

Diana Shvets Resources:

Dispute under the convention for suppression of Unlawful acts against the safety of civil aviation

<https://jusmundi.com/en/document/other/en-proceedings-instituted-by-canada-the-kingdom-of-sweden-ukraine-and-the-united-kingdom-of-great-britain-and-northern-ireland-against-the-islamic-republic-of-iran-on-4-july-2023-application-instituting-proceedings-concerning-a-dispute-under-the-convention-for-the-suppression-of-unlawful-acts-against-the-safety-of-civil-aviation-tuesday-4th-july-2023>

Ariel incident case

<https://www.icj-cij.org/case/190>

Case filing of applicants

<https://www.icj-cij.org/sites/default/files/case-related/190/190-20230704-app-01-00-en.pdf>

Iran's appeal

<https://icj-web.leman.un-icc.cloud/sites/default/files/case-related/198/198-20250417-pre-01-00-en.pdf>

<https://www.icj-cij.org/sites/default/files/case-related/198/198-20250417-app-01-00-en.pdf>

Canadas response to Ukraine

https://www.international.gc.ca/world-monde/issues_development-enjeux_developpement/response_conflict-reponse_conflicts/crisis-crisis/flight-vol-ps752.aspx?lang=eng

SRMUN CHARLOTTE

INTERNATIONAL COURT OF JUSTICE

Memorial

INSTITUTING PROCEEDINGS
Filed in the Registry of the Court on 4 July 2023

**DISPUTE UNDER THE CONVENTION FOR THE SUPPRESSION OF UNLAWFUL
ACTS AGAINST THE SAFETY OF CIVIL AVIATION**

(CANADA, THE KINGDOM OF SWEDEN, UKRAINE, THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND VS THE ISLAMIC REPUBLIC OF IRAN)

2020 General List No.1

I. APPLICATION INSTITUTING PRECEEDINGS
8 January 2020

To the Registrar, International Court of Justice

I, the undersigned, duly authorized by the Government of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland, of which I am the Agent, have the honor to submit to the International Court of Justice, in accordance with the Articles 36(1) and 40 of the Statute of the Court. And Articles 38 of the Rule of the Court, of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland hereby submit this Application instituting proceedings against the Islamic Republic of Iran.

I. Subject of the Dispute

1. The dispute between Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland concerns the violation and suppression of the of the Montreal Convention made by The Islamic Republic of Iran. The dispute of unlawful acts against the safety of civil aviation and the Montreal Convention. Iran is held liable for the deconstruction of PS752, and for failing to report to the "ICAO" International Civil Aviation Organization violating articles 6, 7, 10, 11, and 13. Iran is held accountable for failing to conduct an impartial, independent, and comprehensive investigation.

II. The Facts

2. On 8 January 2020, Iran took launch by IRGC by ballistic missiles. Iran identified a high threat level for international civil aviation
3. PS752 is set to travel starting 5:51, and cleared by Air Traffic Control, departed at 6:12
4. PS752 is in air, 6:15 missiles are shot and CVR is to stop recording from the radar, 6:18 PS752 is crashed in Tehran
5. 176 Passengers are killed ages 1-74 with nationals and residents with of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland.
6. 8 January 2020, Iran issues public denial of any suggestion of shutting down and quarantines those of who know anything
7. 11 January 2020, Iran admits on via Twitter of missile strike by IRGC was targeted "*unintentionally due to human error*" in hopes of a cruise missile, not a plane full of passengers
8. The scene of the crash was bulldozed, numerous of police and military personnel were present failed to service evidence of the crash or information.
9. 9 January 2020 Ukraine investigators arrive to Tehran, finding crash soil evidence has been removed to secondary location by truck, and bulldozed.
10. Numerous of victims' families were subjected to intimidation and abuse, including pressure by the IRGC to declare victims as "Marty's"
11. IRGC General Salaami claimed, deconstruction of PS752 helped avoid a war with the United States and saved many lives.
12. Iran failed to conduct an impartial independent, and comprehensive investigation leading of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland in subjecting to violation of the Montreal Convention
13. February 2021 UN Human Rights Council criticized the military investigation, leading to failure directed from Iran to conduct impartial, independent, and comprehensive investigation, consisted with its international obligations. Leaving Iran to defend themselves

to “[t]he investigation by the Iranian authorities also disregarded the responsibility of high-level officials”

14. Criticism UN Human Rights reports concern of the lack of independence and impartiality of judiciary in Iran. Urging the importance of Iran to ensure fair International trial standards to be met in its criminal justice system
15. September 2021 it was reported by that senior government and IRGC officials responsible for the operation on 8 January 2020 would not stand trial
16. Court sessions were closed to the general public and indictment was not public
17. 16 April 2023, Iran’s Military of Justice announced that the military verdict has been issued. 10 people were found guilty on lesser charges of not following orders. Only the alleged commander of the air- defense combat vehicle near Bidganeh that shot down PS752 was found guilty, equivalent to criminal negligence causing death, 13 years in prison.
18. 18 April 2023, Applicant of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland issued public statement condemning the trials and verdicts lacking the necessary impartiality and transparency required under international law.
19. In exchanges with the Applicants of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland, Iran claimed to deal with “*all technical, military, legal, criminal, and compensatory aspects of the case[...] based on and even beyond, the international obligations*”.
20. Iran failed to accept repeated request for assistance in respect of criminal proceedings in Ukraine arising out of the deconstruction flight of PS752.

III. The Jurisdiction of the Court

21. Violations of the Montreal Convention breached International law
22. Breach of Civil Aviation

IV. The Legal Grounds upon which of Canada, Kingdom of Sweden, Ukraine, The United Kingdom of Great Britain, and Northern Ireland’s claims are Based

23. Multiple articles of violations have been identified Articles 6, 7,10, 11, and 13 by Iran under the Montreal Convention and not limited to;
24. The failure to preliminary acquire facts and promptly report its findings Article 6
25. The failure to submit the case to its competent authorities for the purpose of prosecution Article 7
26. The failure to take all practicable measure for the purpose of preventing the deconstruction of flight PS752, as acquired by Article 10