

# Information Circular

**INFCIRC/943**

Date: 4 August 2020

**General Distribution**

Original: English

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## Communication dated 31 July 2020 from the Permanent Mission of Armenia

1. The Secretariat has received a Note Verbale dated 31 July 2020 from the Permanent Mission of the Republic of Armenia to the Agency.
2. At the request of the Permanent Mission, the Note Verbale is circulated herewith for the information of all Member States.



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ՀԱՅԱՍՏԱՆԻ ՀԱՆՐԱՊԵՏՈՒԹՅԱՆ ՄՇՏԱԿԱՆ ՆԵՐԿԱՅԱՑՈՒՑՉՈՒԹՅՈՒՆ

PERMANENT MISSION OF THE REPUBLIC OF ARMENIA  
TO THE INTERNATIONAL ORGANIZATIONS IN VIENNA

M/043

The Permanent Mission of the Republic of Armenia to the International Organizations in Vienna presents its compliments to the Secretariat of the International Atomic Energy Agency (IAEA) and with reference to the communications of the Permanent Mission of the Republic of Azerbaijan to the IAEA No. 0301/16/20 of 22 July 2020 and No. 0302/16/20 of 23 July 2020 has the honour to inform the Agency of the following.

It is profoundly deplorable that the Permanent Mission of the Republic of Azerbaijan in its communications attempts to justify and approve the threat of missile attack on Metsamor Nuclear Power Plant by using fabricated groundless allegations against Republic of Armenia, and thus trying to shift the attention of the IAEA and its member states from the essence of the matter. This blame-game is the usual tactics of Azerbaijan and has been used for decades at all international platforms.

It is deeply regrettable that Azerbaijan, while being the Vice Chair of the Board of Governors of the IAEA, displays complete disregard and lack of knowledge of the Agency's critical work and deliberately refers to outdated information from ten years ago for its baseless accusations. Such behaviour demonstrates total disrespect to the professionalism of the IAEA and indirectly accuses the Agency of inability to perform its functions and tasks properly.

Armenia continuously voiced its principled position that only through dialogue and negotiations it is possible to bring peace to our region. Unfortunately, Azerbaijan has never reciprocated this approach, and the military offensive against sovereign territory of Armenia launched on July 12 by Azerbaijan and accompanied with deliberate and indiscriminate targeting and shelling of adjacent settlements and civilian facilities, once again attested to this.

The threat of missile attack against Metsamor NPP, voiced against the background of the ongoing military offensive, contains all necessary elements to be considered as a crime of nuclear terrorism according to the International Convention for the Suppression of Acts of Nuclear Terrorism of 13 April 2005.

**The Secretariat of the International Atomic Energy Agency**

**Vienna**



Article 2, paragraph 1 (b) of the mentioned Convention states “Any person commits an offence within the meaning of the Convention if that person unlawfully and intentionally [...] uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material [...] (i) with an intent to cause death or serious bodily injury, or [...] (iii) with the intent to compel a natural or legal person, an international organization or a state to do or refrain from doing an act”.

According to Article 2, paragraph 2 (a) of the same Convention, “Any person also commits an offence if that person threatens, under circumstances which indicate the credibility of the threat, to commit an offence as set forth in paragraph 1 (b) of the present article”.

Therefore, there are clearly identifiable elements of nuclear terrorism in the threats of official Baku. Even though the abovementioned Convention does not directly address the responsibility of states for nuclear terrorism, the international law has relevant provisions for the attribution of wrongful acts of officials to the state.

In particular, according to the Article 4 of the Draft Articles on Responsibility of States for internationally wrongful acts adopted by the International Law Commission at its fifty-third session (2001) and approved by the United Nations General Assembly Resolution 56/83, “The conduct of any state organ (including any person or entity) shall be considered an act of that state under international law”.

Therefore, in light of the above, Azerbaijan is fully responsible for the threats amounting to nuclear terrorism voiced by its official on behalf of a state entity, i.e. the Ministry of Defence of Azerbaijan.

In its statement of July 16, the Ministry of Foreign Affairs of Armenia strongly condemned the nuclear threats voiced by Azerbaijan, which demonstrate absolute absence of responsibility and sound judgement from this particular member of the international community.

The Permanent Mission of the Republic of Armenia expects that the IAEA and its member states will properly react to the statements and threats of Azerbaijan. This threat of nuclear terrorism should be swiftly and unequivocally denounced by the international community and condemned in the strongest terms. Azerbaijan must publicly renounce such threats at once. The absence of adequate reaction from the international community will promote impunity for such reckless threats and statements, thus increasing the possibility of acting upon them in the future.

The Permanent Mission of the Republic of Armenia would highly appreciate the assistance of the Secretariat of the International Atomic Energy Agency in circulating this Note Verbale amongst the Permanent Missions accredited to the IAEA and publishing it as an INFCIRC document.

The Permanent Mission of the Republic of Armenia to the International Organizations in Vienna avails itself of this opportunity to renew to the Secretariat of the International Atomic Energy Agency the assurances of its highest consideration. *A.P.*



Vienna, 31 July 2020