

21 MAI 2026

ORDONNANCE

**APPEL CONCERNANT LA COMPÉTENCE DU CONSEIL DE L'OACI EN VERTU DE
L'ARTICLE 84 DE LA CONVENTION RELATIVE À L'AVIATION
CIVILE INTERNATIONALE**

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

**APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL UNDER
ARTICLE 84 OF THE CONVENTION ON INTERNATIONAL
CIVIL AVIATION**

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

21 MAY 2026

ORDER

INTERNATIONAL COURT OF JUSTICE

YEAR 2026

**2026
21 May
General List
No. 198**

21 May 2026

**APPEAL RELATING TO THE JURISDICTION OF THE ICAO COUNCIL UNDER
ARTICLE 84 OF THE CONVENTION ON INTERNATIONAL
CIVIL AVIATION**

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

ORDER

Present: *President* IWASAWA; *Vice-President* SEBUTINDE; *Judges* TOMKA, ABRAHAM, XUE, BHANDARI, NOLTE, CHARLESWORTH, BRANT, GÓMEZ ROBLEDO, CLEVELAND, AURESCU, TLADI, HMOUD, OKOWA; *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 2, and 48 of the Rules of Court,

Having regard to the Application filed in the Registry of the Court on 17 April 2025, instituting an appeal by the Islamic Republic of Iran from the decision rendered by the Council of the International Civil Aviation Organization on 17 March 2025 in proceedings initiated jointly by Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland (hereinafter the “Respondent States”) against the Islamic Republic of Iran on 8 January 2024, pursuant to Article 84 of the Convention on International Civil Aviation adopted at Chicago on 7 December 1944,

Having regard to the Order of 19 June 2025, whereby the Court fixed 19 January 2026 and 19 August 2026 as the respective time-limits for the filing of the Memorial of the Islamic Republic of Iran and the Counter-Memorial of the Respondent States,

Having regard to the Memorial of the Islamic Republic of Iran filed within the time-limit thus fixed and the Counter-Memorial of the Respondent States filed on 27 March 2026, ahead of the time-limit thus fixed;

Whereas, on 28 April 2026, a meeting was held by the President of the Court with the representatives of the Parties pursuant to Article 31 of the Rules of Court, in order to ascertain their views on the subsequent procedure in the case;

Whereas, at the meeting, the Co-Agent of the Islamic Republic of Iran indicated that his Government considered that a second round of written pleadings was necessary to respond to issues raised in the Counter-Memorial and to submit supporting documents; whereas he further requested that the Court accord the Applicant at least eight months, from the issuance of the Order, to file its Reply, explaining that the Islamic Republic of Iran was at the same time preparing written pleadings in other cases before the Court, and that the work of its legal team was rendered difficult as a result of the armed conflict, sanctions and other restrictive measures affecting his country;

Whereas, at the same meeting, the Co-Agent of Canada, speaking on behalf of the Respondent States, stated that, in their view, a second round of written pleadings was not necessary; whereas she argued that the issues in the case were limited, narrow and straightforward, as the Application concerned an appeal from a decision of the Council of the International Civil Aviation Organization regarding its jurisdiction; whereas she added that the Applicant had already presented its arguments in two written rounds before the Council as well as in the Memorial filed before the Court, and that a speedy resolution of the current case was essential to ensure the resumption of the process before the Council and to provide justice to the families of the victims of the downing of Ukraine International Airlines Flight PS752; and whereas she submitted that, in the event that the Court were to direct a second round of written pleadings, the Parties should be given a maximum of two months for the preparation of a Reply and a Rejoinder, respectively;

Taking into account the views of the Parties,

Directs the submission of a Reply by the Islamic Republic of Iran and a Rejoinder by Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland;

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

21 September 2026 for the Reply of the Islamic Republic of Iran;

21 January 2027 for the Rejoinder of Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland; and

Reserves the subsequent procedure for further decision.

Done in French and in English, the French text being authoritative, at the Peace Palace, The Hague, this twenty-first day of May, two thousand and twenty-six, in six copies, one of which will be placed in the archives of the Court and the others transmitted to the Government of the Islamic Republic of Iran and the Governments of Canada, the Kingdom of Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland, respectively.

(Signed) IWASAWA Yuji,
President.

(Signed) Philippe GAUTIER,
Registrar.
