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Playing Dumb: The Kremlin's Denials on the Downing of MH17

The first charges in the case of the jetliner shot down over Ukraine highlight the vast body of evidence against Russia.

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June 20, 2019



A briefing to reveal new details about the Malaysian Airlines Flight MH17 crash, 2014. **Anton Novoderezhkin / TASS**

Three Russians and one Ukrainian have been charged in the Netherlands for their alleged roles in downing Malaysia Airlines Flight 17 over eastern Ukraine five years ago. Only one of them may have been in active service in the Russian military at the time, but the international investigation has plenty of evidence of official Russian involvement.

I've said before and will say again that the Kremlin's evasions in the MH17 case are a disgrace. On Wednesday, President Vladimir Putin's press secretary, Dmitry Peskov, repeated the old talking points about the Joint Investigative Team's purported unwillingness to cooperate with

Russia. In fact, it's perfectly clear what kind of cooperation is required on Russia's part.

The investigators aren't demanding that Russia or Ukraine extradite the suspects, since that would be against the Russian and Ukrainian constitutions. Eventually, likely next year, they'll be tried in absentia in the Netherlands. The court's ruling will be important for the civil cases in which the families of the 298 victims (192 of them Dutch) demand compensation from the Russian government.

There isn't much Russia can do to stop this. What happened on July 17, 2014, was an obvious war crime -- even if, as is likely, it was committed by mistake. All that's needed from official Moscow is the courage to prosecute the guilty, who are hiding in plain sight, and to offer compensation to the families. Denials haven't deceived anyone for years, and an admission of responsibility can't make things any worse for Putin, and especially for Russia as a country. It can, however, make things better – not just by easing some guilty consciences but by averting what would be, for once, a completely justified hardening of sanctions.

The four suspects are Igor Girkin, who in 2014 commanded the armed forces of the self-proclaimed Donetsk People's Republic in eastern Ukraine; his chief of intelligence, Sergey Dubinsky; Dubinsky's deputy, Oleg Pulatov; and field commander Leonid Kharchenko. The first three are Russian nationals, while Kharchenko holds a Ukrainian passport.

Girkin, a former Russian secret police colonel, holds ultranationalist views far to the right of Putin's. He and many others like him went to Ukraine after Russia seized Crimea, hoping to split off the country's industrial east so it could become part of Russia, too. The Kremlin didn't officially support these plans but was generally sympathetic, believing in tales spun by its analysts about Ukraine's irreparable split down ethnic lines and the pro-Russian preferences of eastern and southern Ukrainians.

Putin didn't want openly to invade any Ukrainian regions except Crimea, but he agreed in principle that the Russian speakers' interests were to be protected as the new Ukrainian government prioritized its national language and aspired to join the North Atlantic Treaty Organization and the European Union.

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Girkin and other Russian nationalists, however, didn't find as much local support as they'd hoped. Girkin whined about it throughout his tenure as the Donetsk People's Republic's "defense minister," saying he got more help from Russian volunteers than from local separatists. The adventurers quickly lost ground to the weak Ukrainian military and ragtag volunteer battalions. So Girkin begged for Russian support.

On Wednesday, the investigators played a recording of his conversation with Sergey Aksyonov, the prime minister of Russian-occupied Crimea, who Girkin apparently hoped would serve as his conduit to the Kremlin. He asked, among other things, for "decent anti-aircraft weapons." Aksyonov assured him help was coming, and it apparently arrived in the form of a Buk missile launcher from a Russian brigade stationed near Kursk.

Dubinsky and Pulatov, according to investigators, were in charge of getting it across the

border, while Kharchenko's group of fighters allegedly was the receiving party. The allegations are backed up by intercepted phone calls and evidence from social networks, which Russian soldiers from the brigade in question were using blithely (since then, Russian soldiers have been banned from posting their whereabouts).

Dubinsky is the only one of the four suspects who may have been in active service in 2014 — as a colonel of the Russian military intelligence service. Russia wouldn't confirm or deny Dubinsky's status to the investigators, and he says he'd been retired by the time he went to eastern Ukraine. Pavel Kanygin, the intrepid investigative journalist at Novaya Gazeta in Moscow, linked Dubinsky to the downing of MH17 back in 2017, saying that he'd been in charge of getting the missile across the border. The investigators affirmed that on Wednesday.

If the investigators stopped at this point, it might still be possible for the Kremlin to spin some story about nationalist veterans' obtaining unauthorized help from the Russian military. Such a version, no doubt, will be spread on the social networks before long. But the investigation continues, and the search goes on for the names of the Buk crew and those higher up the chain of command who agreed to supply the missile. It's also likely that more separatists will be charged: Bellingcat, the open-data investigative group, has just published a new report claiming to identify a dozen people involved in the Buk operation. If Bellingcat has the intercepts and other forensic evidence of their involvement, it's likely that the official investigation does, too.

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Girkin has denied, not for the first time, his or other "militiamen's" involvement in the downing of MH17. But he has never said in so many words that the Russian military didn't do it. The Bellingcat report provides a theory of what actually happened. It cites Dubinsky's intercepted conversation with a fellow fighter, in which he says the separatists had hit a Ukrainian warplane with a Buk (indeed, an Su-25 jet was shot down the day before the MH17 crash).

"The fact that Dubinsky believed that his side had downed a Sukhoi jet might indicate that the Buk crew most likely made an incorrect assessment of their own when they targeted MH17," the Bellingcat report stated. "The Buk crew was probably mistaken in thinking that this was a Sukhoi ground-attack aircraft, which could also target them, and neglected to consider the possibility that they were about to shoot down a passenger plane."

The official investigation apparently decided it lacks the evidence to draw a similar conclusion. That's where the missile crew's testimony could come in handy, and it shouldn't be difficult for the Russian side to establish who manned the launcher in July 2014. It would be more difficult for the international investigation — and even for an honest Russian one, if it existed — to find out exactly who authorized sending the Buk to Ukraine, and how high up that person was in the Russian hierarchy.

The remaining gaps in the MH17 story, however, aren't particularly important for the bigger truth – that Russian citizens, fighting in eastern Ukraine with the unofficial approval of the Kremlin, obtained a deadly weapon and its crew from the Russian military, and this

missile was used to down a civilian plane. It's been five years, and no credible alternative theory has emerged. It's time for mea culpas and payouts, not for more cynical and boneheaded Kremlin denials.

If anything, these denials only harden the resolve of some wavering European nations to keep sanctioning Russia, and may even drive them to harden the sanctions. If Russia tries to disregard the eventual court verdicts, such measures will, alas, only be logical.

This article was originally published in Bloomberg.

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