

OSSIGENO PER L'INFORMAZIONE / DOSSIER

# Wars, journalists killed and impunity

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**THE ANDREA ROCHELLI AFFAIR.  
THE ISSUE OF IMPUNITY FOR THE KILLING  
OF JOURNALISTS IN WAR ZONES  
AND CRISIS AREAS**

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for crimes against journalists (IDEI)

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OSSIGENO PER L'INFORMAZIONE

# Wars, journalists killed and impunity

THE DEATH OF THE FOTOREPORTER ANDREA  
ROCCELLI, KILLED IN UKRAINE DURING  
THE CONFLICT IN 2014 BETWEEN THE UKRANIAN  
MILITARY AND THE RUSSIAN BACKED  
SEPERATISTS

THE ACCOUNTS OF THE CRIMINAL TRIAL THAT  
SENTENCED TO 24 YEARS  
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ENROLLED IN THE UKRANIAN NATIONAL  
GUARDTHE APPEAL TRIAL

THE ISSUE OF IMPUNITY FOR THE KILLING OF  
JOURNALISTS IN WAR ZONES AND  
CRISIS AREAS

## “THEY SOUGHT THE TRUTH”

This dossier is part of the project “Cercavano la verità” (“They sought the truth”) [giornalistiuccisi.it](http://giornalistiuccisi.it), the portal that collects the stories of thirty Italian journalists killed by mafias, terrorism and in conflicts abroad. More than a simple archive, it is a tool at the service of collective memory, so that life histories, publications and the tormented path of justice are passed on in order to identify and punish individuals responsible for the deaths of those who sacrificed their lives to honour the right and duty to be informed.

Telling thirty individual stories one by one, “Cercavano la verità” tells really only one story: that of journalists united by a boundless passion for the profession of journalism and a civic commitment to the search for truth. “Many stories, one unique story: They sought the truth” is also the slogan with which Ossigeno has been distributing “The Memorial Panel” since 2014, depicting their faces and names. ([Read here](#)).

The project also intends to keep attention focussed upon the importance of more actively protecting the safety of journalists and protecting the right of information also on a judicial level to reduce the almost absolute impunity of those who deliberately hinder this right which is fundamental for democracy.

THIS DOSSIER IS PUBLISHED ON THE 2nd NOVEMBER 2020,  
ON THIS YEAR'S INTERNATIONAL DAY TO END THE IMPUNITY FOR  
CRIMES AGAINST JOURNALISTS (IDEI)

Whoever wants to know why in 2019 Italian judges sentenced Vitaly Markiv, an Italian citizen of Ukrainian origin, to 24 years in prison, for complicity in the pre-meditated murder of the Italian photojournalist Andrea Rocchelli, must read this dossier.

It contains a brief and schematic summary of the affair and a presentation of the people involved, and it goes on to present extensive and detailed reports of all the hearings of the criminal trial held in 2018-2019 at the Court of Assizes in Pavia which concluded with this verdict of great significance. This dossier also contains the reports of the first four hearings of the appeal trial that is taking place at the Palazzo di Giustizia in Milan from the 29th September 2020.

## THE GENERAL QUESTION

The collection of Ossigeno's articles provides the most accurate, objective and complete journalism account of this trial. At the same time it provides useful information for reflecting on a general question that is not new, but still does not have comprehensive answers. That is the following: why, how, with what difficulties and to what extent does the judicial authority of a country have the duty and the possibility to ascertain and punish the criminal responsibility for the killing, in another country, of a reporter intending to peacefully do his work as a witness of the reality in war zones and in areas of serious conflict.

## WARS AND COLLATERAL DAMAGES

Usually the murder of civilians and journalists in war zones is treated as collateral damage, unpleasant but inevitable and as such not punishable. Other times, more rarely, it becomes the subject of investigations and judicial inquiries and gives rise to a process that encounters all sorts of obstacles: misdirection, cover-ups, political or diplomatic vetoes and official state secrets.

Rarely do judges ascertain individual responsibilities that can be prosecuted. More typical, for example, is the sad and disappointing progress of the proceedings begun in Italy to discover those responsible for the killing of Ilaria Alpi and Milan Hrovatin, of Antonio Russo, Vittorio Arrigoni and of many other journalists.

It is often declared "*This is war!*" implying the rest of the sentence: "so no one can be blamed". But this facile justification is not always acceptable. Does it apply to justify those who kill unarmed civilians? For whoever does it knowingly? For those who do not take all possible precautions to avoid the death of defenceless citizens? Certainly not and, even more so, war (i.e. nobody) should not be blamed for the death of a journalist killed by one or more soldiers, killed as an inconvenient witness to circumstances that they want to hide, for example to cover up negligence or criminal behaviour or even war crimes. But who can ascertain responsibility for this and how?

## THE EXAMPLE OF PAVIA

The Pavia trial provides an example of what can be done and where one can reach with the current legislation. It has shed a light on these questions. It is regrettable that so far the press and international institutions have not paid due attention to it. Ossigeno hopes they will do so soon and invites them to make use of this unique documentation, as well as Ossigeno's powerful tools. Listing the names of journalists killed in war zones and crisis areas, publishing annual statistics on journalists killed are a laudable activity that rouses the public conscience. But that is not enough.

## BUT IF THE NEWSPAPERS DO NOT FOLLOW THE TRIALS

For the above reason, at the urging of the OSCE Head of Media Freedom, Harlem Desir, Ossigeno paid special attention to this criminal trial from the very beginning. Ossigeno has used its own resources, which come exclusively from voluntary donations, to produce and publish the reports collected in this dossier. It decided to do so after determining that no media would provide timely, comprehensive and continuous news coverage on the conduct of the hearings, as indeed happened, with the positive exception of Radio Radicale. Ossigeno therefore entrusted the journalist Giacomo Bertoni with the task of following all the hearings of the first instance trial. His comprehensive reports provide exhaustive information on the reasons for the public prosecution, the defendants' defence counsel, family members and friends of Andrea Rocchelli and on the decisions of the judges. This special coverage was made possible by Ossigeno per l'Informazione in collaboration with the Order of Journalists of Lombardy and with the newspaper La Provincia Pavese.

In 2019-2020 Ossigeno has decided to continue ensuring the same timely news coverage for the appeal trial taking place in Milan.

## PEOPLE AND FACTS IN BRIEF

### WHO WAS ANDREA ROCCELLI, GLOBETROTTING PHOTOGRAPHER

Andrea Rocchelli, “Andy” to friends and family, was 30 years old. He was a brilliant photographer and a courageous freelance professional photojournalist. His life and his activity are reconstructed in the online archive of Ossigeno “Cercavano la verità” [giornalistiuccisi.it](http://giornalistiuccisi.it) which collects stories, photos, videos, documents, articles and testimonies on each of the 30 Italian journalists killed since 1960 because their work.

### HOW DID HE DIE

Andrea Rocchelli, born in Pavia on the 27th September 1983, was killed in Eastern Ukraine on May 24, 2014 while, for his work as a reporter, he visited an area of Donbass which for months had been disputed between government forces and Russian-backed separatist groups. That day he boarded a taxi near Sloviansk, along with two colleagues and friends; French photojournalist William Roguelon and Russian activist and journalist Andrei Mironov. The latter was killed along with Andrea Rocchelli.

## WHY DID HE FIND HIMSELF IN AN AREA OF ARTILLERY FIRE?

To collect and publish information on some serious ill-treatment and unjustifiable violence inflicted on the civilian population by the military engaged in the conflict and document the facts with photos and video footage. The three were in civilian clothes and unarmed.

## WHERE WAS HE AND WHO WAS HE WITH WHEN HE WAS HIT

Rocchelli, Mironov, Roguelon and their taxi were in front of Karachun Hill when they were hit by mortar rounds which caused serious injuries to each of them. Andrea Rocchelli and Andrej Mironov died and only William Roguelon survived.

## MARKIV: ACCUSED OF THE DEATH OF ROCHELLI

Based on judicial findings, the Italian judiciary accused an Italian-Ukrainian citizen, Vitaly Markiv, acting in concert with others, of causing the death of Andrea Rocchelli. In 2014, when the crisis that shook the eastern borders of Europe broke out in the Donbass, Vitaly Markiv was 25 years old. He had left Italy, moved to Ukraine and joined the Ukrainian National Guard as a volunteer, participating in military operations against the separatists.

## WHY, SINCE 2017, HAS HE BEEN HELD IN ITALY

The judiciary issued an arrest warrant against Vitaly Markiv which was carried out on June 30th 2017, at Bologna airport, when he returned from Ukraine to visit his mother. Since then he has been detained awaiting trial, currently in the prison of Opera about 10 kilometres south east of Milan.

## THE TRIAL TO DETERMINE HIS RESPONSIBILITIES

In September 2018, the trial against Vitaly Markiv, accused of murder, began at the Court of Assizes in Pavia. He has always denied any responsibility for the death of Andrea Rocchelli.

## 24 YEARS IMPRISONMENT - THE FIRST DEGREE SENTENCE

The Court of Assizes of Pavia, on the basis of the evidence and testimonies collected, on the 12th July 2019 found Vitaly Markiv guilty of complicity in murder, precisely for the death of the Italian photojournalist and sentenced him to 24 years in prison. Vitaly Markiv has appealed against the sentence.

## WHY WAS MARKIV FOUND GUILTY

According to the Pavia judges, Vitaly Markiv was at his post on the Karachun hill from where mortars were launched. He did not personally fire the mortar rounds but "cooperated and contributed

materially to help those who did fire them hitting civilians who were in civilian clothes and without any weapon".

## THE UKRAINIAN ARMY OFFICER ON TRIAL

The Court of Assizes of Pavia, on the proposal of the prosecuting magistrate Andrea Zanoncelli, decided to prosecute also for complicity in murder Bogdan Matkivsky, platoon commander at the time, who had testified at the trial.

## OSSIGENO: THE VERDICT AND THE IMMUNITY OF WAR

The director of Ossigeno per l'Informazione (Oxygen for Information), Alberto Spampinato, defined the sentence as an important development that breaks "the long chain of impunity for the killing of hundreds of journalists in war zones". [Read](#) his comment here.

Andy Rocchelli's mother said that this was a "very important judgement in the first instance for Andy, for us, for all journalists who work in war situations". The Italian National Press Federation and the Lombard Association of Journalists, who were civil parties in the trial, expressed satisfaction.

## THE UKRAINIAN PRESIDENT ZELENSKY

In September 2019, the newly elected president of Ukraine, Volodymyr Zelensky expressed to the Italian Prime Minister Giuseppe Conte his "concern over the unjustifiably harsh sentence", and hoped for a review on appeal. Members of the Ukrainian community in Italy followed the hearings to express support for and solidarity with the accused.

## THE APPEAL TRIAL IN MILAN

The appeal trial regarding Vitaly Markiv and the Ukrainian officer began at the Palazzo di Giustizia in Milan on September 29th 2020. At the first hearings, the public prosecutor, the relatives of Andrea Rocchelli and the other civil parties asked the Court to confirm the Pavia sentence. Whilst instead, the defence counsel of the accused and the Kiev authorities asked for the full acquittal of Vitaly Markiv for not having committed the crime. The Deputy Attorney General recalled, among other things, the alarm raised by OSCE precisely on the eve of the killing of Andrea Rocchelli that in the previous months, 300 acts of violence against the media had been recorded

## A WIRETAP IN PRISON

Among the evidence in the appeal trial process there is a phrase recorded in 2017 in the Pavia prison. Among other things, Vitaly Markiv allegedly said: "We fucked a reporter but he was ...". The court ordered a new transcript which gave a different version. The Court advised the Prosecutor's Office to open an investigation into an alleged crime of threatening the interpreter who performed the first transcription.

## THE FIRST ROUNDS OF THE APPEAL TRIAL

Arsen Avakov, Ukrainian Interior Minister, and Lyudmila Denisova, High Representative for Human Rights in Ukraine, were present in the audience at the first hearing. Avakov told Ossigeno: "The Pavia sentence was emotional, not based on all the evidence gathered. Our soldier was unjustly accused and Ukraine does not abandon its soldiers".

# THE OSSIGENO SPECIAL COVERAGE

## OF THE TRIAL FOR THE

### KILLING OF ANDREA ROCCELLI

*The articles are listed in chronological order. Click on the title to read the full text. They are also available on [www.ossigeno.info](http://www.ossigeno.info)*

#### [Giornalisti uccisi. Iniziato a Pavia processo per la morte di Andrea Rocchelli](#)

OSSIGENO - 6th July 2018 - The Italian-Ukrainian defendant Vitaly Markiv is in court - The family members of the photojournalist join the case against the State of Ukraine

#### [Justice for Rocchelli. A fresh postponement of the trial in Pavia](#)

OSSIGENO 15th September 2018 - The trial will resume on the 23rd November. In the meantime, Ukraine will be again be notified of the request by the relatives of the Italian photo-journalist killed in Ukraine in 2014 for details relevant to the trial. There was tension outside the courtroom.

#### [Giustizia per Andrea Rocchelli. Il padre: vogliamo solo la verità](#)

OSSIGENO 20th September 2018 - The Ukrainian state is asked by the father of Rocchelli to relinquish the hypocrisies and expose the violence of 2014. For this reason the parents accept the postponement of the trial



## [“For four years we have been asking for justice for Andrea and Andrej”](#)

OSSIGENO 25 October 2018 - That was the message sent by the relatives of Andrea Rocchelli to “Ossigeno per l’Informazione” on the occasion of the International Day to put an end to impunity for crimes against journalists.

## [Processo Rocchelli. Tifoserie ucraine in azione a Pavia](#)

Ossigeno November 27, 2018 - The correspondent of L’Avvenire reports on fascist tensions and intimidation at court hearings to determine responsibility for the killing in 2014 of the photojournalist

## [Processo Rocchelli: la difesa chiede sopralluogo in Ucraina](#)

OSSIGENO NOVEMBER 27, 2018 - The duration of the trial of the person allegedly responsible for the killing of the Italian photojournalist in Donbass lengthens still further

## [Processo Rocchelli. Ci presero di mira, racconta un sopravvissuto](#)

OSSIGENO 4 December 2018 - The account by the French photojournalist William Roguelon who was in the car with Andrea

## [Processo Rocchelli. Qui non si scherza, disse Vitaly Markiv](#)

OSSIGENO 16 December 2018 - Five Italian journalists who were in Ukraine contacted him after the death of the Italian photojournalist

## [AndyRocchelli.com un sito alla memoria del foto reporter](#)

OSSIGENO 18 December 2018 - Rocchelli's story and updates on the trial underway in Pavia of the individual allegedly responsible for his death

## [Processo Rocchelli, che cosa rivelano le indagini dei Ros](#)

OSSIGENO 21st January 2019 - Photos and videos confiscated by the Special Operations Group show the accused in military clothing. His defence counsel downplays this: it's not strange; he was part of the national guard

## [Processo Rocchelli. L'imputato voleva evadere dal carcere](#)

OSSIGENO January 28th 2019 - Testimonies and opinions in Pavia at the sixth hearing of the trial in the Court of Assizes for the killing of the photojournalist

## [Processo Rocchelli. Ex comandanti difendono Markiv](#)

OSSIGENO February 12th 2019 - Former officers say: he was part of the Ukrainian National Guard, whereas the mortars were the Army's

## [Processo Rocchelli, parla il maresciallo dell' antiterrorismo](#)

OSSIGENO March 1st 2019 - "Markiv was able to shoot". The accused will be heard on March 15th and the taxi driver who took the photojournalist to the attack area on March 22nd

## [At the Rocchelli Trial Markiv speaks: I had no mortars](#)

OSSIGENO 16 March 2019 - The man accused of the Italian photojournalist's murder told the judges in Pavia that he was only there to monitor the area and raise the alarm. This report by Giacomo Bertoni was prepared by Ossigeno per l'Informazione in collaboration with La Provincia Pavese, National Union of Italian Journalists and the

Lombardy Order of Journalists.

### [At the Rocchelli trial, the defence witnesses were absent](#)

OSSIGENO 1st April 2019 - They fear retaliation or being arrested at the end of the hearing, even if the Court has ruled it out. Some of the witnesses are soldiers still engaged in war zones. This report by Giacomo Bertoni was produced by Ossigeno per l'informazione in collaboration with La Provincia Pavese and the National Union of Italian Journalists.

### [Rocchelli Trial: former Italian ambassador speaks](#)

OSSIGENO 16th April 2019 - He said that the Ukrainian authorities have never delivered detailed reports on the investigation. According to the ballistic expert many elements are missing.

### [The Rocchelli Trial: Ukrainian Minister defends Markiv](#)

OSSIGENO 21st May 2019 - "He's a war hero, he didn't do it," said the defence counsel Della Valle protesting against the prosecutor. The public in the courtroom applaud. The president clears the courtroom. This account by Giacomo Bertoni was produced by Ossigeno per l'informazione in collaboration with La Provincia Pavese, the National Union of Italian Reporters and the Order of Journalists to supplement the media reports with objective, timely, comprehensive and continuous news coverage on the conduct of the hearings.

### [The Rocchelli Trial. The Prosecuting Magistrate asks for a 17 year sentence for Vitaly Markiv](#)

OSSIGENO 21st May 2019 - In the indictment the prosecuting magistrate laid out the elements that, in his view, prove the accusation. He also requested a trial for the defendant's direct superior.

## [Processo Rocchelli. Le parti civili chiedono €1,8 milioni](#)

The civil parties' reasons were set out in the Assize courtroom by the defence counsel. Next hearing on 21st June. Judgment on the 12th July

## [“Markiv is innocent, he has always been a friend of reporters”](#)

OSSIGENO 24 June 2019 - The defence lawyer Della Valle interpreted the evidence very differently from that of the prosecuting magistrate. Conclusions to be reached on July 5th and the sentence on July 12th. This report by Giacomo Bertoni was produced by Ossigeno per l'informazione in collaboration with La Provincia Pavese and the National Union of Italian Reporters.

## [The defence: there is no evidence, sentence next Friday](#)

OSSIGENO 9 July 2019 - Lawyers asked for full acquittal of Vitaly Markiv, asserting that he is completely extraneous to the death of the Italian photojournalist

## [The pros and cons of the Pavia trial](#)

OSSIGENO 11 July 2019 - The prosecution has requested 17 years in prison for complicity in murder, the defence demands a complete acquittal. This report by Giacomo Bertoni was produced by Ossigeno per l'informazione in collaboration with La Provincia Pavese, the National Union of Italian Reporters and the Journalists Order of Lombardy to supplement the media reports with, objective, timely, comprehensive and continuous news coverage on the conduct of the hearings.

## THE DAY OF THE FIRST DEGREE SENTENCE IN PAVIA

## [Markiv guilty: sentenced to 24 years by Court of Assizes](#)

OSSIGENO 12th July 2019 - For complicity in the murder of Italian photojournalist Andrea Rocchelli in the Ukrainian region of Donbass on May 24th 2014

## [Ukrainian Interior Minister disputes the verdict](#)

OSSIGENO 15th July 2019 - “We will appeal against the conviction of Vitaly Markiv because it is unfair and shameful”, said Arsen Avakov from Kiev.

## [The Italian judges of Pavia: Do not fire at reporters](#)

OSSIGENO 15th July 2019 - Journalists going to war zones are collective witnesses that document the facts and stem the disproportionate and inhuman use of military force. Too often those who kill them go unpunished.

## [How was the conviction of Vitaly Markiv arrived at?](#)

15th July 2019 - Over a year of court sessions - the opposing arguments - the rebuttal of extenuating circumstances - the photojournalist's family - the defence counsels.

## [Ukraine. President Zelensky criticizes Markiv verdict](#)

OSSIGENO 26th July 2019 - The newly elected Ukrainian president hopes for a different outcome of the appeal trial. According to the Agi news agency the newly elected president of Ukraine, Volodymyr Zelensky, in a conversation with Italian prime minister Giuseppe Conte, expressed his “concern about the unjustifiably harsh sentence” given to former National Guard member Vitaly Markiv, sentenced by the Court of Assizes in Pavia.

## [Inchiesta video sulla morte di Andrea Rocchelli](#)

OSSIGENO 20th February 2020 - An investigative video claims to show how Vitaly Markiv sentenced in 2019 to 24 years for complicity in murder for the death of Andrea Rocchelli was unconnected with it

## [Memoria. Chi era Andrea Rocchelli. Che giustizia ha avuto](#)

OSSIGENO MAY 24th 2020 - The life and dramatic end of the Pavia photojournalist reconstructed on the Ossigeno per l'Informazione website "Cercavano la verità" (They sought the truth), together with the phases of the Pavia trial which ended with a sensational sentence. A podcast by Mario Calabresi

## THE APPEAL TRIAL IN MILANO

### [Rocchelli. Inizia a Milano processo di appello per la sua uccisione](#)

OSSIGENO - 28th September 2020 - The Italian-Ukrainian Vitaly Markiv was sentenced to 24 years in prison in Pavia for complicity in murder. The Ukrainian authorities are demanding that he be acquitted. The defence counsel asks for an inspection of the site of the incident

### [Rocchelli. La difesa di Markiv chiede di riaprire istruttoria](#)

OSSIGENO 30th September 2020 - The Court must decide on 4 requests from the defence: inspection in Ukraine, ballistic test, acquisition of a video, and use of a wiretap

### [Posta. I Radicali ci scrivono sul processo per la morte di Rocchelli](#)

OSSIGENO September 30th 2020 - The Radical party declares that its involvement in the creation of "The wrong place" video project in no way corresponds to the truth

### [Rocchelli. Perché abbiamo girato "The Wrong Place"](#)

OSSIGENO - 7th October 2020 - The journalist Cristiano Tinazzi explains in what spirit the film was made which the Milan Court of Assizes of Appeal could obtain at the

request of the defence counsel of the accused

## [Rocchelli: la Corte rivela intimidazioni a un'interprete e chiede di indagare](#)

OSSIGENO - October 1st 2020 - Complete transcription of a wiretap in which the person convicted in the first instance is alleged to have said, among other things, "We fucked a reporter" - The Ukrainian Minister declares that Markiv is our citizen

## [Processo Rocchelli. Perché Markiv è colpevole per PG e parti civili](#)

OSSIGENO - Milan, 16th October 2020 - The public prosecution and the lawyers of the civil parties explained in the courtroom why they are asking for confirmation of the first degree sentence to 24 years in prison handed down in 2019 in Pavia

## [La difesa di Markiv, non ci sono prove valide per condannarlo](#)

OSSIGENO - 25th October 2020 - The pleadings of the defence counsel of the accused and of the Ukrainian State lawyer at the fourth hearing in the Assize Court of Appeal in Milan

## [“They sought the truth” : What kind of people were these killed journalists?](#)

OSSIGENO 3rd May 2020 - The new website inaugurated by Ossigeno with the encouragement of the Commissioner for Human Rights of the Council of Europe, to make information on each of the killed journalists easily accessible

## [Giornalisti uccisi. Come ricordare i morti e proteggere i vivi](#)

In addition to keeping alive the memory of those who lost their lives seeking the truth, laws and procedures need to be changed to make the working conditions of reporters safer. The proposals of Ossigeno



OSSIGENO PER L'INFORMAZIONE

Osservatorio sui giornalisti minacciati in Italia

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Ossigeno è un acronimo: OSservatorio Su Informazioni Giornalistiche E Notizie Oscurate. Il nome richiama un concetto elementare: ogni società libera e democratica ha bisogno vitale di libertà di informazione e di espressione, come il corpo umano ha bisogno di ossigeno.

Da dieci anni documenta e analizza il crescendo di intimidazioni e minacce nei confronti dei giornalisti italiani, in particolare contro i cronisti impegnati in prima linea nelle regioni del Mezzogiorno, nella raccolta e diffusione delle informazioni di pubblico interesse più scomode e, in particolare, nella ricerca delle verità più nascoste in materia di criminalità organizzata. Dal 2006 al 2020 ha documentato e reso pubbliche oltre quattromila intimidazioni nei confronti di altrettanti giornalisti e blogger, ha realizzato rapporti per la Commissione Parlamentare Antimafia, per l'AgCom, per l'Osce, per la Commissione Europea e per altre istituzioni.

Ha fornito assistenza legale gratuita a decine di giornalisti in processi in cui avrebbero dovuto difendersi a proprie spese da accuse di diffamazione infondate e strumentali.

Ha tenuto oltre 40 corsi di formazione professionale ai quali hanno partecipato seimila giornalisti.

Per maggiori informazioni: [ossigeno.info](http://ossigeno.info)



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