



Australian Government
Department of Foreign Affairs and Trade

16 August 2019

Ms Julia Morris
Committee Secretary
Joint Standing Committee on Treaties
Parliament of Australia

Dear Ms Morris

Thank you for your letter of 30 July advising that the Joint Standing Committee on Treaties has resolved to use evidence previously provided to complete its review into the *Treaty between Australia and the Kingdom of the Netherlands on the Ongoing Presence of Australian Personnel in the Netherlands for the Purpose of Responding to the Downing of Malaysia Airlines Flight MH17* (the MH17 Treaty) and seeking updated advice on the treaty action.

I confirm the evidence previously made available to the Committee remains accurate and am pleased to offer additional information on the Treaty action.

The Government exercised the National Interest Exemption to bring the MH17 Treaty into force on 28 June, prior to the Committee's re-establishment following the 2019 Federal election. This enabled the Treaty to take effect before the 30 June expiry of an earlier agreement it replaced. It also ensured the continuation of the legal framework under which Australian Federal Police (AFP) personnel are deployed in the Netherlands and contribute to the work of the MH17 Joint Investigation Team (JIT).

On 19 June, the JIT announced the indictment of four individuals for their alleged roles in the downing of MH17. This represented an important step towards justice and accountability for the victims of the downing, including the 38 who called Australia home, and their loved ones. Prosecutions of these individuals are expected to commence in a Dutch court in March 2020. The JIT's work is ongoing and further indictments cannot be ruled out.

AFP personnel deployed to the Netherlands under the Treaty continue to make a significant contribution to the Australian Government's objectives to pursue truth, justice and accountability for the downing of MH17.

I trust this information is of assistance.

Yours sincerely

Ben Milton
Assistant Secretary, International Law Branch