

Foreign, Malaysian lawyers disappointed with MH370 search halt

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Two American lawyers, and a senior Malaysian lawyer representing the largest number of passengers from the disappeared MH370 jetliner, have expressed disappointment with the Malaysian government for renegeing on its personal and international commitments to the families of the victims.

The two Americans, Steve Marks and Roy Altman, both experts in aviation law in the United States, in a joint statement with Tommy Thomas, said that international obligations require Malaysia to continue its search for the missing airplane and do not allow the government to unilaterally discontinue the search on the grounds that the search has become expensive.

“This is an excuse the Malaysian government has used to try and justify its decision.

“These international obligations are important, not only because finding the missing airplane will provide the victims of the MH370 families with the closure they seek and deserve, but because finding the missing airplane is a necessary step towards understanding exactly what went wrong with flight MH370.

“In this respect, we would be remiss if we did not note that the Malaysian government's decision will have ramifications for the worldwide community of air travellers, who rely upon air safety investigators and regulators to learn from the mistakes of the past in a concerted, solemn effort to make air travel safe for everyone,” they said in a joint statement.

Marks and Altman are from Podhurst Orseck, Pennsylvania, and practising in Miami. They represent 76 plaintiffs who have sued on behalf of the 32 passengers on the ill-fated flight.

Marks, a world renowned aviation lawyer with 30 years' experience acting for passengers and families, is also a legal adviser to the International Civil Aviation.

He had worked and appeared in courts in Jamaica, Spain, Nigeria, Kazakhstan, Puerto Rico and Russia.

US lawyers not allowed to cross-examine

The American lawyers have applied to cross-examine witnesses in the suit filed by the firm of Messrs Tommy Thomas.

However, three months ago, the High Court in Kuala Lumpur had dismissed their application to cross-examine witnesses during trial, but the court did not bar them from attending the hearing and advising lawyers appointed to the case.

The 72 plaintiffs who filed the case named Malaysian Airline System Bhd (the administration company), Malaysia Airlines Bhd, Civil Aviation Department director-general, the Royal Malaysian Air Force and the Malaysian government as respondents.

They represent passengers from India, US and China.

They claimed that MAS breached its contract by not ensuring the airworthiness of MH370 and the safety of the passengers on board.

The plaintiffs further contended that MAS, DCA, RMAF, the transport ministry and the Malaysian government had illegally conspired with each other and acted in a grossly negligent manner to obstruct, frustrate, and prevent the discovery of their aircraft and in turn, resulted in a delay in the conduct of the MH370 search and rescue operations.

An earlier report from an Australian news website alleged that Malaysia had withheld crucial data that could help find the missing MH370 from Australian authorities and independent aviation and data experts involved in the search.

"If you assumed those tasked with finding this needle in a haystack had been given every piece of information available to solve what is now regarded as the greatest aviation mystery in history, you would be wrong.

"*News.com.au* can reveal that Malaysia withheld, and continues to withhold, from the Australian Transport Safety Bureau (ATSB) and consulting experts, vital radar data containing possible clues to the location of the Boeing 777 - or what is left of it," the report had said.

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