

201811D05R592

International Commercial Arbitration Court under European Arbitration Chamber

Attention: sole arbitrator Dr. Rasim Orujov

Avenue Louise 146

1050, Brussels

Belgium

Research assignment:

Signature analysis

Area of expertise:

Handwriting and document analysis

NFO-casenummer:

2018/11/D05/R592

Date of application:

13 November 2018

Researchers:

Drs. P.L. Zevenbergen & Ing. J.R. ten Hove

Reporters:

Drs. P.L. Zevenbergen & Ing. J.R. ten Hove

Report date:

3 december 2018

EXPERT OPINION

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1. General

This expert opinion¹ was prepared by:

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Initials: P.L.
Position: Forensic handwriting expert

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Position: Forensic expert

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2. Expertise

The Nationaal Forensisch Onderzoeksbureau B.V. provides specialized expertise on various forensic research disciplines. The researchers, in this case, Mr. P.L. Zevenbergen and Mr. J.R. ten Hove, have been appointed as forensics experts in many criminal, as well as civil proceedings by the judicial authorities.

Mr. P.L. Zevenbergen has been active as a recognized and certified forensic handwriting expert, in this area of expertise: 'handwriting and document analysis', since 1975. Mr. J.R. ten Hove has been active as a forensic expert in this area of expertise since 2009.

The experts of the Nationaal Forensisch Onderzoeksbureau B.V. have access to advanced equipment to carry out handwriting and document research, including the VSC8000 (see appendix 6). This sophisticated equipment enables the experts to extract valuable research information from documents at issue.

¹ An expert opinion, such as prepared in this case, is a compact form of reporting on the requested investigation.

3. Introduction

The client, International Commercial Arbitration Court under European Arbitration Chamber, represented herein by the sole arbitrator Dr. Rasim Orujov, requested the Nationaal Forensisch Onderzoeksbureau B.V. on November 13th 2018, to conduct a signature analysis by the Procedural order No. 6 dated November 13th 2018.

The disputed signature, which could be examined in the original deposition, is shown under point [4] in mounted form. The source document in which this signature is shown has been added as Appendix 1. A representative part of the reference material provided is shown as Appendix 2.

It has been noted in advance that certain passages and text fragments of a more or less contemplative nature in the following description, are derived from standards applicable within the professional group and agreements made regarding the method of reporting in handwriting analyses².

4. Research question

The request was to examine whether the signature below, apparently the signature of Mr. Stadnyk Mykhaylo Vasylyovych, on a document entitled 'Contract for provision of legal services', is or is not the authentic signature of Mr. Stadnyk Mykhaylo Vasylyovych.



Disputed signature

5. Research material

On 15 November 2018, Mr. Roman Protsyshyn made a great number of documents available for the investigation. A list of the documents that were made available by Mr. Roman Protsyshyn to Mr. J.R. ten Hove has been added to this expert opinion as Appendix 5.

² It is also noted that technical verification of the observations is best done using the most original form of the documents provided.

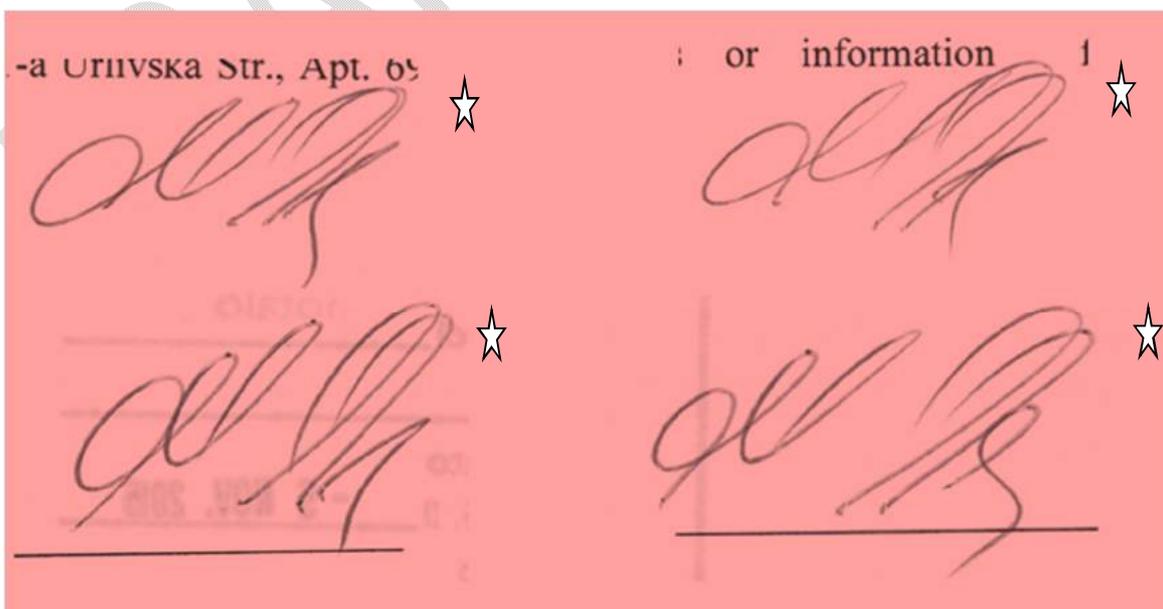
Due to efficiency considerations, the documents provided are not described in detail here; rather, the list that was added as Appendix 5 is referred to.

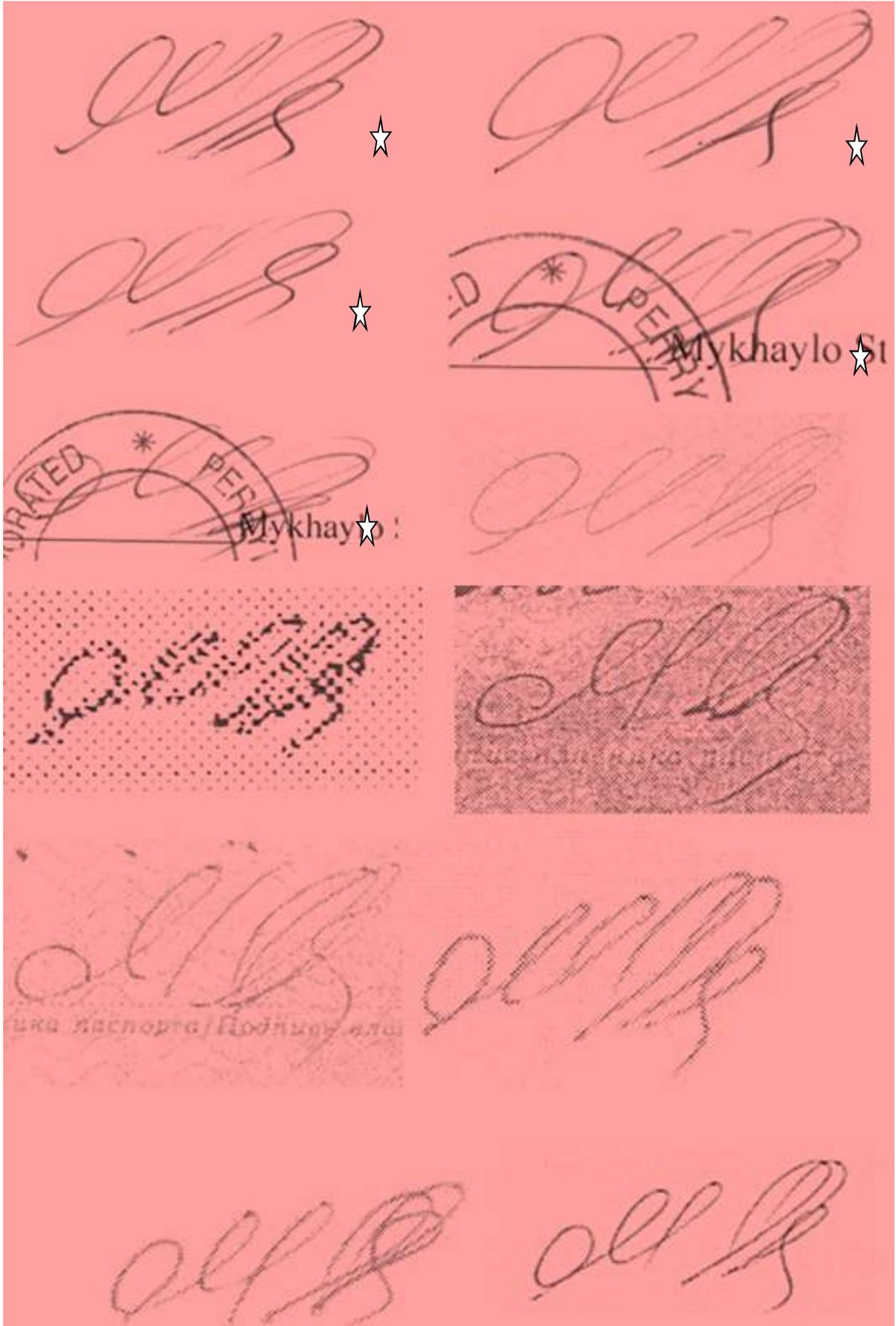
The disputed document, entitled 'Contract for provision of legal services', that was provided by Mr. Roman Protsyshyn in its original form, has been added to this expert opinion as Appendix 1. A representative portion of the documents provided, in which comparable signatures of Mr. Stadnyk Mykhaylo Vasylyovych are shown, is added as Appendix 2.

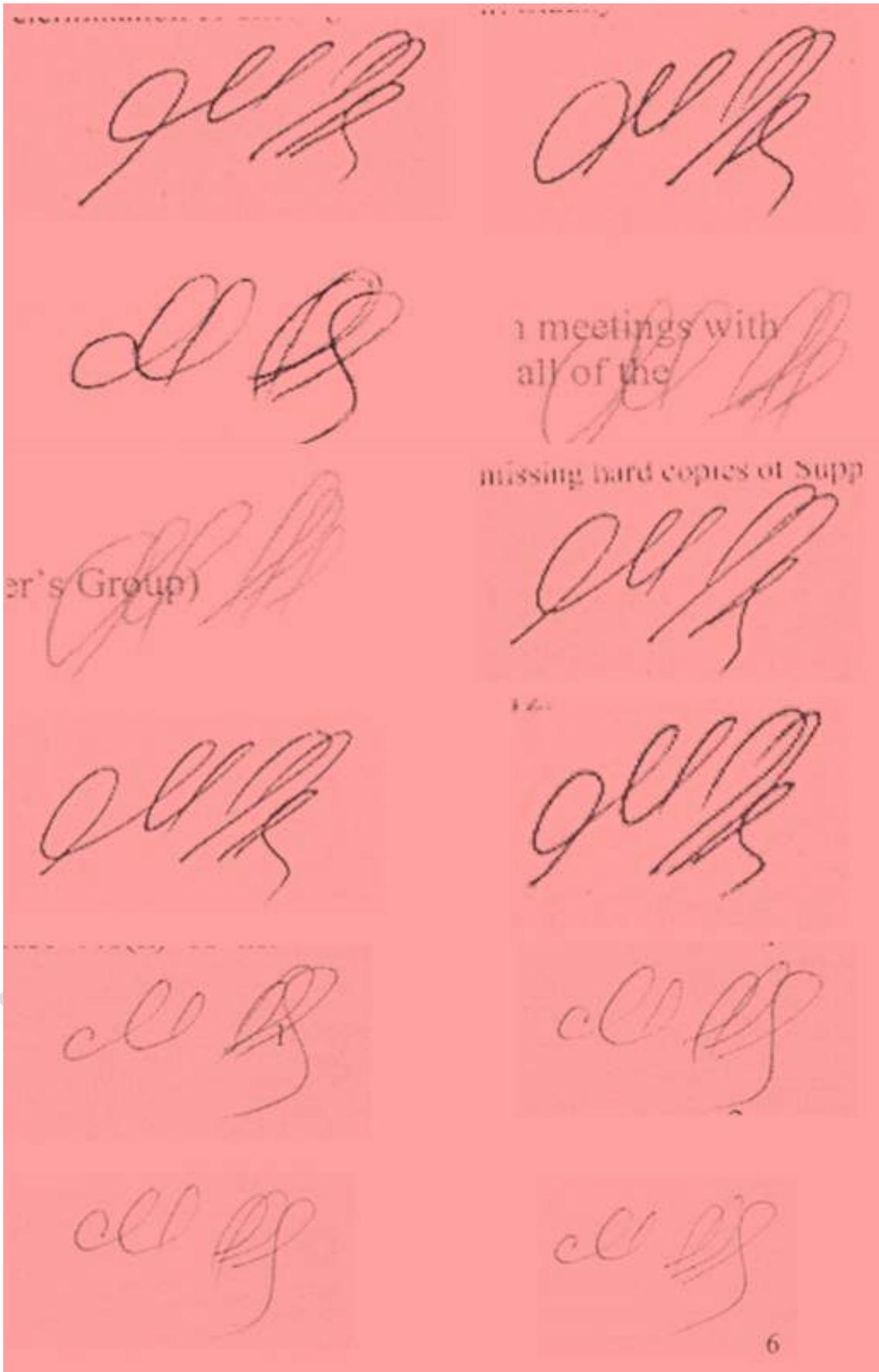
6. Material test

The answer to the question, and if so, to what degree, whether the investigation material is suitable and useable for the requested investigation, is based on qualitative and quantitative criteria. In professional literature, this is called 'material test'.

- Based on the general criteria from professional literature and professional practice, it may be stated that the signature to be examined contains sufficient writer-specific characteristics to enable a handwriting comparison examination in response to the investigation request, both on the qualitative and quantitative level.
- According to conventional opinions in professional literature and business practice, the comparative material forms a representative sample from the total signature repertoire of Mr. Stadnyk Mykhaylo Vasylyovych. An assembly from a representative sample from the comparative material is shown below and as appendix 4. The comparative signatures shown with a star could be studied in their original form. The other comparative signatures could only be examined in copy form.









Comparative signatures

7. Findings of the document-technical investigation

The undersigned, Mr. J.R. ten Hove, conducted the document technical examination in accordance with the 'standard operating procedures' of forensic document examination³.

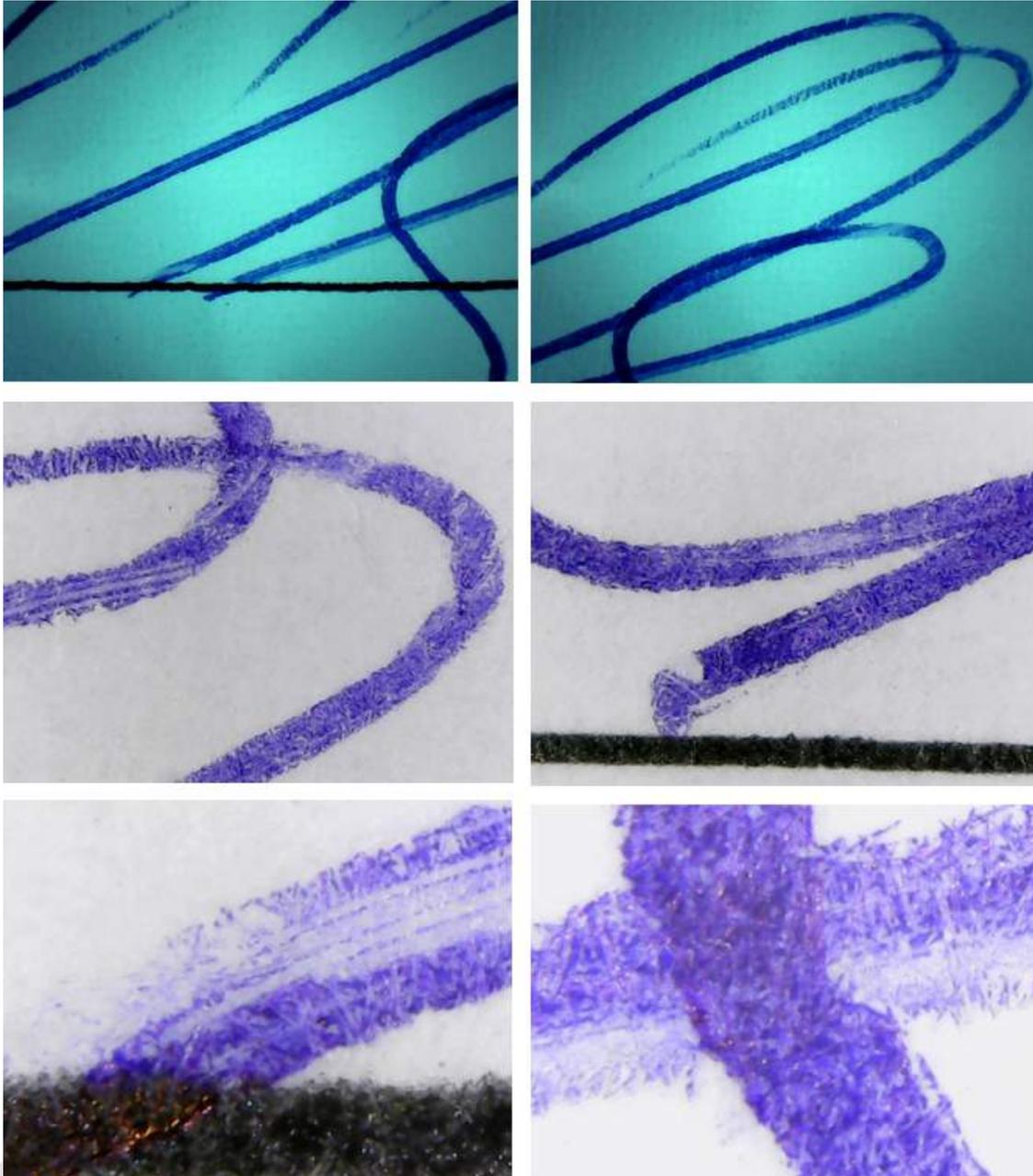
In the examination and analysis of the document provided for the investigation (see Appendix 1 for a scan of the original document), the undersigned has established, with the help of suitable instruments for such, that the signature to be examined (see assembly under point 4) is seen on the contested document in original ink deposit.

During the document technical examination, the undersigned has established that the signature to be examined has **not** been mounted onto the contested document by application of fraudulent manoeuvres, such as cutting, pasting, printing, photocopying, scanning, manipulated with a photo-editing program or such.

The aforementioned was established by the undersigned using the structure and framing of the lines of the writing, the relief of the writing lines on the document, the presence of pen ink and the absence of mechanically specific traces in the writing lines. The images below show details, which were recorded at the time of the document technical examination.



³ In this context, please refer to the following publication: Scientific Examination of Documents: Methods and Techniques, Third Edition (International Forensic Science and Investigation).



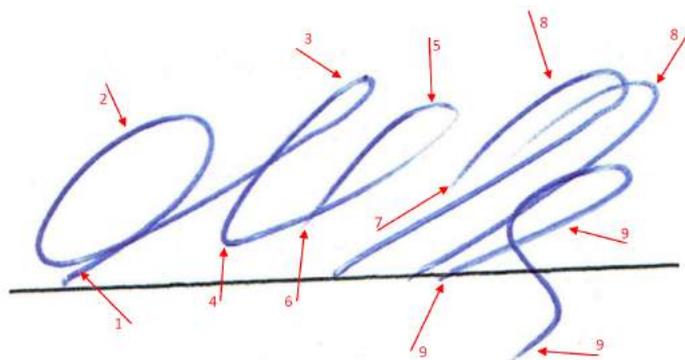
8. Findings of handwriting-comparing examination

The comparative examination of signatures was conducted by Mr. P.L. Zevenbergen and Mr. J.R. ten Hove, according to the regular methods and techniques of forensic handwriting analysis, as published in the general professional literature and applied in everyday practice.

- The nature, quality and quantity of the elements eligible for identification in the disputed signature are such that we may speak of a complex motor coordination. The disputed signature, in both the qualitative and quantitative sense, contains sufficient writer-specific

characteristics to enable a handwriting-comparing examination in response to the request for the investigation.

- No details are visible in the handwriting traces of the disputed signature that could be considered *imitation characteristics*, such as loose line formation, little variation in writing pressure, double writing lines, missing writing dynamics and other such 'hesitation marks'. In the professional literature and professional practice, a strong discriminatory character is assigned to the absence of imitation characteristics, which means that the absence of imitation characteristics is a serious indication in favour of the authenticity of a disputed signature. The more complex the motor coordination is, the more this statement applies.
- In the handwriting comparison at the level of the general handwriting characteristics, the undersigned have established as handwriting experts, the overall picture, the general inclination angle, the degree of connectedness, the writing dynamic, the horizontal and vertical proportions, the virtual top and bottom writing lines, etc. The undersigned did not detect significant handwriting differences at this level.
- Similarities in horizontal and vertical proportions provide an important argument for the authenticity of a disputed signature, just like the absence of imitation characteristics does and this is mainly due to the influence of (unconscious) motor processes, which prove to be relatively insensitive to changing endogenous and exogenous factors in the formation of the signature.
- The aforementioned means that the disputed signature falls entirely within the spectrum of variation in terms of the general handwriting characteristic, as may be constructed from the spread of the comparative material. On the basis of this, further examination is justified.
- In the comparison at the *micro level*, several qualitatively good handwriting commonalities may be established. These commonalities are essential, because they can be traced back to similarly conducted motor coordination.
- The undersigned have identified as the main commonalities (hereinafter, and in Appendix 3 in the disputed signature, indicated with arrows with matching numbers):



1. The location of the start point of the writing movement as compared to the other handwriting traces, indicated by arrow 1.
2. The curve progression in the oval indicated by arrow 2.
3. The curve progression in the loop formation indicated by arrow 3.
4. The sharpness in the change of writing direction indicated by arrow 4.
5. The curve progression in the loop formation indicated by arrow 5.
6. The location of the end point of the writing movement in relation to the other handwriting traces, indicated by arrow 6.
7. The location of the start point of a 'new' writing movement in relation to the other handwriting traces, indicated by arrow 7.
8. The curve progression in the loop formations indicated by arrows 8.
9. The curve progression and the movement coordination of/in the end movement, indicated by arrows 9.

The details described here can be found as equivalent within the spread of the comparable material. The undersigned were not able to detect any significant handwriting differences between the disputed signature and the comparative material at the micro level.

9. Conclusion of the handwriting comparison examination

Taking into account the aforementioned, considering the qualitative and quantitative aspects of the disputed signature and the comparative material, taking into account the number, the nature and quality of (the combination of) the handwriting characteristics that qualify as essential, the following conclusion has been reached:

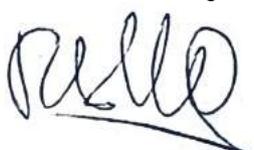
- Based on the examination carried out, using the material provided, it is the opinion of the undersigned that the conclusion must be reached with a **probability bordering on certainty**, that the disputed signature is an authentic signature of the producer of the comparative material, in this case, Mr. Stadnyk Mykhaylo Vasylyovych. The undersigned did not find any evidence to the contrary.

10. Signature⁴ (3 december 2018)

Thus drawn up truthfully and to the best of our knowledge,



P.L. Zevenbergen



Ing. J.R. ten Hove

⁴ If required, Mr. P.L. Zevenbergen and the undersigned can draw up a more detailed expert report of the findings, the conclusion and the grounds the conclusion is based on, with full reasoning.