

## State Sponsor of Terrorism Designation: Debunking Common Misconceptions

### 1. *Russia does not meet the criteria for SST designation.*

- Russia routinely uses violence against civilian populations to achieve political goals. It ignores international treaties by consistently targeting civilian areas. That is terrorism: There is no meaningful distinction between Russia's atrocities against civilians and other acts of terror.
- Russia's atrocities in Ukraine are comparable to those of states already on the SST list. While Russia's actions certainly exceed what we might imagine to be "sponsoring" terrorism, SST designation triggers legal ramifications for states that engage directly in terrorism or materially support "such acts," according to the U.S. Code (28 USC 1605A).

### 2. *SST designation would be redundant - all the sanctions and restrictions it would entail are already in place.*

- The following is a partial list of the sanctions and restrictions that have not yet been put in place, but would be triggered by SST designation:
  - Lifting Russia's foreign sovereign immunity as it relates to its terrorist acts, allowing eligible victims to sue Russia in U.S. federal court;
  - Providing the precedent for frozen asset seizure for the reconstruction of Ukraine and
  - Laying the foundation for secondary sanctions to prevent and discourage third parties from transacting with the designated state;
  - Extending U.S. financial sanctions to Russian government officials who have not yet been sanctioned directly.
- Furthermore, there is precedent for designation even amidst some sanctions overlap. Cuba's SST designation occurred under generally-held beliefs that the designation's economic implications would not have further impact.

### 3. *SST designation would prevent necessary diplomatic engagements with Russia.*

- There are numerous precedents for diplomatic engagement with regimes under SST designation:
  - Most notably, while Iran was designated as a state sponsor of terrorism, the Obama Admin negotiated directly with Iranian diplomats to conclude the JCPOA, commonly known as the Iran Nuclear Deal. The Biden Admin's communication with their Iranian counterparts secured release of American prisoners in Iran.
  - While North Korea was designated a state sponsor of terrorism, President Trump notably met with the leader of the state, as did lower-level officials.

4. *SST designation might trigger a counterreaction from Putin.*

- Putin's threats lack credibility and his crimes, terror, and genocide in Ukraine are not innately motivated by U.S. policy decisions.
  - Putin will escalate when he wants to escalate. U.S. decisions are not a primary impetus for Russian action. Russia does not 'retaliate,' nor is Russia 'provoked.'
  - Putin should not have a veto over U.S. foreign policy decisions. The threats he produces are rarely credible. For example, Russia did not act on its threat to cut off the grain deal if countries in South America and Africa did not buy more fertilizer.
  - Russia will use any leverage awarded to it to manufacture threats that discourage Western resolve in the face of Russia's war. Making a threat is independent of acting on a threat - the former can be rational even if the latter is not.

5. *SST designation would impact potential civil society, food, and humanitarian aid to Russia.*

- SST designation is modular and exemptions can be created when they serve U.S. interests or humanitarian concerns. The U.S. currently provides civil society funding in SST-designated countries to advance human rights and fundamental freedoms.
- Presently, the United States does not provide economic assistance to Russia. Nonetheless, potential humanitarian and food-related transactions may be allowed if necessary: the executive branch can issue exemptions in the SST designation that serve U.S. national interests and humanitarian needs.

6. *European allies would not agree with labeling Russia an SST.*

- Our European allies have already declared Russia a state sponsor of terrorism and terrorist regime:
  - On October 13, 2022, the Parliamentary Assembly of the Council of Europe adopted a resolution declaring the Russian Federation a terrorist regime. 99 out of 100 delegates voted in favor of the resolution, with one abstention.
  - The parliaments of Poland, Latvia, Lithuania, and Estonia adopted their own resolutions designating Russia a state sponsor of terrorism.
- It is important to note that there is no internationally-codified SST designation. A U.S. designation and its ramifications for Russia are unique in the U.S. context.

7. *SST designation is too strict, broad, or incompatible with U.S. foreign policy needs.*

- SST designation is modular and exemptions can be created when they serve U.S. interests or humanitarian concerns.
  - The legislation pertaining to the designation empowers the executive branch with waiver authority to create exemptions when national interest or humanitarian concerns are in play.
  - As such, if restrictions exist that the Administration feels might be incompatible with U.S. interests, the President could shape these restrictions to satisfy foreign policy needs.

8. *SST designation will not do anything to help Ukraine right now.*

- Designating Russia as a state sponsor of terrorism would do a number of things to help Ukraine right now. In particular, critical sanctions and restrictions would either come into effect immediately or gain additional precedent for being enacted (see *Misconception #2*). Additionally:
  - The designation would increase pressure to put Russia on the Financial Action Task Force (FATF) blacklist.
  - The symbolic value of recognizing Russia for what it is today cannot be understated. Putin actively invents new forms of terrorism in Ukraine - from bombing children's playgrounds and residential neighborhoods to destroying dams and powerstations to create ecological and humanitarian disasters, to kidnapping Ukrainian children living under Russia's genocidal occupation. Russian actions in Ukraine are intended to violently terrorize Ukrainians because of Putin's political aspirations and ideology.
  - Beyond the value of recognizing the truth, the designation would also bring more global attention to the terror and atrocities Russia is committing in Ukraine, while also raising attention of Russian atrocities *within* Russia.

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