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Lowe, D

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The Implications of the Russian Aircraft Disaster in Sinai

When Flight KGL9268 that took off from Sharm el-Sheikh airport on the 31st October on-route to St Petersburg crashed after exploding mid-air in the Saini Peninsula killing all 224 on board there were echoes of earlier tragedies like that suffered in the UK on the 21st December 1988 when Pan-Am Flight 103 suffered a similar fate over Lockerbie. Flight KGL9268 was only 22 minutes into its flight when the aircraft disappeared from radar screens and since then theories as to the cause of this disaster are being explored.

At the time of writing nothing has been confirmed and the flight recorder is being examined. As the plane sustained a tail strike when it hit the runway in Cairo in 2001, one theory is a technical fault similar to Japan Airlines Flight 123 in 1985 where the Japanese aircraft's tail fell off inflight killing 520 of the 524 on-board. Along with the chairman of Egypt's civilian airport stating the technical checks on the aircraft prior to take off were successful, the aviation authorities have claimed all the certifications of Flight KGL9268 were satisfactory and human error by the aircrew has already been ruled out. What is causing consternation is the theory that the aircraft exploded as a result of terrorist action, similar to Pan-Am Flight 103.

On the 4th November following a Cobra meeting of top Security, Military, police and Government officials, the UK's Foreign Secretary, Philip Hammond reported that from the intelligence passed on by UK security services suggest a bomb was planted on the aircraft by Islamist militants. US security officials have also reported that after intercepting communications the Islamic State affiliate, the terrorist Sinai Province, the cause of the crash was a bomb being planted on board the aircraft. On the 3rd November US media reported that a military satellite detected a heat flash over the Sinai Peninsula at the time of the crash. Egyptian authorities are saying that reaching such tentative conclusions is premature as there is no evidence of any terrorist attack.

A key concern to Egypt with its fragile economy is that this air disaster will adversely affect its tourism industry as flights are already suspended by many European carriers to the Sinai Peninsula where tourist resorts are located. Terrorism action cannot be ruled out. The Egyptian Government has been fighting with Islamist militias in the Sinai Peninsula for the past couple of years, where the group Sinai Province is active and has killed hundreds of Egyptian military and police personnel. In 2014 Sinai Province pledged their allegiance to the terrorist group Islamic State. Also in 2014 Islamic State effectively declared war on Russia and announced death threats to president Putin due to Russia's alliance with the Assad regime in Syria where Islamic State's main caliphate is located. Added to this has been the recent bombing by the Russia's military air force on Islamic State targets in Syria (which is in addition to Jabhat al-Nusra Front, an Al Qaeda affiliate, and Syrian rebel forces). The reasons why this aircraft would be subject to a terrorist attack are there.

It is important that this air crash is investigated thoroughly where as much forensic evidence that is present is collected and analysed. This can take time and in the Middle East where there is that constant terrorist threat along with political sensitivities, time is not on the side of the investigators. That said what is helping is that Russia is claiming it is too premature to reach such conclusions. In addition a question remains if Sinai Province, whose main conflict with Egypt, would risk inviting international retaliation by planting a bomb on Flight KGL9268. In this region where the influence of Islamic State on its affiliated groups is strong, this cannot be ruled out. It appears the opportunity to plant a bomb on the aircraft was present as reports suggest the security at Sharm el Sheikh airport were lax with staff at baggage scanners not scrutinising effectively and some passengers boarding aircraft with liquid bottles. As the terrorism risk is so high in this region of the world, this is quite a surprise if the reports are confirmed.

Tight airport security is crucial in preventing terrorist attacks and globally we have witnessed how in many states there has been an increase in security activity following the attempted terrorist attacks of Richard Reid on a flight to Miami in December 2001 and Umar Abdulmutallab on a Northwest airline flight to Boston in 2009. Following these incidents we witnessed not just the increase in security provisions at airports we also witnessed changes in terrorism related law becoming more tighter and granting the authorities greater powers of surveillance and an ability to stop passengers. While we may need see changes in the law in countries like the UK, what we may witness is tightening up of the access to passenger name record data so that intelligence can be analysed processed as early as possible prior to flights taking off. Prevention is the raison detre of terrorism investigations and as this air disaster reveals, the encouragement of tightening security provisions around the world is of paramount importance.

Sources

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My article on Westlaw ‘Hijacking of Aircraft, Aviation Security and Terrorist Activity’

I am currently working with a colleague from St Petersburg University, Natalia Eremina on the threat Islamic State pose to Russia and the UK ‘The Islamic State in the legal and political discourse in Russia and the UK: threats and ways to counter them’