

Information Circular

INFCIRC/964

Date: 1 November 2021

General Distribution

Original: English

Communication dated 28 October 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a communication dated 28 October 2021 from the Permanent Mission of the Islamic Republic of Iran to the Agency, enclosing an explanatory note on the report of the Director General on “Verification and Monitoring in the Islamic Republic of Iran in light of United Nations Security Council Resolution 2231 (2015)” contained in GOV/INF/2021/43 of 26 September 2021.
2. The communication and, as requested by the Permanent Mission, the explanatory note are circulated herewith for information.



PERMANENT MISSION
OF THE ISLAMIC REPUBLIC OF IRAN
TO THE UNITED NATIONS AND
OTHER INTERNATIONAL ORGANIZATIONS

JAURÈSGASSE 3
1030 VIENNA, AUSTRIA

جمهوری اسلامی ایران
نماینده دائمی نزد دفتر ملل متحد و سازمانهای بین المللی
وین

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

No. 946774

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna presents its compliments to the International Atomic Energy Agency's Secretariat and has the honor to herewith enclose an Information Note regarding the Report of the Director General on Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231(2015), GOV/INF/2021/43, dated 26 September 2021.

The Permanent Mission of the Islamic Republic of Iran would like to request the latter to publish the attached Information Note as an INFICIRC document.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna avail itself of this opportunity to renew to the International Atomic Energy Agency's Secretariat the assurances of its highest consideration.

Vienna, 28 October 2021

International Atomic Energy Agency's Secretariat



28 OCT 2021

Received by Director General's Office

Explanatory Note
on the Report of the IAEA Director General on
“Verification and Monitoring in the Islamic Republic of Iran in
light of United Nations Security Council Resolution 2231 (2015)”
in GOV/INF/2021/43 of 26 September 2021

Following the report of the International Atomic Energy Agency (IAEA) Director General, “Verification and Monitoring in the Islamic Republic of Iran in Light of United Nations Security Council Resolution 2231 (2015)” contained in GOV/INF/2021/43 (26 September 2021), the Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other International Organizations in Vienna would like to share some comments as follows:

A. General comments:

1. Following the U.S. withdrawal from the JCPOA with “significant non-performance of its commitments” and violation of the UNSC Resolution 2231 and after unilateral implementation of the JCPOA by I. R. of Iran for one year, Iran opted to exercise some of its rights as a JCPOA participant under paragraphs 26 and 36 of the JCPOA main text. Those paragraphs grant the right “to cease performing its commitments under the JCPOA in whole or in part”, in response to outright violation of the JCPOA by the U.S. and dismal failure of the E3/EU to fulfill any of their commitments within the JCPOA or those promised in two consecutive ministerial meetings of the joint commission on 6 July and 24 September 2018. Consequently, the Parliament of the Islamic Republic of Iran passed a law called “Strategic Action to Remove Sanctions and Protect the Interests of the Iranian Nation”, which obliged the Government to cease all transparency measures beyond its Safeguards Agreement.
2. The Islamic Republic of Iran has complied completely with its obligations under its Comprehensive Safeguards Agreement (INFCIRC/214) through which the Agency continues to maintain its surveillance on Iran’s nuclear material and activities. These facts led to confirming the non-diversion of the declared nuclear material which has been continuously reported by the Agency through its numerous reports. Clearly, any remedial measures taken by Iran neither hamper nor involve CSA obligations at all.

3. It is deeply regrettable that while three sabotage terrorist attacks took place in the nuclear sites of the Islamic Republic of Iran during past two years, which have also damaged some Agency's surveillance equipment, and despite relevant resolutions of the UN General Assembly and IAEA General Conference, the Agency neither condemned such heinous acts nor encouraged its policy making organs to do so, disregarding its responsibility. This behavior is not expected from an international body and sends wrong signals to the terrorists for continuation of their inhumane acts.

B. Cooperation with the Agency under the "Joint Statement" of 12 September 2021:

1. The Joint Statement by the Vice President and the Head of Atomic Energy Organization of the Islamic Republic of Iran (AEOI) and the Director General of the International Atomic Energy Agency on 12 September 2021 in relation to the replacement of the storage media of the "*identified equipment*", was achieved due to Iran's goodwill. The "*identified equipment*" are not relevant to safeguards measures but they were specifically for the JCPOA's monitoring purposes. Based on the Joint Statement, the Agency inspectors performed the agreed activities on 18 cameras from 20th to 22nd September 2021.
2. It should be reiterated that Iran rejects the Agency's assertion that the reference to "*identified equipment*" in the "*Joint Statement*" includes the four cameras which are damaged as a result of the terrorist attacks. The "*Joint Statement*" only encompasses the "*servicing*" of the "*identified equipment*" and does not include the "*replacement*" of the damaged cameras. In fact, the exclusion of these cameras was strongly stressed by the Islamic Republic of Iran to the Agency during discussions on 12 September 2021 in Tehran and reiterated at the sideline of the IAEA GC65 in Vienna. During these discussions, it was reiterated that the TESA Karaj Complex is under security investigations and judicial proceedings, so the cameras could not be replaced.
3. Paragraph 4 of the DG report (GOV/INF/2021/43), which states "*The Agency further requested that during the servicing of the Agency's monitoring and surveillance equipment, scheduled for 20-22 September 2021 as agreed with Iran, Iran provide the assistance necessary to enable the Agency to replace the four cameras at the aforementioned workshop*", is not consistent with the "*Joint Statement*" and can NOT be considered "*as agreed by the two sides*" for replacing the four cameras at the aforementioned workshop.

4. Paragraph 5 of the said report, which states "*From 20-22 September 2021, Iran permitted Agency inspectors to service the identified Agency monitoring and surveillance equipment and to replace storage media, at all necessary locations in Iran with the exception of the centrifuge component manufacturing workshop at the TESA Karaj Complex, where the Agency has not been provided with access in order to install new surveillance cameras*", does not reflect all facts regarding the servicing of identified Agency monitoring and surveillance equipment. It should be noted that one camera that has not been damaged in the TESA Karaj Complex was serviced by the Agency under the agreed terms of the "*Joint Statement*".

C. Conclusion:

1. Considering the above facts, the Islamic Republic of Iran has indeed implemented its commitment under the "*Joint Statement*", and the Agency's unilateral request which is not within that framework cannot be accepted.
2. Iran continues to implement its CSA obligations as ever and any measures taken due to "*Joint Statement*" by the Islamic Republic of Iran has been only based on good-faith rather than legal obligations. Thus, such measures cannot and should not be considered by the Agency as one of its entitlements.
3. The Islamic Republic of Iran strongly expects the IAEA to conduct its reporting on verification activities in the Islamic Republic of Iran in a professional and impartial manner.
4. It should be noted that the security and judicial authorities are investigating whether the terrorists have used the Agency's cameras to launch an attack on this complex. Such activities are normally time-consuming process.
5. The Privileges & Immunities (P&I) reflected in the INFCIRC/9/Rev.2 for the Agency's cameras are being maintained. However, in accordance with article III section 3 of the P&I, that reads "*...from every form of legal process except in so far as in any particular case it has expressly waived its immunity*", the Agency is requested to cooperate in completion of the investigations altogether including through waiving the cameras immunity to be available for further investigations.
6. Finally, the Agency is highly expected to condemn terrorist attacks and acts of sabotage against the nuclear sites in clear terms.