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MH17

Seek justice at ICC instead

It is regrettable that the United Nations Security Council rejected the draft resolution for the setting up of a tribunal that would guarantee an independent trial for those behind the downing of Malaysia Airlines Flight MH17 over eastern Ukraine on July 17 last year.

No nation in the Security Council, including Russia, should have used its veto power against the resolution, as it sends a wrong signal to the world community on the need to investigate the incident, identify the culprit and bring justice to the victims.

The call for an international tribunal under the UN Charter is not something new, as it has been established many times since the creation of the world body itself in 1945.

In the past, similar tribunals

have been created to investigate crimes that happened in Rwanda, Somalia, Korea, Afghanistan, to name a few.

Now that Russia has vetoed the draft resolution, Malaysia should also have a backup plan to get to the bottom of this tragedy.

This can be done by bringing the issue to the International Criminal Court (ICC).

The ICC was created to protect people from genocide, crimes against humanity, war crimes and the crime of aggression, and it has proven itself to be an effective mechanism to address many issues relating to international crimes.

Setting up a new international court would further delay matters, since there would be a significant time lapse in establishing the relevant infrastructure and appoint-

ing the personnel necessary to operate this tribunal. By bringing the matter to the ICC, we can be assured of the smooth process of the trial.

Malaysia should discuss with the other Joint Investigation Team member nations about the possibility of pursuing this legal path.

In this regard, Malaysia also needs to immediately ratify the Rome Statute of the International Criminal Court, which recognises the existence of the ICC.

So far, 123 nations have ratified the statute. Malaysia has not signed the Rome Statute.

However, since March 2011, the Malaysian government has expressed interest in ratifying it. In light of the rejection by the UN Security Council, some sort of justice mechanism is still needed to investigate the incident, punish the perpetrator and bring justice to the victims.

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