

2024

BACKGROUND PAPER

Topic: Aerial Incident of January 8th (Canada, Sweden, Ukraine and United Kingdom vs Islamic Republic of Iran)

International Court of Justice

Danae Sanchez, Carmina Avila



Umun

INDEX

Committee Background	3
Introduction of the topic	4
Evolution of the topic	5
External actions	6
Committee focus	7
Conclusion	8
Participation list	9
References	10

Committee Background



The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nineyear term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and, second, to give advisory opinions on legal questions referred to it by duly authorized United Nations organs and agencies of the system.

Over the years, the ICJ has handled a multitude of cases, contributing significantly to the development of international jurisprudence. Recent cases have addressed issues ranging from maritime boundary disputes to allegations of state-sponsored terrorism. The Court's decisions have far-reaching implications for the parties involved and serve as precedents in shaping the norms and principles of international law.

The ICJ, like any international institution, faces challenges in ensuring the enforcement of its judgments and maintaining widespread respect for its decisions. However, the Court remains an indispensable forum for the peaceful settlement of disputes, and its continued relevance is crucial in an ever-evolving global landscape.

Introduction of the Topic



The Aerial Incident of January 8th refers to the tragic downing of Ukraine International Airlines Flight PS752 near Tehran, Iran. The aircraft was shot down by the Iranian military, leading to the loss of 176 lives. Canada, Sweden, Ukraine, and the United Kingdom formed a joint committee to investigate the incident and address the aftermath, seeking transparency and accountability from the Islamic Republic of Iran. The incident raised international concerns and discussions about air safety, diplomatic relations, and the need for thorough investigations.

On that fateful day, the international community witnessed a grave turn of events as a civilian aircraft, carrying passengers from various corners of the globe, was tragically shot down over Iranian airspace. The aftermath of this incident has not only left families shattered but has also triggered a wave of global concern, prompting an unprecedented collaboration between nations typically separated by vast distances and diverse political landscapes.

The involvement of Canada, Sweden, Ukraine, and the United Kingdom in a joint endeavor against the Islamic Republic of Iran reflects the gravity of the incident and the universal demand for transparency. The ramifications extend beyond national borders, transcending individual interests and compelling these nations to seek answers that resonate with the broader principles of justice and accountability.

This collaborative effort signifies a commitment to unravel the truth surrounding the circumstances leading to the downing of the aircraft. The international inquiry aims not only to ascertain the events that transpired on that ominous day but also to hold accountable those responsible for the loss of innocent lives. The collective pursuit of justice reflects a shared belief that transparency is the bedrock upon which diplomatic relations should be built, fostering an environment where tragedies of this nature can be prevented in the future.

As the complexities of the investigation unfold, the world watches attentively, cognizant of the delicate diplomatic dance that ensues. The Aerial Incident of January 8th serves as a sobering reminder of the need for international cooperation, even in the face of adversity. The collaborative efforts of these nations underscore the shared responsibility of the global community to address the consequences of actions that reverberate far beyond national boundaries.

Evolution of the Topic



The evolution of the inquiry can be traced through the collaborative efforts of the nations involved. In the early stages, there was a palpable tension as questions lingered about the circumstances leading to the tragedy. Swift action was imperative, not only to assuage the grieving families but also to address the global outcry for accountability. High-level diplomatic channels were activated, and discussions unfolded to shape the framework of a collaborative investigation that would involve all concerned parties.

The United Kingdom, Canada, Sweden and Ukraine launched a case against Iran at the United Nations' highest court on Wednesday over the downing in 2020 of a Ukrainian passenger jet and the deaths of all 176 passengers and crew. The four countries want the International Court of Justice to rule that Iran illegally shot down the Ukraine International Airlines plane and to order Tehran to apologize and pay compensation to the families of the victims.

Legal considerations played a pivotal role in shaping the trajectory of the inquiry. As the nations involved navigated a complex web of international laws and agreements, the question of jurisdiction and the legal framework for holding those responsible to account became paramount. Negotiations ensued to ensure that the investigation adhered to established legal principles while accommodating the sensitivities of all parties involved. The pursuit of justice required a delicate balance between national sovereignty and the imperative to address the global ramifications of the incident.

On January 16, 2020, Canada and its International Coordination and Response Group (the Coordination Group) partners created a legal subcommittee to coordinate their efforts to hold Iran accountable for its violations of international law. The goal of the legal subcommittee is to ensure accountability and obtain justice for the victims, the families and the affected states. A dedicated team of lawyers from Global Affairs Canada and the Department of Justice Canada has been working with its legal subcommittee counterparts in advance of negotiations with Iran on reparations.

On July 2, 2020, the Honourable François-Philippe Champagne, then Minister of Foreign Affairs, and his counterparts from Afghanistan, Sweden, Ukraine and the United Kingdom, signed a memorandum of understanding on cooperation regarding negotiations on full reparations by Iran. This important step reflects the commitment of all 4 countries to work together as a united front toward the goal of securing justice for the victims, and formalizes how the Coordination Group will cooperate prior to, and during, the negotiations.

On July 30, 2020, representatives from the Coordination Group held their first meeting with Iranian officials regarding negotiations on reparations for the families of the victims of Flight PS752. The Coordination Group's members and Iran discussed the preparations for, and organization of, future rounds of negotiations. The Coordination Group reiterated the call on Iran to conduct a full, transparent and independent investigation in accordance with international standards, including accountability and justice for the families of the victims of this terrible tragedy.

External Actions



International Court of Justice (ICJ) Referral

As a legal dispute involving multiple nations, the matter could be referred to the International Court of Justice (ICJ) for an advisory opinion or as a contentious case. The ICJ is the principal judicial organ of the United Nations and handles legal disputes between states. Nations involved in the incident might seek a legal resolution through this channel.

Security Council Involvement

The United Nations Security Council (UNSC) is the primary body responsible for maintaining international peace and security. In cases where a threat to international peace is identified, the Security Council can take action. If the Aerial Incident of January 8th was deemed a threat to international peace, the UNSC might have been involved in discussions, issuing statements, or potentially adopting resolutions.

Human Rights Council and Humanitarian Concerns

The United Nations Human Rights Council could become involved if there are allegations of human rights violations associated with the incident. The Council may conduct investigations or discuss the matter to address potential violations and ensure accountability.



Committee Focus

The International Court Of Justice (ICJ) committee is closely examining various aspects of the incident, including the events leading up to it, the involved parties' actions, and the aftermath.

The investigation is delving into factors such as airspace regulations, communication protocols, and the chain of events that led to the tragic incident. The committee is working to gather all available evidence, including radar data, communications records, and eyewitness testimonies, to piece together a comprehensive understanding of what transpired on that fateful day.

Furthermore, the ICJ committee is taking into account the perspectives and concerns of each involved nation, aiming for a fair and impartial analysis. The goal is not only to determine responsibility but also to identify any systemic issues or lapses in protocols that may have contributed to the incident.

Conclusion



The investigation's length reflects the meticulous nature of the process, ensuring that all relevant details are thoroughly examined before reaching any conclusions. The ICJ is committed to upholding international justice and providing a transparent and accountable resolution to this complex and sensitive case.



PARTICIPATION LIST

- Prosecutor 1
- Prosecutor 2
- Prosecutor 3
- Prosecutor 4
- Judge 1
- Judge 2
- Judge 3
- Judge 4
- Defensor 1
- Defensor 2
- Defensor 3
- Defensor 4





References

- Aerial Incident of 8 January 2020 (Canada, Sweden, Ukraine and United Kingdom v. Islamic Republic of Iran). (2020). Icj-Cij.org. <https://www.icj-cij.org/case/190>
- Canada, allies officially launch case against Iran at UN top court over downing of passenger jet. (2023, July 5). CBC. <https://www.cbc.ca/news/world/canadairan-flight-icj-1.6897348>
- Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland jointly institute proceedings against the Islamic Republic of Iran | INTERNATIONAL COURT OF JUSTICE. (2023, July 5). Icj-Cij.org. <https://www.icj-cij.org/node/202866>
- McQuillan, L. (2022, December 28). Canada among 4 countries launching effort to hold Iran accountable for shooting down Flight PS752. CBC. <https://www.cbc.ca/news/politics/canada-trigger-convention-iran-ps752-1.6698758>
- Global Affairs Canada. (2020). Canada's response to Ukraine International Airlines Flight PS752 tragedy. GAC. https://www.international.gc.ca/worldmonde/issues_developpement-enjeux_developpement/response_conflictresponse_conflits/crisis-crisis/flight-vol-ps752.aspx?lang=eng
- Boddy, A. (January 8, 2024). Canada, the United Kingdom, Sweden and Ukraine begin a dispute against Iran over the downing of a passenger plane. Jurist.org. <https://www.jurist.org/news/2024/01/canada-uk-sweden-and-ukraine-launchdispute-against-iran-over-downing-of-passenger-plane/>
- Canada, G. A. (2017, May 29). Canada's response to Ukraine International Airlines Flight PS752 tragedy. GAC. https://www.international.gc.ca/worldmonde/issues_developpement-enjeux_developpement/response_conflictresponse_conflits/crisis-crisis/flight-vol-ps752.aspx?lang=eng