



# INTERNATIONAL COURT OF JUSTICE

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**Pakistan institutes proceedings against India**  
**concerning the shooting down of a Pakistani aircraft**

THE HAGUE, 22 September 1999. The Islamic Republic of Pakistan has instituted proceedings against India before the International Court of Justice (ICJ) concerning the shooting down of a Pakistani aircraft by Indian air force planes on 10 August 1999.

In its Application filed in the Registry on 21 September 1999, Pakistan contends that the "unarmed Atlantique aircraft of the Pakistan navy was on a routine training mission with sixteen personnel on board" when "while flying over Pakistan air space it was fired upon with air to air missiles by Indian air force planes, without warning", resulting in the death of all 16 personnel, "mostly young naval trainees". It maintains that the aircraft, when shot down, was in an area situated approximately 70 to 90 miles east of Karachi and that it was "carrying out various training exercises and manoeuvres of instrument". According to Pakistan, after radar contact was lost with the aircraft at 10.55 a.m, an intensive search was undertaken by Pakistani aircraft and helicopters and the wreckage was discovered around 2.55 p.m. 2 kilometres inside Pakistan territory.

Pakistan further maintains that in the two and a half hours which elapsed between the shooting down and the discovery of the wreckage, "Indian helicopters . . . sneaked into Pakistan's territory to pick up a few items from the debris . . . in order to produce 'evidence' for [India's] initial claim that the Atlantique had been shot down over Indian air space". However, according to Pakistan, because of the "overwhelming evidence . . . Indian officials were obliged to admit that the Atlantique had indeed been shot down over Pakistan's air space".

In its Application, Pakistan states that the above-mentioned acts constitute breaches of the obligation to refrain from the threat or use of force under Article 2, paragraph 4, of the Charter of the United Nations; of the provisions of the Agreement of 6 April 1991 between Pakistan and India on Prevention of Air Space Violations; and of the obligations under customary international law not to use force and not to violate the sovereignty of another State.

Pakistan therefore requests the Court to judge and declare that "the acts of India . . . constitute breaches of the[se] various obligations . . . for which . . . India bears exclusive legal responsibility" and that "India is under an obligation to make reparations to . . . Pakistan for the loss of the aircraft and as compensation to the heirs of those killed".

As a basis for the Court's jurisdiction, Pakistan invokes the declarations by which both States have accepted the compulsory jurisdiction of the Court.

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The full text of Pakistan's Application will shortly be available on the Court's website at the following address: <http://www.icj-cij.org>

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