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One Year On, Russia Opposes Tribunal Into MH17 Airplane Tragedy

By Jennifer Monaghan

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On the eve of the first anniversary of the downing of Malaysia Airlines flight MH17 over war-torn eastern Ukraine, Russian President Vladimir Putin dismissed calls for a UN tribunal to be set up to prosecute those suspected of bringing down the ill-fated passenger jet.

In a call to Dutch Prime Minister Mark Rutte, Putin "explained in detail Russia's position on what it sees as an untimely and counterproductive initiative by a number of countries ... to establish an international tribunal for the criminal prosecution of individuals responsible for the Malaysian aircraft's destruction," the Kremlin said Thursday in an online statement.

The airplane, flying from Amsterdam to Kuala Lumpur, was downed on July 17 over the self-proclaimed Donetsk People's Republic in eastern Ukraine. All 298 passengers and crew members were killed, including 189 Dutch nationals and 44 Malaysians.

Nationals of at least eight other countries including Australia, Indonesia and Britain also died in the crash.

The Ukrainian government and some Western leaders have accused pro-Russian rebels of downing the plane with help from the Russian military. The Kremlin denies the allegations and has in turn accused the Ukrainian military of being behind the tragedy.

Deadly Skies

In the months leading up to the crash, fighting raged in eastern Ukraine, where pro-Russian separatists had established two "people's republics" — in the Donetsk and Luhansk regions — with the aim of breaking away from Kiev.

Russia had annexed Crimea from Ukraine four months earlier, and the new Western-leaning administration in Kiev sent troops eastward to battle the heavily armed separatists that it claimed were supported by Moscow.

A month before MH17 dropped out of the sky, rebel fighters in the neighboring Luhansk People's Republic had shot down a Ukrainian military transport plane, killing all 49 crew members on board, reports said at the time. A month before that, a Ukrainian military helicopter was shot down, killing 14 soldiers.

As news of a plane crash over eastern Ukraine broke one year ago, rebel leader Igor Girkin, who also goes by the name Strelkov, published a post on the VKontakte social media site, writing "We warned you — do not fly in our sky."

"The bird went down behind a slagheap, not in a residential district. So no civilians were injured," Strelkov wrote.

The post was later deleted, but screenshots of it are still available on media including Mashable. Strelkov's response, coupled with the previous shooting down of a plane and helicopter, sparked instant speculation of rebel involvement in the tragedy.
On Wednesday, relatives of 18 passengers killed in the MH17 crash filed a writ against Strelkov in a U.S. court with the intention of suing him for $900 million, The Telegraph reported.

Court papers show Strelkov is accused of having "aided and/or abetted this action and/or conspired with those persons who fired the missile or missiles," the report said.

External Weapon

In the days following the crash, the Netherlands — which lost more people than any other nation in the crash — agreed to head up an international investigation, alongside aviation experts from Ukraine, Australia, Russia, Britain, Malaysia and the United States.

A preliminary report published in September by the Dutch Safety Board, which is overseeing the investigation, said the plane had not suffered any technical failure during the flight but had crashed due an external force from outside of the aircraft.

"The damage observed in the forward section of the aircraft appears to indicate that the aircraft was penetrated by a large number of high-energy objects from outside the aircraft. It is likely that this damage resulted in a loss of structural integrity of the aircraft, leading to an in-flight breakup," the preliminary report concluded.

While the preliminary report did not speculate who was responsible for bringing down the plane, the final version is set to pin the blame on pro-Russian rebels, CNN reported Thursday, citing two unidentified sources who have seen drafts of the report.

The report, due out in October, will conclude that a Buk missile — a Russian-made surface-to-air missile — was fired at the plane from rebel-controlled territory, CNN cited its sources as saying.

Oleg Storchevoi, deputy head of the Russian Aviation Agency, on Thursday condemned the leak and said it was designed to put pressure on investigators, The Associated Press reported.

Russia's Version

Russian investigators have repeatedly dismissed claims that MH17 was shot down by separatists and claim that MH17 was brought down by a non-Russian air-to-air missile fired by a Ukrainian fighter jet.

Last month, they revealed what they said was a key witness: Yevgeny Agapov, a former mechanic in Ukraine's Air Force. Agapov testified that a Ukrainian pilot flew a combat mission on July 17 and returned to base without any ammunition, the Investigative Committee said last month in a statement.

The pilot also reportedly told Agapov that he had encountered another plane "in the wrong place and at the wrong time," the statement added, the implication being that he had shot it down.

The Investigative Committee said Wednesday that it had come into possession of further evidence that supported Agapov's testimony.

"We have data, including that based on the results of examinations, that [shows] the plane was shot down by a type of air-to-air missile. Furthermore, experts have determined the type of missile and that the missile was not Russian-made," Investigative Committee spokesman Vladimir Markin told the Interfax news agency.

Russia's largest defense contractor and manufacturer of Buk missiles, Almaz-Antey, is also carrying out its own investigation into the crash and published a report last month that concluded a missile no longer used by Russia was responsible for destroying the plane.

The holes found in the skin of MH17 were characteristic of a specific type of missile once built for the Buk-M1 system — the discontinued 9M38-M1 — Mikhail Malyshevsky, a technical adviser to Almaz-Antey, told journalists at a formal presentation of the report last month.

The 9M38-M1 missile went out of production in 1999 and all stocks have been sold abroad, Almaz-Antey's CEO Yan Novikov said at the presentation. Ukraine was a large buyer of the weapons, he added.

UN Division

A year on from the tragedy, five countries that lost nationals in the crash appealed this week to the UN's Security Council to establish an international tribunal to prosecute those responsible for the downing.

"Australia, Belgium, Malaysia, the Netherlands and Ukraine consider an independent international criminal tribunal established by the council ... would be the best means of ensuring justice for the victims and their loved ones," the Australian Foreign Ministry said Tuesday in an online statement.

Russia, however, has expressed opposition to the move.

On Thursday, Foreign Minister Sergei Lavrov said that the U.S. wanted to use the tribunal for its own ends.

The tribunal "is aimed at formally declaring guilty those who Washington has already decided are responsible," Lavrov was cited as saying by RIA Novosti.

Given that Russia is one of five countries to maintain a veto right in the UN Security Council, it looks set to block any formal resolution to open a tribunal into the downing of MH17.

"I don't see any future for this resolution," Russia's ambassador to the UN, Vitaly Churkin, was quoted as saying Friday by RFE/RL.

"Unfortunately, it seems that this is an attempt to organize a grandiose political show, which only damages efforts to find the guilty parties."

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