



UKRAINIAN AMERICAN BAR ASSOCIATION

Асоціація Українських Правників Америки

Press Release: July 24, 2014

THE TRAGEDY OF MH17

THE RESULT OF STATE-SPONSORED TERRORISM

As days go by, the absolute shock and horror of the shoot-down of Malaysian Flight 17 sinks agonizingly deeper and deeper into the collective consciousness of the international community. 298 innocent lives were needlessly lost - at last count, 189 Dutch, 44 Malaysian, 27 Australian, 12 Indonesian, 9 British, 4 German, 4 Belgium, 3 from the Philippines, 1 Canadian, 1 New Zealander, 1 US citizen, and 4 victims yet to be identified . The indisputable facts evidence beyond a reasonable doubt that the pro-Russian supposed "separatist" groups, which control parts of the Luhansk-Donetsk regions of Ukraine, are guilty of this horrific terrorist crime. It is equally clear that these alleged "separatists" are supported, controlled, guided, trained, and armed with extremely deadly weapons by the Russian government. One of these Russian supplied weapons - a BUK S11 SAM missile launcher -- brought down Malaysian flight 17.

The perpetrators of this terrorist attack should not be called "separatists" but must be called for what they truly are -- terrorists! . They are a motley conglomeration of Kremlin paid hoodlums, thugs, and mercenaries [many of whom are from Russia] who are controlled and directed by Russian special operatives sent into Ukraine by the Kremlin in the past half year so as to create chaos and lawlessness in order to undermine the lawful Ukrainian government. Their sadistically heartless and bandit handling of the victims' remains, pilferage of their belongings, and spoliation of the crash-site only further confirms their true terrorist nature. No amount of obfuscation by the propaganda machine of the Kremlin can hide the Russian government's direct involvement with these terrorist organizations nor camouflage Russia's objective to use terrorism in order to reach its political objective - the ultimate destruction of Ukraine's independence.

[18 U.S.C. § 2331](#) of the Federal Crimes and Procedures Act states that:

"(1) the term "international terrorism" means activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and (C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum."

US Code - Chapter 113B - establishes the jurisdiction of the US Courts [[18 U.S.C. § 2334](#)] and imposes criminal penalties for international terroristic acts resulting in the death of a US national [[18 U.S.C. § 2332](#)] including situations in which the victim's death was caused by missile systems designed to destroy aircraft. [[18 U.S.C. § 2332G](#)]

The US Department of State has the obligation under [22 U.S. Code § 2656f](#) to report to Congress those countries that are sponsors of international terrorism and the Secretary of State has the authority to impose sanctions for such immoral conduct:

"Countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism are designated pursuant to three laws: section 6(j) of the Export Administration Act, section 40 of the Arms Export Control Act, and section 620A of the Foreign Assistance Act. Taken together, the four main categories of sanctions resulting from designation under these authorities include restrictions on U.S. foreign assistance; a ban on defense exports and sales; certain controls over exports of dual use items; and miscellaneous financial and other restrictions.

Designation under the above-referenced authorities also implicates other sanctions laws that penalize persons and countries engaging in certain trade with state sponsors. Currently there are four countries designated under these authorities: Cuba, Iran, Sudan and Syria." [US Department of State Website](#)

The American government will certainly continually and ever more strongly use condemning rhetoric to express our country's shock and horror at the shoot down of flight MH17. However, our government - both the executive and legislative branches -- must also put words into actions and firmly enforce the basic principles of human decency which we as a nation profess and which are codified in our laws.

It is high time for the Russian terrorist groups in the Luhansk-Donetsk regions of Ukraine to be designated as "Terrorist Organizations" under [8 U.S. Code § 1189](#) and for the Russian Federation to be added to the list of "State Sponsors of Terrorism". Russia's continuing conduct in supporting, directing, financing and lethally arming the Luhansk-Donetsk terrorist organizations falls directly within the legislative definition of state-sponsored terrorism. These terrorist organizations and the Russian Federation should and must now suffer the consequences that flow as a result of their actions in violation of US and International Law. If we fail to put our words into action, we will only embolden Russian President Putin to continue with his terroristic behavior in flagrant disregard of international norms causing further untold human suffering and loss of life for generations to come. The shoot down of MH17 is symptomatic and also predictive of future consequences. Putin's actions are a repeat of his clandestine and terroristic behavior in Chechnya, Georgia and Crimea and even in Russia itself-- and if not stopped now, that region of the world will be catapulted toward a truly European war from which the US can't escape.

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