

Information Circular

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Communication dated 24 July 2015 received from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a communication dated 24 July 2015 from the Permanent Mission of the Islamic Republic of Iran to the Agency.
2. The communication, as requested by the Permanent Mission, is circulated herewith for information.

In the name of God



Permanent Mission of
ISLAMIC REPUBLIC OF IRAN
to the International Atomic Energy Agency(IAEA)

No. 66 /2015
Vienna, 24 July 2015

In the Name of God, the Most Compassionate, the Most Merciful

Excellency,

I am writing with regard to the statement of the White House Press Secretary, Mr. Josh Earnest, at his press briefing on 17 July 2015, in which he has made the following outrageous allegation about the verification work of the IAEA:

"The military option would remain on the table, but the fact is, that military option would be enhanced because we'd been spending the intervening number of years gathering significantly more detail about Iran's nuclear program. So when it comes to the targeting decisions that would be made by military officials either in Israel or the United States, those targeting decisions would be significantly informed, and our capabilities improved, based on the knowledge that has been gained in the intervening years through this inspections regime."
[Emphasis added].

The threat or use of force under any circumstances except in self-defense is a violation of the fundamental principles of international law and the Charter of the United Nations, and such statements constitute a breach of erga omnes obligations under Article 2(4) of the Charter. Moreover, at a time when the Joint Comprehensive Plan of Action (JCPOA) is successfully concluded between the Islamic Republic of Iran and the P5+1, such a statement is totally unwarranted and seriously undermines the very basic principles required for its implementation that is expected to begin soon. These statements amount to a material breach of the commitments just undertaken by all JCPOA participants that:

To H.E. Mr. Yukiya Amano
Director General, IAEA

“Requests for access pursuant to provisions of this JCPOA will be made in good faith, with due observance of the sovereign rights of Iran, and kept to the minimum necessary to effectively implement the verification responsibilities under this JCPOA. In line with normal international safeguards practice, such requests will not be aimed at interfering with Iranian military or other national security activities...”

Additionally, this statement jeopardizes the role of the IAEA under the JCPOA which provides that, “in implementing this procedure as well as other transparency measures, the IAEA will be requested to take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge.” Furthermore, the statement and the information it is referring to, can only be gained in grave contravention of the principle of confidentiality regarding all information related to the implementation of safeguards, and in particular violates profoundly the provisions of Article VII (F) of the Statute of the Agency and the undertakings of its Member States thereunder, which provides that:

“In the performance of their duties, the Director General and the staff shall not seek or receive instructions from any source external to the Agency. They shall refrain from any action which might reflect on their position as officials of the Agency; subject to their responsibilities to the Agency, they shall not disclose any industrial secret or other confidential information coming to their knowledge by reason of their official duties for the Agency. Each member undertakes to respect the international character of the responsibilities of the Director General and the staff and shall not seek to influence them in the discharge of their duties.”

Recalling the past instances, in which highly confidential information provided by the Islamic Republic of Iran to the Agency inspectors had been leaked, posing a grave threat to the national security of Iran, and also bearing in mind the assassination of several Iranian nuclear scientists and sabotage incidents in the Iranian nuclear facilities, it is absolutely essential and imperative for the Agency to take immediate and urgent action to reject such flagrant abuses which undermine the credibility of the Agency, cause irreparable damage to its impartiality and impede its work in general and with regard to its activities in Iran in particular.

The Islamic Republic of Iran expresses its grave concern and seriously warns against any attempt aimed at obtaining its confidential information. As any other States, Iran will not allow its national security or safety of its citizens to be compromised in any way or form. The Islamic Republic of Iran will carefully monitor the imperative of respect for such confidential information during the implementation of the Joint Comprehensive Plan of Action and its safeguards agreement, and will act accordingly.

The Islamic Republic of Iran expects the Agency to condemn categorically the July 17, 2015 statement by the White House Press Secretary and to take appropriate measures, in performing its fundamental responsibility, to ensure scrupulous compliance with the principle of confidentiality regarding all information related to the implementation of safeguards and all responsibilities conferred to the International Atomic Energy Agency under the Joint Comprehensive Plan of Action.

It would be highly appreciated if the present letter could be published as an INFCIRC of the Agency for the information of all Member States and made available to the public through the website of the Agency.

Please accept, Excellency, the assurances of my highest consideration.



Reza Najafi

Ambassador & Resident Representative