

INTERNATIONAL COURT OF JUSTICE

REPORTS OF JUDGMENTS,
ADVISORY OPINIONS AND ORDERS

AERIAL INCIDENT OF 8 JANUARY 2020

(CANADA, SWEDEN,
UKRAINE AND UNITED KINGDOM
v. ISLAMIC REPUBLIC OF IRAN)

ORDER OF 16 OCTOBER 2023

2023

COUR INTERNATIONALE DE JUSTICE

RECUEIL DES ARRÊTS,
AVIS CONSULTATIFS ET ORDONNANCES

INCIDENT AÉRIEN DU 8 JANVIER 2020

(CANADA, ROYAUME-UNI,
SUÈDE ET UKRAINE
c. RÉPUBLIQUE ISLAMIQUE D'IRAN)

ORDONNANCE DU 16 OCTOBRE 2023

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ORDONNANCE

INTERNATIONAL COURT OF JUSTICE

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No. 190

16 October 2023

AERIAL INCIDENT OF 8 JANUARY 2020

(CANADA, SWEDEN,
UKRAINE AND UNITED KINGDOM
v. ISLAMIC REPUBLIC OF IRAN)

ORDER

Present: President DONOGHUE; Vice-President GEVORGIAN; Judges TOMKA, ABRAHAM, XUE, SEBUTINDE, BHANDARI, IWASAWA, NOLTE, CHARLESWORTH, BRANT; Registrar GAUTIER.

The International Court of Justice,

Composed as above,

After deliberation,

Having regard to Article 48 of the Statute of the Court and to Articles 31, 44, 45, paragraph 1, and 48 of the Rules of Court,

Having regard to the Application filed by Canada, the Kingdom of Sweden (hereinafter “Sweden”), Ukraine and the United Kingdom of Great Britain and Northern Ireland (hereinafter the “United Kingdom”) on 4 July 2023 instituting proceedings against the Islamic Republic of Iran (hereinafter “Iran”) concerning alleged violations by the latter of its obligations under the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation of 23 September 1971 arising out of the shooting down of a Ukrainian civil aircraft on 8 January 2020;

Whereas a signed copy of the Application was communicated to Iran on the day it was filed;

Whereas each applicant State has appointed an Agent for the purposes of the proceedings; whereas Canada has appointed Mr Alan H. Kessel,

Sweden has appointed HE Ms Elinor Hammar skjöld, Ukraine has appointed Ms Oksana Zolotaryova and the United Kingdom has appointed Ms Sally Langrish; and whereas Iran has appointed Mr Tavakol Habibzadeh as Agent;

Whereas, on 21 September 2023, a meeting was held by the President of the Court with the Agents of the Parties pursuant to Article 31 of the Rules of Court, in order to ascertain their views with regard to the time-limits for the filing of the initial written pleadings in the case;

Whereas at this meeting, the Agent of Canada, speaking on behalf of the four applicant States, emphasized that an early resolution of the present dispute was of key importance for the families of the victims of the downing of Ukraine International Airlines Flight PS752, who deserved transparency, accountability and justice; whereas the Agent of Canada indicated that the Applicants wished to have at their disposal a period of nine months for the preparation of their joint Memorial; and whereas the Agent of Iran stated at the outset that, while the accident that had occurred was indeed tragic, his Government was of the view that the Court lacked jurisdiction to entertain the case and that the applicant States had no standing to institute proceedings; whereas the Agent further expressed the wish that the Court avoid fixing time-limits in the current case which might overlap with the preparation by Iran of its written and oral pleadings in the other pending cases before the Court to which it was a party; and whereas the Agent of Iran stated that his Government would need a period of eighteen months for the preparation of its Counter-Memorial, following the filing of the Memorial of the applicant States;

Taking into account the views of the Parties,

Fixes the following time-limits for the filing of the written pleadings:

16 October 2024 for the Memorial of Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland;

16 October 2025 for the Counter-Memorial of the Islamic Republic of Iran; and

Reserves the subsequent procedure for further decision.

Done in English and in French, the English text being authoritative, at the Peace Palace, The Hague, this sixteenth day of October, two thousand and twenty-three, in six copies, one of which will be placed in the archives of the Court and the others transmitted to the Governments of Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and

Northern Ireland and to the Government of the Islamic Republic of Iran, respectively.

(Signed) Joan E. DONOGHUE,
President.

(Signed) Philippe GAUTIER,
Registrar.
