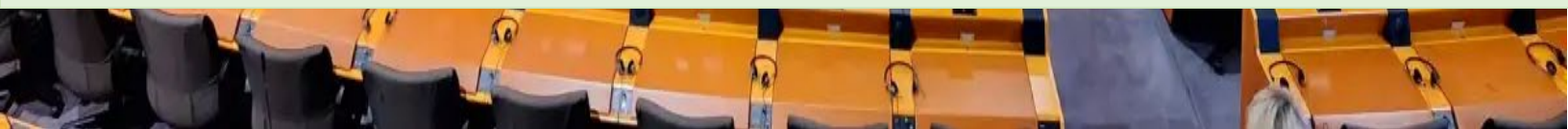




International Court of Justice (ICJ)

Iran v. Canada, Sweden, Ukraine, and the United Kingdom (2023) regarding the downing of flight PS752

President: Hind Koudsi



President's Letter

Dear esteemed advocates of the court,

My name is Hind Koudsi, I'm a junior at the Modern Montessori School, and I am of utmost honor to serve you as your President for the International Court of Justice for this year's MontessoriMUN. Alongside my respected deputy president Omar Hyasat and chair Rayan Durak. I look forward to guiding you through what promises to be an engaging, challenging, and thought-provoking experience. As this is my first time presiding over ICJ and my first experience as President, I wish to make it special for both my advocates and fellow chairs, and hopefully, our time together will leave each of us with enjoyable memories we will cherish, and insights we will carry beyond this committee itself.

The ICJ is the principal judicial organ of the United Nations, tasked with resolving disputes between states through law, evidence, and fairness rather than politics. But to me, that's only a fraction of what it ever truly meant to me, as finding my way to court allowed me to express the inner fuel, passion, and fire my character holds and helped shape me into a more empathetic and noble person, which I will forever be grateful for. This year, our committee will focus deeply on a single, complex case: Iran v. Canada, Sweden, Ukraine, and the United Kingdom, concerning the tragic downing of Ukraine International Airlines Flight PS752 on the morning of January 8th, 2020, near Tehran,

Iran. Tragically, 176 lives were lost as a result of this incident. Over the course of the three days, you will fully dedicate yourselves to examining this case from every angle, considering the sequence of events, legal principles involved, and even the broader questions it raises regarding state obligations, sovereignty, aviation safety, and accountability under international law. Every argument, piece of evidence, and witness you consider will help us gain a richer and more nuanced understanding of the complexities and implications at the heart of this case.

You were chosen for this committee because you have the ability to make a difference and shape the verdict of this case. This is your chance to stand for justice, uphold your position, and prove your case with clarity and conviction. Step into this role fully, as this is your chance to prove what it truly means to be an advocate in the International Court of Justice.

Best regards and wishes,

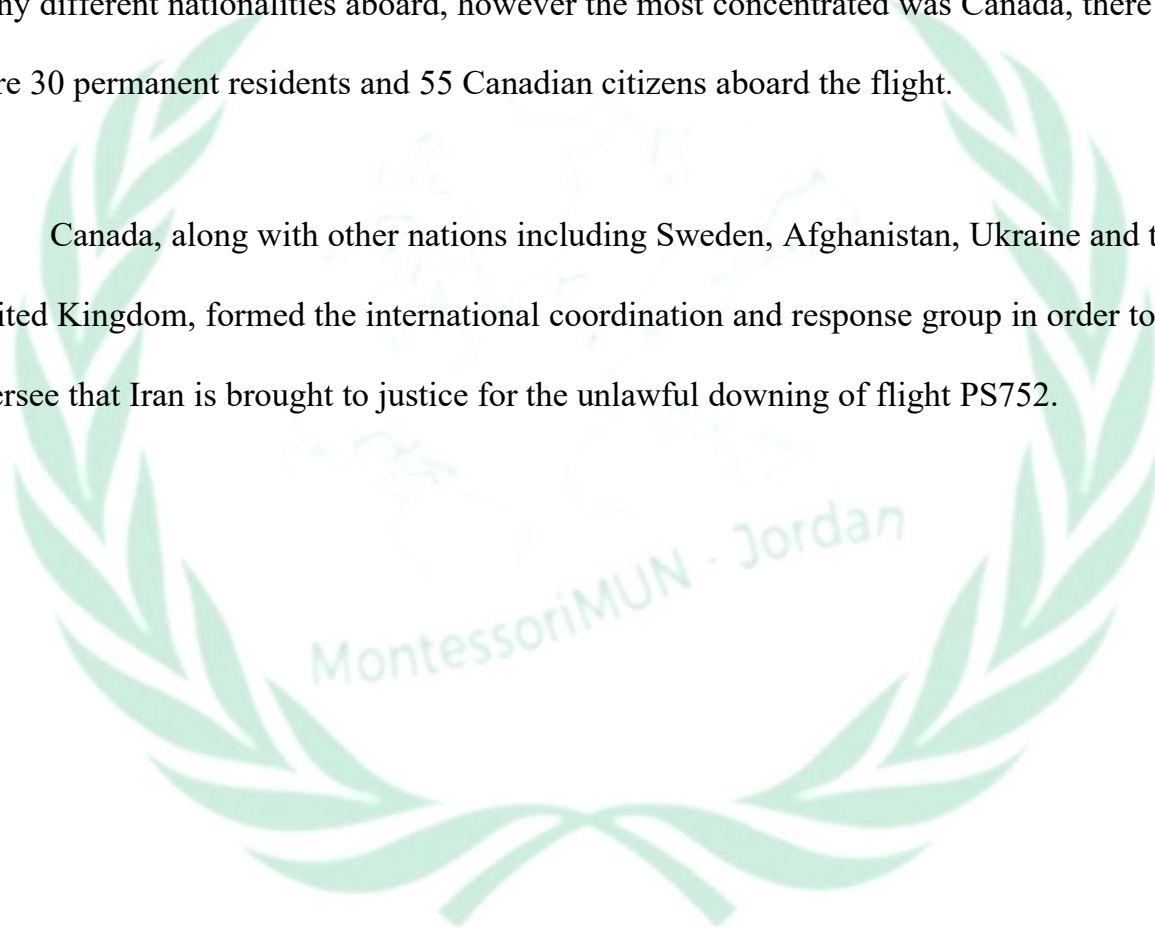
Hind Koulsi

President of the International Court of Justice

General overview

On January 8th 2020, the Ukraine International Airlines flight (“Flight PS752”) was shot down by Iranian missiles minutes after launching, never reaching its destination of Kiev in Ukraine. Every single passenger that was aboard the plane was found dead which included 167 passengers and 9 flight attendants. The flight had many people of many different nationalities aboard, however the most concentrated was Canada, there were 30 permanent residents and 55 Canadian citizens aboard the flight.

Canada, along with other nations including Sweden, Afghanistan, Ukraine and the United Kingdom, formed the international coordination and response group in order to oversee that Iran is brought to justice for the unlawful downing of flight PS752.



Timeline of events

- **January 8th 2020:** Flight PS752 is downed and 176 people died as a result.
- **January 16th 2020:** A legal subcommittee is created in the international coordination and response group in order to press Iran for transparency in regards to the case.
- **July 2nd 2020:** The ministers of foreign affairs in the countries of the international coordination and response group signed a memorandum of understanding on cooperation regarding negotiations on full reparations on Iran. This formalized how the coordination group dealt with the negotiations.
- **July 30th 2020:** Representatives from the coordination group held the first negotiations with Iranian officials in order to decide on reparations for the families of the victims of flight PS752.
- **June 3rd 2021:** Ukraine, representing the Coordination group delivered the notice of claim to Iran. This notice defined 7 areas in which the coordination group were seeking reparations. These demands included a public apology, a full account of events that led to the downing, the return of the victim's belongings, assurances that this would not happen again (including a comprehensive review of Iran's air

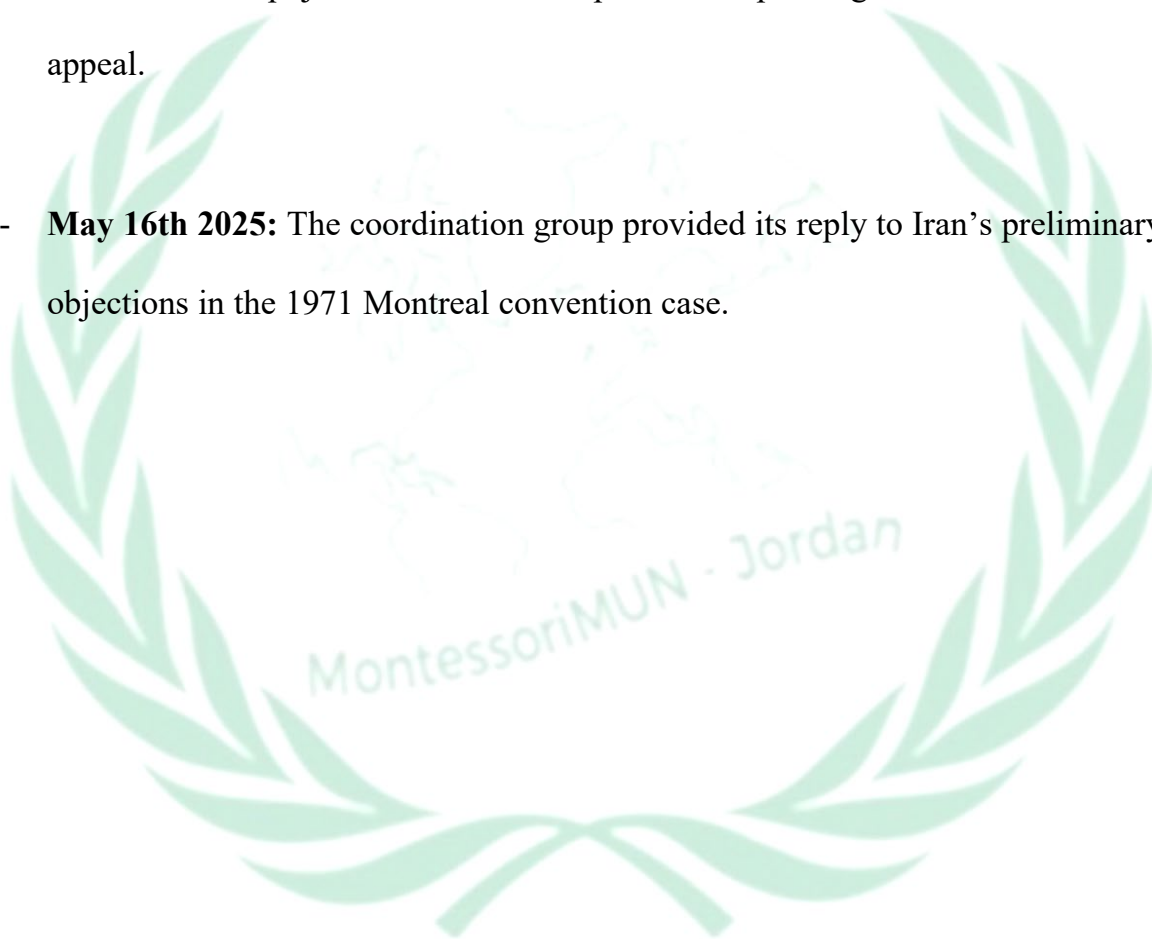
defense system), transparency in criminal prosecutions, and compensation. This notice was a formal step in holding Iran accountable for their actions.

- **September 27th 2021:** The coordination group, having never received a response from Iran, reminded them of their obligations through a letter. Also suggesting that the next round of negotiations take place on November 22nd and 23rd, 2021.
- **November 17th 2021:** The Iranian party responded to the letter by declining to meet with the group.
- **November 24th 2021:** The coordination group issued a statement expressing disappointment and calling Iran to negotiations in good faith.
- **December 16th 2021:** The coordination group responded to Iran's letter of November 17th and invited them to negotiate on January 17th, 2022 to discuss the matter of the demands for reparation.
- **December 27th, 2021:** Iran completely rejected the idea of a negotiation insisting that there was not a need to do so.

- **January 6th 2022:** The group issued a statement noting that a number of efforts were taken to negotiate with Iran however they were futile. They would now seek to resolve this in accordance with international law.
- **December 28th 2022:** The coordination requested that Iran submit a binding arbitration in relation to a claim pursuant to the convention for the suppression of Unlawful acts against the safety of civil aviation of 1971, also known as the Montreal convention.
- **July 4th 2023:** Seeing a lack of agreement on the organization of arbitration, the coordination group filed an application with the International Court of Justice in relation to breaches of the 1971 Montreal convention.
- **October 2nd and 3rd:** The coordination group met with Iran however absolutely no progress was made and Iran continued to disregard any of the groups claims.
- **October 16th 2023:** The ICJ defined timelines for the written proceedings of the case. It ordered the coordination group to file its memorial by October 16th 2024, and Iran to file its counter memorial by October 16th 2025. A memorial outlines the applicant's statement of facts, legal arguments, and the relief it seeks from court, with all relevant documents and evidence attached as annexes. In turn, the opposing part must submit a counter memorial in response.

- **January 8th 2024:** The coordination group initiated dispute settlement proceedings before the international civil aviation organization against Iran for using weapons against a civil aircraft in flight which breaches its international obligations according to the Chicago convention.
- **June 4th 2024:** Iran filed a preliminary objection in accordance with the ICAO Council's rules for the settlement of differences.
- **July 26th 2024:** The coordination filed its reply to the objection, claiming it was without merit.
- **August 28th 2024:** Iran filed a response to the coordination group's arguments and the proceedings in regards to the preliminary objection were closed.
- **October 16th 2024:** The coordination group filed its memorial and annexes in support of its claims regarding the 1971 Montreal convention case. This document is not public.
- **January 16th 2025:** Iran filed preliminary objections with the ICJ regarding the Montreal convention case, challenging the jurisdiction of the ICJ and the admissibility of the group's case.

- **March 17th 2025:** ICAO accepted jurisdiction of the Chicago convention case and allowed the matter to continue into the next stages.
- **April 17th 2025:** Iran filed an application to the ICJ to appeal the ICAO council's decision to accept jurisdiction. It is not paused and pending an ICJ decision on the appeal.
- **May 16th 2025:** The coordination group provided its reply to Iran's preliminary objections in the 1971 Montreal convention case.



Legal bases, conventions, and charges

1. Montreal Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1971)

- **Article 1. 1.** Any person commits an offence if he unlawfully and intentionally:
 - (a) performs an act of violence against a person on board an aircraft in flight if that act is likely to endanger the safety of that aircraft; or
 - (b) destroys an aircraft in service or causes damage to such an aircraft which renders it incapable of flight or which is likely to endanger its safety in flight; or

2. Chicago Convention on International Civil Aviation (1944)

- **Article 3 bis**
 - (a) The contracting States recognize that every State must refrain from resorting to the use of weapons against civil aircraft in flight and that, in case of interception, the lives of persons on board and the safety of aircraft must not be endangered. This provision shall not be interpreted as modifying in any way the rights and obligations of States set forth in the Charter of the United Nations.

- **Annex 13**

Annex 13 outlines how accident investigation participating States are determined, as well as the process leading to the issuance of an accident investigation Preliminary Report

(within 30 days of the event) and Final Report (ASAP or within 12 months of the event) following completion of the investigation.

3. *Montreal Convention 1999 (MC 1999)*

- **Article 17 – Death and Injury of Passengers – Damage to Baggage**

1. The carrier is liable for damage sustained in case of death or bodily injury of a passenger upon condition only that the accident which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

- **Article 21: Compensation in Case of Death or Injury of Passengers**

1. For damages arising under paragraph 1 of Article 17 not exceeding 100 000 Special Drawing Rights for each passenger, the carrier shall not be able to exclude or limit its liability.

2. The carrier shall not be liable for damages arising under paragraph 1 of Article 17 to the extent that they exceed for each passenger 100 000 Special Drawing Rights if the carrier proves that:

- (a) such damage was not due to the negligence or other wrongful act or omission of the carrier or its servants or agents; or
- (b) such damage was solely due to the negligence or other wrongful act or omission of a third party.

- **Article 29 – Basis of Claims**

In the carriage of passengers, baggage and cargo, any action for damages, however founded, whether under this Convention or in contract or in tort or otherwise, can only be brought subject to the conditions and such limits of liability as are set out in this Convention without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights. In any such action, punitive, exemplary or any other non-compensatory damages shall not be recoverable.

