vice President Europe held a press conference along with the CEO of Amsterdam Airport Schiphol and the Malaysian ambassador in the Netherlands. Malaysia Airlines announced that there had been 283 passengers and 15 crew members on board the plane - three people more than the airline had previously announced in a press release. These were three young children who did not have their own seats and were sitting on their parents' laps. Also, an initial impression of the nationalities of the occupants emerged. Malaysia Airlines announced that there had been at least 154 Dutch nationals on board the aeroplane.²¹ The nationality of 47 passengers had not yet been established with certainty at that time. The 15 crew members were all Malaysian nationals.

On Friday, the airline provided several updates throughout the day²² with regard to the number of victims per country. At the end of the day, the nationality of 294 of the 298 passengers had been established. At that moment, 189 victims were known to have the Dutch nationality.

¹⁹ Dutch Safety Board, *Preliminary report: Crash involving Malaysia Airlines Boeing 777-200 flight MH17*, September 2014.

²⁰ Malaysia Airlines, *Media Statement & Information on Flight MH17. Media Statement 1: "MH17 incident"*, www.malaysiaairlines.com/mh17.

²¹ It was also announced that the other passengers originated from the following countries: 27 from Australia, 23 from Malaysia, 11 from Indonesia, 6 from the United Kingdom, 4 from Germany, 4 from Belgium, 3 from the Philippines and 1 from Canada. The nationalities of 47 passengers were not yet clear. The three children without their own seats were not included in the list.

²² Malaysia Airlines, *Media Statement & Information on Flight MH17. Media Statement 2 and Media Statement 4*, www.malaysiaairlines.com/mh17.

On Saturday 19 July, at 13.30 CET (11.30 UTC) Malaysia Airlines published a final passenger list including all passenger's nationalities.²³ The Malaysia Airlines list stated the victim count per country, as displayed in the following table.

Country/nationality	Number of victims
The Netherlands	193
Malaysia	43 (including 15 crew members)
Australia	27
Indonesia	12
United Kingdom	10
Germany	4
Belgium	4
Philippines	3
Canada	1
New Zealand	1

Some passengers turned out to have dual nationality. These dual nationalities concerned nationalities from Malaysia, the Netherlands, Australia, Belgium, Germany, Indonesia, Israel, Italy, Philippines, New Zealand, Vietnam, the United Kingdom and the United States. As a result of the dual nationalities, different lists circulated in the media.²⁴

2.4 Informing the relatives

Relatives' reception at Schiphol

Once the first news reports appeared, relatives gathered at Schiphol; the first of them arrived there around 19.00 CET (17.00 UTC). After having heard the news, they needed information. The crucial question was whether their loved ones were on board when the aeroplane crashed. The relatives that arrived at Schiphol were received in panorama restaurant Dakota's. Malaysia Airlines handed out forms by means of which the relatives could register.

Due to the large influx of relatives, among other reasons, Amsterdam Airport Schiphol decided, together with Malaysia Airlines, to move this operation to the nearby Steigenberger hotel.²⁵ The Malaysia Airlines *Family Support Centre* was established in this hotel.

²³ Malaysia Airlines, *Media Statement & Information on Flight MH17, Media Statement 7*, www.malaysiaairlines.com/mh17. Well before its publication, namely during the night from 17 to 18 July, an initial passenger list (including names and seat numbers) appeared on a Philippine website. It is unknown who placed the list on this site. On Friday 18 July, the list also appeared on the *GeenStijl* website.

²⁴ The Dutch media reported that there were 196 Dutch victims. The Dutch authorities also assumed there were 196 Dutch victims. The difference between this number and the 193 Dutch victims as stated in the table on this page is a result of the fact that the nationalities on the Malaysia Airlines list were based on the passports that the passengers used to check in.

²⁵ Other reasons for moving the reception to the hotel were the protection of the relatives, the uncertain duration and the impact on the airport processes.

Here too, Malaysia Airlines handed out registration forms to the relatives. The information provided to the relatives there was limited in the first instance to a verbal statement from a Malaysia Airlines employee (in English, partly translated into Dutch). This statement did not provide any further information about the victims. After midnight, Malaysia Airlines employees allowed the relatives present at the hotel to view the passenger list, which contained names and some of the passengers' nationalities. Relatives who had already left the hotel at that time, were phoned by Malaysia Airlines in the early morning.

Information numbers

Malaysia Airlines opened an international information number for relatives of victims on the day of the crash, around 20.15 CET (18.15 UTC). This number was communicated through the media within the hour. Relatives could use the number to contact Malaysia Airlines' headquarters in Kuala Lumpur. The calls were answered in English. As of Friday, Malaysia Airlines, with KLM's support, also set up a switchboard in the Netherlands, so that communication from that moment on was also possible in Dutch. On Thursday 17 July, at 21.20 CET (19.20 UTC), the Ministry of Foreign Affairs in the Netherlands opened an emergency number for relatives.²⁶ Malaysia Airlines presented this number during that evening's press conference, with the request that relatives use that particular number. The information numbers of Malaysia Airlines and the Ministry of Foreign Affairs were frequently called, causing the telephone lines to become blocked, so that callers had to wait for a long time before they could speak to someone. As a result of the urgent need for clarification, relatives also called other organisations. Many of their questions remained unanswered until, from Saturday 19 July, there was contact with the family liaison officers, who had been deployed by the National Police to inform relatives.

Confirmation to relatives

Early in the morning of Friday 18 July, Malaysia Airlines employees began calling (possible) relatives from Kuala Lumpur and from Schiphol to inform them as to whether or not their loved ones were on the passenger list. At that moment Malaysia Airlines only called people whose contact details they possessed, such as the people who had left their contact details on the registration form or via Malaysia Airlines' information number.

The formal confirmation to the relatives by the Dutch authorities started on Saturday afternoon, 19 July. Family liaison officers of the National Police informed the relatives officially in person. The family liaison officers acted as a link between the authorities and the relatives. The formal confirmation to relatives continued on Sunday 20 July and Monday 21 July. Since it was not possible to visit the relatives of all the Dutch victims prior to the relatives' meeting organised by the government on the afternoon of Monday 21 July, a number of them received the formal confirmation by telephone. Some relatives were officially informed about their loved ones being on board the aeroplane for the first time during the relatives' meeting.

After the first acquaintance with the family liaison officer, the latter continued to act as the personal contact for the relatives concerned.

²⁶ The Ministry of Foreign Affairs initially used its standard phone number to inform people about the crash. However, as the phone calls increased markedly, the Ministry opened a different information number later the same evening.

The most important events discussed in this chapter are displayed chronologically in Figure 3.

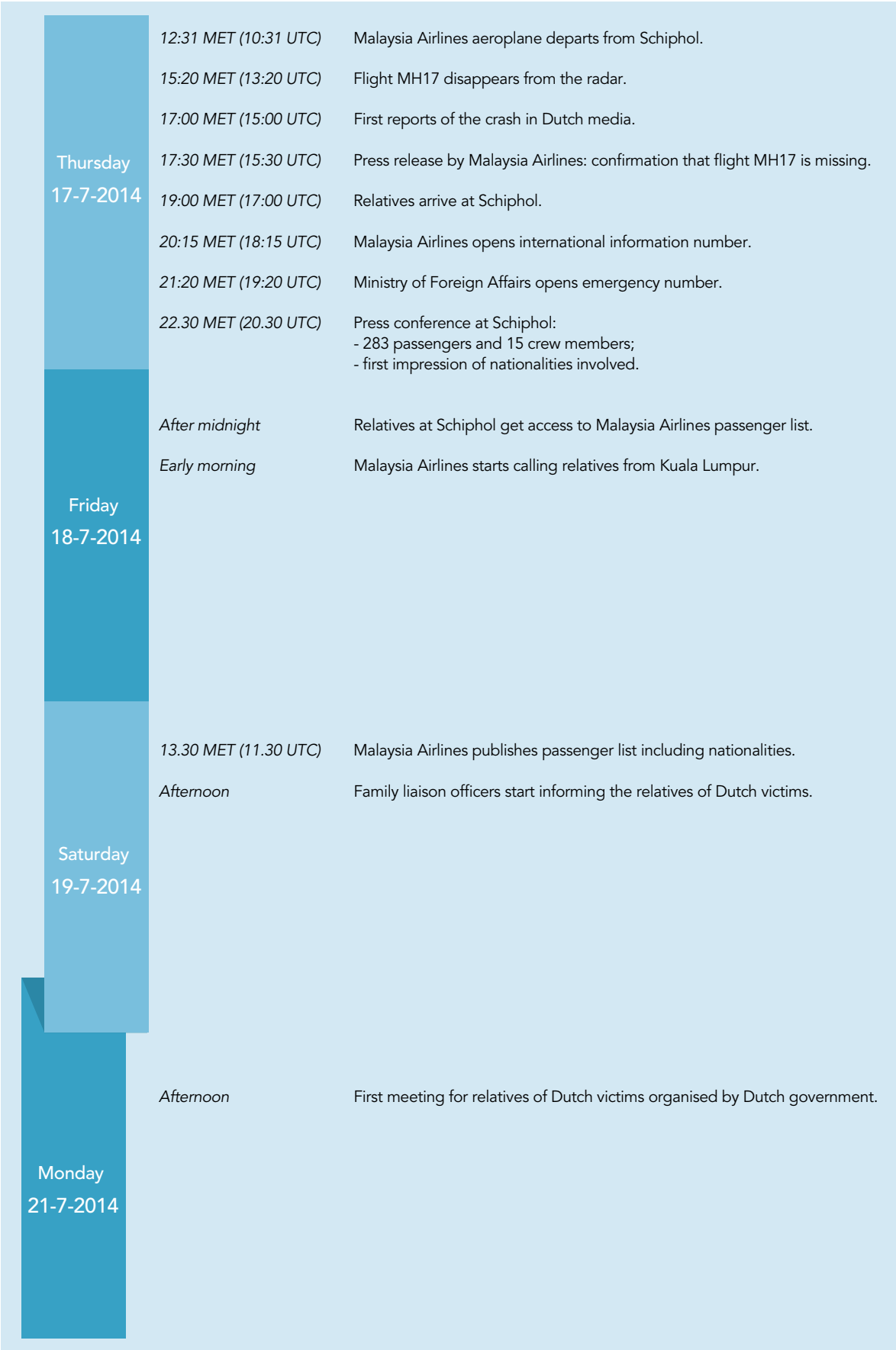


Figure 3: Timeline of events that are relevant to the process of formally informing relatives that their loved ones were on board the aeroplane.

3 PASSENGER INFORMATION BEFORE THE CRASH

3.1 Introduction

As mentioned in the previous chapter, Malaysia Airlines published a passenger list containing the names and nationalities of the persons on board the aeroplane no sooner than Saturday 19 July. This led to the question why this information was not available immediately following the crash. Airline passengers are usually asked to present identification, such as a passport, at several moments before boarding the aeroplane.²⁷ One would therefore expect the information provided by passengers prior to the flight to be known to the airline and to be easily accessible from its systems.

This chapter examines the process of recording passenger information prior to flight MH17 in relation to the availability of this information following the crash on 17 July 2014. Section 3.2 describes which passenger information pertaining to flight MH17 was available and which was not available. Section 3.3 deals with the registration and processing of passenger information in civil aviation and its impact on the availability of passenger information in the case of an aircraft accident. The chapter concludes with a summary.

3.2 Findings

General

Flight MH17 was a daily flight, operated by Malaysia Airlines, from Amsterdam Airport Schiphol to Kuala Lumpur International Airport. Flight MH17 was a popular flight due to the transfer options and the favourable departure time from Schiphol. This flight had a good connection to flights coming in from the United States and arrived in Kuala Lumpur in the morning. KLM also runs a daily flight between Amsterdam and Kuala Lumpur. A code share agreement between Malaysia Airlines and KLM applies to both flights.

²⁷ This depends on, among other things, the airline and the destination.

Code sharing

Code sharing (sharing a flight under different codes)²⁸ is common in civil aviation. It involves two or more airlines offering seats under their own codes and flight numbers on a scheduled flight operated by one of these airlines. In other words, an airline can sell a flight ticket under its own name for a flight that, in practice, is operated by another airline. The airline with which the tickets are booked is obliged to inform passengers about the airline that will actually be operating the flight. According to ICAO rules, the airline that operates the flight is fully responsible for all the passengers, so also for their safety and for the passenger list in the event of a serious incident or accident.

According to the code share agreement between Malaysia Airlines and KLM, the airline operating the flight handles the entire flight. In the case of MH17, this was Malaysia Airlines. In accordance with this agreement, KLM played no role in handling the flight.

Flight MH17 on 17 July 2014

Flight MH17 on 17 July 2014 was overbooked by fifteen persons. Since several passengers did not arrive on time, in the end it was only necessary to rebook eight people on a different flight. When the aeroplane departed, 298 people (4 cockpit crew, 11 cabin crew and 283 passengers) were on board the aeroplane. 269 of the passengers flew with a ticket from Malaysia Airlines, 11 with a ticket from KLM, 2 with a ticket from Qantas, and 1 with a ticket from Garuda Indonesia. The passengers with a KLM ticket were travelling on the basis of the code share agreement with Malaysia Airlines. The passengers who had booked with Qantas or Garuda Indonesia were travelling by means of a combined flight, flying part of the journey with these airlines and part of the journey with Malaysia Airlines. For many passengers, Kuala Lumpur was not the final destination. They were to travel further to, for example, Australia, Thailand or Indonesia.

The flight handling procedure was routine. Passengers could check in for the flight online. All passengers departing from Schiphol did have to physically pass the check-in counter manned by the ground handling agent²⁹ used by Malaysia Airlines. The only passengers who had their passports scanned³⁰ prior to the flight were those on their way to destinations for which registration was compulsory (the so-called API destinations; see the blue box) and those for whom digital passport data were still lacking at Schiphol.

Some countries have made the registration and supply of additional data on incoming passengers via Advance Passenger Information (API) mandatory for all airlines.³¹

²⁸ The two-letter code of the airline concerned, such as MH for Malaysia Airlines and KL for KLM.

²⁹ The ground handling operations at the airport (such as check-in, boarding, baggage handling, and the transport of passengers and baggage to and from the aeroplane) can be provided by the airline itself or by a so-called ground handling agent. A handling agent performs the ground handling operations as commissioned by the airline (or several airlines). Each airline has different requirements for their handling services. Schiphol provides the hardware necessary for the handling services and the airline provides the software at the airport.

³⁰ The aviation sector refers to this scanning process as swiping.

³¹ These countries include Australia, Canada, China, India, Japan, Mexico, Russia, Spain (except for passengers from Schengen countries), Turkey, the United Kingdom and the United States.

Advance Passenger Information (API)

API is used to improve border control and to combat illegal immigration more effectively. In this context, airlines must supply specific information about passengers to countries that request this information. The amount of API information that must be supplied varies from one country to another. It basically consists of passport information (date of birth, nationality and passport number) and sometimes includes a passenger's place of residence and domicile. The airline ensures that the required information is supplied to the authorities via a network connection before a flight arrives at its final destination.

The other passengers were able to board the aeroplane after presenting their passport and boarding pass. This involved checking that the name in the passport corresponded with the name on the boarding pass. A section of the boarding pass was torn off in the process. The ground handling agent entered the data on the torn-off parts of the boarding passes into the Departure Control System. This is the registration system that Malaysia Airlines uses for flight handling and in which the required passenger information is recorded.³²

Passenger list

Just before departure, the ground handling agent at Schiphol compiled a passenger list based on the information present in the Departure Control System. This list was handed over to the in-flight supervisor³³ and was taken into the aeroplane. At that point, the completed passenger list of the departing flight was accessible by all local stations of Malaysia Airlines at Schiphol and other airports, such as the headquarters in Kuala Lumpur.

The passenger list of flight MH17 on 17 July 2014 listed the passengers' surname (written out in full, without spaces between prefixes such as "van" and "de"), first name and other given names (at times not in full), gender (not for all passengers), the check-in number and the seat number. See figure 4. It also specified whether the passenger was a child with its own seat (indicated with a "C") or a passenger with a child on his/her lap (indicated with an "l").

³² For this, see also Section 3.3.2 of this report under (c.) Availability of passenger information.

³³ This person is in charge of a group of cabin crew and has a number of administrative tasks on board the aeroplane.

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Figure 4: Excerpt from the passenger list (anonymised) of flight MH17 on 17 July 2014. (Source: Malaysia Airlines)

The passenger list compiled by the ground handling agent based on the information present in the Departure Control System turned out to correspond with the passengers that were actually on board the aeroplane. This leads to the conclusion that the changes that were made prior to departure - including changes due to rebooking several passengers, for example - had been processed in the Departure Control System. The names corresponded, with the exception of a few clerical errors, with the names of the passengers who had actually boarded. The name and gender of the children who sat on one of their parents' lap were not listed. The information per passenger was limited, but complied with the provisions of the Chicago Convention.

Information about nationalities

The passenger list did not provide any insight into the passengers' nationalities. Malaysia Airlines first had to retrieve this information from the closed Departure Control System and booking system at its headquarters. In the course of Thursday evening (22.30 CET; 20.30 UTC), Malaysia Airlines could provide the nationality of 236 passengers, but not do so for 47 of them. The nationality and other passport information, such as the date of birth and passport number, were only recorded in the airline's system for passengers who were travelling to an API country and for passengers who had booked with Malaysia Airlines directly. Information about contact persons at home was available for travellers who had booked directly with Malaysia Airlines insofar as the passengers had provided it.

With the aforementioned working method at Schiphol, Malaysia Airlines deviated from the internal procedure that had been established for all Malaysia Airlines flights. As of 1 October 2008, Malaysia Airlines had made it compulsory to record the nationality of all passengers in the Departure Control System³⁴ for all flights, including those to countries that do not require any API information. The reason for this was to expedite the determination of the nationality of passengers in the event of irregularities with a flight.³⁵ The Malaysia Airlines branch at Schiphol failed to implement this internal procedure for the flights from Schiphol, including flight MH17. Between the time it was introduced in 2008 and the crash of flight MH17 on 17 July 2014 this was not picked up by any internal audits or checks.

Following the crash, this internal procedure has been reintroduced by Malaysia Airlines at Schiphol, which means that, from 19 July 2014, the nationalities of all passengers are registered and recorded in the Departure Control System. As of 24 July 2014, Malaysia Airlines has expanded its internal requirements for registering passenger information to non-API countries even further. As of that date, in addition to the nationality, passport information (passport number and date of birth) must be recorded at check-in, manually or by scanning the passport. If this is not done at check-in, it must be done during boarding. The aeroplane may only leave after it has been checked that the above-mentioned passport data of all passengers are recorded.³⁶ The data are recorded in the Departure Control System.

³⁴ Recorded in Malaysia Airlines' *Ground Operations Manual*.

³⁵ Malaysia Airlines' Airport Service Notice of 18 November 2008.

³⁶ Malaysia Airlines' Airport Service Notice of 24 July 2014.

Sub-conclusions

The information on the passenger list of flight MH17 complied with the provisions of the Chicago Convention. The names of the passengers on the list, with the exception of a few clerical errors, corresponded with the names of the occupants of the plane. Three small children without a seat had been recorded on the list, although without their name or gender.

Information about the passengers' nationalities was not included in the list, but was available - in part - in Malaysia Airlines' Departure Control System. But this only applied to passengers who were travelling to an API destination and passengers who had booked with Malaysia Airlines directly. For a part of the passengers, the Departure Control System also contained passport information in addition to their nationality. It would have helped if Malaysia Airlines had followed its own registration procedure of 2008 at Schiphol, even though there was no international obligation to do so. If this had been the case, the nationality of all passengers of flight MH17 would have been recorded and available in the Departure Control System.

3.3.2 Registration of passenger information prior to a flight

The fact that relevant information about the passengers after the crash was not available at the push of a button can be explained by the manner in which the registration of passenger information is organised in civil aviation. This section deals with:

- a. the registration process - from booking to departure;
- b. the type of information being recorded;
- c. the consequences of both (a and b) for the availability of passenger information following an aircraft accident.

This section describes the usual departure process as applicable in the aviation sector for flights outside the Schengen Area.³⁷

a. Passenger information from booking to departure

There are various steps involved in the process of obtaining passenger information from booking a flight to compiling a passenger list when a flight departs. Figure 5 illustrates how the passenger information passes through these steps.

³⁷ The Schengen Area consists of 26 countries, including 22 EU Member States, Norway, Iceland, Switzerland and Liechtenstein. These countries have signed the Schengen Convention to allow the free movement of persons within the European Union.

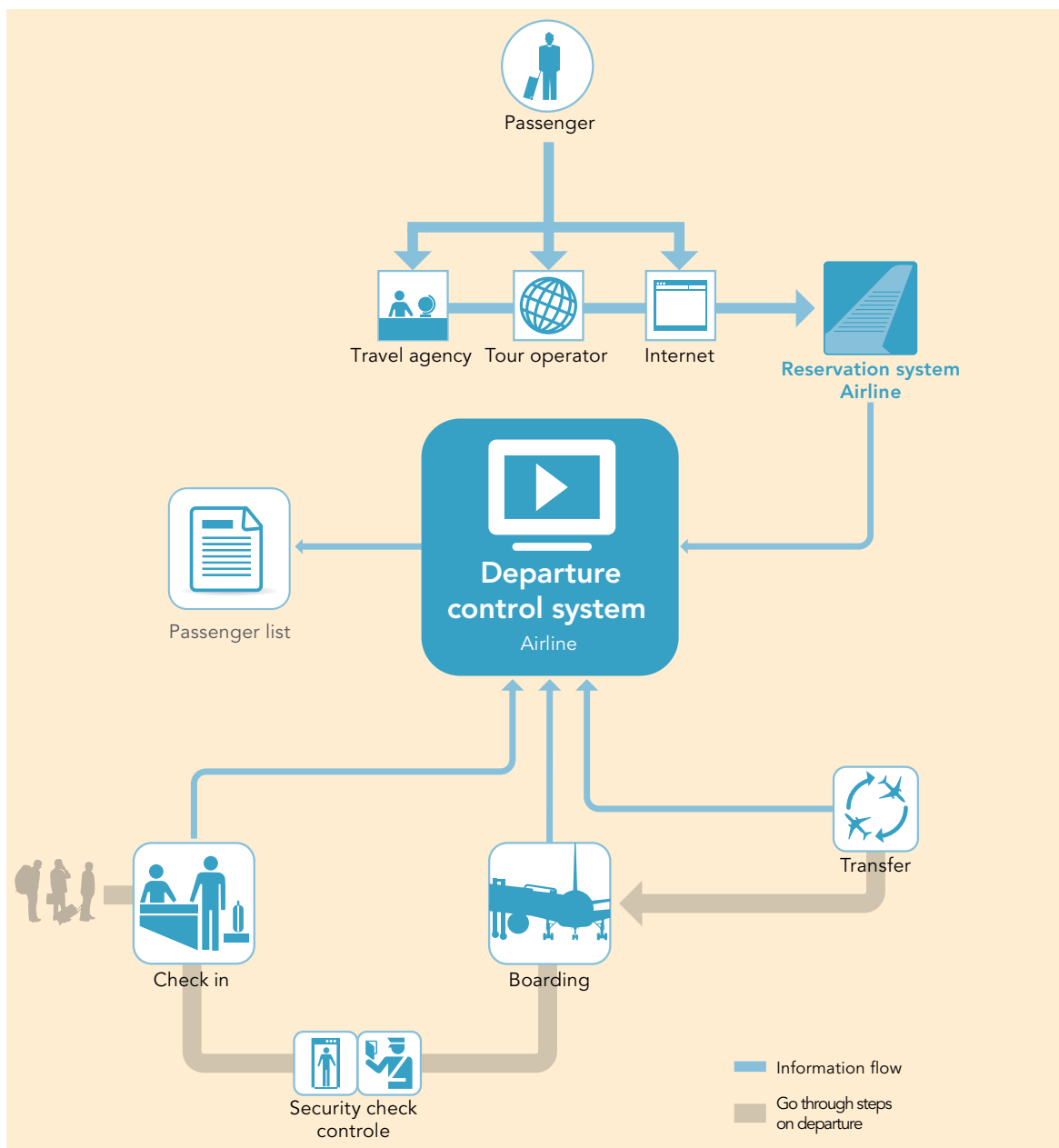


Figure 5: Stream of passenger information from booking to departure.

Booking a flight

Passengers can book their flight with various travel organisations such as tour operators³⁸ or travel agencies, or directly with an airline. Tour operators and travel agencies each have their own booking system, from which they partly export passenger information to the relevant airline's reservation system. This is done manually or - if there is a network connection between the reservation systems - digitally. If a passenger books directly online or with the airline itself, the information is automatically transferred to the booking

³⁸ A tour operator is a company that compiles package holidays consisting of transport, accommodation and related services. A travel agency acts as an intermediary between suppliers and customers of travel-related services such as flight tickets, hotel accommodations and activities. In many cases, these services can be booked separately or as a complete package.

system. This could be a central reservation system or a global distribution system.³⁹ These systems combine the demand for and supply of flights. The systems are supplied with flight data, such as availability of seats, prices and reservations, as well as with new reservations with the corresponding passenger information.

As soon as a combination of a booking and a flight is made, the airline reservation system creates a so-called passenger name record, linking the personal information to the flight data. Based on this information, the airline can issue an e-ticket for the flight.

Check in

Approximately 48 hours before the flight's departure, the passenger information is transferred from the airline's reservation system to the Departure Control System. This only involves the information necessary for handling the flight. This information is accessible to the airline and/or its ground handling agent at the beginning of the check-in procedure.

Passengers can check in online or at the airport (at Schiphol this is done at the self-service kiosk or at the check-in desk). When checking in at the desk, passenger information in the Departure Control System is verified by means of the passport. It depends on the final destination and on the airline whether or not passport information is recorded.



Figure 6: Malaysia Airlines check-in desk at Schiphol Airport. (Source: ANP/E. Elzinga)

³⁹ In the aviation sector, the term 'central reservation system' is used for the reservation system of one airline and 'the term global distribution system' for the collective reservation system of a large number of airlines.

Border control

After checking in at Schiphol, the passenger passes through the Royal Netherlands Marechaussee's border control post. At this control post - if the passenger travels to a country outside the Schengen Area - passports are checked and possibly the boarding pass as well. The process involves a visual check; the information is not scanned and/or structurally recorded. The Royal Netherlands Marechaussee's border control post is separate from the checks performed by the airline. The border control is done to combat illegal immigration and to effectively fight organised crime.

Boarding

At Schiphol, passengers and their hand luggage are checked for security reasons. After this security check, there is a final check based on the passport and boarding pass before the passenger may board the aeroplane. The airline records in the Departure Control System who actually board the aeroplane. The boarding information in the Departure Control System forms the basis of the passenger list for the flight concerned.

It is fairly standard for flights such as those from Schiphol to Kuala Lumpur to be over-booked because experience has taught that there will be a number of no-shows due to illness or delays, for example. Occasionally, passengers are even booked on a different flight after boarding, so they have to disembark the aeroplane. To ensure that the boarding information corresponds with the people that are actually in the aeroplane, all changes must be processed in the Departure Control System before the flight takes off. This also applies to transfers⁴⁰ that occur at the last minute.

Flight departure

After the boarding procedure is completed, the airline or the ground handling agent compiles a passenger list and a list of crew members, and ensures that this list accompanies the aeroplane in paper form or on a USB flash drive. For the airline, the passenger list in the aeroplane mainly has an operational function, such as to enable good service provision during the flight. After completing the boarding procedure, the passenger list is usually also immediately available electronically to the airline at the place of destination and at its headquarters. If certain countries impose additional requirements related to the provision of passenger information, this information is also sent to the authorities of the destination country.

Sub-conclusion

Passenger information is recorded during booking, reserving and handling of the flight, ending up in various registration systems used for this purpose. The airline's Departure Control System contains the most recent information about the passengers that boarded the flight and is the basis for the passenger list on board the aeroplane.

⁴⁰ With a transfer, a passenger changes from one aeroplane to another aeroplane.

b. Type of passenger information

Personal data

Airline passengers must possess a valid travel document, such as a passport or other proof of identity. Travellers are obliged to provide their passport information when booking the flight and/or when checking in, if it is requested by the airline. Some travel organisations and airlines ask all travellers for their passport information, nationality and/or date of birth, regardless of whether there is an obligation to do so. Most airlines do not do this, because of the additional time and costs associated with processing the additional information.

Relatives' details (contact persons at home)

Travel organisations largely determine themselves which personal data they request and record in addition to the aforementioned compulsory information; no specific related requirements exist.

As a rule, travel organisations offer the possibility, as revealed by the investigation, to provide details of contact persons at home so that they can be informed in case of an emergency. European aviation regulations⁴¹ specify that airlines must offer travellers the opportunity to provide contact details of a relative. Travellers are not obliged to provide details of contact persons at home. If they do, the airline may only use this information in the event of an accident or disaster; the information may not be passed on to third parties or used for commercial purposes.

Reliability of information

Until a passenger checks in, the passenger information that is requested, recorded and shared is not checked. This means that travellers - either consciously or not - can provide incorrect information and can choose to omit non-compulsory information. A first check of part of the information is done during check-in and/or during boarding. In the meantime, some details may have changed. A proof of identity may have expired, for example, which means that a passenger is travelling with an identity document other than the one used to book the flight. Lastly, contamination may occur because information is not transferred properly from one system to the other or because errors are made during registration.

⁴¹ Article 20, paragraph 3, EU Regulation 996/2010.

Sub-conclusions

There is no uniformity in the information that is recorded per passenger. Airlines are not obliged to register passport information of every passenger on board the aeroplane. Only for passengers that travel to an API country airlines must comply with the information requirements imposed by the country in question.

Passenger data are not verified until check-in. Subsequently, a limited amount of the information is verified. As there is hardly any verification of the information, the reliability of passenger information cannot be guaranteed.

c. Availability of passenger information

Filtering information

During the process from booking to departure, the registered passenger information is transferred from one registration system to another and ends up in the Departure Control System. The Departure Control System is the most up-to-date source of information about the passengers on board the aeroplane. This information is immediately available to the airline and can be retrieved from the system more or less at the push of a button. Not all passenger information ends up in the Departure Control System. For the purpose of efficiency and commercial interests,⁴² only the information needed for handling the flight is transferred. The consequence of this filtering is that various data remain in the various systems. Especially during the booking phase, a lot of practical information is recorded that in the case of an accident is useful to establish who were on the flight and who their relatives are. This information may concern address and contact details of passengers, for instance, or details of contact persons at home that can be contacted in case of an emergency.

Information in the Departure Control System

The Departure Control System supports flight handling at the airport and only contains the data needed to do so. These are functional details about the passengers (name, business/economy class, meal preferences, children without their own seat et cetera.) as well as API data (such as nationality, passport number and date of birth). Although API data are used mainly for security purposes (improved border control and combating illegal immigration), it offers leads for verifying passengers' identity details.

As long as countries demand different information and airlines restrict themselves mostly to recording obligatory information, personal data in the Departure Control System will vary per passenger. If passengers travel within the Schengen Area, there is no legal obligation to verify proof of identity for a flight and therefore also no obligation to record the relevant information. In this case, whether the information is registered or not depends on the airline.

⁴² Personal data have commercial value, for example for making tailored offers to the person concerned.

The fact that airlines can record more information than is strictly necessary is demonstrated by the initiatives of Malaysia Airlines to record passport details (nationality, passport number and date of birth) for all passengers. Clarity with regard to the nationalities involved is one of the first points on the agenda following an accident. The authorities must be informed if any of their nationals are involved in the accident. Furthermore, identity-related information, such as a passport number or date of birth, is valuable for compiling a victim profile. Rapid availability of contact details of persons at home assists the process of locating relatives.

Accessibility

In order to retrieve the information that is not recorded in the Departure Control System, but in other systems (such as those of travel agencies), several actions will be needed. Airlines have no access to the booking systems of travel organisations. Moreover, there is no guarantee that the information required is available in the relevant systems, because - as mentioned in the previous section - there are no obligations with regard to the booking information that has to be recorded. The information entered in the system depends on the travel organisation/airline (with respect to what it requests) and the passenger (with respect to what information he/she provides when booking). Conversely, travel organisations do not have access to the airline's Departure Control System. This also applies to the code share airline that is not involved in handling the flight (in this case, KLM). Code share partners and travel organisations can only consult the booking information. Therefore they do not know if the persons that booked the flight through their services actually boarded the aeroplane. This information is only known to the airline that operates the flight and/or its handling agent.

Sub-conclusions

Only the information needed for handling the flight ends up in the airline's Departure Control System. As a result, other information, which could be important following an aircraft accident, is 'left behind' in various registration systems. Not all of these systems are accessible to the airline, which means that the information recorded in these systems is not available at the push of a button. As long as countries demand different information and airlines restrict themselves to record no more than obligatory information, the personal data available will vary per passenger.

3.4 To summarise

Malaysia Airlines compiled a passenger list that complied with the guidelines that apply to the aviation sector. This passenger list contained information about the passengers' names and gender. More information was needed to determine with certainty who was actually on board the aeroplane.⁴³ This information could not be retrieved from the systems immediately because of the organisation of passenger information on the one

⁴³ Information about the nationality, date of birth and passport number.

hand, and the lack of an obligation to record this information for all passengers on the other. Not all of the recorded information ended up in the Departure Control System, the computer system used for handling the flight. Some of the information was left behind in the booking and reservation systems of other parties and consequently was not immediately available to Malaysia Airlines. Malaysia Airlines was however capable of supplying the records of the nationality of all persons on board within two days.

In conclusion, it can be stated that the expectation that passenger information will be available at the push of a button following an aircraft accident does not fit in with reality. A passenger list can always be provided, but the information on such a list provides an insufficient basis for contacting relatives and giving them an immediate, definite answer as to whether or not their loved ones were on the flight. As a result, the authorities involved will always need to gather and verify further information before they are able to notify relatives.

4 PASSENGER INFORMATION AFTER THE CRASH

4.1 Introduction

It is extremely important for relatives and other persons close to victims to receive a definite answer about the fate of their loved ones as quickly as possible following an aircraft accident. Fast and reliable information provision related to the question of who were on board the aircraft and their condition is therefore crucial. The passenger list provided by the airline shortly after an aircraft accident forms the starting point; it is a list with the passenger information available at that time, as described in the previous chapter. The quality and composition of the passenger list varies from one airline to the other, as well as per flight (regional, intercontinental). It is clear that the passenger list does not contain the information that the authorities need in order to confirm to the relatives of victims that their loved ones were on the flight. To do so, the available information about victims and their relatives must first be gathered, linked and verified.⁴⁴

This chapter begins with an overview of the relevant parties and processes in Section 4.2. The following sections describe how the information process unfolded in practice after the crash of flight MH17. It examines the planning in the preparatory phase (Section 4.3) as well as the implementation in the acute phase: scaling up (Section 4.4), registering relatives (Section 4.5), collecting, distributing and verifying passenger information (Section 4.6) and informing the relatives (Section 4.7). Section 4.8 describes the relatives' perceptions.

4.2 Relevant parties and processes

When an aircraft accident occurs, several parties may be assigned a role in collecting, distributing and verifying passenger information, depending on the situation. The same parties are not involved and/or do not play a primary role in all cases. When an aeroplane crashes in the Netherlands, the safety region involved plays a prominent role in the process of registering victims and relatives and in informing the latter. When Dutch nationals are involved in an aircraft accident abroad, it is up to the Ministry of Foreign Affairs to get an overview of the victims and to make sure that their relatives are informed.⁴⁵ If an aircraft crashes on route to or from a Dutch airport, the public and private organisations in and around the airport, for various reasons, also have a responsibility related to collecting, distributing and verifying information regarding victims and relatives and informing the latter.

⁴⁴ The information is only fully validated and reliable after identification of the victim.

⁴⁵ As a rule, in the Netherlands the task of informing relatives is carried out by the police.

In the case of the crash of flight MH17, namely the crash of a Malaysian aeroplane abroad, which departed from Schiphol with many Dutch nationals among the victims, the parties cited below played the following role in the information process.

Airport parties at Schiphol

First and foremost, the airport parties at Schiphol include the airline involved, in this case Malaysia Airlines. The airline is obliged to hand over a passenger list to the authorities within two hours. The planning⁴⁶ is organised in such a way that during a crisis at the airport involving a flight on route to or from Schiphol, the passenger list is requested by the Committee of Consultation,⁴⁷ which is the action centre at Amsterdam Airport Schiphol during a crisis at the airport. The Committee of Consultation subsequently provides the list to the mayor of the Municipality of Haarlemmermeer.⁴⁸ An official from the airline can be invited to participate in the committee.

Local and regional parties

If an accident occurs involving an aircraft on route to or from Schiphol, the mayor of the Municipality of Haarlemmermeer plays a role if there is a breach or imminent breach of public order and safety in the municipality resulting from that accident. This may involve activities to deal with the influx of relatives and other people interested to the airport, such as organising reception for relatives.⁴⁹ During the acute phase, the mayor of the municipality or chair of the safety region bears responsibility for gaining an overview of the victims and for informing their relatives if the accident has taken place in his/her municipality or safety region. If the aircraft was on route from or to Schiphol, the mayor of the Municipality of Haarlemmermeer plays a supporting role in informing relatives that gather at Schiphol.⁵⁰ The Operations Team⁵¹ in the region is charged with the operational management of the incident and coordination with other relevant parties.

Royal Netherlands Marechaussee

The Royal Netherlands Marechaussee is responsible for executing police duties at airports. In light of this role, the Royal Netherlands Marechaussee - under the authority of the Public Prosecutor - has the independent task of collecting information in the context of a criminal investigation. To this end, it is necessary to obtain and complete the passenger list.

The Royal Netherlands Marechaussee is also represented in the crisis organisation at Schiphol. Due to its police duties at Schiphol, the Royal Netherlands Marechaussee is involved in various activities following an aircraft accident, such as registering relatives that arrive at the airport or securing the location where relatives are gathering. To compile the list of victims and relatives, the region can call on the Royal Netherlands Marechaussee for assistance, as this organisation has access to sources (information systems) and possesses skills suitable for investigative work. Therefore, the Royal Netherlands Marechaussee can use its knowledge and expertise to benefit the crisis organisation.

⁴⁶ See the Schiphol Crisis Response Plan and the Population Management Sub-plan of the Kennemerland Regional Crisis Plan.

⁴⁷ See Appendix C for an explanation.

⁴⁸ See Appendix C for an explanation.

⁴⁹ See Appendix D for an explanation.

⁵⁰ The latter also applies to accidents that occur outside the Kennemerland Safety Region.

⁵¹ See Appendix C for an explanation.

National Police / National Forensic Investigation Team (LTFO) / Family liaison officers

The responsibilities of the National Police include enforcing public order and detecting criminal offences. Additionally, the police provides assistance in emergency situations such as disasters. The police tasks performed by the Royal Netherlands Marechaussee within the scope of the Schiphol Crisis Response Plan, are handled outside that scope (in the Netherlands) by the National Police. The National Police also uses its knowledge and expertise to benefit the crisis organisation.

The LTFO is a national team of specialists in the field of forensic investigations and victim identification at large and complex crime scenes.⁵² The team is deployed in the event of disasters in the Netherlands, such as the Bijlmer disaster and the fireworks disaster in Enschede. The team can also be deployed abroad, as has been the case for the crash of flight MH17 in Ukraine. The LTFO is only deployed abroad by order of the Minister of Security and Justice at the request of the Minister of the Interior and Kingdom Relations.

The family liaison officers of the National Police are called in for assistance in the event of major disasters. They inform relatives about the fate of their loved ones. From the time they inform family members, they act as the relatives' contact with the authorities. Victims' and relatives' data are necessary for identifying victims. To this end, the LTFO creates so-called ante mortem files. Family liaison officers are also charged with collecting additional information for these files. The LTFO coordinates the deployment of the family liaison officers.

Ministry of Foreign Affairs

Each ministry takes measures to deal with disasters and crises in their own policy areas. To do so, each ministry has a departmental coordination centre (DCC). When Dutch nationals are possibly affected by a disaster, accident or crisis abroad, the Ministry of Foreign Affairs is the ministry responsible for handling the resulting consular activities. In addition to international coordination, for example with embassies, a priority task of the Ministry of Foreign Affairs is to establish the details of victims and missing persons and inform relatives accordingly. The Ministry of Foreign Affairs has its own crisis telephone team, which in the event of major disasters can be deployed to provide and record information. This means that, in the event of a civil aviation accident involving Dutch victims abroad, the subsequent actions aimed at registering details of the victims and their relatives fall under the formal responsibility of the Ministry of Foreign Affairs.

The Ministry of Security and Justice and the National Coordinator for Security and Counterterrorism (NCTV)

The Minister of Security and Justice is the coordinating minister with regard to crisis management. He is responsible for the organisation, the operations, coherence and integral approach to the crisis management policy and related system. The NCTV fulfils this task⁵³ in the so-called 'cold' phase (in preparation for a crisis) as well as the 'warm'

⁵² The LTFO is a team of police and other partners, such as Defence, university hospitals and forensic dentists. The LTFO has two main tasks: 1. forensic investigation, focused on the possible perpetrator (or perpetrators) and establishing the circumstances surrounding the incident, and 2. recovery and identification of the victims.

⁵³ NCTV, National Manual on Decision-making in Crisis Situations (*Nationaal Handboek Crisisbesluitvorming*), April 2013, and www.nctv.nl.

phase (during a national crisis or serious threats).⁵⁴ Coordination in the absence of a crisis involves protecting the interests and increasing the resilience of society. To this end, the NCTV, among other things, performs activities that focus on promoting the identification and analysis of threats and risks related to national security. The NCTV fulfils a role in chains and networks that alternates between facilitating, guiding or steering, with the purpose of enhancing the effectiveness of the actors involved.

During a crisis, the NCTV, in association with the relevant ministries and safety regions, assumes the role of crisis manager and coordinates the crisis communication.⁵⁵

The national crisis structure⁵⁶ can be activated when several ministries are involved in dealing with the crisis. This structure can consist of three crisis teams: the Advisory Team, the Interdepartmental Crisis Management Committee (ICCb), with the NCTV as its chair, and the Ministerial Crisis Management Committee (MCCb), with the Minister of Security and Justice or the Prime Minister as its chair. In the case of flight MH17, only the ICCb and the MCCb were activated. The ICCb is activated by one or more of the permanent members or at the request of a ministry's Secretary-General, Director-General or Inspector-General. The ICCb's tasks include exchanging information and identifying information gaps, gaining an overview of the situation and making an assessment of it and taking measures related to preparation, response and follow-up. The ICCb also advises the MCCb per situation regarding the convening of the committee, the preparation, response and follow-up of intersectoral crises and decision-making on the measures' coherence. Decision-making at the political-governmental level is the responsibility of the MCCb.⁵⁷ This committee will not assume any powers from a minister. The ministers concerned will exercise their authority in accordance with the commission's decisions. The chair of the ICCb (the NCTV) as well as an official representative at the level of the Director-General or Secretary-General from the ministry most closely involved participate in the MCCb as permanent advisors.

The MCCb can declare GRIP Rijk effective (see blue box). The chair of the MCCb informs the competent authority via the National Crisis Centre about declaring GRIP Rijk effective and about the related consequences.

⁵⁴ Organisation regulation of the Ministry of Security and Justice 2011.

⁵⁵ NCTV, *Annual Plan 2014*, January 2014.

⁵⁶ See Appendix D for an explanation.

⁵⁷ The MCCb decides on a coherent approach to the whole range of measures and facilities provided by central government working together with other organisations in preparation for, during and as a follow-up to intersectoral crises in which national security is at risk.

Scaling-up and GRIP system

In the event of a major incident, support workers from the different support services (fire department, police, medical care and population management) have to quickly adapt in the context of their daily activities and together provide the (multidisciplinary) incident response. Fast decision-making and intensive cooperation are important in this respect. It requires the crisis management to be coordinated. This is why a coordinated regional incident response procedure (GRIP) has been established and a corresponding system has been developed. In the GRIP system, various scaling-up levels are distinguished. In each phase, the crisis organisation is expanded and organisational units and officials are assigned specific tasks, competences and responsibilities.

Until recently, the Netherlands used GRIP 1 to 4. These GRIP phases relate to the organisation of the disaster response and crisis management by the safety region's support services. Following several accidents at the beginning of 2013, two additional phases were added to the GRIP system that apply to supraregional incidents: GRIP 5 for supraregional incidents and GRIP Rijk for national incidents. GRIP Rijk involves the central government applying its legally assigned powers to certain aspects of the crisis strategy. GRIP Rijk is not a scaling-up level and can be declared effective at any GRIP phase, such as GRIP 2. This application of legal powers may intervene with the powers of, for example, local authorities. Therefore, it is important that the central government informs the other competent authorities accordingly. The MCCb can declare GRIP Rijk effective if a crisis involves several ministries and the vital interests of the State or society are threatened in such a way that there is (potential) social disruption. The MCCb convening does not necessarily mean that GRIP Rijk is declared effective.

The National Crisis Centre (NCC)

In the event of a crisis, the NCC plays an important role. The NCC is part of the Ministry of Security and Justice and falls under the authority of the NCTV. The NCC acts as the interdepartmental coordination centre and hub for administrative information provision and crisis communication. The NCC is the support staff and facilitates interdepartmental crisis decision-making (and the relevant preparation for it) at the civil-service as well as the political-governmental level in the event of a crisis.⁵⁸ With regard to the preparation for interdepartmental decision-making, several key areas of concern can be distinguished, including:

- *Information:* The assembling (monitoring, collecting and initial assessment) of factual information including subject-related information. What is actually happening?
- *Measures:* What does the factual information mean and what measures are or need to be taken and by whom? This involves a combination of administrative and operational measures.⁵⁹

⁵⁸ In the ICCb and MCCb.

⁵⁹ NCTV, *National Manual on Decision-making in Crisis Situations (Nationaal Handboek Crisisbesluitvorming)*, April 2013.

The NCC is also responsible for informing mayors of municipalities of which residents have perished, in this case as a result of the crash of flight MH17.

Private parties

In addition to the different authorities and the airport parties, other parties may also be involved in the process of collecting, distributing and verifying passenger information and informing relatives. Firstly, this concerns the coordinating emergency centre. The Netherlands has four major emergency centres. Every year, one of them assumes the coordinating role in the event of major calamities and disasters abroad.⁶⁰ Eurocross was the emergency centre on duty when the MH17 crash occurred.

Travel organisations also play a role, such as in this case travel organisations with whom passengers had booked a ticket for flight MH17 and the General Dutch Association of Travel Companies (ANVR).

4.3 Planning

4.3.1 Findings

The investigated legislation, regulations and plans based thereon, as well as the various interviews conducted by the Dutch Safety Board, give the impression that the authorities have failed to develop a scenario for aircraft accidents abroad involving a large number of Dutch nationals. There is no overarching plan for collecting, distributing and verifying information about victims and relatives and for informing the latter.

With regard to the plans, procedures and manuals that were drawn up, such as the draft National Emergency Plan for civil aviation accidents (*concept Nationaal Noodplan voor burgerluchtvaartongevallen*) by the Ministry of Infrastructure and the Environment,⁶¹ the Embassy procedure for incidents at Schiphol (*Ambassade procedure in geval van een incident op Schiphol*) (2010) and the Guide for Crisis Management at Airports (*Handreiking crisisbeheersing op luchthavens*) by the Dutch Institute for Physical Safety (2011), the Dutch Safety Board established that they:

- do not include any scenario for an aircraft accident involving a large number of Dutch victims abroad, and/or
- are still partly in the draft phase (and therefore not in force), and/or
- do not focus on the process of collecting, distributing and verifying information about victims and relatives with the aim of informing the latter about the fate of their loved ones.

The draft protocol for releasing names of victims abroad (*conceptprotocol Vrijgeven namen slachtoffers in buitenland*) drawn up by the NCC (2012) does apply to a disaster or major incident abroad involving Dutch residents. This document was compiled in preparation for the NCC's task of informing mayors as quickly as possible as to which of

⁶⁰ In the event that eight or more Dutch nationals are involved.

⁶¹ See Appendix D for an explanation.

their residents are involved. The draft protocol provides an overview of tasks and responsibilities of the various parties that play a role in such a case, but it does not focus on an aircraft accident. Several relevant parties that can play a role in and around the airport are not specified in the document, such as the safety region, the Committee of Consultation and the Royal Netherlands Marechaussee.

The national risk assessment and regional risk profiles of the safety regions with major airports⁶² do not include a scenario for an aircraft accident abroad involving a large number of Dutch nationals either. The Dutch Safety Regions Act makes it compulsory for airports to have a disaster response plan in place. In the Kennemerland Safety Region, this plan is part of the Schiphol Crisis Response Plan. The Kennemerland Safety Region has included a scenario for aircraft accidents outside Kennemerland in this plan.⁶³ According to the plan this scenario can be used for aircraft accidents outside the Netherlands,⁶⁴ however, its elaboration focuses exclusively on Dutch safety regions as source areas.⁶⁵ The plans of these (and other) safety regions cited above do not appear to make any connection between the activities in the region and those of national authorities with regard to obtaining and sharing passenger information and the process of registering and informing relatives.

4.3.2 Analysis

The Dutch authorities were not prepared on either a national or regional level for a scenario involving an aircraft accident abroad involving a large number of Dutch victims. More specifically, it appears that the entire process of collecting, distributing and verifying the information necessary to inform relatives about the fate of their loved ones had not been thought through in advance for this scenario. This is remarkable because, to a large extent, the same steps must be followed for every accident involving a passenger aeroplane before relatives can be informed about the fate of their loved ones. The possibilities and limitations of airline systems that contain passenger information do not vary per scenario. Moreover, it is striking because accidents involving a large number of Dutch victims have happened before, as with the crash of an aeroplane in Tripoli. Although the relatives of the Dutch victims of the accident were informed relatively quickly,⁶⁶ the crash in Tripoli led to the NCC developing the draft protocol for releasing names of victims abroad. However, to date, this protocol has still not been adopted. Moreover, the protocol in its current form would not have led to the coordination of the overall process, given that it does not provide a comprehensive approach in this respect.

⁶² Kennemerland (Schiphol), Rotterdam-Rijnmond (Rotterdam-The Hague Airport), Brabant Zuid-Oost (Eindhoven), Drenthe (Eelde) and Zuid-Limburg (Maastricht).

⁶³ If such a scenario does unfold, it could have an impact on the airport, or processes at the airport, in the region in which the airport is located. This is for example due to the presence of people dropping off or collecting others, the need to provide information, psychological after-care et cetera. The disaster response plans of several other airports include a similar scenario.

⁶⁴ The plan states that the scenario, which was included following incidents such as the aeroplane crash in Tripoli and the ash cloud in Iceland, is to be used in the event of an aircraft accident abroad (outside of the Netherlands) involving an aircraft that is heading for or that departed from Schiphol. In its elaboration, the scenario includes a sentence meaning that the 'safety region source area' may also be read as 'foreign power'.

⁶⁵ The Kennemerland Safety Region recognised this and indicated that it will integrate the lessons learned from the crash of flight MH17 in the crisis organisation. Among other things, this concerns further specifying the preparations for aircraft incidents abroad.

⁶⁶ Relatives could be informed more quickly because, apart from nine people, all the Dutch victims had booked their trip with two travel organisations.

Each party with a responsibility that affects this process prepared, individually or in coordination with other parties, for its own task. There was no overarching preparation with a clear distribution of tasks and responsibilities. As a result it was not clear how parties would relate to each other, who would coordinate the process and who bore ultimate responsibility for compiling a verified list of victims and relatives.

Sub-conclusion

In planning no scenario was considered for an accident abroad involving an aeroplane departing from or heading to the Netherlands with a large number of Dutch nationals on board. There was no overarching preparation with a clear distribution of tasks and responsibilities, which meant that it was unclear which party bore ultimate responsibility for compiling a verified list of victims and relatives.

4.4 Scaling-up and initial choices for the approach to the process

4.4.1 Findings

Various organisations in and around Schiphol and at the national level began scaling up their own crisis organisation once the first media reports appeared and it was confirmed that a Malaysia Airlines aeroplane originating from Schiphol had crashed:

- The Airport Manager of Amsterdam Airport Schiphol decided to convene the internal crisis team; the *Committee of Consultation*. One of the first action points of this committee was to obtain the passenger list. Members of the Committee of Consultation soon realised - given the experience with this flight on other days - that it involved a flight that most probably had many Dutch nationals on board.
- The *Royal Netherlands Marechaussee* at Schiphol scaled up its own crisis organisation and convened its Large-scale and Special Operations Staff (SGB0).⁶⁷ At the first meeting of the SGB0, the Royal Netherlands Marechaussee was given some tasks. An important task was to collect information for criminal investigation and for determining the facts. Part of this task was to complete the passenger list (gather and verify information).⁶⁸ The SGB0 decided to verbally report the progress of the activities to the Operations Team of the Kennemerland Safety Region.⁶⁹
- The *Kennemerland Safety Region* scaled up to GRIP 2 in accordance with the Schiphol Crisis Response Plan⁷⁰ (see blue box in Section 4.2). The Operations Team included liaisons from Amsterdam Airport Schiphol and the Royal Netherlands Marechaussee. The representative of Amsterdam Airport Schiphol was in contact with the chair of

⁶⁷ Action centre of, in this case, the Royal Netherlands Marechaussee at Schiphol.

⁶⁸ For the investigation process and the subsequent identification process it was important, for example, to obtain an overview of the persons that had actually been on board, identifiable information regarding the passengers and crew, and addresses of the identified persons with a domicile or residence in the Netherlands.

⁶⁹ Feedback did not concern the contents of the passenger list, because this was considered to be a component of the investigative task of the Royal Netherlands Marechaussee, which falls under the responsibility of the Chief Public Prosecutor.

⁷⁰ Scenario of an aircraft accident outside the Kennemerland region.

the Committee of Consultation. From 21.45 CET (19.45 UTC) onward, the meetings of the Operations Team were also attended by a liaison of the NCC. Obtaining the passenger list and setting up a national information number were important topics at the meetings of the Operations Team.⁷¹

- Initially the NCC did not feel that the Netherlands was facing a national crisis. The NCC's original impression was based on the fact that the crash of flight MH17 had not taken place in the Netherlands and that media reports during the initial period following the crash suggested that only a few Dutch nationals were on board. The NCC did not yet believe there was a need to scale up. The NCC did monitor reports in the media (including social media), interpreted this information and informed various people and parties (including the NCTV in person and the Minister of Security and Justice) about the news. As it gradually became apparent that it concerned a flight originating from Schiphol with many Dutch passengers on board, the need for the NCC's significant involvement became clear and it began scaling up to the national crisis structure around 18.00 CET (16.00 UTC). At 19.00 CET (17.00 UTC) feedback from the crisis meeting with the Ministry of Foreign Affairs revealed that the national crisis structure would be activated and that the ICCb would convene. At that moment, the NCC's priority was to obtain a clear picture of the number of Dutch nationals on board and it tried to obtain relevant information from the various organisations involved.
- After reading the media reports, the *Ministry of Foreign Affairs* immediately activated its own crisis organisation. It called up members of the crisis telephone team, followed soon by the first crisis meeting at the Ministry. At that meeting, it was considered very important to achieve clarity concerning the passenger list. At the first crisis meeting of the Ministry of Foreign Affairs, it was decided to convene the Interdepartmental Commission for Crisis Management (ICCb). The Ministerial Commission for Crisis Management (MCCb) was slated to meet later that evening.
- On Thursday evening, the *National Forensic Investigation Team* (LTFO) also scaled up. A number of senior officials met at Schiphol to make initial preparations regarding victim identification and repatriation from Ukraine. On Friday evening, 18 July, a delegation of the LTFO left for Ukraine. Other officials of the LTFO in the Netherlands continued to focus on preparing a list of missing persons and on identifying the victims.

Several officials of the national authorities made different statements in interviews. The Dutch Safety Board concludes from these interviews that there was a difference of opinion both between and within the ministries regarding who was in charge of the crisis organisation with respect to the information process. Some officials of the Ministry of Foreign Affairs believed that the Ministry was in charge of the process of registering and verifying information about victims and their relatives. The higher official level was of the opinion that the Ministry of Security and Justice was in charge. Different opinions on the matter also existed within the Ministry of Security and Justice itself. For example, the

⁷¹ Shortly after the disaster was reported, several officials from the Municipality of Haarlemmermeer (subsequently followed by the Operations Team) committed to opening a national information number. Opinions on why that number was not opened at that time range from the belief that too few Dutch victims were involved, to the fact that they had to wait for adequate staff to man the emergency telephone team before the number could be opened.

NCC was only fulfilling a facilitating role with regard to the safety region and there was no steering by the central government. The NCTV (in person) was of the opinion that he was in charge.

In the course of the evening of 17 July, the Kennemerland Safety Region also began to wonder who was managing and coordinating the overall process. After there was a consultation at the strategic level between the safety region and the NCC, the safety region at the end of the evening came to realise that the management and coordination resided at the national level. The Kennemerland Safety Region no longer saw any administrative challenges and dilemmas for its own organisation. After consultation between the leader of the Operations Team and the mayor of the Municipality of Haarlemmermeer, it was therefore decided that scaling up the regional organisation (to GRIP 3) was not necessary. Preparations were made to eventually scale down.⁷² The MCCb did not declare GRIP Rijk effective or give any indication to the parties involved.

4.4.2 Analysis

When handling the crash of flight MH17, there was at the very least a lack of clarity about who was in charge of the crisis organisation: was GRIP Rijk declared effective and was the central government in charge or not? At the safety region as well as at various ministries, officials made statements that were not in line with each other in this regard. There were various opinions about the role of the central government and/or the Ministry of Security and Justice. As already stated in the 2013 report entitled *Eenheid in Verscheidenheid* (*Unity in Diversity*), it must be clear who is actually in charge. There was confusion in this regard among all parties participating in the crisis organisation.

The differences in opinions residing at the national level as well as at the regional level could be related to unfamiliarity with the national crisis structure. The meeting of the ICCb (chaired by the National Coordinator for Security and Counterterrorism) and specifically the MCCb (chaired by the Minister of Security and Justice or the Prime Minister) could have given the impression that GRIP Rijk had been declared effective and/or that the Ministry of Security and Justice was in charge. Yet, even when GRIP Rijk has not been declared effective, it is possible for the MCCb to convene in a situation that requires coordination of an intersectoral crisis and requires decision-making on the related coherent approach. This situation occurred in the case of the crash of flight MH17.

Although there was an intersectoral crisis with implications for national security, in this specific case there were no legally assigned powers to be applied to the region. Consequently, GRIP Rijk could not have been declared effective. Moreover, GRIP Rijk in this situation would not have resulted in another division of responsibilities between the ministries with regard to the process of collecting, distributing and verifying passenger information and informing relatives. Ministers remain responsible for their own tasks,

⁷² The Kennemerland Safety Region had asked the NCC whether the region could offer the NCC any support. This is partly why GRIP 2 remained in force until Friday morning. The central government no longer made any appeals to the safety region. The Kennemerland Safety Region formally scaled down at 11.00 CET (9.00 UTC) on Friday 18 July. Potential actions would be taken through the regular structures (in a mono-disciplinary fashion). At that moment, the Royal Netherlands Marechaussee was still compiling the passenger list. Consequently, the Royal Netherlands Marechaussee decided to report the progress of the passenger list to the NCC. Contact between these parties was achieved early Friday evening.

independent of GRIP Rijk. What's more, even if GRIP Rijk had been declared effective, there would not have been a scenario nor an elaborated plan for dealing with an aeroplane accident abroad involving many Dutch nationals.

Separate from the option to declare GRIP Rijk effective, there are other possibilities for the parties involved clarifying the division of tasks between them. National authorities, the region and Malaysia Airlines could, for example, have made working agreements on sharing relevant information.

Sub-conclusion

In the initial days after the crash, there was much confusion about who was in charge of the crisis organisation. Various parties that had a role in - or an interest in the outcome of - the process of collecting, distributing, and verifying passenger information differed in opinion about who was in charge of this aspect of the crisis organisation.

4.5 Registration of relatives

4.5.1 Findings

Registration at Schiphol

Following news of the crash of flight MH17, worried relatives who feared for the fate of their loved ones gathered at Schiphol in the hope of getting answers as to whether their relatives were on board the crashed aeroplane. The first group of people arrived at Schiphol at about 19.00 CET (17.00 UTC). They were received at the panorama restaurant Dakota's. As the number of relatives arriving at Schiphol grew during the course of the evening, the reception was moved to the nearby Steigenberger Hotel. Malaysia Airlines took the lead in receiving the relatives.⁷³ The airport authorities, the Royal Netherlands Marechaussee and several other parties⁷⁴ offered support. Among other things, registration forms were handed out to be completed by the relatives. These forms were then collected by Malaysia Airlines with primary assistance mainly from the Royal Netherlands Marechaussee. Malaysia Airlines provided the Royal Netherlands Marechaussee with copies of the collected forms. No attempts were made by any authority to take over the responsibility for registering relatives from Malaysia Airlines.

That same Thursday evening, however, a few employees from the Municipality of Haarlemmermeer responsible for tasks related to public safety, including the officer on duty for population management, arrived at Schiphol. These employees of the Municipality

⁷³ The municipality bears ultimate responsibility for (coordinating) acute reception and looking after people. This also applies to Schiphol airport. The airlines are expected to perform a number of tasks (including compiling inventories and offering support/assistance) and providing people to perform these tasks. The airport plays a facilitating role, such as organising transport to a temporary reception centre.

⁷⁴ KLM Care Team, Airport Medical Services, the Airport Chaplaincy, Community Health Services - Psychosocial Support (GGD-Psychosociale Hulpverlening).

of Haarlemmermeer identified the needs of the relatives there. Because Malaysia Airlines had assumed responsibility for the registration of relatives, with assistance from the Royal Netherlands Marechaussee, the municipality's employees did not roll out the process *Informing Relatives*.⁷⁵

Malaysia Airlines failed to share the information gathered about the relatives with the national authorities (namely the NCC and the Ministry of Foreign Affairs). On Friday morning, an official from the Municipality of Haarlemmermeer⁷⁶ attempted, via the NCC, to establish contact between the airline and the Ministry of Foreign Affairs to share the information that Malaysia Airlines had collected through its emergency number with the Ministry. This contact was established at the end of Friday morning, but did not result in Malaysia Airlines transferring the collected information to the Ministry of Foreign Affairs. Except for passenger lists, the NCC and the Ministry were not interested in information about relatives, such as that provided on the registration forms. Malaysia Airlines did share this information with its headquarters in Kuala Lumpur. The airline wanted to contact the authorities in order to, among other things, obtain clarity about the nationality of some victims. Malaysia Airlines was not invited to participate in the national crisis decision-making consultations. Although Malaysia Airlines undertook several attempts to contribute to these consultations, the relevant national authorities within the national crisis structure barred Malaysia Airlines from said consultations.⁷⁷

Registration elsewhere

In addition to the relatives who went to Schiphol, there were also relatives who called for information by telephone. The parties whom they tried to contact, however, were not able to confirm whether their loved ones were on the flight. During this contact with the relatives, however, several parties were able to register relatives' information. These parties were:

- *Eurocross*: The Eurocross emergency centre opened an emergency number at about 18.15 CET (16.15 UTC). Eurocross in its registration system registered the personal details (name, phone number, email address and relationship to victims) of the people who called that emergency number.⁷⁸ On Saturday, Eurocross provided all the information it had registered to the Ministry of Foreign Affairs and to the police. The information collected by Eurocross was not shared directly with Malaysia Airlines.
- *Malaysia Airlines*: Malaysia Airlines opened an international information number for relatives of the crash victims at about 20.15 CET (18.15 UTC). Relatives calling this

⁷⁵ In response to the draft version of the investigation report the Municipality of Haarlemmermeer and the Kennemerland Safety Region stated in a joint response that the process *Informing Relatives* (just as the process *Public Management*), should have been initiated in accordance with the Population Management Sub-plan.

⁷⁶ The liaison from the Municipality of Haarlemmermeer who had a seat on the Committee of Consultation at Schiphol.

⁷⁷ Since the cause of the crash was not yet clear, the national parties barred Malaysia Airlines from the national crisis consultations. The airline was involved in (the preparations for) the first relatives meeting, which was held on Monday 21 July, and was in a later stage part of the National Core Team for Crisis Communication (*Nationaal Kernteam Crisiscommunicatie*).

⁷⁸ At about 21.00 CET (19.00 UTC), the Ministry of Foreign Affairs announced that it would serve as the point of contact, thereby officially ending Eurocross's role in the incident, although it continued to coordinate all insurance-related questions for the emergency response services. After the Ministry of Foreign Affairs had opened an emergency number, Eurocross referred all callers to the Ministry of Foreign Affairs. Eurocross also referred travel organisations to the Ministry. Eurocross did not forward any information from the travel organisations to the Ministry.

number were connected to the Malaysia Airlines headquarters in Kuala Lumpur, where they were able to communicate with staff in English. On Friday, Malaysia Airlines, with assistance from KLM, set up a telephone exchange in the Netherlands in order to facilitate communication in Dutch. Malaysia Airlines registered the information of the relatives who called the information number.

- *Ministry of Foreign Affairs:* The Ministry of Foreign Affairs opened an emergency number for relatives at about 21.20 CET (19.20 UTC). This number was to be used for the purpose of collecting information about potential Dutch victims and their relatives and to inform the latter as effectively as possible about options for additional assistance. The number was not intended as a means to inform the relatives about who was or was not on the passenger list of flight MH17. Malaysia Airlines presented this number at 22.30 CET (20.30 UTC) at a press conference at Schiphol and requested relatives to call that number. Following this announcement, calls flooded in and overloaded the information number.⁷⁹ To register relatives' information (and information about the victims), the Ministry used its own crisis registration system, Kompas. For the registration process the Ministry did not utilise Malaysia Airlines' registration forms that were completed at the airport by the relatives. The Ministry of Foreign Affairs also failed to use and integrate the information about relatives gathered by Malaysia Airlines in Kuala Lumpur, into the Kompas system.

Use of victim information system (SIS)

Investigations into past accidents, such as the 2012 train collision in Amsterdam and the Turkish Airlines crash in 2009, revealed victim registration as one of the bottlenecks. In 2010, the Minister of Security and Justice asked the Security Council to solve the bottlenecks cited in the investigation reports with respect to the issues pertaining to victim registration.⁸⁰ This resulted in the development of a national victim information system (see blue box).

Shortly after the crash of flight MH17 was reported, the NCC obtained information about the possibility of activating the SIS, which would be usable in this situation. The NCC was to bring this possibility to the attention of the crisis meeting at the Ministry of Foreign Affairs. The reports from this crisis meeting, however, do not allude to any discussions about the use of the SIS. Instead, the Ministry opted to use a system it was familiar with.

⁷⁹ Consequently, many people at home and abroad called the number, also, for example, to book a flight. The Ministry of Foreign Affairs did not attempt to clarify the purpose of the telephone number by means of external communication and in that way help people navigate to the right contact point.

⁸⁰ A joint investigation conducted by the Inspectorate of Security and Justice and the Health Care Inspectorate into the train collision that occurred at Amsterdam Central Station on 21 April 2012 led the Inspectorates to conclude that the victim registration system was not managed properly.

Victim information system (SIS)

The SIS has been operational since 1 January 2014 and is managed by the Institute for Physical Safety. The system is designed to create a uniform victim registry in the event of a crisis in the Netherlands in order to notify relatives in a timely fashion after a major incident has occurred. The system focuses mainly on notifying the relatives of seriously injured or deceased persons (non-self-reliant victims). During an incident, the safety region can activate the SIS. Under the Safety Regions Decree (*Besluit veiligheidsregio's*), municipalities (population management team) are responsible for the process of informing relatives. The development of the SIS has however created a shift in the implementation of the process, in which the SIS has taken over several municipal tasks, such as collecting registered information about the victims, communicating with relatives, matching and linking relatives to victims, and providing this information to the relatives concerned.

Relatives can contact the national front office of the SIS (website and call centre) when they are searching for a (potential) victim. The information from the emergency medical services,⁸¹ hospitals (via the emergency medical services), police, mortuaries and the front office of the SIS is gathered in the national back office of the SIS, so that the victims can be linked to the relatives. In the case of a fatality, the police will notify the relatives and provide guidance (regarding the conduct of police investigation, if applicable).

4.5.2 Analysis

The above shows that various parties (Malaysia Airlines, the Royal Netherlands Marechaussee, the Ministry of Foreign Affairs, Eurocross) registered information about the relatives of the Dutch passengers of flight MH17. But it was not clear who was in charge of this registration process. As a result, information on the relatives was registered at different places and the information was not fully exchanged between the parties involved. As a consequence, no single party had a full list of the relatives who had reported, leading to the lack of a central list on the basis of which all parties could extract information from.

The SIS focuses on major incidents in the Netherlands. Following the reports of the crash of flight MH17 it appeared that the system could also be used in this case. No one made use of this existing possibility. Had the system been used, then a central front office at the Royal Dutch Touring Club (ANWB) and a back office at the LTFO, linking information about relatives to victims in one place, would have been operational. The Board is of the opinion that the use of the SIS could have helped promote cooperation between the parties involved and thus the efficiency of the process.

⁸¹ Emergency medical services organisation in the region (*Geneeskundige hulpverleningsorganisatie in de regio - GHOR*).

Sub-conclusions

Information about relatives who got in touch because they were concerned about the fate of their loved ones, requesting information on who was on flight MH17, was registered in different places by various parties. This registered information was not consolidated into a single list of possible relatives of the passengers on board flight MH17.

The SIS was not used. The use of this system could have facilitated cooperation between the parties and thus the efficiency of the process.

4.6 Collection, distribution and verification of the passenger information

Firstly, it was Malaysia Airlines' responsibility to provide authorities with the best possible information about all passengers who were on board the aeroplane. This information was very important to the crisis organisations in the ten countries that were mourning victims. It provided them with an important starting point for obtaining an overview of the victims and their relatives. Several private and public parties were involved in this process in the Netherlands.

This section broadly outlines:

- a. the distribution of the initial Malaysia Airlines passenger list and subsequent updates to and between the various parties, and
- b. the efforts made by the four authorities who compiled lists of information about the victims and their relatives.

4.6.1 Findings

a. Distribution of the passenger list

Malaysia Airlines' headquarters in Kuala Lumpur informed the Malaysia Airlines branch at Schiphol of the missing of flight MH17 around 16.00 CET (14.00 UTC). Immediately thereafter, Malaysia Airlines' emergency response plan was implemented both in Kuala Lumpur (headquarters) as well as at Schiphol. The headquarters set up an Emergency Operations Center (EOC), which as of that moment was responsible for handling the missing of flight MH17. One of the EOC's first tasks was to safeguard the passenger information by sealing it. At 17.15 CET (15.15 UTC) the manager responsible for this asked the administrator of the system containing the passenger information to block the passenger information for flight MH17 in the system. As of that moment, the passenger information was sealed, and a very limited number of persons had access to the list.

At Schiphol, Malaysia Airlines' support centre played an important role as soon as the crash became known in handling the airline's crisis tasks. The Regional Senior Vice President was in charge of the branch. The goal was to coordinate with headquarters in

Kuala Lumpur on the one hand and to provide information about the passengers and maintain contact with the Dutch authorities and the media on the other hand.

Malaysia Airlines was able to provide an initial passenger list within two hours. Malaysia Airlines' station manager at Schiphol handed over this initial list in the Committee of Consultation to the Royal Netherlands Marechaussee at Schiphol when this opportunity arose. This happened at 19.10 CET (17.10 UTC), when the Committee of Consultation first convened. The passenger list was not shared with everyone in the Committee of Consultation. The passenger list contained information about the passengers' names, genders and seat numbers. See also Figure 4 in Chapter 3 in this regard. All passengers on board the aeroplane were included on the passenger list. The name and gender of the three young children who had not been assigned their own seat were however not specified.

Shortly after, the airline was able to supplement the passenger list with information about nationality, passport number and date of birth for approximately 75% of the passengers. An excerpt of the passenger list containing supplementary information is displayed in Figure 7.

FLIGHT NO: MH017 / 17JUL
SECTOR: AMS KUL
PAX LOAD: 33 (GC)
CREW 2 (CAPT / FO)

247 (EY) 03 (INF)
13

NAME	GENDER	DOB	DOB	AGE	DOC NO.	EXPR. DATE	NATIONALITY	REMARK
/	M							
/	M						NLD	
/	M						NLD	
/	M						GBR	
/	M						NLD	
/								
/	M						CAN	
/	F						MYS	
/	M						NLD	
/	M						GBR	
/	F							
/	F						AUS	
/	M						AUS	
/	M						NLD	
/	M						NLD	
/								
/	F						AUS	
/	F							
/								
/								

Surname

Name

Gender

Day and month of birth

Year of birth

Age

Number of travel document (passport)

Expiry date of travel document

Nationality

Figure 7: Excerpt of the passenger list in which the passport information (nationality, date of birth, passport number and passport expiry date) was included, in addition to the name and gender, for 75% of the passengers. (Source: Malaysia Airlines)

Initially, the Malaysian government was responsible for when this information would be released. With time, Malaysia Airlines was able to determine the nationality of an increasing number of passengers. Accordingly various updates of the passenger list were released, circulating between the different parties:

- On Thursday evening at 20.20 CET (18.20 UTC), the parties at Schiphol, namely the Committee of Consultation and the Royal Netherlands Marechaussee, already possessed information about the nationalities of a large number of the passengers (the nationality of 47 passengers at that time was still unknown). The national authorities, like the NCC and the Ministry of Foreign Affairs, did not have this information. At that moment, the NCC only got hold of the first passenger list, which included the name, gender, and seat number. The Ministry of Foreign Affairs had not yet received any list. There was some displeasure within the ICCb and MCCb about the fact that information about the passengers' nationalities was not available. This created a tense atmosphere between the National Coordinator for Counterterrorism and Security (in person) and the Regional Senior Vice President of Malaysia Airlines. Both maintained regular contact, but this did not result in practical cooperation in order to jointly resolve the problems.
- The Ministry of Foreign Affairs initially had no contact with the parties in and around Schiphol, but rather tried to contact Malaysia Airlines directly and via the Dutch Ambassador in Kuala Lumpur. During the night from Thursday to Friday, Malaysia Airlines' headquarters in Kuala Lumpur provided a list of names and some of the nationalities (the nationality of 41 passengers was not listed) to the Dutch Ambassador in Kuala Lumpur. The Ambassador then sent this list to the Dutch Ministry of Foreign Affairs. On Friday, 18 July at 13.20 CET (11.20 UTC), Malaysia Airlines sent an updated passenger list containing names, nationalities (the nationality of four passengers was still unknown at that time) and quite some additional information about the passengers to the Ministry of Foreign Affairs.⁸²
- The NCC tried to obtain passenger information from the airline and from the Operations Team.⁸³ After midnight (01.18 CET, 23.18 UTC) the NCC obtained a list containing nationalities for the first time from the liaison of the Municipality of Haarlemmermeer.⁸⁴ The nationality of 60 passengers was missing on this list. The NCC forwarded this information to the Ministry of Foreign Affairs the next morning. The NCC received no subsequent update of the passenger list after this.

The Committee of Consultation and the Operations Team noted on Thursday evening at 19.30 CET (17.30 UTC) and 22.30 CET (20.30 UTC) that coordination of the passenger list was a cause for concern. This cause for concern was shared with the mayor of the Municipality of Haarlemmermeer.

On Saturday 19 July, at 13.30 CET (11.30 UTC) Malaysia Airlines published a passenger list containing all the passengers' names and nationalities.

⁸² It was not possible during the investigation to examine all of the communications of all parties involved. However, the information that was available for the Dutch Safety Board provides a clear picture of the parties who were in contact with each other, whether they shared information and when this took place.

⁸³ From 21.00 CET (19.00 UTC), a NCC liaison was present during meetings of the Operations Team.

⁸⁴ The list originated from the public order and security official, who had participated in the Committee of Consultation as a representative of the municipality on Thursday 17 July 2014.

b. Compilation of lists of victims and/or relatives

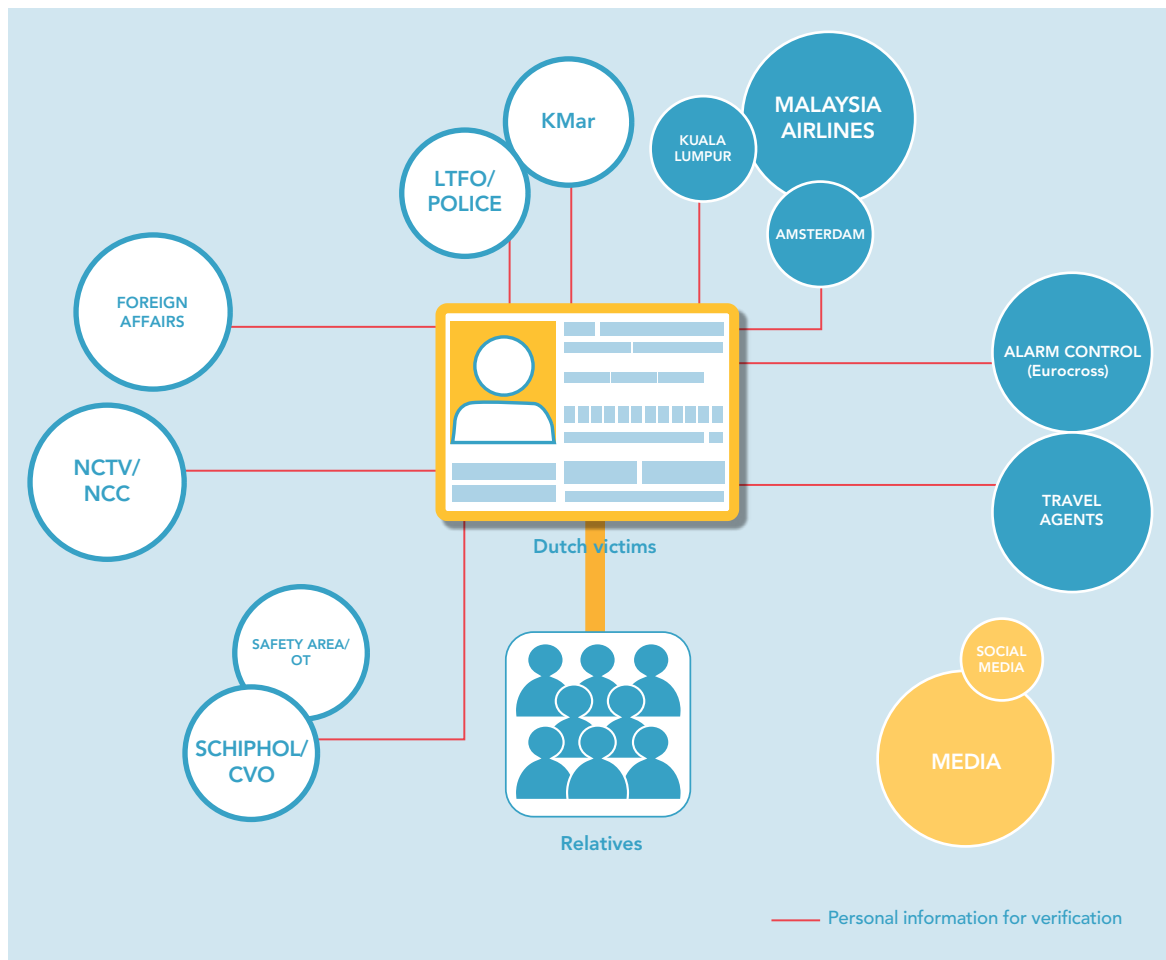


Figure 8: Parties that gathered or communicated information about victims and / or survivors.

Lists of the victims and/or their relatives were compiled and supplemented by different parties: by Malaysia Airlines, the Royal Netherlands Marechaussee at Schiphol, the LTFO, the Ministry of Foreign Affairs and the NCC. Even travel organisations through whom passengers had booked flight MH17, the General Dutch Association of Travel Companies (ANVR) and the Eurocross emergency centre collected information about victims and relatives.

Royal Netherlands Marechaussee

Shortly after the crash of flight MH17 had become known, the Royal Netherlands Marechaussee assigned itself the task of completing the passenger information (collecting and verifying information) in the interest of the criminal investigation.

In the context of investigating who was on flight MH17, the Royal Netherlands Marechaussee picked up the first passenger list (which was a printout from the Departure Control System containing names, genders and seat numbers) from the Malaysia Airlines branch at Schiphol.⁸⁵ The Royal Netherlands Marechaussee then collected additional

⁸⁵ The Royal Netherlands Marechaussee also received the same list later on from the Committee of Consultation.

information⁸⁶ from the airline and ground handling agent, such as the stubs that had been torn from the boarding cards.⁸⁷ The Royal Netherlands Marechaussee also investigated, among other things, whether the border control systems contained relevant passenger information and closely monitored news reports in public sources (social media). With a legal request for assistance, the Royal Netherlands Marechaussee obtained the flight reservation data from the Malaysian authorities. When collecting and verifying the information, the Royal Netherlands Marechaussee also used Malaysia Airlines' registration forms that relatives had completed at Schiphol.⁸⁸

The information from these various sources was combined into one list. All data were entered into an analysis program to detect connections. Thereafter, the Royal Netherlands Marechaussee searched its own information systems and that of the Municipal Personal Records Database (GBA)⁸⁹ for information to link relatives to victims.

The Royal Netherlands Marechaussee reported on the state of the investigation and on the facts regarding the passengers on board, to the Operations Team in the region. The Royal Netherlands Marechaussee also attempted to contact the Ministry of Foreign Affairs via the public information number. However, it did not succeed, because the line was overloaded with calls. After the Operations Team was disbanded on Friday 18 July, because the Kennemerland Safety Region scaled down the crisis organisation, the Royal Netherlands Marechaussee sought contact with the NCC that evening. Until that time, the NCC had not been aware that the Royal Netherlands Marechaussee was compiling a list containing passenger information. After this contact, the Royal Netherlands Marechaussee handed over the list containing the information it collected to the NCC. The next day, the NCC shared information received from the National Police with the Royal Netherlands Marechaussee. The NCC also sent the list it compiled containing, among other things, data from the Ministry of Foreign Affairs and data that the Royal Netherlands Marechaussee had provided on the previous day.

During the days after the incident, the Royal Netherlands Marechaussee continued its effort to finalise the list. This was primarily for the purposes of identifying the victims. After several days, the Royal Netherlands Marechaussee discovered, at the operational level, that the LTFO was working on compiling ante mortem files and was thus conducting the same activities. At that moment, working agreements were made and the Royal Netherlands Marechaussee stopped supplementing and verifying the victim information. The Royal Netherlands Marechaussee then handed over the list they had compiled to the LTFO.

⁸⁶ The primary objective was to collect evidence in the interest of the investigation, while the secondary objective was to confirm the identity of the passengers on board the aeroplane. This investigation report refers to information instead of evidence.

⁸⁷ Based on these stubs, a boarding list was compiled that was shared with the forensic investigation team.

⁸⁸ Within the scope of the investigation (based on Article 126nd/126ud, first paragraph, of the Code of Criminal Procedure (*Wetboek van Strafvordering*)), the Royal Netherlands Marechaussee also obtained the booking and reservation information pertaining to flight MH17 from the airline. This information was not used in the first phase of compiling the list of passenger information.

⁸⁹ *Gemeentelijke Basisadministratie persoonsgegevens* - GBA.

LTFO

LTFO officials collected passenger information for the purposes of the so-called ante mortem investigation⁹⁰ The LTFO used the passenger list that circulated on the internet on Friday as the starting point. This list contained names, genders and seat numbers. LTFO officials and the police searched in their own police systems for information about the passengers. On Friday, the LTFO received a passenger list from the Ministry of Foreign Affairs, which was followed by a list supplemented with passenger information by the Ministry later that day. As of Saturday 19 July, the LTFO also received versions of lists containing passenger information via the NCC and the Royal Netherlands Marechaussee. This information was compared to the information that the LTFO had collected itself. Subsequently, the LTFO compiled the ante mortem files. Based on these files, pairs of family liaison officers would later be sent to visit relatives in order to provide them information and collect additional information.⁹¹

On Friday morning, a team of family liaison officers met for the first time in Leusden. However, it turned out that there was still insufficient information available for them to start their work. On Saturday morning, the family liaison officers met again. Each pair received a number of ante mortem files from the coordinator of the LTFO. At that moment, not all of these files appeared to be complete enough to inform and visit relatives. For example, the names and addresses of relatives and the relationships between them still needed to be figured out.⁹² It was then not decided yet who should carry out this task. Instead, the family liaison officers did this themselves using the search systems.

Ministry of Foreign Affairs

The Ministry of Foreign Affairs used various sources to collect information about victims and their link to relatives. The most important sources were the passenger lists of Malaysia Airlines that were sent to the Ministry directly via Kuala Lumpur or via the NCC and the information that relatives supplied by calling the information number of the Ministry. In addition, the Ministry of Foreign Affairs on Saturday received data from Eurocross⁹³ and the ANVR.⁹⁴ Given the moment the Ministry received these data, they had little added value for the Ministry. At that moment, the Ministry had already handed over its list to the police. The information was mainly used to compare the data with the Ministry's list.⁹⁵

⁹⁰ In this process, as much information as possible is collected about the missing persons. The information is subsequently compared with the victims' human remains. If there is a match, this is considered identification.

⁹¹ Relatives are interviewed so as to obtain as much detailed information as possible about the missing persons. If necessary, DNA material may also be collected from family members in order to later compare this to the DNA of the human remains.

⁹² If this is not done carefully, there is a risk of several liaison officers visiting (different) family members of the same victim or a risk of relatives being informed about different victims in their family at different times.

⁹³ The emergency centre registered the information supplied by relatives who called the Eurocross emergency number and submitted it to the Ministry of Foreign Affairs on Saturday 19 July.

⁹⁴ The ANVR informed all of its members about the MH17 crash via a news email. The members were also asked to communicate the number of passengers, that had booked a ticket for this flight with them, to the ANVR, so that a single overview could be compiled of the travellers that had booked flight MH17 via ANVR travel agencies and tour operators. On Friday 18 July, there was contact with the Ministry of Foreign Affairs. At the request of the ministry, the ANVR asked the travel organisations to provide information about passengers who had booked with them directly to the Ministry of Foreign Affairs. It is unknown how many travel organisations actually did so.

⁹⁵ The Ministry of Foreign Affairs used its own Kompas crisis registration system to compile a victim information list. That system contained a list of registered affected persons (victims) and a list of the details of relatives (the ones who called). The SIS was not used. Use of this system would have been possible, as the National Operational Coordination Centre (*Landelijk Operationeel Coördinatiecentrum*) notified to the NCC.

As of Friday morning, 18 July, two liaisons of the police were present at the Ministry. These police employees sent the information they received from the Ministry to the LTFO. This concerned, among other things, the most recent passenger list that the Ministry of Foreign Affairs received from Malaysia Airlines on Friday afternoon. The nationalities of four persons were missing from this list. The names, nationalities - and in many cases - the genders and dates of birth of the other passengers were known. On Friday afternoon, the Ministry of Foreign Affairs provided the list that it had compiled containing information about victims and relatives (callers) to the liaison.

The Ministry did not process any information coming from the Malaysia Airlines' registration forms (completed by relatives) in its registration system. The Ministry was not aware of the activities of the Royal Netherlands Marechaussee at Schiphol and had no direct contact with the Kennemerland Safety Region as well.

NCC / NCTV

The NCC wanted to get the most complete picture of the crash as possible, primarily to prepare for the decision-making by the ICCb and MCCb. The NCC also needed this information in order to notify the mayors of municipalities of which residents had perished. Therefore, the NCC contacted various parties, including Malaysia Airlines, the Operations Team,⁹⁶ the Ministry of Foreign Affairs and various embassies. On Friday evening, the NCC consulted with the Royal Netherlands Marechaussee (see before), and both parties shared information with each other.

On Saturday morning, the NCC first had contact with the LTFO. Subsequently, information was also exchanged with this party, and agreements were made about which list to use to inform the mayors.

During this period, a conscious decision was made within the national crisis structure not to include any direct representatives of Malaysia Airlines in the crisis consultations from the moment that the Committee of Consultation at Schiphol was disbanded.⁹⁷ As of that moment, no direct exchange of relevant information between the national authorities (within the national crisis structure) and Malaysia Airlines took place. During the evening of 17 July, and several times in subsequent days, there was regular contact by phone between, among others, the NCTV (in person) and the Regional Senior Vice President Europe of Malaysia Airlines. These discussions did not result in Malaysia Airlines' being able to share its information about relatives with the national authorities or being directly involved in the national crisis consultations on this matter.

4.6.2 Analysis

Malaysia Airlines complied with the national and international obligations to provide the Dutch authorities with a passenger list containing the best possible information within two hours after the crash of flight MH17 became known.

⁹⁶ The Royal Netherlands Marechaussee also received the same list later on from the Committee of Consultation.

⁹⁷ Following the scaling down of the Committee of Consultation, activities related to the disaster were conducted as part of the normal operations at the airport.

The operational process of collecting, distributing and verifying information about passengers and relatives was uncoordinated and inefficient on the part of the Dutch authorities. Various authorities compiled their own lists for various objectives containing information about victims and relatives. These authorities were virtually unaware of each other's activities.

The passenger lists that Malaysia Airlines submitted were not received at one central place and distributed from there to all parties involved. Several authorities at and around Schiphol within three hours from the moment the crash became known got hold of a passenger list containing many of the passengers' nationalities. At the national level, the NCC and the Ministry of Foreign Affairs received a similar list with nationalities no sooner than the night from Thursday to Friday.

The information exchange between private and public parties as well as between national authorities and those at and around Schiphol was unstructured. There was no central place where the available information was combined and verified. As a result there was never one current 'authoritative' passenger list on the basis of which all parties could extract information from. Consequently parties did duplicate work. The fact that the national authorities did not allow active input from Malaysia Airlines created delays as well as irritation.

The Ministry of Foreign Affairs was responsible, at the national level, for processing the consular tasks that stemmed from the crash of flight MH17. For this reason, the Ministry collected information about the victims and relatives so that relatives could be informed about the fate of their loved ones. However, the Ministry lacked an overview of other parties that were somehow involved in collecting, distributing and verifying information. The Ministry worked with the parties that the Ministry was used to working with, among others based on previous major incidents abroad. Some parties that collected or possessed information for other reasons (such as the criminal investigation) and parties that had access to systems with which information could be supplemented and verified were not involved in the Ministry's process. Due to this, the Ministry of Foreign Affairs did not use all of the information that was available via other channels.

On the night of the crash, it became clear within the national crisis structure that it was difficult to acquire the passenger list. This would have been the best point in time for the MCCb to decide on a coherent approach to the overall process regarding the passenger information. In the days following the crash, it became clear to the NCC, which was preparing the interdepartmental decision-making process (among other things), that several parties (in the region, at Schiphol, and at the national level) were compiling lists. The NCC could have brought this to the attention of the ICCb, so that this committee would have been able to advise the MCCb on measures to better coordinate the parties' activities and to share information with each other. However, the issue was not discussed by the committees. Due to this, the situation remained unchanged and the parties continued their work without communicating with each other.

Sub-conclusions

At 19.10 CET (17.10 UTC), Malaysia Airlines provided the first passenger list to the Royal Netherlands Marechaussee at Schiphol in the context of the Committee of Consultation, thereby complying with national and international obligations in this regard. However, the Dutch authorities subsequently lacked central coordination for collecting, distributing and verifying information about victims and relatives. There was no joint effort or teamwork between the central government and the Kennemerland Safety Region and between ministries during this process. Moreover, the cooperation between the central government and private parties was not satisfactory. This was at the expense of the speed with which the authorities could inform relatives about the fate of their loved ones.

Although it quickly became clear to the ICCb and MCCb that obtaining passenger information was difficult, no measures were taken to ensure a coherent approach to the process of collecting, distributing and verifying passenger information.

4.7 Informing relatives

4.7.1 Findings

In the days after the crash of flight MH17, numerous (public and private) parties issued information to the relatives at different times. As indicated earlier, relatives who wanted to know more about the fate of their loved ones contacted various parties. The following briefly describes what information was provided by those parties at that time, shortly after the crash:

- During the night of 17-18 July 2014, *Malaysia Airlines* allowed the relatives who were present in the Steigenberger hotel to view the passenger list that was available at that time. This list specified the first and last names and seat numbers of the passengers and, in some cases, their nationality as well. The relatives that had already left the hotel at that time and those that had called Malaysia Airlines' information number were phoned early in the morning of 18 July 2014 to inform them that their loved ones were on the passenger list.
- The *Ministry of Foreign Affairs* gave people who telephoned the Ministry's information number details about the subsequent process, for example, about the role of the family liaison officers.
- In a number of cases, the *travel organisations* told relatives who contacted them whether or not a specific person had booked flight MH17 with them. When doing so, they emphasised that they did not know whether the person in question had actually boarded the aeroplane. In addition, a number of travel organisations also actively approached people whom their customers had designated as the contact person at home to contact in case of an emergency.
- *Eurocross*, the emergency centre on duty at the time, did not provide information to relatives who telephoned, but referred them instead to the Ministry of Foreign Affairs.

Relatives were asked to provide the same details numerous times by various parties. In addition to the unnecessary emotional stress caused to the relatives, this state of affairs also led to confusion during the first few days about which organisation possessed the correct information and hence was the right point of contact for the relatives.

On Saturday 19 July, Malaysia Airlines published the passenger list with the passengers' nationalities at 13.30CET (11.30 UTC). At that time, the Dutch authorities had not yet officially informed the relatives of Dutch victims of the fact that their loved ones were on board the aeroplane. Furthermore, Malaysia Airlines had also not yet contacted all of the relatives at that point in time.⁹⁸

The Ministry of Foreign Affairs and/or the central government, strove initially to ensure that the list of victims and their relatives would be complete before handing over the list to the police so that the relatives could be informed. The same approach was adopted by the LTFO, that also strove to ensure completeness of the files (names, addresses and family connections) before informing the relatives.

Ultimately, this principle was abandoned and the authorities started informing relatives despite the fact that the information was not complete for all passengers. Furthermore, the central government decided not to make any announcements via the information number of the Ministry of Foreign Affairs with regard to the names that were on the passenger list.

Family liaison officers

From Saturday afternoon onward, family liaison officers from the National Police sought contact with the first relatives whose details were known to the police⁹⁹ and informed them officially - on behalf of the central government - about the fate of their loved ones. In most cases, the family liaison officers made a personal visit to the homes of the relatives. From Sunday on, a number of relatives were informed by telephone first. It was decided to contact them by telephone as otherwise it would not have been possible to inform all of the relatives prior to the relatives' meeting on Monday 21 July in Nieuwegein. In spite of this, it was not possible to completely rule out the eventuality that the meeting would be attended by relatives who had not been informed by the authorities in any way at all.

Finally, it is important to note in this context that the media started to distribute information about possible victims within hours of the reports of the crash of flight MH17. This information came from a variety of sources, including social media.¹⁰⁰ During the night from Thursday to Friday, a passenger list already circulated on the internet, even though Malaysia Airlines had not yet published it. In addition, during the first few days after the crash, the media distributed information about the subsequent procedure, for

⁹⁸ At that time, Malaysia Airlines had informed all relatives who had contacted the airline. After the passenger list was made public, other relatives also contacted the airline, after which they too could be informed and be offered support.

⁹⁹ Not all of the relatives of victims were approached by the family liaison officers. The police contacted the relatives of victims who were known to them.

¹⁰⁰ For example, via images of the crash site, via the Facebook pages of passengers and their friends, and via journalists.

example about assigning family liaison officers to the relatives, even though the relatives themselves had not been informed on this. Shortly after the first reports of the crash appeared a number of travel organisations also announced via the media how many Dutch nationals had booked tickets with them for this flight.

4.7.2 Analysis

It is important for relatives that they are informed as quickly as possible about the fate of their loved ones. Naturally, when doing so, ensuring that the information they receive is complete and accurate is of crucial importance. In this process, speed and due diligence may sometimes be at odds with each other. It is therefore up to the parties involved to assess whether they possess sufficient information to adequately inform relatives. Social media complicate matters, as these media enable information to be distributed with increasing speed.

After the crash of flight MH17, the media distributed information about possible victims within a few hours. Relatives who had travelled to Schiphol or telephoned organisations to obtain information did not receive any definite answers at that time. The situation became clearer when Malaysia Airlines started to contact relatives to inform them that their loved ones were indeed on board the aeroplane, and when Malaysia Airlines published the passenger list. However, most relatives considered the moment the family liaison officers contacted them to be the moment they were formally notified of the fact that their loved ones were on board the aeroplane. This occurred two to four days after the crash.

The authorities involved in informing the relatives had to decide when they would share certain information with the relatives and when they would officially release certain information to the public. Malaysia Airlines also faced a decision of this nature with regard to the time of publication of the passenger list. A European regulation¹⁰¹ defines that the names of persons on board may not be made public before the competent authorities have informed the family members of the persons concerned. However, Malaysia Airlines published the passenger list while the relatives of the Dutch victims had not yet received official confirmation from the authorities.¹⁰² In the opinion of the Board, the publication of the list at that moment was an understandable decision, since a significant amount of (unconfirmed) information about possible victims was already circulating on the internet at that time.

Relatives who sought information via the information number of the Ministry of Foreign Affairs did not receive an answer to the question whether their loved ones were on the passenger list. Furthermore, the central government intended to draw up a complete and verified list of victims of the crash before informing the relatives. Even though this list was not complete and verified on Saturday, the decision to start informing the relatives was nevertheless taken. With this decision, the authorities involved acted in accordance with what could be expected of them at that time. In the opinion of the Board, relatives are entitled to information about the fate of their loved ones as soon as

¹⁰¹ Article 20, paragraph 4, EU Regulation 996/2010.

¹⁰² Malaysia Airlines hoped that making the list public would result in family members, who were yet unknown, contacting the airline. This was indeed what happened.

this information is available. This means that consideration must be given to whether the relatives of individual victims can start to be informed even if the information is not yet complete for all passengers. The Board is of the opinion that, given the speed at which information is able to circulate through modern media, a review of the basic principles is appropriate, without compromising the authorities' reliability. Relatives declared to the Dutch Safety Board that it was emotionally stressful being confronted with information via the media which had not yet been provided to them via the official channels.

Finally, the Board finds that the coordination between Malaysia Airlines and the Ministry of Foreign Affairs about the time of providing information to the relatives was far from optimal. In the crisis meeting of the Ministry of Foreign Affairs (DCC), it was agreed that the final passenger list would be published when all of the relatives had been informed. However, the Ministry of Foreign Affairs and Malaysia Airlines didn't make agreements regarding how and when they would inform the relatives about the victims of the crash of flight MH17. This topic was discussed in the ICCb on Friday morning, and it was decided that the Ministry of Foreign Affairs would contact Malaysia Airlines in this respect. The Ministry did not pursue this action.

Sub-conclusions

Malaysia Airlines' decision to publish the passenger list, even though the authorities had not yet provided confirmation to the relatives is - in view of the context in which this occurred - understandable. The authorities initially waited until the information was complete for all the victims before informing their relatives. As a result, two to four days passed before one or more relatives of each Dutch victim received official confirmation that their loved ones were on board the aeroplane.

The authorities could have informed the relatives of individual victims that their loved ones were on board the aeroplane, subject to the necessary reservations, sooner, if the basic principle of waiting until the information was complete for all the victims was abandoned earlier.

4.8 Relatives' perceptions

4.8.1 Findings

Immediately after the crash, many relatives were almost completely certain that their loved ones were on board the aeroplane. They had a pressing need for official confirmation from the Dutch authorities as to whether or not their loved ones were on board. They felt that there was a lack of direct contact with the authorities during the first few days.

It was not clear to the relatives which organisation they should (best) approach with their questions. Malaysia Airlines in the Netherlands or in Kuala Lumpur, the travel organisation, Schiphol, the Ministry of Foreign Affairs, or some other party? They approached various

organisations in an attempt to quickly obtain clarification of the situation; in addition to those mentioned above, they also contacted the municipality, the police and Victim Support The Netherlands (*Slachtofferhulp Nederland*).

Most of the organisations that relatives contacted were unable to help them in the first hours following the crash. Also, major discrepancies arose at the times when relatives did obtain information. In the Steigenberger hotel, Malaysia Airlines allowed the relatives present there to view the passenger list at approximately midnight. Many of the relatives had already left the hotel earlier that evening without receiving that kind of information. Relatives whose details were known to Malaysia Airlines in Kuala Lumpur (through the Malaysia Airlines information number) or at Schiphol (via the registration forms),¹⁰³ received a telephone call from Malaysia Airlines in the early hours of the morning of Friday 18 July to let them know whether or not their loved ones were on the passenger list. Others either did not receive such a telephone call, or only much later.



Figure 9: Flowers at Schiphol, laid there in memory of the victims. (Source: ANP/R. de Waal)

Relatives who called the information number of the Ministry of Foreign Affairs that Thursday evening were put on hold for a significant amount of time before discovering that the Ministry had no information for them about whether their loved ones were included on the passenger list. Relatives left their details with various organisations; it was not clear to them whether these details were shared between those organisations. In addition, a number of relatives indicated that they did not receive a return call even though they expected one.

The relatives experienced this situation as a lack of coordination with regard to information provision. They continually had to chase after information in a situation where the official channels were difficult to reach. This changed from the moment there was contact with the family liaison officers, who served as a permanent contact with the authorities for the relatives and provided them with information regarding the process as well as information about their loved ones. The relatives were able to put all of their questions to the family liaison officers. The relatives declared that they greatly appreciated the family liaison officers' efforts.

¹⁰³ For example via a registration form completed at Schiphol or via a telephone call to Malaysia Airlines.

4.8.2 Analysis

The relatives experienced the lack of coordinated information provision during the first few days after the crash of flight MH17 as emotionally stressful. Even though various information numbers were opened, none of the possible sources was able to provide the information the relatives needed. There was no clear communication with relatives about the purpose of the information numbers, as demonstrated by the press conference held by Malaysia Airlines on the evening of Thursday 17 July, when it was stated that the emergency number of the Ministry of Foreign Affairs was to be used for information services. As a result, it was not clear that this number (provided by the Ministry of Foreign Affairs) was only intended to collect information about possible victims and their relatives (in the context of the registration process) and not to provide information about the names of (potential) victims to relatives.

Because relatives could not easily get in touch with Malaysia Airlines and the Ministry of Foreign Affairs, due to the fact that the telephone lines were overloaded and became blocked, they also contacted other organisations. These were equally incapable of answering their questions. Many relatives did, however, leave their details with those organisations. It was not clear whether the different organisations would share those details with each other. It was unclear to the relatives which organisation was in possession of the correct information and was the point of contact.

The questions of relatives remained mainly unanswered until contact was established with the family liaison officers who were deployed by the National Police in order to inform the relatives. As a result of the efforts of the family liaison officers, the relatives received information about the victims and the process that would follow. This resulted in the communication with the authorities that the relatives had desperately needed during the preceding few days.

Sub-conclusion

After the crash of flight MH17, various parties (public and private) provided solicited and unsolicited information to the relatives at different times and in different ways. The relatives perceived the uncoordinated provision of information as emotionally stressful. During the first few days after the crash, it was not clear to them whom they should (best) contact for information about their loved ones. The way in which the relatives experienced the provision of information by the Dutch authorities is generally perceived as positive from the moment they were contacted by the family liaison officers.

5 CONCLUSIONS

On 17 July 2014, the Netherlands was shaken by the crash of flight MH17. The need for information about the victims was huge: who were on the aeroplane, which Dutch nationals were among the victims? In addition to Malaysia Airlines, it was up to the authorities to provide this information. The Board notes that the employees of the organisations concerned did their utmost to collect and verify information about the passengers and their relatives. Despite this commitment, the authorities did not succeed in informing the relatives of every Dutch victim within 48 hours - the term which should be aimed for according to the Board - to provide clarity regarding the presence of their loved ones on board the aeroplane. In answer to the question why the relatives had to wait so long for a confirmation from the authorities, the Board has arrived at the following main conclusion.

Main Conclusion

The relatives of the Dutch victims of the crash of flight MH17 had to wait for an unduly long time before they were given clarity regarding the presence of their loved ones on board the aeroplane, because:

- the passenger information that was available immediately after the crash offered an insufficient foundation to be able to confirm to relatives that their loved ones were on board the aeroplane;
- the Dutch crisis organisation was insufficiently prepared for such a situation, and
- there was a lack of control and coordination in the execution.

Because the Ministry of Security and Justice (in particular the National Coordinator for Security and Counterterrorism) did not take charge of the organisation and the Ministry of Foreign Affairs cooperated insufficiently with other parties involved, the information that the various parties gathered on the victims and their relatives was not combined. As a result, it took a long time before the correct information was available and relatives could be informed.

The main conclusion is divided into the following conclusions.

Conclusion 1

A complete and reliable passenger list is generally not available at the push of a button. This was also the case with flight MH17. To determine with certainty who the Dutch victims were, additional information had to be collected and verified.

The airline has the duty to supply a list containing the best possible passenger information to the appropriate authorities within two hours. What is meant by 'best possible' is not set down in any regulations. After the crash of flight MH17, Malaysia Airlines provided the Dutch authorities with information as soon as the opportunity arose. This was during the first meeting of the Committee of Consultation at Schiphol, where Malaysia Airlines handed over the passenger list of flight MH17 as it was also present on board the aeroplane. On this list were the names, genders and seat numbers of the passengers.

The information contained in the passenger list was insufficient to determine which passengers were from the Netherlands. The information required for this purpose, such as information about nationalities, could not immediately be retrieved from the computer systems. Starting from about five hours after the crash, this was possible and Malaysia Airlines could issue this information for most passengers. The complete passenger list was available on Saturday 19 July. This took time because Malaysia Airlines did not record the nationality of all passengers (despite the fact that an internal procedure required this) and other passport information. This is not required under international regulations. Such a registration obligation only applies when a passenger travels to a country with an API obligation.¹⁰⁴

In addition, only the information required for handling the flight ends up in the computer system that the airline uses for compiling the passenger list. This is standard practice in the aviation sector. Part of the data that passengers provide prior to a flight, such as contact details of relatives, remain in the different booking and reservation systems of travel organisations and airlines. As a result, these data are not immediately available at the time of an aircraft accident.

In practice, it is not possible to meet the society's expectation that it will be clear who are on board the aeroplane at the push of a button. The first passenger list to be delivered will generally not be complete nor reliable enough to provide relatives with a definitive answer about whether or not their loved ones were on the flight.

¹⁰⁴ Certain countries have made the registration and supply of additional data on incoming passengers via Advance Passenger Information mandatory for airlines. See Section 3.2 in this report for an explanation.

Conclusion 2

Central government and the safety region concerned were inadequately prepared for the process of confirming to relatives of the victims of flight MH17 whether or not their loved ones were on board the aeroplane. Despite earlier aircraft accidents, no appropriate scenario had been developed. Several parties were busy collecting, distributing and verifying information, separately and based on different responsibilities. Since there was no central place where this information could be collected, much time was needed to establish a single list of victims and relatives. There was a lack of coordination and control. The NCTV should have taken the lead here.

The authorities fulfilling a role in the process of informing the relatives about the victims should have been aware, in view of previous aircraft accidents,¹⁰⁵ of the fact that passenger information after an aircraft accident is neither complete nor reliable. This also applies to the bottlenecks in managing processes within the crisis organisation. Because insufficient lessons were drawn from other accidents, the identified bottlenecks again arose during the aftermath of the crash of flight MH17. A detailed scenario of an accident abroad with an aeroplane with many Dutch people on board was lacking in both the national and regional plans. There was no indication of a coordinating plan with a clear allocation of roles and responsibilities. Nor was there any coordinating organisation in place, as was previously recommended by the International Civil Aviation Organization (ICAO).

In the initial days after the crash, there was much confusion about who was in charge of the overall process of collecting information about the passengers and their relatives as soon as possible. The investigation into passenger information revealed, for example, that there are different views regarding in which cases the recently introduced incident response phase GRIP Rijk can be declared effective.

Due to the lack of clarity, a situation emerged in which different private and public parties drew up lists containing information about victims and relatives separately. Among the parties, it was not always known or clear who was doing what and why they were doing this. In addition to Malaysia Airlines, various authorities - the Royal Netherlands Marechaussee, the LTFO, the Ministry of Foreign Affairs and the NCC - prepared lists for different purposes. No proper agreements were reached about sharing information, as a result of which the information exchange took place in an ad hoc and unstructured way. The parties only dealt with the parties with whom they were accustomed to be working. The Board noted that the attitude of the Ministry of Foreign Affairs played an important role here. The Ministry, as is usual when Dutch citizens are affected abroad, had the consular task of retrieving data on the victims and to inform the relatives in this regard through the police. The Ministry proceeded mainly according to its own procedures and frameworks and limited itself to its usual network. As a result, the Ministry did not make use of all the information that was already available from parties outside this network,

¹⁰⁵ Particularly the crash of a Turkish Airlines aeroplane close to Schiphol Airport in 2009 and the crash of an Afriqiyah Airways aeroplane near Tripoli in 2010.

such as Malaysia Airlines and the Royal Netherlands Marechaussee. This attitude was not conducive to general cooperation. The Board is of the opinion that the Ministry, because of its priority task in this disaster, should have taken note of the activities of other parties and should have put these to good use.

Parties did not make any use of the existing victim information system (SIS) by which the available information could be gathered in one place. This system was developed in response to, among other things, the problems pertaining to victim registration after the crash of the Turkish Airlines aeroplane in 2009. The use of the SIS could have facilitated the cooperation and information sharing among the parties and thus improve the efficiency of the overall process.

Although various parties noticed that obtaining passenger information was a difficult process and that information was being collected by several parties, nobody assumed responsibility for coordinating the activities. It is the Board's opinion that the NCTV should have taken the lead here. The national crisis structure in the Netherlands provides for a crisis centre, namely the NCC (part of the NCTV), which must be able to get a total overview of the parties involved during a crisis, including what they are doing and what information they have. It is the NCC's duty to connect these parties in order to make working arrangements. At one point, the NCC was in touch with all authorities and with the airline and was aware that work was being carried out on lists in multiple places. Nevertheless, this did not result in the NCC taking over the coordination and bringing the relevant parties in contact with each other.

Conclusion 3

The lack of coordination and control of the overall process affected the term in which relatives got a definitive answer from the Dutch authorities. In addition, the authorities initially wanted to wait until there was a full, verified list of Dutch victims and relatives before they gave relatives the official confirmation that their loved ones were on board the aeroplane. This led to a further delay. The relatives were left in uncertainty for too long with regard to the presence of their loved ones on board the aeroplane.

Both Malaysia Airlines and the Dutch authorities notified relatives that their loved ones were on flight MH17, but they did not coordinate the time when they passed on this information. Malaysia Airlines contacted relatives from the day after the crash and published the full passenger list on 19 July. At that stage, the Dutch authorities had not yet informed the victims' relatives. The decision of Malaysia Airlines to publish the list of passengers while the Dutch authorities were not yet ready is understandable given the context in which this happened.

Appointed by the Ministry of Foreign Affairs, family liaison officers of the National Police provided the formal confirmation from the authorities to the relatives. It took two to four days after the crash before the message was passed on to the relatives by the family liaison officers. The authorities initially wanted to wait until a complete and verified list of

victims was available. A large number of relatives were therefore left in uncertainty about the fate of their loved ones longer than necessary. The Board is of the opinion that the decision to wait for a complete and verified list does not fit into the modern era in which messages spread rapidly via social media. Although it is inevitable that relatives are confronted with news of which they have yet to get formal confirmation, it is still in the interest of the relatives to inform them quickly - if necessary with a reservation - as to whether their loved ones were on board the aeroplane.

The Board is of the opinion that relatives should be informed where possible within 48 hours, leaving aside exceptional personal circumstances. With strong management of the activities that are needed, a central desk where the information is brought together, and the decision not to wait for the information of all the victims to be complete this should be possible.

6 RECOMMENDATIONS

The Board's investigation has brought several points to light with regard to improving and accelerating the process of informing relatives. To this end, the Board finds the following matters to be important:

- keeping records on nationality;
- improving the process of collecting, distributing and verifying passenger information and improving the provision of information to victims' relatives, and
- simplifying the Dutch crisis organisation.

Keeping records on nationality

In the Board's opinion, in future the nationalities of the passengers should be available on the passenger list that is drawn up by the airline. This relatively simple procedure would make it easier to register victims of aircraft accidents and to trace and inform their relatives. The Board considers it excessive to require all airlines to, for example, register the passport numbers of passengers and the details of contact persons at home, as the benefits - given the small chance of an accident - do not outweigh the extra effort that this would require. In the opinion of the Board, a passenger list that includes the nationalities of all passengers and a smoothly functioning crisis organisation, would provide sufficient guidance after an aircraft accident to retrieve information about victims and their families more quickly. The Board therefore recommends the following:

To the Minister of Infrastructure and the Environment:

1. Take initiatives at international level to incorporate the registration of the nationality of airline passengers in international regulations. In the meantime, encourage airlines to record the nationality of each passenger travelling to or from a Dutch airport before departure, in the systems that provide passenger information in case of an accident.

Improving the process of collecting, distributing and verifying passenger information and improving the provision of information to relatives.

In the opinion of the Board, the NCTV should have managed the overall process in order to improve its efficiency. The Board feels that a clear management role is required to ensure that the activities of individual parties are coordinated, and that information is shared as well as collected and managed in one place. Nonetheless, other parties involved, such as the Ministry of Foreign Affairs, have a specific task within that process and need to contribute, in the context of that task, to the coordination of the process. Taking that into consideration, the Board makes the following recommendation:

To the Minister of Security and Justice:

2. Establish that in case of accidents (including aircraft accidents) abroad involving a large number of Dutch victims, the NCTV controls the overall process of collecting and verifying passenger information. Make sure that it is clear to other relevant public and private organisations that the NCTV is in charge, including what this means for the process and for everyone's duties, responsibilities and authorities within that process.

Simplifying the Dutch crisis organisation

One of the aims of the progress letter on the National Security Strategy that was established in the Council of Ministers on 1 May 2015 is to improve crisis management. The progress letter states that the need exists for a maximally flexible crisis organisation, that can act quickly and decisively on both the administrative and the operational level in all situations. It also states that clear responsibilities and authorities, and having as few layers as possible, will help speed things up. To this end, the aim is to simplify the crisis organisation and increase its flexibility. In line with this development, the Dutch Safety Board is of the opinion that the Dutch crisis organisation, which in the view of the Board is too complex, should be reviewed to see what it is needed to make it function more effectively in major crisis situations. People can and should learn intensively from other crises and assessments thereof. To this end, the Board recommends:

To the Minister of Security and Justice:

3. Include the lessons learned from this investigation and previous investigations into the functioning of the Dutch crisis organisation in the announced improvement, simplification and flexibilisation of crisis management. Make sure that unambiguous control and overruling power form part thereof.

INVESTIGATION PARTICIPANTS

A.1 Guidance committee

The Dutch Safety Board established an Guidance committee for this investigation. This committee consisted of external members possessing expertise relevant to the investigation and extraordinary councillors, under the chairmanship of one of the Board members of the Dutch Safety Board. The external members had a seat in the Guidance committee in a private capacity. During the investigation, the Guidance committee met four times to exchange thoughts with the chairman of the committee and the project team regarding the structure and results of the investigation. The committee performed an advisory role in the investigation. Final responsibility for the report and the recommendations lies with the Dutch Safety Board.

E.R. Muller (chairman)	Vice-chairman, Dutch Safety Board
B.J.A.M. Welten	Associate member of the Board, former commissioner of the Groningen regional police and of the Amsterdam-Amstelland regional police
J.A.J.M. Kneepkens	Director Rulemaking European Aviation Safety Agency, former Director General Aviation CAA
H. Mayer	Former director, Civil Aviation Security NCTb
U. van de Pol	Member of the Personal Data Committee of the Municipality of Amsterdam, former vice-chairman of the Dutch Data Protection Committee
D. van Putten	Lieutenant General (retired) of the Royal Netherlands Marechaussee
R. Sicking	Former manager at Heathrow Airport and Brussels Airport
A.P.J.M. Rutten	Associate member of the Board, former Chief Operational Officer of the Schiphol Group

A.2 Project team

The project team of the investigation Passenger information was made up of the following individuals:

M. Visser	Program manager
R.J.H. Damstra	Project manager
S. Pijnse van der Aa	Investigator
D.A. Oomen	Investigator
A. van der Zande	Investigator
A. Jagan	Investigator (involved until 1 March 2015)
C.B. Godron	Investigator (involved until 1 March 2015)
A. van der Kolk	Advisor research and development

REVIEW

In accordance with the Kingdom Act Dutch Safety Board (*Rijkswet Onderzoeksraad voor veiligheid*), a draft version of this report was submitted to the parties involved. These parties were asked to check the report for factual errors and ambiguities. The draft version of this report was submitted to:

- Malaysia Airlines;
- Amsterdam Airport Schiphol (Schiphol Group);
- Municipality of Haarlemmermeer;
- Kennemerland Safety Region;
- Ministry of Foreign Affairs;
- Ministry of Security and Justice;
- Ministry of Defence;
- National Police.

The responses after inspection were processed in the following manner:

- Corrections of factual inaccuracies, additions at the detail level and editorial commentary have been taken over by the Board (where relevant). The corresponding parts of the text have been amended in the final report. These comments are not listed separately.
- If the Dutch Safety Board has not taken over certain comments, the Board has explained its decision not to do so. These comments and the explanation are included in a table that, along with the publication of the investigation report, has been published on the website of the Dutch Safety Board (www.safetyboard.nl).

PARTIES INVOLVED

This appendix contains an overview of the most important parties that had a role in providing, collecting and sharing passenger information pertaining to flight MH17 or otherwise played a relevant role.

C.1 Malaysia Airlines

Malaysia Airlines is Malaysia's national airline. Its head quarters is in Kuala Lumpur. Malaysia Airlines is a member of the 'oneworld Alliance of airlines. Malaysia Airlines has entered into code share agreements with many airlines belonging to that alliance as well as other airlines, including KLM.¹⁰⁶

Malaysia Airlines has its own branch at Schiphol. Thirty-one people are employed there. The operational management of the daily flights from Schiphol is done from this location, under the responsibility of the head quarters in Kuala Lumpur. A Station Manager is responsible for this. A ground handling agent - which is another company - carries out all ground operations at the airport for and on behalf of Malaysia Airlines. Malaysia Airlines performs daily flights from Amsterdam Schiphol to Kuala Lumpur and vice versa. After the crash of MH17, both the headquarters in Kuala Lumpur and the branch at Schiphol were involved in collecting and providing information in the context of the crisis activities.

As an involved airline, Malaysia Airlines is a participant in the Committee of Consultation (see below). In accordance with EU Regulation No. 996/2010¹⁰⁷ and the Population Management Sub-plan, Malaysia Airlines is "obligated to make the passenger list available to the mayor as quickly as possible (in any case within two hours)". In addition, the airline must provide information to the government that is necessary to inform relatives and the public.

C.2 Amsterdam Airport Schiphol

Amsterdam Airport Schiphol is the largest Dutch airport, serving close to 55 million passengers in 2014. According to the Population Management Sub-plan¹⁰⁸ (a more detailed version of the Kennemerland Regional Crisis Plan), one of the airport's tasks is to set up a temporary reception centre and to ensure for the transportation to this centre of uninjured people, lightly wounded people and relatives. Schiphol facilitates and provides support for receiving and reuniting people.

¹⁰⁶ See Section 3.2.

¹⁰⁷ See Appendix D 2.2.

¹⁰⁸ See Appendix D5.

C.3 Committee of Consultation

At Schiphol, the Committee of Consultation forms the internal crisis organisation.¹⁰⁹ The committee's composition depends on the nature and scope of the calamity or disruption. The Airport Manager, Airside Operations Manager and Operations Manager Passengers have fixed seats on the Committee of Consultation. In addition, other officials may also be part of the committee, such as Schiphol's public relations official and a representative of the Municipality of Haarlemmermeer, of Air Traffic Control the Netherlands (*Luchtverkeersleiding Nederland*) or of the company involved (the airline, for example). If needed, the Committee of Consultation can be expanded to include other experts as well as private parties. The Committee of Consultation convenes when the routine operational processes at Schiphol are disturbed by a calamity. The committee is primarily concerned with the restarting and continuity of the primary processes and orderly operations and safety at Schiphol. If the regional crisis organisation scales up, the Committee of Consultation functions within it as the airport's action centre. If Schiphol is involved in an accident or disaster,¹¹⁰ the Committee of Consultation must provide aeroplane data to the Operations Team according to a format (including the number of passengers and crew members). The airline must make a passenger list available to the mayor within two hours after the accident, via the committee.¹¹¹

C.4 Municipality of Haarlemmermeer / Kennemerland Safety Region

The mayor and aldermen are responsible for organising disaster response and crisis management at the regional level. The execution thereof is assigned to the safety region. The municipality's tasks within the safety region in case of aviation-related incidents at Schiphol are specified in the Population Management Sub-plan.

C.5 Operations Team

An (regional) Operations Team is one of the units of the main structure of disaster response and crisis management. The Operations Team is charged with the operational management, coordinating with other parties involved in the disaster or crisis, and advising the municipal or regional policy team if present. The Operations Team is a multidisciplinary group and consists of representatives from the fire brigade, the medical emergency services for accidents and disasters, the police, and the municipality. The Operations Team is led by the operational leader, who also participates in the policy team. Other experts and/or private parties may also participate at the invitation of the operational leader, such as the NCC's liaison.

¹⁰⁹ Kennemerland Safety Region, Schiphol Crisis Response Plan, December 2013.

¹¹⁰ For example, if an aeroplane crashed at Schiphol or if an aeroplane that departed from or was heading to Schiphol was involved in an accident.

¹¹¹ See appendix D5.

C.6 National authorities

The tasks of the Royal Netherlands Marechaussee, the LTFO/National Police, (the Ministry of Foreign Affairs and the Ministry of Security and Justice (the NCTV and the NCC) are thoroughly detailed in Chapter 4, Section 4.2 of this report.

C.7 Emergency Centres

The larger emergency centres (ANWB, SOS, Allianz and Eurocross) combine forces if there are calamities abroad that involve at least eight Dutch citizens. Per year, one organisation is the emergency centre on duty and coordinates the primary emergency services. At the time of the crash of flight MH17, Eurocross was the emergency centre on duty.

C.8 Travel organisations

A passenger can book a flight - either as part of a package holiday or not - with travel organisations such as travel agencies, tour operators and online travel organisations. When booking the flight, the travel organisation records passenger's details and sometimes also details of contact persons at home. The travel organisation then ensures that the flight is reserved with the airline. Many travel organisations are members of an association that liaises on their behalf with, among others, the authorities.

FRAME OF REFERENCE

The Dutch Safety Board uses a frame of reference when assessing an incident or a series of incidents. The frame of reference that was used for the investigation into the availability of passenger information pertaining to flight MH17 is composed of four parts. The first part of the frame of reference describes what could, in the opinion of the Board, be expected from the involved parties, as a supplement to the other parts of the frame of reference. The second part discusses international legislation and regulations that apply to the registration and exchange of passenger details and assistance to victims and relatives. The third part discusses the internal guidelines and plans of Malaysia Airlines. The fourth part of the frame of reference describes the agreements that have been made in the Netherlands about the role that Dutch parties fulfil in the event of a national crisis, in particular with regard to an aircraft accident abroad involving Dutch victims.

D.1 The Dutch Safety Board's frame of reference

Partly based on the above, the Board expects airlines to register, as accurately as possible, which passengers and crew members are on a flight, thus ensuring that an accurate list of all persons on board of the aeroplane will be available as quickly as possible in the event of an accident. The Board is of the opinion that the information provided by an airline following an aircraft accident should provide starting points to inform relatives about the presence of their loved ones on board the aircraft quickly. This means that, in addition to their names and initials, the information should also include at least the nationality of those on board.¹¹² The more complete the list, the quicker there will be clarity regarding the victims and their relatives.

The Board considers it important that it is not just the airline that informs relatives, but that relatives also receive a formal confirmation from the authorities about whether or not their loved ones were actually on the aeroplane.¹¹³ The Dutch authorities are in charge of informing relatives of Dutch passengers in this regard. The Board expects the Dutch authorities to be prepared for the scenario in which an aeroplane with many Dutch nationals on board is involved in a crash abroad and that, in its preparations, consideration has gone into how all the parties involved should work together in such a situation in order to inform relatives quickly. In fact, such a scenario is not unthinkable. A large-scale accident occurred in Tripoli in 2010, for example. Seventy Dutch nationals lost their lives in that crash.

¹¹² Whether the obligation to register a passenger's nationality applies depends on the destination of the passenger.

¹¹³ The authorities must issue a formal statement of death to a victim's relatives after a fatality has been identified. Prior to this, the Board believes, it is important that relatives are informed by the authorities as soon as possible whether their loved ones were actually on board of the aircraft.

The Board expects the following from the parties comprising the Dutch crisis organisation:

- Parties are familiar with the crisis system of which they are part and are therefore aware of their own and others' roles, responsibilities and competences. Also, they have an understanding of the parties that play a role in the process of collecting, distributing and verifying information about victims and relatives and informing relatives, after an aircraft accident. It should be clear which party is in charge of this process and which other parties have a role to play.
- Parties are able to respond appropriately to crisis situations and do everything necessary to inform relatives as quickly as possible. To this end, they work together as effectively as possible and share the available information in order to compile a complete and verified passenger list as quickly as possible.

The Board also refers to the *Eenheid in verscheidenheid*¹¹⁴ (Unity in Diversity) report on cooperation between authorities in crisis management. This states that, in the event of (supraregional) disasters and crises, there must be no discussion about who is in charge, who informs whom, who communicates with the public and what the public is told. It concerns joint action by all the authorities involved, leading to coherent crisis management. Cooperation between different safety regions, between the central government and the safety regions, and between ministries is essential to truly act as a single authority.

The Board considers it important that relatives of victims of an aircraft accident are informed formally about whether or not their loved ones were actually on board the aircraft as quickly as possible, and no later than after 48 hours (leaving aside exceptional personal circumstances). The period should be as short as possible, so as not to subject relatives to uncertainty any longer than necessary. On the other hand, authorities must go through a number of steps in order to provide this certainty. If the names and nationalities of all the passengers are known within two hours after the accident, the authorities of the countries involved can focus on the list of victims from their country. They need to verify and supplement the list and link the victims to relatives. This requires research and is time-consuming. Registration systems and digital sources, such as the basic municipal administration, make it possible for the Dutch authorities to link data. Additionally, some relatives will get in touch of their own accord. Therefore, the Board is of the opinion that it is feasible that relatives of victims receive formal confirmation from the Dutch authorities regarding the presence of their loved ones on board the aircraft within 48 hours (leaving aside exceptional personal circumstances).¹¹⁵

D.2 International civil aviation legislation and regulations

Due to the international nature of aviation, many laws and regulations pertaining to aviation (and aviation safety) are established in an international context. The global framework comes from the International Civil Aviation Organization (ICAO), which is also

¹¹⁴ *Unity in diversity, Elaboration of the Recommendation by the Administrative Working Group for Supra-regional Cooperation (Eenheid in verscheidenheid, Uitwerking Advies Bestuurlijke Werkgroep Bovenregionale Samenwerking)*, February 2013 (compiled following, inter alia, the fire at Chemie-Pack in 2011 and the crash of the Turkish Airlines aeroplane in 2009).

¹¹⁵ Because, from a legal perspective, identification must take place before it can be confirmed with certainty that the person concerned indeed died during the crash, this is a probability that borders on certainty.

an agency of the United Nations, and is set down in the Convention on International Civil Aviation, usually referred to as the Chicago Convention,¹¹⁶ and the Annexes to this Convention. The European framework consists of directives and regulations of the European Union or the European Commission. In this section, the relevant parts of international legislation, regulations, directives, standards and recommended practices for this investigation are discussed.

D.2.1 ICAO

Nearly all nations have signed the Chicago Convention.¹¹⁷ The convention forms the basis of the international regulations with regard to civil aviation and includes provisions that are important for the development of international civil aviation. Nineteen Annexes have been added to the Convention, in which varying topics are further set down in standards and recommended practices. The member states must implement the standards as closely as possible in their national regulations.¹¹⁸ If a standard is not followed or a standard is not included in national regulations, this must be reported to ICAO.¹¹⁹ Member states do not have to include the recommended practices in their national legislation. In addition, ICAO also makes other documents available, such as manuals and guidelines that provide guidance for the implementation of the standards and recommended practices.

Provision of passenger information

Article 29 of the Chicago Convention sets down that an airline must have a list containing passenger names and the locations of departure and destination on board the aircraft if it transports passengers.¹²⁰ Annex 9¹²¹ of the Convention has the objective of contributing to an efficient course of cross-border air traffic and describes, among other things, the measures that must be taken to ensure that border control can assess the aeroplane, the persons and the cargo correctly without interfering with other air traffic. Standard 2.13 of Annex 9 states that, if a passenger manifest (passenger list) is required by a member state, this passenger list must only consist of the elements specified in Appendix 2. Appendix 2 contains a format for a passenger list. The following elements are mentioned in the format: the operator, nationality and the registration (when requested by the state), the flight number, the date, the departure point of the flight and the destination of the flight. There are also columns to list the surnames and the initials of the passengers, and columns headed "for use by the operator only" and "for official use only". The information may be supplied either electronically or on paper.¹²²

Annex 9 also contains a number of standards and recommended practices regarding the system for Advance Passenger Information (API). Every member state that introduces an API system in its national legislation must take up the internationally recognised standards for sending API data.¹²³ The relevant standards and recommended practices are further

¹¹⁶ Convention on International Civil Aviation, ICAO Doc 7300, Chicago, 7 December 1944.

¹¹⁷ Currently, 191 countries have signed the Chicago Convention.

¹¹⁸ Article 37, Chicago Convention.

¹¹⁹ Article 38, Chicago Convention.

¹²⁰ Article 29 (f), Chicago Convention.

¹²¹ Annex 9 (Facilitation), Chicago Convention, thirteenth edition, July 2011.

¹²² Standard 2.13 of Annex 9, last sentence.

¹²³ Standard 3.47 of Annex 9.

elaborated in the *Guidelines on Advance Passenger Information (API)*.¹²⁴ These guidelines were drawn up for the first time in 1993 by the World Customs Organization (WCO) and the International Air Transport Association (IATA), and provide guidance for member states that want to implement an API system. Since 2003, ICAO has also been involved in the further development of these guidelines. These guidelines indicate, among other things, which data elements (at most 39) pertaining to a passenger can be registered.¹²⁵

Assistance to victims and relatives after an accident

ICAO documents 9973 and 9998¹²⁶ provide further guidelines for assistance to victims and their relatives after an aircraft accident. Effective coordination between the parties involved is deemed essential within this context. The information that relatives will need to have first is confirmation whether a particular family member was involved in an accident.¹²⁷ The airline is the first party designated to provide an accurate passenger list of the people who are involved in an aircraft accident.¹²⁸ Often, there will be tension between the priorities of accuracy and promptness when supplying the passenger list. Accuracy comes before promptness. Some countries have national regulations that oblige the airline to provide a passenger list to specific authorities within a specific period of time. In accordance with ICAO, the airline is also the first party designated to inform victims' relatives and to supply passenger information to other authorities that play a role in providing assistance to victims and relatives.¹²⁹ For this, the airline must use information that is provided by passengers, such as frequent flyer data, credit card details and any emergency numbers, that can be found in the computer system of the airline.¹³⁰ The airline must also provide a free telephone number where relatives can get information about whether or not their loved ones are listed on the passenger list. The telephone system must be able to handle a significant number of calls.¹³¹

According to ICAO, a coordinating organisation must be appointed by the member states because a great number of organisations and authorities are involved when providing assistance to victims and relatives. This organisation must be involved in the planning and must be called in immediately after the incident. A coordinating organisation is essential to ensure that the different organisations work together in offering the best possible assistance to victims and their relatives. This coordinating organisation can also serve as a point of contact between relatives and the authorities.¹³²

¹²⁴ Guidelines on Advance Passenger Information (API), WCO-IATA-ICAO, 2013.

¹²⁵ Point 8.1.5 of the Guidelines on Advance Passenger Information.

¹²⁶ ICAO Doc 9973 AN/486, Manual on Assistance to Aircraft Accident Victims and their Families, First Edition, 2013 and ICAO Doc 9998 AN/499, Policy on Assistance to Aircraft Accident Victims and their Families, First Edition, 2013.

¹²⁷ Point 2.7, ICAO Doc 9998 and point 3.2, ICAO Doc 9973.

¹²⁸ Point 2.18, ICAO Doc 9998.

¹²⁹ Point 2.18, ICAO Doc 9998.

¹³⁰ Point 3.3 (a), ICAO Doc 9973.

¹³¹ Point 3.3 (b), ICAO Doc 9973.

¹³² Point 2.13, ICAO Doc 9998.

In summary, ICAO states that an airline must take a passenger list on to the aircraft, listing the names of the passengers. ICAO also indicates that an airline must provide an accurate passenger list after an aircraft accident. A further description of the information that must be on such a list is not given. Only if the country of (final) destination sets requirements (for example, additional API data) those data will have to be passed on by the airline to the relevant country before departure, with the consequence that detailed passenger data will certainly be available at the airline after an accident. ICAO indicates that the accuracy of the passenger list is more important than the timely availability of this list.

Code share

In ICAO's guidelines¹³³ the following has been set down about code sharing. Under a code share agreement, an airline sells tickets under its own name for flights that are in practice operated by another airline. The airline where a ticket is bought is the contractual operator of the flight, while the flight is operated by another airline (the actual operator). In other words, several airlines offer tickets for the same flight, but under their own codes and/or flight numbers. It has also been set down in an ICAO manual that in the context of a code share flight the contractual operator must support the actual operator when assisting passengers and relatives, especially if the aircraft accident does not occur in the country in which the operator's principal place of business is located of the airline that operates the flight.¹³⁴

D.2.2 EU regulations

The most important European rules are set down in European directives and regulations. A directive must be implemented in Dutch legislation, while regulations will have immediate effect on the Dutch system of law.

Provision of passenger information

Directive 2004/82/EC of the Council of the European Union (a directive pertaining to API) applies within the European Union with regard to *incoming* flights. The objective of this Directive is to improve the border control of the European Union and to control illegal immigration to the European Union by ensuring that airlines can issue passenger data to the competent national authorities in advance, if required. Since this legislation mainly focuses on controlling illegal immigration to Europe/the Netherlands, it has been incorporated in the Netherlands in the Aliens Act 2000 (*Vreemdelingenwet 2000*).

Passenger information and assistance after an accident

On 20 October 2010, EU Regulation no. 996/2010 on the investigation and prevention of accidents and incidents in civil aviation came into force. This Regulation also contains rules on the timely availability of information regarding people on board the aircraft. Article 20 contains the following passages that are relevant to this investigation:

¹³³ ICAO Circular 269/AT/110, "Implications of Airline Code Sharing" (1997). ICAO Doc 9626, Manual on the Regulation of International Air Transport, Second Edition, 2004.

¹³⁴ Point 5.12, ICAO Doc 9973.

European Union airlines operating flights arriving to or departing from, and third country airlines operating flights departing from an airport located in the territories of the Member States to which the Treaties apply, shall implement procedures which allow for providing, as soon as possible and at the latest within two hours of the notification of the occurrence of an accident involving the aircraft, a validated list, based on the best available information, of all the persons on board (paragraph 1(a));

These lists shall be made available to the safety investigation authority in charge, the authority designated by each Member State to liaise with the relatives of the persons on board and, where necessary, with medical units which may need the information for the treatment of victims (paragraph 2);

In order to allow passengers' relatives to obtain information quickly concerning the presence of their loved ones on board a crashed aircraft, airlines shall offer travellers the opportunity to give the name and contact details of a person to be contacted in the event of an accident. This information may be used by the airlines only in the event of an accident and shall not be communicated to third parties or be used for commercial purposes (paragraph 3);

The name of a person on board shall not be made public before the relatives of that person have been informed by the relevant authorities (paragraph 4). The passenger list referred to in the first paragraph shall only be published in so far as the relatives of the respective persons on board have not objected.

In summary, the European Union requires airlines that fly from the European Union to hand over a verified list of all people on board available to the authority of an involved country within two hours after having received information that the aircraft has been involved in an accident. This list must be based on the best available information. What information the list must contain, is not specified.

Based on Article 21, paragraph 1, every EU Member State must draw up an emergency plan that is also relevant to providing assistance to victims of aircraft accidents and their relatives. The third paragraph of the same article provides that upon the occurrence of an accident, the Member State conducting the investigation, or the Member State where the airline whose aeroplane crashed is registered or a Member State that has a large number of people on board designates a consultant to act as a contact and information point for the victims and their relatives.

D.3 National regulations

The Ministry of Infrastructure and the Environment has drawn up a draft National Emergency Plan for civil aviation accidents (*concept Nationaal Noodplan voor burgerluchtvaartongevallen*),¹³⁵ including assistance to victims of civil-aviation accidents and

¹³⁵ Version of 13 March 2014.

their relatives based on Articles 21 and 23 of EU Regulation No. 996/2010 (see before). This plan has not yet been finalised and therefore is not used as such.

The objective of this emergency plan is to indicate the framework that will ensure that the consequences of an accident in civil aviation within the Netherlands are limited as much as possible. The only issue mentioned in the plan regarding an accident abroad is that the provision of information to victims and their relatives will be seen to by the Ministry of Foreign Affairs.

D.4 Internal guidelines and plans of Malaysia Airlines

Recording passenger information

As of 1 October 2008, Malaysia Airlines internally mandated that for all flights, including the flights to countries that are not API countries, in addition to the name and initials, the nationality of every passenger must be recorded in the Departure Control System.¹³⁶ Malaysia Airlines imposed this obligation to speed up the identification of passengers' nationalities in the event of any irregularities regarding a flight.¹³⁷

After the crash of flight MH17, Malaysia Airlines further expanded its internal requirements with regard to the registration of data of passengers travelling to countries that are not API countries on 24 July 2014. As of this date, passport details (nationality, passport number and date of birth) must be recorded during check-in, either manually or by swiping the passport. If this is not done at check-in, it must be done during boarding. The flight may only depart after checking that the aforementioned passport information has been recorded for all passengers.¹³⁸

Using passenger information after an incident

Malaysia Airlines' manual for dealing with emergencies¹³⁹ specifies that, among other things, digital information pertaining to a flight shall be sealed as soon as Malaysia Airlines becomes known that the aircraft is involved in an accident. Only authorised persons of the airline can access the information from this point on. The confidentiality of the information is very important. Malaysia Airlines shall supply the authorities with a provisional/unconfirmed passenger list and a list of crew members as soon as possible. Next, Malaysia Airlines shall supply an authorised passenger list to the authorities.

The verification of the passengers on board shall take place by checking passengers with a confirmed reservation, passengers who have checked in without a reservation, including passengers who were on standby, passengers who had made a reservation but did not check in, checked-in passengers who did not go on board the aeroplane and crew members who changed their work schedule. The list will be further confirmed by comparing the collected stubs from boarding passes with the names of the passengers who checked in. The passenger information can also be compared with calls that are received at the airline. Other sources of information include the booking history of a

¹³⁶ Malaysia Airlines, *Ground Operations Manual*.

¹³⁷ Malaysia Airlines, *Airport Service Notice of 18 November 2008*.

¹³⁸ Malaysia Airlines, *Airport Service Notice of 24 July 2014*.

¹³⁹ Malaysia Airlines, *Corporate Emergency Operations Manual*, September 2013.

passenger, the passenger list that also went into the aeroplane, frequent-flyer information, travel organisations, etc. A passenger list shall only be published after the relatives have been informed.

The code share agreement between KLM and Malaysia Airlines includes the provision that both parties shall collaborate closely in the event of a crisis when organising the care of victims and their relatives and dealing with the authorities, press and media.¹⁴⁰

D.5 National crisis management legislation and regulations, guidelines and agreements

The following laws and regulations and manuals/guidelines are relevant to answer the question from which contexts parties act with regard to the process of informing the relatives of victims of a disaster or crisis, especially an aircraft accident, about the fate of their loved ones. An explanation of the parties involved can be found in Appendix C.

*National Manual on Decision-making in Crisis Situations in the Netherlands (Nationaal Handboek Crisisbesluitvorming).*¹⁴¹

The outlines of the crisis management policy and the system pertaining to the crisis organisation of the central government are recorded in the National Manual on Decision-making in Crisis Situations. It broadly explains the powers, responsibilities and core tasks of the most important actors within the national crisis structure. It applies to all (impending) crisis situations that require an inter-departmentally coordinated action from central government.

Each ministry takes measures to deal with disasters and crises in its own policy area. To do so, each ministry has a departmental crisis coordination centre (DCC). The DCC is the manager within the ministry with regard to crisis management. If an incident has national repercussions and multiple ministries are involved in the plan of action, the national crisis structure can be activated. The outlines of the crisis organisation at the national level, in principle consisting of the Advisory Team, the Interdepartmental Crisis Management Committee (ICCb) and the Ministerial Crisis Management Committee (MCCb), are explained in Section 4.2.¹⁴²

In addition to the Prime Minister and the Minister of Security and Justice, the ministers of the ministries involved in the incident participate in the MCCb (which may also include other parties). The chair of the ICCb as well as an official representative at the level of the Director-General or Secretary-General of the ministry that is most strongly involved participate in the MCCb as permanent advisors.

¹⁴⁰ Annex 29.1 under 1.4 Minimum Emergency Response Requirements & Procedures MAS/KLM Alliance Agreement.

¹⁴¹ This manual was adopted by the Council of Ministers at the same time as the decree establishing the Ministerial Crisis Management Committee that came into effect on 25 April 2013.

¹⁴² The structure is flexible, if need be, as was the case in the aftermath of the crash of flight MH17. The advisory team was not set up during the crisis.

The ICCb includes the following members:

- the National Coordinator for Security and Counterterrorism (NCTV),¹⁴³ permanent chair;
- senior adviser, Ministry of General Affairs;
- representatives at the level of the Secretary-General, the Director-General or the Inspector General of the ministries most closely involved (delegates representing their minister) and up to one advisor.

In theory, the following (full) crisis organisation may occur:

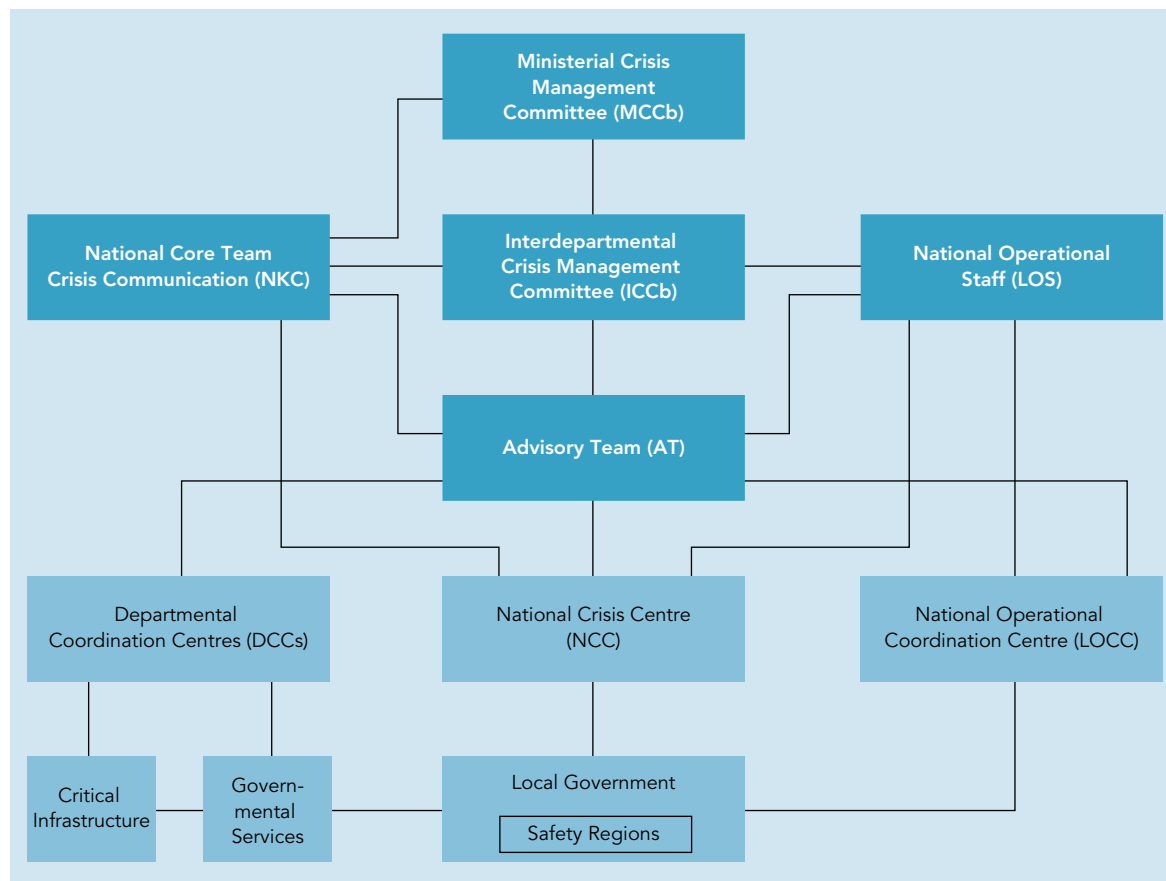


Figure 10: Diagram of the national crisis organisation in the Netherlands. (Source: National Manual on Decision-making in Crisis Situations)

In the event of a crisis abroad that may have an effect on the Netherlands (like a threat, problems with public order or the involvement of society in case there are many victims), the Ministry of Security and Justice, along with other ministries for specific sectoral measures, is responsible for the measures to be taken in the Netherlands.

The Ministry of Foreign Affairs is the ministry responsible for the handling of consular tasks when Dutch nationals have been (or may have been) affected by a disaster, accident or crisis abroad. This responsibility is further explained in Chapter 4 of this report.

¹⁴³ The Minister of Security and Justice is the coordinating minister with regard to crisis management. The Minister is also in charge of strengthening national security in close collaboration with the other ministries. The National Coordinator for Security and Counterterrorism fulfils this coordinating task of the Minister.

The manual also describes the three roles that the central government can fulfil in the event of a crisis: to facilitate, to navigate and to steer. When central government facilitates, it supports the responsible authorities at the request of the authorities or on its own initiative. This may involve, for example, providing resources, expertise, advice, information or knowledge, or providing opportunities for harmonisation and coordination between parties. The responsibility for the crisis approach will continue to be solely that of the authorities for which facilitation services are being provided.

Central government may navigate in a situation in which some form of coordination and/or incentive for clarity with regard to management and coordination is desired or required. This is realised through an urgent advice from central government to one or more safety regions or municipalities. Regardless of the GRIP level, central government can provide urgent advice at the request of the authorities or on its own initiative that aims to lead to a joint crisis approach and/or to unite different interests. The advice can relate to one or more aspects of the crisis approach. The authorities may depart from the central government's advice only with good reasons.

Central government can steer one or more aspects of the crisis approach by giving instructions and/or by declaring GRIP Rijk¹⁴⁴ effective. Central government (in the person of the competent line minister) can give an instruction to the involved parties if, for example, they ignore its urgent advice on the crisis approach. If a (binding) instruction is given, central government does not assume responsibility for the execution, but enables the involved parties to execute it.

*Safety Regions Act (Wet veiligheidsregio's)*¹⁴⁵

The Safety Regions Act integrates firefighting, emergency response, crisis management, and emergency medical services at the regional level. The mayor has the supreme command in case of a disaster or serious fear of its occurrence. Those who participate in disaster response are under his command. The Dutch territory is divided into regions. The mayor and aldermen of the municipalities that belong to a region use a common system, in which a safety region is set. The administration of a safety region is, among other things, charged with organising the emergency response and crisis management and to provide the control room function. The administration of the safety region will lay down a crisis plan at least once every four years, in which in any case the organisation, the responsibilities, the tasks and competences are described within the framework of disaster response and crisis management. If a disaster or crisis of regional significance occurs, or if there is a serious fear that it will ensue, the chair of the safety region will have the highest command for disaster and crisis control in the municipalities involved.

The underlying Safety Regions Decree (*Besluit veiligheidsregio's*) describes the specific requirements that the disaster response organisation must meet. Within the framework of this investigation during which the registration/collection of passenger information and the informing of relatives were examined, Article 2.3.1 of the Decree is relevant.

¹⁴⁴ For more information about the coordinated regional incident response procedure (GRIP), see Chapter 4, 'Scaling-up and GRIP system'.

¹⁴⁵ Act dated 11 February 2010, see Sections 5, 8, 9, 10 and 16.

This determines that the municipality must appoint a Population Management team that will have five tasks:

1. providing information to the population;
2. providing assistance and care to the population;
3. providing aftercare for the population;
4. registering victims;
5. registering cases of damage.

Schiphol Crisis Response Plan (Crisisbestrijdingsplan Schiphol, CBP-S)

The Schiphol Crisis Response Plan¹⁴⁶ fits in with and is a specific elaboration for Schiphol of the Regional Crisis Plan for the municipalities and emergency services of the Kennemerland Safety region. The plan describes the multidisciplinary organisation of the disaster response and crisis management at Schiphol. The plan describes who is responsible for what, and how it is assured that all emergency services involved deal with a crisis or disaster at Schiphol in the same manner.

One of the scenarios in the CBP-S (version of 1 February 2014) is the “aircraft accident outside the Kennemerland Safety region” scenario. This scenario is to be used, among other things, in the event of aircraft accidents outside the Netherlands if Schiphol is the arrival or departure point. It describes that in this scenario, among other things, the crisis organisation shall be scaled up to GRIP 2 and that the Operations Team¹⁴⁷ and the Regional Crisis Communication Action Centre will be put on full alert.

Within the context of the process of receiving and recording victims/relatives, the formal responsibility lies with the Municipality of Haarlemmermeer. The updated Population Management Sub-plan came into effect in Kennemerland on 30 June 2014 (see below).

Kennemerland Population Management Sub-plan (Deelplan Bevolkingszorg)¹⁴⁸

The Population Management Sub-plan of the Kennemerland Safety Region is part of the Regional Crisis Plan of the safety region. The updated plan came into effect on 30 June 2014, more than two weeks before the crash of flight MH17. The mayor (or chair of the safety region in case of a disaster or crisis of regional significance or a serious fear of its occurrence) is ultimately responsible for the reception and care of relatives who come to Schiphol. With regard to this matter, the new sub-plan also delegates tasks to the airline and airport. Within the framework of collecting passenger information about Dutch victims of the crash of flight MH17, the following tasks are relevant to the municipality:

- Immediately after the incident, based on consultation with the airport, assessing the need for aid and the capacity of the airline, and determining which population management processes must be started. In a GRIP situation (GRIP 2 or higher), the officer on duty for population management controls the population management

¹⁴⁶ Version 1.9 of the Schiphol Crisis Response Plan applied during the crash. This had come into effect on 1 February 2014.

¹⁴⁷ See Appendix C for the composition of the Operations Team.

¹⁴⁸ Version 1.9, which came into effect on 30 June 2014, more than two weeks before the crash of flight MH17. The allocation of responsibilities was adjusted in this sub-plan. Additional tasks related to reception and care have been assigned to the airline and the airport. The Municipality of Haarlemmermeer plays a supporting role in this respect.

processes. Whether population management is required will depend on the situation. One of the population management processes in the sub-plan is the process of informing relatives. This process aims to inform relatives of non-self-reliant victims about the situation of their loved ones. They are informed actively.

- Acting as a safety net to determine and offer the required assistance (in cooperation with the airline involved and Schiphol) if the airline involved (and the handling agent of this airline) does not have the capacity for this.
- If required, informing relatives of affected passengers through the national front and back office of the victim information system SIS. Relatives will be supported within this context when contacting the SIS, if necessary.¹⁴⁹
- Informing relatives (about the process) on site by/through the Regional Crisis Communication Action Centre in the context of public information provision (or taking responsibility for this).

In case of a fatality, the police will notify the relatives and provide them with further guidance (regarding the conduct of the police investigation, if applicable).

Police Act (Politiewet)

In addition to keeping public order and investigating crimes, the police also has the task of collecting information for the identification of victims. With a large number of victims, or in complex cases, the LTFO is deployed.

The Royal Netherlands Marechaussee is responsible for policing duties at airports. In addition to its role in the crisis organisation, the Royal Netherlands Marechaussee - under the authority of the Public Prosecutor - also has an independent task within the framework of criminal investigations, for example into the cause of an aircraft accident. Victims, relatives and bystanders may be registered for the investigation. After all, they can be eyewitnesses or even potential perpetrators.

Departmental Manual for Crisis Management of the Ministry of Foreign Affairs (Departementaal Handboek Crisisbeheersing Buitenlandse Zaken)

The Departmental Manual for Crisis Management of the Ministry of Foreign Affairs sets down the method of operation for the Ministry in the case of a (imminent) crisis. It clarifies the roles, responsibilities and competences within the crisis organisation of Foreign Affairs and the position of the Ministry within the national crisis structure. In addition, the manual offers practical guidelines in the area of crisis communication, teams and documentation. The manual fits in with the National Manual on Decision-making in Crisis Situations and is intended for all employees of the Ministry of Foreign Affairs who are involved in the Ministry's crisis organisation in some way.

The Ministry of Foreign Affairs is responsible for the Dutch response in the event of crises abroad. This means that, if Dutch nationals are potentially affected by a disaster, accident or crisis abroad, the Ministry of Foreign Affairs is responsible for handling the resulting (consular) activities. The measures to be taken in the Netherlands fall under the responsibility of the Ministry of Security and Justice while other ministries are responsible for specific sectoral measures.

¹⁴⁹ For more information about the victim information system SIS, see Section 4.5.1 of this report.

Within the Ministry of Foreign Affairs crisis management is viewed as a line responsibility. This means that when units and employees are deployed in crisis situations, this must fit in with the existing allocation of specific responsibilities, competences and external contacts as covered in the line under normal conditions. This is why the manual assumes the daily routine and available network.

If a crisis (or imminent crisis) should exceed the responsibilities of one department or should lead to specific risks for the Ministry of Foreign Affairs, a crisis meeting can be set up. The decision to set up a crisis meeting will be taken by the deputy Secretary-General or the central crisis coordinator.¹⁵⁰ The tasks of the crisis meeting will include the following:

- form a picture and an opinion of the situation;
- elaborating scenarios;
- taking all the required decisions in relation to the crisis response of the Ministry of Foreign Affairs (for instance regarding the deployment of the crisis telephone team and possible interdepartmental scaling up);
- present important decisions to departmental management;
- identifying information gaps;
- defining frameworks for (public) information provision and communications.

The central crisis coordinator is the chair of the crisis meeting. He/she coordinates the full crisis response and acts as the point of contact for all involved departments and missions with regard to the crisis.¹⁵¹ The involved departments of the Ministry are responsible for their own domains. The duties of the central crisis coordinator will include:

- deploying the crisis telephone team;
- coordinating the deployment of the LTFO in consultation with the Consular Affairs and Migration Policy Department (*Directie Consulaire zaken en Migratie*);¹⁵²
- coordinating the provision of information and/or the advice to the officials at the highest administrative and political level;
- taking responsibility for providing information to all involved parties;
- taking care of the alignment with, information requests and information provision to the NCC, the institutions involved and the crisis coordinators of the other ministries;
- ensuring the preparation for meetings of the MCCb/ICCb.

The Secretary-General or his/her deputy is responsible for, among other things, authorising the deployment of the crisis telephone team, participates in the ICCb if required and presents decision points and recommendations to the Minister.

¹⁵⁰ This can occur on their own initiative, at the instruction of the Minister, the Secretary-General or his or her deputy, or if the NCC appeals to the Ministry of Foreign Affairs in the context of its interdepartmental coordinating role.

¹⁵¹ If a crisis concerns more departments or has such a scope that the capacity of the responsible department is not sufficient, the central crisis coordinator will take charge of the central coordination.

¹⁵² For the identification of victims, the LTFO of the National Police may be deployed if the local authorities are not able to do this (or are not expected to be).

The Minister of Foreign Affairs decides on points presented by the Secretary-General, his or her deputy or by the central crisis coordinator. He or she then informs the Minister of Security and Justice about the state of affairs and participates in the MCCb if required.

During a crisis, the Ministry of Foreign Affairs has a pool of approximately 100 employees trained specifically, who can be called in quickly if there is a large demand for information by telephone in relation to a crisis. The Ministry opens a special public information number for the crisis telephone team. The relevant department (usually the Consular Affairs and Migration Policy Department) will manage the deployment of the crisis telephone team. The role of the missions abroad during a crisis entails, among other things, ensuring the timely and regular provision of information towards the department.

Releasing names of victims abroad, draft protocol (conceptprotocol Vrijgeven namen slachtoffers in buitenland)

This draft protocol is compiled in 2012 by the NCC together with the Dutch Society of Mayors (*Nederlands Genootschap van Burgemeesters*) following the aircraft accident in Tripoli. The reason why this document was compiled is that mayors in the Netherlands want to know as quickly as possible which of their residents may be involved in an accident. This will ensure that they can assist the involved families as a 'community father figure' and help the local community during the grieving and coping process. The document aims at formulating the preferences and agreements related to releasing names during incidents abroad clearly and, as far as this may be possible, recording these preferences and agreements. The document contains general principles, an overview of the parties and roles/responsibilities involved, and an overview of the steps to be taken in the event of a major incident abroad that involves Dutch nationals.

The draft protocol states that finding the most up to date passenger list is extremely difficult. It is also possible that multiple lists are in circulation - or no lists at all. This is a given during the entire process. That is why work is performed based on a list of missing people. According to the draft protocol the LTFO draws up this list during the identification procedure, which is performed with the greatest care and therefore requires more time. The list of missing people is based on probability, and is not a publicly established list. By making this list available early insight in the possible victims is provided.

The draft protocol also indicates that the Ministry of Foreign Affairs itself compiles a list of missing people based on the reports that the Ministry has received. The local authorities also keep track of a list of missing people. When these two lists are compared with each other, the list of missing people of the Ministry of Foreign Affairs is more authoritative. As soon as the LTFO is deployed, the list of missing people as drawn up by the LTFO is - and will continue to be - a 'working list'. Only after the identities of all victims have been determined, the validity of the list of missing people that was used, becomes clear. Therefore, as stated in the draft protocol, no single authority can vouch for the list of missing people.

The responsibility for the list of identified victims will depend on the situation. Abroad, this will be the competent authority, of which the Ministry of Foreign Affairs indeed expects to receive confirmation. If the LTFO is deployed for the identification, the head

of the LTFO in fact ensures that there will be a validated list of identified victims. Formally, the LTFO will draw up an official identification report for each individual victim. In the Netherlands, the Public Prosecutor will take possession of the victim's body. The Public Prosecutor is responsible for the identification of the individual victims, but not for compiling the victim list.

The draft protocol states that the list of missing people is a working list. It is recommended to always emphasise the following points when communicating about the list of missing people:

- the list of missing people is a possible list of missing people and is not necessarily complete;
- the purpose of the list of missing people is to inform the relatives of those who are missing and the mayors of the domiciles of the missing people;
- the list is emphatically not intended for publication (to the general public or media);
- the public administration must only issue information about fatalities that has been confirmed.

The draft protocol describes the organisations that take action when a fatal incident abroad occurs involving Dutch nationals, namely the Ministry of Foreign Affairs, the Ministry of the Interior and Kingdom Relations, the Ministry of Security and Justice (depending on the incident, the deployment of the NCC or LTFO may be required), a combination of emergency centres/travel organisations, the Dutch Society of Mayors, Victim Support the Netherlands and the media. The described roles of these parties are generally in line with previous descriptions in this report and its appendices. A few parties that may have a role to play in relation to an aircraft accident involving an aircraft departing from or heading towards a Dutch airport with many Dutch nationals on board are missing in the draft protocol. Parties such as the airline, the Royal Netherlands Marechaussee and the safety regions are not part of this protocol.

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