

OPENING HEARING 2 NOVEMBER 2021

WITNESS STATEMENT OF JEROEN AKKERMANS

On the case of Stan Storimans

1. My name is Jeroen Akkermans. I am a Dutch television journalist at RTL. Since 2001, I have been a correspondent in Berlin. In 2008, my colleague and cameraman Stan Storimans and I travelled to Georgia to report on the 5-day war between Georgia and Russia. On the last day of the war, Stan and I travelled to Gori. The town was situated 20km behind frontlines and had been evacuated for fear of a Russian invasion. Stan and I tried to interview people who stayed behind in the ghost town.

2. A Russian Iskander missile was fired from a launch position on Russian territory into the center of a deserted city, with no military objects in the vicinity. The missile carried a cluster bomb warhead. Numerous explosions of metal fragments killed Stan and eleven Georgian citizens.

The pursuit of justice for Stan Storimans

3. Thirteen years later, the Courts still have not prosecuted any of the perpetrators, despite the fact that the evidence in our case is exceptionally strong. First of all, the perpetrators used an exclusive murder weapon, undisputedly belonging to Russian armed forces. The attack was registered by five security cameras around the square. Because of the weapon used, remnants of the missile on the crime site and registration on tape, we know for sure who is behind the attack: The 630th Iskander Training Separate Missile Battalion, based in the town of Znamensk at the Kapustin Yar missile test site.

4. In August 2008, the Dutch government conducted an official investigation in Gori ('Annex 1'). They confirmed that only the Russian army could have been responsible, because of the use of the 'exclusive' Iskander missile.

5. During the war, Georgia already filed its own inter-state case against Russia at the European Court of Human Rights. This case functions as an umbrella case for the individual applications

against the Russian State from the relatives of the Georgian victims, the relatives of Stan Storimans, my Israeli colleague Zadok Yechezkel and me. The individual cases still remain undecided, but the Court took a decision in the inter-state case in January 2021.

6. The Court concluded that it saw “no effective control” over the warzone in Georgia during “the active phase of war”, saying that “in the context of chaos” there was no form of “State agent authority and control” over individuals.

7. Consequently, the Court will consider violations of the Convention of Human Rights committed by the Russian Defendant only after the preliminary peace deal was signed by Russia and Georgia, noon August 12th. The victims on the square were killed 75 minutes earlier, which means that the Court will not take the Iskander attack into account.

8. During a public hearing in the same inter-state case at the Court for Human Rights, the Russian delegation denied the Iskander attack, simply by suggesting that the remnants on the crimesite were in fact stolen, by the Georgians and Americans, from the missile test area in Russia, about 1000 kilometers away from the crime site in Georgia. All just to frame the Russian army for the killings.

9. Despite the evidence on the table, the prospects of the case at the Court for Human Rights in Strasbourg look bleak. This is not only disappointing for our case, but also for cases to come. The ruling is setting a dangerous precedent. When even a war crime registered live on camera can be denied justice, it seems to signal that justice for victims of war is virtually impossible. Also the International Criminal Court looked into the case. It opened an investigation into possible violations during the war in Georgia, but only in 2015. It has already been signaled that this case will not bring justice for the victims of the Iskander-attack any closer, either.

10. This means that the denial seems to have worked fine for the Russians. Their defense strategy proved effective from the beginning. Back in 2009, the Russian President Medvedev, announced a Russian counter-investigation, to overthrow the “wrong” conclusions of the official investigation done by the Dutch government in 2008. But the Russian counter-investigation never materialized. Four years after the promise made by his predecessor, President Putin told the Dutch Prime Minister Rutte that the case of Stan Storimans was closed, as far as the Russian President was concerned.

11. I do not think it is up to a President to close a case. Only a Court can do this. But as the years drag on, a case understandably disappears from the public agenda. The fundamental problem is that justice is often seen as a bottle of milk; with an expiry date. But no, without justice being done this case is not over. We must therefore continue the fight. If we allow the perpetrators to kill and avoid justice, they'll kill again.

I confirm that the facts stated in this witness statement are true.

Date and Place: **Berlin, 29 October 2021**

Name witness and signature: **Jeroen Akkermans**

ANNEXES:

Annex 1: Verslag onderzoeksmissie Storimans (2008), Report Dutch investigation mission conducted in Gori. <https://zoek.officielebekendmakingen.nl/kst-31595-2-b1>

Annex 2: Georgia v. Russia, ECtHR judgment (2021), Judgement by the European Court of Human Rights, appl. no. 38263/08, <http://hudoc.echr.coe.int/fre?i=001-207757>