

We must secure justice for the victims of flight MH17

On July 17 2014, 298 passengers and crew were flying from Amsterdam to Kuala Lumpur on Malaysia Airlines flight MH17 when their plane was shot out of the sky. Our nations were plunged into mourning over the senseless taking of innocent lives. Last week, we commemorated the 12-month anniversary of the loss of those lives in national memorial services held around the world.

Our foremost priority in the immediate aftermath of the crash was to bring home the remains of the victims. This presented many challenges, but the international community was solidly united, supported by the strength of feeling across the world.

An independent technical investigation was launched to establish its cause, in accordance with the rules of the International Civil Aviation Organization. The final report of this investigation, led by the Dutch Safety Board, will be published in October. The report has benefited from the input of various international investigators, including those from the US National Transportation Safety Board and its Russian equivalent, Rosaviatsia.

The UN Security Council unanimously adopted Resolution 2166 which demanded that “those responsible for this incident be held to account and that all States co-operate fully with efforts to establish accountability”. The law enforcement authorities of Australia, Belgium, Malaysia, the Netherlands and Ukraine are working together in a Joint Investigation Team to conduct an independent criminal investigation into the downing of the flight, with the assistance of all relevant countries.

Now, as the public prosecutor in charge has signalled that the independent criminal investigation could be completed before the end of this year, our countries have asked the UN Security Council to swiftly establish an international criminal tribunal under Chapter VII of the UN Charter to try those responsible for this crime. Such a tribunal would ensure the highest levels of transparency, impartiality and accountability. It would deliver justice to the families of all victims of MH17. It would ensure broad international support and maximise the potential for international co-operation. Further it would oblige all states to co-operate fully with the International Tribunal and its bodies.

Safe air travel for all our citizens is essential to a peaceful world and the development of international relations. So we cannot allow an atrocious attack such as this to go unpunished. Impunity for the perpetrators would lead to unacceptable risks for the future.

Time is also of the essence: justice delayed is justice denied. By setting up a tribunal before the conclusion of both highly anticipated investigations (technical and criminal), we can ensure that it will be capable of serving justice in a way that transcends international or domestic politics. Moreover, this approach is consistent with international practice. All other ad hoc criminal courts and tribunals have been established prior to the completion of their respective criminal investigations.

A year ago, the Security Council unanimously adopted Resolution 2166, thereby acknowledging the threat this incident posed to international peace and security. It

also agreed to remain seized of this matter. We call upon its members to fulfil their responsibility and fight impunity for such acts of violence. We must secure justice for the victims of MH17 and their next of kin and prevent such a tragic event from ever happening again.

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The signatories are the foreign ministers of Australia, Belgium, Malaysia, The Netherlands and Ukraine