

Report demands international investigation into PS752 tragedy

By Mark PavilonsEditor

Key findings from an independent report on the Flight PS752 tragedy shows more damning evidence against Iran. And the organization behind it is hoping the world will take notice and keep pushing for justice. The 'Lonely Fight for Justice, An Investigative Analysis on the Ukraine International Airline,' was released during a Zoom webinar last week. The comprehensive, 217-page fact-finding report was led by the Association of Families of Flight PS752 Victims. The Canadian government can no longer sit idly by and must act to move the process further along. The Association of Families of Flight PS752 Victims is demanding an international impartial investigation to find the truth and respond to the numerous unanswered questions that remain. Two years have passed since the January 2020 downing. Ukraine International Airlines Flight 752 was tragically shot down by two successive surface-to-air missiles of Iran's Islamic Revolutionary Guard Corps (IRGC) shortly after taking off from Tehran's Imam Khomeini International Airport (IKA) on Jan. 8, 2020. All 177 passengers and crew were killed. These passengers included citizens of Iran, Canada, Ukraine, Sweden, Afghanistan, and the United Kingdom. The report extensively disproves Iran's official explanations, including false claims about its control of the relevant airspace and the Air Defense Unit that shot down the plane. The findings of our report reinforce why we need urgent actionable support and help from governments to facilitate the clarification and truth about what happened that led to the downing of Flight PS752, said Hamed Esmaeilion, president and spokesperson of the Association. It's clear that this tragedy cannot be referred to as just a horrific combination of coincidences. Among logistical findings, the systematic concealment of the root cause of the crash, the destruction of evidence at the crash site, and Iran's vague and misleading reports, all indicate that the downing of Flight PS752 was deliberate. The Association, in collaboration with the Raoul Wallenberg Centre for Human Rights (RWCHR), also filed the report and a joint submission with the UN to appoint an impartial fact-finding mission into the crimes involved in the downing. As we approach the two-year anniversary of the downing of Flight PS752, Iran continues to conceal evidence and do everything in their power to silence the victims and shield officials from accountability, said the Honourable Irwin Cotler, RWCHR Chair and former Justice Minister of Canada. The report's comprehensive body of evidence provides the necessary grounds to open domestic and international criminal investigations to bring the high-level perpetrators to justice. The Association is hopeful that this report initiates more government action, as it clearly documents the questions that remain unanswered by Iran's final Aircraft Accident Investigation Board report published in March 2021, and Canada's Forensic Investigative Report published in June 2021. Canadian and Ukrainian governments both agree serious questions remain. Many calls to broaden the investigation and even file criminal charges against Iran failed to gain traction on the national and international stage. Javad Solemiani is adamant in demanding action and the transparent investigation, in order for families of victims to obtain closure. He criticized Canadian government agencies for their lack of expedient action. Government of Canada and other affected countries -- Ukraine, the United Kingdom, Sweden, and Afghanistan -- should defend the rights of their citizens, residents, and travelers with deep ties in pursuing the needs of the victims' families, contesting Iran's obfuscation in every available forum, and pursuing the truth and justice, says the report. They are also asking the RCMP to open a criminal case against Iran on the grounds of acts of terrorism, war crimes and crimes against humanity. Unfortunately, there is no mechanism in international law for affected families to actively participate in truth-seeking and justice. International law in this regard is inefficient and cumbersome and is set more in the direction of the needs of governments than those of the victims of the crime and terrorism. Annex 13 and ICAO rules must change to prevent criminal and authoritarian governments from senselessly taking the lives of innocent passengers, the group says. Both technical and criminal investigations must be taken out of the hands of a government responsible for shooting down a plane. The Association believes in order to remedy the fundamental deficiency in Iran's Final Report, it's necessary to conduct a thorough and transparent investigation of the military aspects of this incident, including investigating the Tor-M1 system, the operator of the system, senior commanders of the IRGC, and the Iranian Defence Network. They want all facts and evidence disclosed and they want access to the black boxes of both the airliner and the missile vehicle. It is imperative, the Association notes, to explore all available legal avenues to pursue justice for the innocent victims. The pursuit of justice is critical not only to the families who have lost loved ones, but also to set an appropriate precedent for the sake of safety of air travellers in future. The Islamic Republic of Iran cannot be allowed to close the PS752 file with mere compensations to the 14 affected states. They contend Canada and the affected countries should trigger the dispute resolution process without further delay and demand accountability via

the ICAO and ultimately the International Court of Justice (ICJ). The government of Ukraine should continue its criminal investigation with full force and prosecute the perpetrators in Ukraine with support from other affected states. The Prosecutor of the International Criminal Court (ICC) should open a preliminary examination into the PS752 case, and the government of Ukraine must lodge the necessary declarations to pursue the case at the ICC. The United Nations Human Rights Council should mandate an international and impartial investigation into the downing of PS752 to promote accountability for the serious violations of international humanitarian law. They further suggest that Canada and the international community should list the IRGC in its entirety as a terrorist entity. Canada and its allies should impose targeted Magnitsky sanctions on high-ranking officials of Iran who were involved in the downing of PS752 and the subsequent obfuscations. The group found fault with Canada's forensic report conclusions, released this past June. Some were incomplete and other findings were misleading, the group says. Canada is standing firm that Iran takes full responsibility and Prime Minister Trudeau said we will strongly pursue all avenues for reparations. The Canadian Forensic and Examination Team report stopped short of saying the tragedy was premeditated. Trudeau himself admitted that Iran owes the answers to victims' families, and the world. While we continue to press Iran for these answers, Canada will work closely with our partners in the International Coordination and Response Group to pursue reparations in accordance with international law. This includes a complete accounting of the events that led to the downing, along with concrete assurances of non-repetition. As well, Canada will demand just compensation for the harm caused to the victims, their families and the affected states. The report demonstrates that Iran's official account of events is disingenuous, misleading and superficial, and intentionally ignores key factors. The downing cannot be conveniently blamed on a few junior personnel. Senior regime officials made the decisions that led to this tragedy, and the world must not allow them to hide with impunity behind a handful of low-ranking scapegoats. In fact, the totality of available information leads the Forensic Team to conclude that Iran tracked multiple targets but could not differentiate between passenger aircraft and legitimate threats. The Association refuted this assertion, noting their analysis indicates the Iranian action was indeed, intentional. Evidence does not support that 752 was mistaken for a hostile target. The Tor-M1 missile operator was experienced and the fact the first missile was launched when 752 was out of range indicates it was a directive from above. It's unbelievable that the missile crew or radar system could not distinguish the massive airliner for a small cruise missile. Further, the report notes the idea the system was misaligned as noted by Iranian officials, was likely fabricated to justify their claim of human error. Also, an Atlas Global Airlines Flight KK1185 was redirected from the flight corridor, to prevent any mistaken missile firings, or flying over any military bases. Why wasn't the same done for 752? Ashkan Davoodpour noted there was a 57-minute delay in Flight 752's departure, while some passengers disembarked. This is not only unusual, but so far, unexplained. There's also evidence that the flight was screened for any U.S. citizens, which also points to Iran's intentions. One of the most damning actions was the fact Iran kept the airspace used by civilian airlines open during the conflict and military actions by the U.S. This indicates that airlines and their passengers were used as human shields to prevent military strikes against Iranian targets. This decision was made by top officials, not the men on the ground. Plaguing the investigation was the fact Iran interfered with physical evidence at the crash scene. Victims' devices such as smart phones were all destroyed or had their memory cards removed. Forensic procedures were mishandled and bodies were not properly identified. To read the full report, go to <https://www.ps752justice.com/docs/>