



INTERNATIONAL COURT OF JUSTICE RESEARCH REPORT I

Islamic Republic of Iran v. United States of America Aerial Incident of 3 July 1988

Introduction to the Topic:

Iran Air Flight 655 was a scheduled civilian passenger flight that was tragically shot down on the 3rd of July 1988 over the Strait of Hormuz by the U.S. Navy guided-missile cruiser USS Vincennes. The aircraft, an Airbus A300, was en route from Bandar Abbas, Iran, to Dubai, UAE, when it was mistakenly identified as a hostile military aircraft and struck by two surface-to-air missiles. All 290 passengers and crew aboard, including civilians from several countries were killed in the incident. The incident occurred within the broader context of the Iran-Iraq War, during which both sides were engaged in attacks on shipping and military assets in the Persian Gulf. The U.S. Navy maintained a significant presence in the region to protect oil tankers and allied vessels. The United States later characterized the attack as an error of identification under combat conditions, while Iran called it an unlawful attack on a civilian aircraft and a serious violation of international law.

Background information

The long-standing political and military dispute between Iran and the United States must be taken into consideration while analysing the downing of Iran Air Flight 655. Following the Iranian Revolution of 1979, which resulted in the fall of the Shah, who was supported by the United States, and the creation of the Islamic Republic, relations between the two nations drastically declined. After the Iran hostage crisis of 1979-1981, when 52 American diplomats were detained in Tehran, tensions increased even more.

Iran saw American engagement in the Persian Gulf as a direct threat to its sovereignty, while the United States provided Iraq with political and military backing during the Iran-Iraq War. The United States escorted Kuwaiti tankers under Operation Earnest Will after many attacks on oil tankers and merchant ships occurred during the "Tanker War" phase of the conflict. Miscalculation was much more likely in this highly militarised environment.

In response to the downing of Flight 655, the Islamic Republic of Iran brought a case against the United States of America before the International Court of Justice (ICJ) on 17 May 1989 under the title Aerial Incident of 3 July 1988 (Islamic Republic of Iran v. United States of America). Iran claimed that the United States had breached several international conventions that protect civil aviation, including the Chicago Convention (1944) and the Montreal Convention (1971), and acted without justification in causing the death of the 290 civilians.



Iran's legal claim was that:

- While providing civilian identification signals, the U.S. naval vessel used deadly force on a civilian aeroplane travelling on a planned commercial route.
- The United States first refused to compensate the victims' relatives and did not openly admit legal culpability.

Focus of the Debate

The degree of state responsibility under international law and the legitimacy of using force against a civilian aircraft are the main topics of discussion before the International Court of Justice. Advocates should concentrate on whether the United States' failure to differentiate between civilian and military targets violated its duties under international civil aviation treaties and customary international law.

International humanitarian law's applicability in situations of peace or limited armed conflict, nations' duty to use military force with caution, and the rules governing self-defence are important problems. The case also calls into question the effectiveness of international legal institutions in delivering justice and compensation, the accountability of state military forces for crimes, and the safety of people in international airspace.

Past UN Actions

- The International Civil Aviation Organisation (ICAO) issued findings about aircraft identification protocols, aviation safety, and the dangers of military operations near civilian flight routes after looking into the incident.
- The UN has stressed time and time again that governments are required by international law to protect civilian aircraft. This includes continued UN support for the Chicago Convention's principles, which uphold the inviolability of civilian aircraft, and UN General Assembly Resolution 36/225, which condemns the use of force against civil aviation.
- Without explicitly acknowledging legal responsibility, the United States agreed to compensate the relatives of the victims of Iran Air Flight 655 in a financial settlement mediated by the Iran-U.S. Claims Tribunal in 1996.

Past UN Actions

Strengthening international regulations regarding military action close to civilian aviation lines.

Improving identification and communication procedures between military and civilian aviation authorities.

Encouraging official admissions of accountability and reconciliation.

Establishing more transparent procedures for justice and compensation in civilian casualty cases.

Groups:

Group A - Iran

Group B - USA



Significant Parties

Islamic Republic of Iran: Iran is the applicant in the case, claiming that the downing of Flight 655 violated international law. Iran wants international protections for civil aviation to be affirmed, as well as accountability for the deaths of civilians.

The United States of America: The respondent, the United States, maintains that the incident was an inadvertent error made in a hostile operational environment. The United States challenges the legal classification of the incident as a breach of international law and contends that its actions were performed in self-defence.

The International Civil Aviation Organization (ICAO): Although not a party to the dispute, looked into the incident to determine whether international aviation regulations were being followed. The ICAO is a major player in establishing worldwide standards for civil aviation safety.

Families of the Victims: Discussions about reparations, justice, and moral responsibility revolve around the relatives of those deceased, who embody the human aspect of the case.

Glossary and Key Terms:

International Court of Justice (ICJ): The primary court of the United Nations tasked with resolving disputes between states in conformity with international law

Chicago Convention (1944): an international agreement that establishes guidelines for both international air travel safety and civil aviation.

Montreal Convention (1971): A convention aimed at preventing unlawful acts against civil aviation.

Civilian Aircraft: Aircraft used for non-military purposes, such as commercial passenger transportation.

Self-defence: an international legal principle that permits states to defend themselves against armed attacks by using force when required.

State Responsibility: When a state's institutions or representatives does crimes, the state is legally responsible.

Reparations: Compensation or remedies given for harm brought on by illegal activity.

Bibliography and Useful Links-

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