

Malaysia declares Flight 370 disappearance an 'accident'

Kim Hjelmgaard and Jane Onyanga-Omara, USA TODAY

More than 10 months — precisely 328 days — after it went missing with 239 passengers and crew on board, Malaysian investigators Thursday declared the disappearance of Flight 370 an accident, clearing the way for families to pursue compensation claims.

Investigators with Malaysia's Civil Aviation authority concluded the aircraft exhausted its fuel supply over the southern Indian Ocean and is on the seafloor. Everyone on the flight is presumed dead. An underwater search continues west of Perth, Australia.



The 239 passengers and crew on board Malaysia Airlines Flight MH370 have been declared dead, their disappearance formally declared an accident. This clears the way for families to seek compensation, as the plane remains missing. VPC

"It is with the heaviest heart and deepest sorrow that we officially declare Malaysia Airlines Flight MH370 an accident," Azharuddin Abdul Rahman, the director general of Malaysia's civil aviation department, said in a statement.

The "declaration is by no means an end" to the search for the jet, a wide-bodied Boeing 777, he added. "At this juncture, there is no evidence to substantiate any speculations as to the cause of the accident." More than 10 months — precisely 328 days — after it went missing with 239 passengers and crew on board, Malaysian investigators Thursday declared the disappearance of Flight 370 an accident, clearing the way for families to pursue compensation claims.

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Parents whose son was on the missing airliner demand the Malaysian government continue the search for the Malaysia Airlines flight near the Malaysian Embassy in Beijing. The poster reads, "Malaysia Airlines, return my relative to me." (Photo: Andy Wong, AP)

The plane disappeared on March 8 last year en route from Kuala Lumpur to Beijing, and is believed to have crashed in the southern Indian Ocean off the coast of western Australia. That remote area is far from any possible landing sites, and the sea there has known depths of more than 19,600 feet, Azharuddin said.

Relatives of the 154 Chinese passengers on board the flight — many of whom cling to hope their loved ones are still alive — reacted with disbelief and anger to the announcement Thursday.

"I waited for a whole year, but this is not the answer I want to hear. I can't believe what they said. There is no evidence at all, how could they draw such a conclusion? There must be a conspiracy," said Li Xinmao, 57, whose daughter was on the plane. "I won't accept any compensation because they are hiding the truth. I can't accept it."

The declaration by Malaysia government officials will help relatives obtain death certificates and seek compensation such as life insurance beyond the \$50,000 the airline has already offered.

But the relatives are concerned the declaration is a preamble to calling off the search for the Boeing 777 entirely, even as Malaysian and Australian officials insisted the search would continue.

"It's hard to comprehend why the families weren't given some advance notice. It's really upsetting," said Steven Marks, a Miami lawyer at Podhurst Orseck who represents the families of 30 passengers. "It should have been handled differently."

Justin Green, a New York lawyer at Kreindler & Kreindler who represents 23 families, said they have two years to seek compensation from the airline, and the declaration allows them to request a death certificate and set up an estate.

But the timing months after the disappearance, while still a month shy of the anniversary, upset families that hold out hope the passengers made it to land somewhere.

"It was done in a heavy-handed manner," Green said. "That's really hard for the families to hear."



The search and rescue mission in the South China Sea, the Straits of Malacca, the Andaman Sea and the southern Indian Ocean was an "unprecedented exercise" involving aircraft and vessels from 13 countries, Azharuddin said.

Difficulties with the search about 1,000 miles west of Perth include the ocean up to 4 miles deep. Ships drag sonar equipment or send autonomous subs to scan the ocean floor for objects that look man-made, which experts say is difficult, tedious work.

The Australian Transport Safety Bureau announced Wednesday that searchers have covered 7,000 square miles of ocean floor, for about 30% of the area targeted. Completion is targeted for May.

One vessel, the GO Phoenix, resumed searching Jan. 21 after suspending operations for Tropical Cyclone Bansi.

The ships Fugro Equator and Fugro Discovery are continuing the search, but will suspend operations in mid-February for routine port visits.

The Fugro Supporter is expected to join them within days.

"Our work will continue to be thorough and methodical, so sometimes weekly progress may seem slow," said a statement from the Joint Agency Coordination Center leading the search. "Please be assured that work is continuing and is aimed at finding MH370 as quickly as possible."

But Marks, the lawyer representing families of passengers, voiced skepticism about the search location, which he argued should have focused in more detail in the South China Sea where the plane went missing.

"I have no faith that they are looking in the right place," Marks said.

Malaysia, China and Australia spared no expense and resources in the search, which has covered more than 5,300 square miles, he said. The hunt resumed in October after a four-month hiatus with more sophisticated sonar equipment. Search teams have pursued every credible lead and reviewed all available data, but have yet to find any evidence of the missing aircraft, Azharuddin said.

An interim statement on the progress of the safety investigation is expected to be released around the one-year anniversary of the incident.

The Convention on International Civil Aviation, commonly referred to as the Chicago Convention, states that the definition of the term "accident" includes "the aircraft is missing," Azharuddin said in explaining the airline's announcement.

A criminal investigation led by the Royal Malaysia Police is ongoing, but that probe and others are limited by the lack of physical evidence, particularly the flight recorders, Azharuddin added.



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"At this moment of sadness, the Chinese government expresses its deep sorrow for the misery of those on board, and offers its profound sympathies and sincere condolences to their families," Hua Chunying, the Chinese Foreign Ministry's spokesperson, said after Thursday's announcement.

"We call on the Malaysian side to act on the commitments made in the statement, fulfill its obligation of compensation, protect the lawful rights and interests of the families and provide them with support and assistance," she said. "We also call on the Malaysian side to remain fully committed to the search and investigation efforts and keep the families updated on the latest progress."

Dai Shuqin, whose younger sister and her family were on board, said the news "destroyed our last hope."

"They still cheated us like they did before. There is no evidence at all, how could they hurt us again and again like this," she said, crying. "I won't accept any compensation. It's their trap. They used it last year. I won't believe them."