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EMBARGO 6PM

Monday, 29 January 2015

**ANNOUNCEMENT ON MH370**  
**BY**  
**DIRECTOR GENERAL**  
**DEPARTMENT OF CIVIL AVIATION MALAYSIA**

**INTRODUCTION**

Good afternoon ladies and gentlemen, members of the media.

1. My name is Azharuddin Abdul Rahman, Director General of the Department of Civil Aviation Malaysia and I am here today in my capacity as the Chairman of the MH370 High Level Technical Task Force (HLTTF).
2. As you are aware, the HLTTF was formed to coordinate technical matters relating to MH370.

## **BACKGROUND**

3. On 8 March 2014 at 0122 Malaysia Local Time (1722 UTC 7 March 2014), a Malaysian Airlines aircraft, a Boeing 777-2H6ER, registration 9M-MRO and call-sign MH370, lost contact with Air Traffic Control after waypoint IGARI during a transition of airspace between Malaysia and Vietnam whilst en-route to Beijing.

4. There were 227 passengers, 2 flight crew and 10 cabin crew on board.

## **SEARCH EFFORTS**

5. The Search and Rescue mission involved 160 assets inclusive of 65 aircraft and 95 vessels as well as experts from 25 countries. This unprecedented exercise involved aircraft and vessels from the following countries:

- Australia (4 Aircraft, 2 vessels)
- Cambodia (4 Aircraft)
- China (13 Aircraft, 19 vessels)
- India (4 vessels)
- Indonesia (11 vessels)

- Japan (4 Aircraft)
- New Zealand (1 Aircraft)
- Singapore (3 Aircraft, 2 vessels)
- South Korea (2 Aircraft)
- Thailand (1 Aircraft, 1 vessels)
- United Arab Emirates (2 Aircraft)
- United States of America (5 Aircraft, 4 vessels)
- Vietnam (2 Aircraft, 2 vessels)

6. Other countries unable to send physical assets also provided invaluable support in other ways. Many individuals also stepped up to provide assistance in whatever way they could.

7. Malaysia is greatly indebted to all the countries and individuals for all the assistance and support received. We offer our heartfelt gratitude for the generosity of response in a dark hour in the history of the aviation industry.

8. The search and rescue phase was carried out from 8 March 2014 to 28 April 2014 where the search area covered the South China Sea, the Straits of Malacca, the Andaman Sea and the southern Indian Ocean.

9. Following the announcement by the Australian Government on 28 April 2014, the search and rescue phase transitioned to a search and recovery

phase.

10. On 28 April 2014, the search coordinated by the Australian Maritime Safety Authority (AMSA) moved to an underwater phase led by the Joint Agency Coordination Centre (JACC) and the Australian Transport Safety Bureau (ATSB). Malaysia and China sent their respective experts and assets to assist JACC and ATSB in this phase.

11. This phase of the search included the use of the Autonomous Underwater Vehicle (AUV) and bathymetry survey capabilities. The Bathymetry Survey has completed covering an area of around 208,000 square kilometres.

12. The bathymetric survey provided us with critical information on the topography of the sea floor. This information is now assisting in the current ongoing phase which is the underwater search.

13. The underwater search is still ongoing at this time and the exercise is currently being performed by 4 vessels, namely the *Go Phoenix*, *Fugro Discovery*, *Fugro Equator* and *Fugro Supporter*. To date, the search has covered over 18,600 square kilometres (as of 28 Jan15).

## THE DECLARATION

14. The Governments of Malaysia, China and Australia have spared no expense and resources in the search for MH370. This has been done with the paramount aim to find the aircraft and to seek answers. It has been done in hope of bringing some solace to the families of the passengers and crew on board MH370, which we respectfully refer to as the “next-of-kin”. We have endeavoured and pursued every credible lead and reviewed all available data. Despite all these efforts over the last 327 days (as of 28 Jan 15), the search unfortunately has yet to yield the location of the missing aircraft.

15. Chapter 1 of Annex 13 to the Convention on International Civil Aviation (commonly referred to as the “Chicago Convention”) and entitled “Aircraft Accident and Incident Investigation” states that the definition of the term “accident” includes “the aircraft is missing”. It also states that “an aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located”. Annex 12 to the Chicago Convention entitled “International Standards and Recommended Practices” for search and rescue, further states that the term “search” refers to an operation to locate persons in distress.

16. According to the International Civil Aviation Organisation (ICAO), Annex 12 (para 5.5.1) states that search and rescue operations shall continue, when practicable, until all survivors are delivered to a place of safety or until all reasonable hope of rescuing survivors has passed. Further, a note supporting para 5.5.2 states that “Contracting States may require input from

other appropriate State authorities in the decision-making process leading to termination of SAR (search and rescue) operations”.

17. It was in compliance with these ICAO Standards in Annexes 12 and 13 that on 28 April 2014, the Australian Maritime Safety Authority (AMSA) advised that the search was transitioning from a search and rescue operation to a search and recovery phase.

18. Available data suggests that after the transponder ceased transmitting, there was no normal radio or aircraft system (ACARS) communications transmitted or received from the aircraft. Hence, we relied on the only available data, which was the Satellite Communication (SATCOM)/Inmarsat data as well as Aircraft Performance Data.

19. An analysis of the radar data and subsequent satellite communication (SATCOM) system signaling messages placed the aircraft in the Australian search and rescue zone on an arc in the southern Indian Ocean. This arc was considered to be the location close to where the aircraft’s fuel would have been exhausted.

20. Based on the analysis of all available evidence and the supporting factual information that I have mentioned, this data supports the conclusion that MH370 ended its flight in the southern Indian Ocean.

21. Based on the same data, we have concluded that the aircraft exhausted its fuel over a defined area of the southern Indian Ocean, and that the aircraft

is located on the sea floor close to that defined area. This is a remote location, far from any possible landing sites. It is also an area with adverse sea conditions with known depths of more than 6,000 metres.

22. After 327 days (as of 28 Jan15) and based on all available data as well as circumstances mentioned earlier, survivability in the defined area is highly unlikely.

**23.** It is therefore, with the heaviest heart and deepest sorrow that, on behalf of the Government of Malaysia, we officially declare Malaysia Airlines flight MH370 an accident in accordance with the Standards of Annexes 12 and 13 to the Chicago Convention and that all 239 of the passengers and crew onboard MH370 are presumed to have lost their lives.

## **NEXT OF KIN**

24. The Government of Malaysia acknowledges that this declaration of the MH370 accident will be very difficult for the families and loved ones of the 227 passengers and 12 crew on board to consider, much less accept. Thirteen nations have also lost sons and daughters to this tragedy. It is nonetheless important that families try to resume normal lives, or as normal a life as may be possible after this sudden loss. Without in any way intending

to diminish the feelings of the families, it is hoped that this declaration will enable the families to obtain the assistance they need, in particular through the compensation process.

25. The Government of Malaysia also assures the families of the passengers and crew that the search for MH370 remains a priority. The Government of Malaysia, is committed to continue all reasonable efforts to bring closure to this unfortunate tragedy, with the continuing cooperation and assistance of the Governments of China and Australia.

26. The Government of Malaysia assures that Malaysia Airlines will undertake their responsibilities in relation to the legitimate rights and interests of the next-of-kin as provided under the relevant international instruments and relevant domestic laws, with due consideration to international practice. This includes the fulfilment of the compensation process, whether it is pursued through consultation or through litigation. We further understand that Malaysia Airlines is ready to proceed immediately with the compensation process, with due regard for the readiness of the next-of-kin to take this step.

27. In keeping with our commitments to keep the next-of-kin apprised of the latest developments and pertinent verified information, a special section has been established on the MH370 official website, <http://www.mh370.gov.my>, solely for the next-of-kin. It includes information on the search and investigation efforts, the compensation process, responses to NOK's

inquiries as well as other forms of assistance that are available to the next-of-kin. It is hoped that this dedicated portal will provide a continuing support system for the next-of-kin.

## **INVESTIGATION**

28. The “Malaysian ICAO Annex 13 Safety Investigation Team for MH370”, comprising accredited representatives from seven countries is currently conducting its safety investigation. Similarly, the criminal investigation led by the Royal Malaysia Police is also ongoing.

29. Both investigations are limited by the lack of physical evidence at this time, particularly the flight recorders. Therefore at this juncture there is no evidence to substantiate any speculations as to the cause of the accident. An interim statement detailing the progress of the safety investigation is expected to be released on or around the one year anniversary of the accident.

## **CLOSING**

30. We once again express our deepest sympathy to all those who have been affected by this terrible accident. It has been a frustrating time for all who have tried their best in the search for MH370. We have never wavered in our

commitment to continue our efforts to find MH370 and bring closure for everyone, most of all for the families of the passengers and crew of MH370.

31. This declaration is by no means the end. We will forge ahead with the cooperation and assistance of the Governments of China and Australia. MH370, its passengers and its crew will always be remembered and honoured.

**Dato' Azharuddin Abdul Rahman**

**Director General Department of Civil Aviation Malaysia**