



One Hundred Thirteenth Congress
U.S. House of Representatives
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, DC 20515
www.foreignaffairs.house.gov

July 22, 2014

The Honorable John F. Kerry
Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Mr. Secretary:

Yesterday's passage of United Nations Security Council Resolution 2166 (2014) – which supports existing efforts to establish an independent international investigation into the downing of Malaysia Airlines Flight 17 in eastern Ukraine on July 17th and demands that associated investigators be granted full, unfettered access to the crash site – was a welcome development, yet the failure by the UN to provide an effective enforcement mechanism is glaring. We therefore write to urge you to press for the adoption of an additional, robust United Nations Security Council Resolution (UNSCR) to authorize the immediate, temporary deployment of an integrated international mission, including security personnel, to help secure the crash site of Malaysia Airlines Flight 17 and ensure the freedom of movement of associated international investigators and responders, including from Malaysia, the Netherlands, the European Union, the Organization for Security and Cooperation in Europe (OSCE), the International Civil Aviation Organization, the Federal Bureau of Investigation, the National Transportation Safety Board, and other countries and bodies as necessary and appropriate.

The U.S. Permanent Representative to the United Nations, Ambassador Samantha Power, asserted, “[a] full, credible, and unimpeded international investigation must begin immediately. The perpetrators must be brought to justice. They must not be sheltered by any member state of the United Nations.” We concur with this position. Unfortunately, in the absence of adequate enforcement mechanisms, UNSCR 2166 (2014) may do little to advance these imperatives.

Nearly 300 people, including children, from nine nations were murdered in eastern Ukraine. Access to the site has been blocked by Russian-backed separatists. Critical evidence has been tainted, removed, and destroyed. Human remains have been desecrated and personal effects have been looted. The effort to recover and return the bodies of the victims has been conducted in a haphazard manner by untrained, ill-equipped individuals that have no business responding to a disaster of this magnitude, while the efforts of those who *are* capable of coordinating a humane recovery and return effort have been impeded. This situation represents an affront to human dignity that simply cannot stand.

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UNSCR 2166 (2014) calls upon the Secretary-General “to identify possible options for United Nations support to the investigation.” One of those options should be the immediate, temporary deployment of a fully integrated international mission – including security personnel – to help secure the crash site and ensure freedom of movement of associated international investigators. Such a mission could be generated through the authorization of security forces and personnel from capable regional bodies, such as the OSCE and the European Union, and granted authority under Chapter 7 of the UN Charter to respond to threats against civilian investigators. The specific priorities of the mission would be to secure the crash site, facilitate freedom of movement for investigators – including forensics experts and professionals with demonstrated knowledge of legal evidentiary requirements – provide an organizational structure for the recovery and transfer of human remains, and serve as an interlocutor between Russia, Ukraine, and separatists in an effort to diffuse further tensions which, if allowed to remain unchecked, could easily spiral into an even deeper conflict with severe consequences.

The credibility of the investigation into this horrific tragedy already has been severely compromised. It is incumbent upon those in a position to help protect the UN-endorsed international investigators, restore the dignity of the victims, help hold the perpetrators of this crime against humanity accountable, and facilitate the restoration of peace and security in the region to do so without further delay. The United Nations can and should do more. That is only possible with strong U.S. leadership.

Sincerely,



EDWARD R. ROYCE
Chairman



ELIOT L. ENGEL
Ranking Member

cc: The Honorable Samantha Power
U.S. Permanent Representative to the United Nations