



# ICAO NEWS RELEASE

FOR IMMEDIATE RELEASE

PIO 6/96

## ICAO COUNCIL CONCLUDES CONSIDERATION OF THE REPORT ON THE 24 FEBRUARY 1996 SHOOTDOWN OF CIVIL AIRCRAFT OFF CUBA

**MONTREAL, 28 June 1996** - The Council of the International Civil Aviation Organization (ICAO) yesterday concluded its consideration of the report on the 24 February 1996 shooting down of two United States-registered private civil aircraft with a resolution (see Attachment A) reaffirming the principle that each contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State for any purpose inconsistent with the aims of the Convention on International Civil Aviation. The resolution also reaffirms the Council's condemnation of the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity and the rules of customary international law.

The resolution will be transmitted to the United Nations Security Council along with the report of the investigation team (see Attachment B for conclusions of the report).

In closing the Council's discussion, Dr. Assad Kotaite, President of the Council of ICAO, commended the investigation team for its hard work, professionalism, integrity and impartiality, qualities which he described as being in the highest tradition of the international civil service.

ICAO was created in 1944 to promote the safe and orderly development of civil aviation in the world. A specialized agency of the United Nations, it sets international standards and regulations necessary for the safety, security, efficiency and regularity of air transport and serves as the medium for cooperation in all fields of civil aviation among its 184 Contracting States.

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RESOLUTION ADOPTED BY THE COUNCIL OF THE  
INTERNATIONAL CIVIL AVIATION ORGANIZATION  
AT THE TWENTIETH MEETING OF ITS 148TH SESSION  
ON 27 JUNE 1996

**THE COUNCIL**

*RECALLING* that two US-registered private civil aircraft were destroyed on 24 February 1996 by Cuban military aircraft;

*HAVING CONSIDERED* the request of the Government of the United States for an investigation concerning this incident;

*HAVING CONSIDERED* the request of the Government of Cuba inviting the Organization to carry-out an exhaustive investigation;

*HAVING CONSIDERED* the request of the United Nations Security Council in a Presidential Statement of 27 February 1996 that the International Civil Aviation Organization investigate this incident in its entirety;

*RECALLING* the Resolution adopted by this Council on 6 March 1996 which strongly deplored the shutdown of these two civil aircraft, and which directed the Secretary General to initiate an immediate investigation of this incident in its entirety and to report on that investigation within 60 days of the adoption of this Resolution, for consideration during its 148th Session;

*EXPRESSING* appreciation for the full co-operation of the authorities of the States concerned with the ICAO investigation team in this regard;

*HAVING CONSIDERED* the report of the Secretary General on the investigation on 26 and 27 June 1996 during its 148th Session;

*RECALLING* the principle that every State has complete and exclusive sovereignty over the airspace above its territory, and that the territory of a State shall be deemed to be the land areas and territorial waters adjacent thereto;

*RECALLING ALSO* that States, in the exercise of their authority under Articles 1 and 2 of the *Convention on International Civil Aviation*, shall be guided by the principles, rules, standards and recommended practices laid down in the Convention and its Annexes, including the rules relating to the interception of civil aircraft, and the principle, recognized under customary international law, concerning the non-use of weapons against such aircraft in flight;

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1. *NOTES* the report of the investigation instituted by the Secretary General;
2. *REAFFIRMS* the principle that States must refrain from the use of weapons against civil aircraft in flight and that, when intercepting civil aircraft, the lives of persons on board and the safety of the aircraft must not be endangered;
3. *REAFFIRMS* the principle that each Contracting State shall take appropriate measures to prohibit the deliberate use of any civil aircraft registered in that State or operated by an operator who has his principal place of business or permanent residence in that State for any purpose inconsistent with the aims of the *Convention on International Civil Aviation*;
4. *REAFFIRMS* its condemnation of the use of weapons against civil aircraft in flight as being incompatible with elementary considerations of humanity, the rules of customary international law as codified in Article 3 *bis* of the *Convention on International Civil Aviation*, and the Standards and Recommended Practices set out in the Annexes to the Convention;
5. *EXPRESSES* its deep regret over the loss of four lives and its deep sympathy and condolences to the bereaved families of the victims of this tragic event;
6. *RESOLVES* to transmit the Secretary General's report to the United Nations Security Council;
7. *INSTRUCTS* the Air Navigation Commission to study the safety-related aspects of the report of the investigation with regard to the adequacy of standards and recommended practices and other rules relating to interception of civil aircraft, and to report to the 150th Session of the Council on any measures it considers necessary so as to prevent the recurrence of a similar tragic event;
8. *REQUESTS* the President of the Council to report on the adoption of this Resolution to all ICAO Contracting States as soon as possible, and to report on this Resolution to the next ordinary Session of the Assembly in 1998 for any action the Assembly may wish to take;
9. *REQUESTS* all Contracting States to report at any time to the Council any infraction of the above-mentioned rules contained in the *Convention on International Civil Aviation*;
10. *URGES* all States which have not yet done so to ratify as soon as possible Article 3 *bis* of the *Convention on International Civil Aviation*, and to comply with all the provisions of this Article pending its entry into force.

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