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María Vega**

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**Topic A: “Aerial Incident of 8 January 2020
(Canada, Sweden, Ukraine and United
Kingdom v. Islamic Republic of Iran)”**



Welcoming Letter

Dear participants,

The International Court of Justice welcomes you to CFMUNX. As President and Vice President, we could not be more excited to have you participate as judges and attorneys on the International Court of Justice committee.

We hope you have a great time and expand your debate skills and that you are successful in your goals for this MUN.

As participants of the committee, you will have a unique opportunity to put yourself in the shoes of international legal experts and explore the complexities of this case, so that as attorneys you will be able to present solid arguments so that the judges rule in your favor, and as judges determine, after a complete and fair evaluation of the arguments presented, the best resolution of the case.



Thank you so much again for joining us in this exciting experience.

Looking forward to seeing you soon!

Sincerely,

President and Vice president of ICJ



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I. Committee Background

The International Court of Justice is the principal judicial organ of the United Nations. It was established in June 1945 by the United Nations Charter, and it commenced its operations in April 1946. The seat of the court is located at the Peace Palace in The Hague, Netherlands. It is one of the six main organs of the United Nations and the only one of them that is not headquartered in New York City, United States of America.

This court has the function of an impartial judicial body where countries can resolve disputes peacefully and legally, preventing possible conflicts.

The ICJ is made up of 15 judges elected by the UN General Assembly and the UN Security Council. Judges are selected based on their qualifications, experience, and the principle of equitable geographical representation.

The President and Vice-President of the ICJ are elected by their fellow judges and serve for three years, with the possibility of re-election.

The Court operates with a quorum, with a minimum of nine judges being necessary to make a valid decision, in order to guarantee its ability to maintain international peace and security by ensuring that States follow the principles of justice and equity. It's important to note that the ICJ deals exclusively with legal disputes between states and does not have jurisdiction over individuals or non-state entities. The Court's decisions are binding on the parties involved in a case, and the UN Security Council may enforce these decisions if necessary.



II. Introduction to the Topic

In the early morning of January 8, 2020, the Ukraine International Airlines Flight PS-752 on route to Kyiv, Ukraine, was shot down near Tehran. Where 176 people, both crew and passengers from different origins such as the United Kingdom, the United States, Canada, Iran, Afghanistan, Ukraine, and Sweden, lost their lives due to the ballistic missiles launched by the Iranian aerospace force. This event was reported as a human error, however, the background arises due to the conflict between the country and the United States.

Where days before Iran's aerospace forces launched multiple missiles against United States air bases and the coalition forces in Iraq. Thus, they positioned air defense combat vehicles on the perimeter of Tehran. To protect the capital of the country from any type of threat.



These measures were also carried out near Tehran's Imam Khomeini International Airport, where days later, flight PS 752, at approximately 5:51, would contact air traffic control to request permission and thus start the plane's engines. On the first days, authorities denied any involvement in the crash. Still, days later, they admitted that the plane was unintentionally shot down by the Iranian Revolutionary Guard Corps (IRGC) due to human error. The incident occurred during heightened tensions between Iran and the United States, following the U.S. drone strike that took out the life of the Iranian General Qasem Soleimani. Iranian officials stated that the IRGC mistook the civilian aircraft for a threat amid increased military readiness. However, Iran's statement came out days after the international community, such as Canada and Ukraine, made official statements, recounting the facts and events that occurred and were taking place in the country.

Such as subjugation, intimidation, and abuse that relatives of the victims experienced after the loss of a loved one; or the application of the wreckage of the plane and belongings.

With these and more events, the international community and the victims' families requested that a fair and transparent investigation be opened.

Nonetheless, the investigation carried out by the Military Prosecutor of Iran concluded on January 7, 2021, declaring the same cause published by members of the state on January 11, 2020.

IV. Relevant Events

A. Panorama

The Aerial Incident of 8 January 2020 was closely linked to a series of relevant events, particularly those related to the escalating tensions between Iran and the United States.

On January 3, 2020, days before the incident, General Qasem Soleimani, a top Iranian military commander, was killed in a US drone strike in Baghdad. This event significantly increased tensions between the United States and Iran, raising fears of an escalation of military conflict in the region. Then on January 8, 2020; just hours before the downing of Flight PS752. Iran launched ballistic missiles at two military bases in Iraq hosting U.S. forces.

After initial denials and amidst mounting evidence, on January 11, 2020, Iran admitted that it had unintentionally shot down the aircraft due to human error. Iranian President Hassan Rouhani called it a "disastrous mistake" and apologized. However, this admission did little to quell the international outcry and demand for justice.

B. Points of view

1. Military Perspective:

- The military of the country involved may view the incident as a result of necessary actions to protect national security.
- They might argue that the actions taken were in response to a perceived threat or violation of airspace.

2. Iran's Perspective:

- After initial denials and amidst mounting evidence, on January 11, 2020, Iran admitted that it had unintentionally shot down the aircraft due to human error.
- Iranian President Hassan Rouhani called it a "disastrous mistake" and apologized. However, this admission did little to quell the international outcry and demand for justice.

3. Ukraine's Perspective:

- The Ukrainian government has rejected the final report on the incident by the Civil Aviation Organization of Iran as a "cynical attempt" to conceal the truth.

The International Court of Justice has fixed the time-limits for the memorial and counter-memorial, and the case is currently ongoing.



V. UN and External Actions

A. UN Actions

With the above, experts from the UN Human Rights Council declared the investigation as not impartial, not independent, and not exhaustive. The country acts rebelliously, under the obligations and compliance with the international norms and agreements to which it belongs. Breaking with the protocol and standards established for fair trials in its criminal justice system.

With these statements, the case was opened again, and on April 6, 2021, criminal charges were filed against 10 officers, without rank or identity.

B. External Actions

In September 2021, senior officials of both the government and the IRGC, who had links to the January 8, 2020 operation, were declared absolved of complete guilt and would not be subjected to any trial or process.

Thus, the trial sessions against the 10 officers were not publicly available, therefore the witnesses were subject to confidentiality requirements. And on April 6, 2023, the Ministry of Justice of Iran. Through the court, he issues his verdict, formally indicting the 10 officers on minor charges, and the commander is found guilty on a charge of criminal negligence.

Due to the international rights that Iran must respect and follow, on April 18, 2023, the declaration of the convictions and verdicts is made official. Almost at the same time that the victims' families withdrew all complaints.

VI. Conclusion

Canada, the United Kingdom, and Ukraine applied on July 5, 2023, to take action against the Islamic Republic of Iran's complete rebellion after it failed the Montreal Convention (the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation), endangering civilians and other nations.

This ruling aims to highlight the nation's and every member of the international community's responsibilities to uphold and preserve world peace and harmony.

According to the applicants, this means that the state's actions are evaluated based on their non-compliance with and violations of several obligations.



Iran did not take all reasonable steps to prevent Flight PS752's destruction or the unlawful and deliberate conduct of an offense specified in Article 1 of the Montreal Convention. Additionally, it later disregarded international law by conducting a fair, transparent, and unbiased criminal inquiry and prosecution.

VII. Committee Focus

- Dispute between the Applicants and Iran regarding the interpretation and application of the Montreal Convention.
- Agreement on arbitration concerning the next six months.
- The violation of the obligations by Iran under the Montreal Convention.
- Security regarding the integrity of the relatives of the victims and agents involved.
- Protocol of the justice system following the international justice system.

VII. Participation List

Prosecution Attorney 1

Prosecution Attorney 2

Prosecution Attorney 3

Prosecution Attorney 4

Prosecution Attorney 5

Prosecution Attorney 6

Defense Attorney 1

Defense Attorney 2

Defense Attorney 3

Defense Attorney 4

Defense Attorney 5

Defense Attorney 6

Judge Georg Nolte

Judge Yuji Iwasawa

Judge Julia Sebutinde

Judge Xue Hanquin

Judge Peter Tomka

Judge Leonardo Nemer Caldeira Brant

Judge Hilary Charlesworth

Judge Ronny Abraham

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