

The Danger of an MH-17 ‘Cold Case’

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Now more than six months after the shoot-down of a Malaysia Airlines plane over Ukraine, the refusal of the Obama administration to make public what intelligence evidence it has about who was responsible has created fertile ground for conspiracy theories to take root while reducing hopes for holding the guilty parties accountable.

Given the U.S. government’s surveillance capabilities – from satellite and aerial photographs to telephonic and electronic intercepts to human sources – American intelligence surely has a good idea what happened on July 17, 2014, when Malaysia Airlines Flight 17 crashed in eastern Ukraine killing all 298 people onboard.

I’m told that President Barack Obama has received briefings on what this evidence shows and what U.S. intelligence analysts have concluded about the likely guilty parties — and that Obama may have shared some of those confidential findings with the Malaysian Prime Minister Najib Razak when they met on Dec. 24 in Hawaii.

But the U.S. government has gone largely silent on the subject after its initial rush to judgment pointing fingers at ethnic Russian rebels for allegedly firing the missile and at the Russian government for supposedly supplying a sophisticated Buk anti-aircraft battery capable of bringing down the aircraft at 33,000 feet.

Since that early flurry of unverified charges, only snippets of U.S. and NATO intelligence findings have reached the public – and last October’s interim Dutch investigative report on the cause of the crash indicated that Western governments had not shared crucial information.

The Dutch Safety Board’s interim report answered few questions, beyond confirming that MH-17 apparently was destroyed by “high-velocity objects that penetrated the aircraft from outside.” Other key questions went begging, such as what to make of the Russian military radar purporting to show a Ukrainian SU-25 jetfighter in the area, a claim that the Kiev government denied.

Either the Russian radar showed the presence of a jetfighter “gaining height” as it closed to within three to five kilometers of the passenger plane – as [the Russians claimed](#) in a July 21 press conference – or it didn’t. The Kiev authorities insisted that they had no military aircraft in the area at the time.

But [the 34-page Dutch report](#) was silent on the jetfighter question, although noting that the investigators had received Air Traffic Control “surveillance data from the Russian Federation.” The report also was silent on the “dog-not-barking” issue of whether the U.S. government had satellite surveillance that revealed exactly where the supposed ground-to-

air missile was launched and who may have fired it.

The Obama administration has asserted knowledge about those facts, but the U.S. government has withheld satellite photos and other intelligence information that could presumably corroborate the charge. Curiously, too, the Dutch report said the investigation received “satellite imagery taken in the days after the occurrence.” Obviously, the more relevant images in assessing blame would be aerial photography in the days and hours before the crash.

In mid-July, eastern Ukraine was a high priority for U.S. intelligence and a Buk missile battery is a large system that should have been easily picked up by U.S. aerial reconnaissance. The four missiles in a battery are each about 16-feet-long and would have to be hauled around by a truck and then put in position to fire.

The Dutch report’s reference to only post-crash satellite photos was also curious because the Russian military released a number of satellite images purporting to show Ukrainian government Buk missile systems north of the eastern Ukrainian city of Donetsk before the attack, including two batteries that purportedly were shifted 50 kilometers south of Donetsk on July 17, the day of the crash, and then removed by July 18.

Russian Claims

Russian Lt. Gen. Andrey Kartoplov called on the Ukrainian government to explain the movements of its Buk systems and why Kiev’s Kupol-M19S18 radars, which coordinate the flight of Buk missiles, showed increased activity leading up to the July 17 shoot-down.

The Ukrainian government countered these questions by asserting that it had “evidence that the missile which struck the plane was fired by terrorists, who received arms and specialists from the Russian Federation,” according to Andrey Lysenko, spokesman for Ukraine’s Security Council, using Kiev’s preferred term for the rebels.

Lysenko added: “To disown this tragedy, [Russian officials] are drawing a lot of pictures and maps. We will explore any photos and other plans produced by the Russian side.” But Ukrainian authorities have failed to address the Russian evidence except through broad denials.

On July 29, amid escalating rhetoric against Russia from U.S. government officials and the Western news media, the Veteran Intelligence Professionals for Sanity [called](#) on President Obama to release what evidence the U.S. government had on the shoot-down, including satellite imagery.

“As intelligence professionals we are embarrassed by the unprofessional use of partial intelligence information,” the group wrote.

“As Americans, we find ourselves hoping that, if you indeed have more conclusive evidence, you will find a way to make it public without further delay. In charging Russia with being directly or indirectly responsible, Secretary of State John Kerry has been particularly definitive. Not so the evidence. His statements seem premature and bear earmarks of an attempt to ‘poison the jury pool.’”

However, the Obama administration failed to make public any intelligence information that would back up its earlier suppositions. In early August, [I was told](#) that some U.S. intelligence analysts had begun shifting away from the original scenario blaming the rebels and Russia to one focused more on the possibility that extremist elements of the Ukrainian government were responsible.

A source who was briefed by U.S. intelligence analysts told me that they had found no evidence that the Russian government had given the rebels a BUK missile system. Thus, these analysts concluded that the rebels and Russia were likely not at fault and that it appeared Ukrainian government forces were to blame, although apparently a unit operating outside the direct command of Ukraine's top officials.

The source specifically said the U.S. intelligence evidence did not implicate Ukrainian President Petro Poroshenko or Prime Minister Arseniy Yatsenyuk but rather suggested an extremist element of the armed forces funded by one of Ukraine's oligarchs. [See Consortiumnews.com's "[Flight 17 Shoot-down Scenario Shifts](#)" and "[Was Putin Targeted for Mid-air Assassination?](#)"]

But then chatter about U.S. intelligence information on the shoot-down faded away. When I recently re-contacted the source who had been briefed by these analysts, the source said their thinking had not changed, except that they believed the missile may have been less sophisticated than a Buk, possibly an SA-6.

What was less clear was whether these analysts represented a consensus view within the U.S. intelligence community or whether they spoke for one position in an ongoing debate. The source also said President Obama was resisting going public with the U.S. intelligence information about the shoot-down because he didn't feel it was ironclad.

A Dangerous Void

But that void has left the debate over whodunit vulnerable to claims by self-interested parties and self-appointed experts, including some who derive their conclusions from social media on the Internet, so-called "public-source investigators." The Obama administration also hasn't retracted the early declarations by Secretary Kerry implicating the rebels and Russia.

Just days after the crash, Kerry went on all five Sunday talk shows fingering Russia and the rebels and citing evidence provided by the Ukrainian government through social media. On NBC's "Meet the Press," David Gregory asked, "Are you bottom-lining here that Russia provided the weapon?"

Kerry:

"There's a story today confirming that, but we have not within the Administration made a determination. But it's pretty clear when - there's a build-up of extraordinary circumstantial evidence. I'm a former prosecutor. I've tried cases on circumstantial evidence; it's powerful here." [See Consortiumnews.com's "[Kerry's Latest Reckless Rush to Judgment.](#)"]

But some U.S. intelligence analysts soon offered conflicting assessments. After Kerry's TV round-robin, the Los Angeles Times [reported](#) on a U.S. intelligence briefing given to several

mainstream U.S. news outlets. The story said,

“U.S. intelligence agencies have so far been unable to determine the nationalities or identities of the crew that launched the missile. U.S. officials said it was possible the SA-11 [a Buk anti-aircraft missile] was launched by a defector from the Ukrainian military who was trained to use similar missile systems.” [See Consortiumnews.com’s “[The Mystery of a Ukrainian ‘Defector.’](#)”]

In October, Der Spiegel reported that the German intelligence service, the BND, had concluded that Russia was not the source of the missile battery – that it had been captured from a Ukrainian military base – but still blaming the rebels for firing it. The BND also concluded that photos supplied by the Ukrainian government about the MH-17 tragedy “have been manipulated,” Der Spiegel reported.

And, the BND disputed Russian government claims that a Ukrainian fighter jet had been flying close to MH-17 just before it crashed, the magazine said, reporting on the BND’s briefing to a parliamentary committee on Oct. 8, which included satellite images and other photography. But none of the BND’s evidence was made public — and I was subsequently told by a European official that the evidence was not as conclusive as the magazine article depicted. [See Consortiumnews.com’s “[Germans Clear Russia in MH-17 Case.](#)”]

So, it appears that there have been significant disagreements within Western intelligence circles about precisely who was to blame. But the refusal of the Obama administration and its NATO allies to lay their evidence on the table has not only opened the door to conspiracy theories, it has threatened to turn this tragedy into a cold case with the guilty parties – whoever they are – having more time to cover their tracks and disappear.

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