

Information Circular

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Communication dated 3 June 2022 received from the Permanent Mission of the Islamic Republic of Iran to the Agency

1. The Secretariat has received a Note Verbale dated 3 June 2022 from the Permanent Mission of the Islamic Republic of Iran to the Agency.
2. As requested, the Note Verbale and its explanatory note are herewith circulated for the information of all Member States.



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

JAURESGASSE 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. 1200306

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 Secretariat of the International Atomic Energy Agency (IAEA) and has the honor to hereby enclose an Explanatory Note regarding the Report of the IAEA Director General on "NPT Safeguards Agreement with the Islamic Republic of Iran" (GOV/2022/26, dated 30 May 2022).

The Permanent Mission of the Islamic Republic of Iran would like to request the latter to circulate the enclosed Explanatory Note among the Member States and publish it as an INFCIRC document.

The Permanent Mission of the Islamic Republic of Iran to the United Nations Office and other 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 considerations.

Vienna, 3 June 2022

To: The Secretariat of the International Atomic Energy Agency (IAEA)



Explanatory note
The Islamic Republic of Iran comments and observations on
Report by the Director General on
NPT Safeguards Agreement with the Islamic Republic of Iran
GOV/2022/26 of 30 May 2022

A. General comments:

1. The Islamic Republic of Iran is complying completely with its obligations under its Comprehensive Safeguards Agreement (INFCIRC/214) through which the Agency continues to maintain its knowledge with a robust verification system that is unique in the Agency's verification system including C/S measures on Iran's nuclear material and activities.
2. Also, in light of further cooperation with the Agency, Iran agreed to conclude in two occasions the joint statements of 26 August 2020 and 5 March 2022, the provisions of which were fully implemented by the Islamic Republic of Iran.
3. The locations referred to in the current report of the DG is based upon allegations posed by an ill-intended third party- namely Zionist regime- which has no legal ground. It should be noted that pursuant to the principles of International Law "*pacta tertiis nec nocent nec prosunt*", that means "treaties neither obligate nor benefit third parties", also Article 34 of the Vienna Convention on the Law of Treaties between States and International Organizations that stipulates: "a treaty cannot create *rights and obligations for a third party without its consent*", a non-party of safeguards agreement without adhering to such instruments, cannot exploit some of the rights and benefits mentioned in the agreement and use it against any party in order to raise any allegation and involve the Agency in endless investigation.

B. Comments on the report, Background:

1. Regarding paragraph 3 of the report which states: “*the Agency identified in 2019 a number of questions related to possible undeclared nuclear material and nuclear-related activities in Iran that had not been declared to the Agency and requested responses to these questions from Iran, pursuant to Article 69 of the Safeguards Agreement and Article 4.d. of the Additional Protocol*”. It should be mentioned that:
 - It is a matter of concern that the Agency is intentionally, even politically, conflating a Member States obligations under the CSA with the ones under the AP.
 - As explained by Iran frequently, there has never been any undeclared location in Iran which is required to be declared under the CSA. Iran’s nuclear activities remain peaceful under Agency's full-scope safeguards. Therefore, mentioning these issues and expressing “*concern*” by the Agency in this regard is baseless.
 - the Agency's requests were not initially considered by Iran, because:
 - The Agency's requests were not supported by required authentic information, documents and evidences, in so far as relevant for the purpose of safeguards.
 - Therefore, the Agency's statement in this paragraph which reads: “*.... the Agency's also provided Iran with detailed information...*” is not accurate; because the Agency did not provide any authentic information for its request.
2. In paragraph 4, the Agency also states: “*...Location 2 had undergone extensive sanitization and levelling in the past, the Agency assessed that there would be no verification value in conducting a complementary access at this location.*” It should be mentioned that:

- Access to Lavizan-Shian site had been granted to the Agency in 28 June 2004. The Agency took environmental samples including soil and plants at this location. Iran stated that “no nuclear material declarable in accordance with the Agency’s safeguards was present”, and that “no nuclear activities related to fuel cycle were carried out in Lavisan-Shian”.
 - The Agency found no contamination there, and pursuant to Iran’s clarifications about the razing of the Lavisan-Shian, in August 2005, finally it was reported by the Agency in GOV/2005/67 that the information provided by Iran appeared to be coherent and consistent with its explanation of the razing of the Lavisan-Shian.
3. Paragraph 5 of the report states: *“Director General had become deeply concerned that nuclear material had been present at undeclared locations in Iran and that the current location of this nuclear material was not known to the Agency.”* It should be mentioned that:
- The mere finding natural uranium particles in the collected environmental samples cannot be considered as an indication that a quantity of nuclear material had been present at these locations, while the Agency incorrectly concluded that nuclear material had been present at this location without taking into account other possible causes.
 - As it was frequently explained to the Agency, its claims have no legal basis and are audacious accusations. In fact, there is no undeclared nuclear material in Iran, and the Agency assertion is merely based on false and fabricated information provided by illegitimate Zionist regime that itself possesses nuclear weapons.
 - In its deliberations with the Agency, Iran has explained its assumptions about probable causes of the presence of uranium particles in the locations reported by the Agency. Iran has exhausted all its attempts so as to discover the origin

of such particles. Given the fact that Iran could not yet find any technical reasons for the presence of such uranium particles, it would reasonably imply that possibly external elements (sabotage) have been involved in the contamination of those locations.

4. On location 2, which as a result of Iran's cooperation has been closed according to paragraph 7.6 of the Agency's report. The report states further in paragraph 7.4 *"the Agency conducted further verification activities at JHL. As a result, in a letter dated 14 January 2022, the Agency informed Iran that while it had not been able to identify the disc from amongst those stored at JHL, it could not exclude that the disc had been melted, re-cast and was now part of the declared nuclear material inventory at JHL. Nevertheless, the Agency could not confirm the current location of this disc"*. It should be mentioned that:

- The claim about existing another undeclared location containing natural uranium in the form of a metal disc is based on the same false and fabricated assertions of illegitimate Zionist regime without any ground.
- Iran has stated frequently that the uranium metal had been produced previously only in Jaber Ibne Hayyan (JHL) which has been verified many times by the Agency since 2003 and have been under the Agency's continuous C/S measures. This fact was reflected in the Agency report (GOV/2015/68) as *"...the Agency re-evaluated this information in 2014 and assessed that the amount of natural uranium involved was within the uncertainties associated with nuclear material accountancy and related measurements"*. Therefore, this project was wholly verified by the Agency in the past and the issue was resolved. It is regrettable that the Agency reopens a closed issue dating back to 2003-2004 based on unauthentic information.
- Although all nuclear material pertaining to this project has been under the Agency seals since 2003, it is very unfortunate that the Agency has occasionally

resorted to base on new fictitious assumptions according to unauthentic information delivered by Iran's vicious enemy added to this report.

- It is very much regrettable that while the Agency in its letter as well as in this report made a conclusion that "... *it could not exclude that the disc had been melted, re-cast and was now part of the declared nuclear material inventory at JHL*", but once again based on unauthentic information, in this report has changed its conclusion and looks for an assumable disc in a nowhere location!

C. Comments on actions taken following the Joint Statement

In paragraph 10, the Agency states "*The Agency reviewed the information provided by Iran on 19 March 2022 and found that it was predominantly information that Iran had previously provided to the Agency but also included new information, which was subsequently assessed by the Agency. The information provided by Iran did not address all of the Agency's questions*". It should be mentioned that:

- In accordance with the agreed Joint Statement, on 4 April 2022 and within the determined time table, the Islamic Republic of Iran has provided the Agency with all required information requested by the Agency concerning the identified locations, which as it was said, have been under the control of private sector. It should be reiterated that the Islamic Republic of Iran has fulfilled all its commitments in this respect and addressed all Agency's questions in a very cooperative manner.

Comments on the Agency evaluations related to each Location:

1. In section D.1 about Location 4 – 'Marivan': It should be mentioned that:
 - the logic behind the naming location 4 as "Marivan" by the Agency is irrelevant and unknown for Iran since the Agency had named until recently this location as "Abadeh". Moreover, the Agency had closed the issue related to a location called

“Marivan” in its report contained in Gov/2015/68 of 2 December 2015 (see para 41 of the 2015 report).

- In reply to the Agency questions regarding this location, Iran repeatedly has responded that it gives no value to questions derived from fabricated information provided by illegitimate Zionist regime.
- The Agency has claimed that it has provided Iran with supporting documents about the location so called “Marivan”. These documents claimed by the Agency are only two images from an unknown location which cannot be regarded as authentic evidence at all, because they are easily producible thus have no legal and technical value.
- The Agency's reference to the presence of neutron detectors in this location, principally has no safeguards and even AP ground. Despite this fact and although the Agency's questions were not based on authentic information relevant to the purpose of safeguards for its request of access to these locations, the Islamic Republic of Iran based on its good-will, voluntarily granted access to the Agency and provided explanations regarding complete history, usage and even the application of bunkers.
- In spite of these extensive cooperation, the Agency has considered the information received from Iran as being inconsistent with the said alleged documents, simply by unjustifiably relying on some unauthentic and fabricated documents and drawing fallacious and invalid conclusion upon its own wrongly shaped assumptions.
- Iran has merely reflected the relevant history of the location without referring or linking it to such contamination to a foreign company. It is quite natural that the concerned Member State was not able to find any information about its company's activities after half a century. Therefore, the Agency's conclusion on the explanation of Iran is not correct and substantially defensible.

- This location was used for the exploitation of fireclay through a contract with a foreign company decades ago. However, the Agency baselessly alleged that the location has been involved in nuclear activities. The Agency's allegations that this location has conducted explosive experiments with protective shielding in preparation for the use of neutron detectors is merely a fantasy based on false and unauthenticated information. This conclusion is absolutely false, unrealistic and biased.
- The Agency's making linkage between Lavizan-Shian and the so called Marivan based on unauthentic and fabricated picture of detector is also baseless.
- The origin of presence of depleted uranium with U-236 mentioned in the analytical results of the Agency's environmental samples is unknown. However, it is clear that these particles do not have Iran's origin, rather have origin from companies such as Merck, Amersham and etc., which are commercially available in the market. It should not be difficult for the Agency which claims to having a rich library of the characteristics of particles to substantiate their origins.
- Other possible origin of reported particles by the Agency could be result of subversive acts (sabotage). It should not be forgotten that the Islamic Republic of Iran has been subjected to numerous sabotage acts in various locations repeatedly by different means and methods.
- The Agency's assessment based on similarities between different trucks observed at the so-called 'Marivan' and Turquzabad during mid-July and mid-August 2018 through the analysis of commercially available satellite imagery is merely inaccurate and unprofessional for claiming that items were being removed from Turquzabad. Such commercially satellite imagery cannot provide a valid base for a deduction like that. Iran is a vast country; there are great number of similar trucks moving around the country. Surprisingly, the Agency

has indicated the similarities of trucks in these two different locations seen through the commercial satellite imagery as a reason to claim that the same truck moving from one location to another.

- Unfortunately, the Agency considers all fabricated documents and fake information provided by the Israeli regime totally as authentic while it has disregarded Iran's clarifications, and has concluded that the so-called Marivan issue, as "*not clarified*", without sufficient reasons.

2. In section D.2 about Location 3 –Varamin: It should be mentioned that:

- the Agency in paragraph 22 of its report stating that "*has information of the possible use or storage of nuclear material and/or conduct of nuclear-related activities, including research and development activities related to the nuclear fuel cycle, at Location 3 in Iran (a location known as Varamin)*" which is not supported by valid proofs, is misleading.
- The said paragraph mentioning that "*This location also underwent significant changes in 2004, including the demolition of most buildings*", is not correct. The fact is that due to changing the usage and application of this location, only one building among the complex of existing buildings was demolished and reconstructed in 2004. Furthermore, reconstruction of one building in this location neither should be regarded as sanitization activities nor need to be mentioned in the report. In spite of explaining this fact to the Agency, unfortunately the Agency ignored Iran's explanations. Since the Agency has not presented authentic documents to Iran concerning its claim on "*possible undeclared nuclear material and nuclear-related activities*", it should not be expected for Iran to consider unauthentic and fabricated documents as any Safeguards and Additional Protocol basis to respond the Agency's requests. Despite this, Iran voluntarily granted access and provided information and clarification to the Agency on this location.

- It was explained to the Agency that the initial activities conducted in this location had been exploitation of sodium sulphate from the soil and water of the surrounding region by traditional method, which was subsequently shifted to industrial process in the next phase. Afterwards, due to municipal regulations, the operation of the location was halted and converted to farming and cattle raising. It is a matter of surprise that the Agency insists on its incorrect conclusion based on unauthentic and fabricated documents.
 - Since there have never been any nuclear-related activities in this location, the Agency's report on the presence of particles does not have any justification, rather than sabotage acts of scenario-composing by the well-known enemies of the Islamic Republic of Iran. As pointed out before, sabotage acts of all kinds have frequently impacted various locations in many instances and occasions in Iran by its enemies.
 - The Agency's claim that "*containers removed from Varamin at the time of the dismantlement of the buildings at the location were eventually transferred to Turquzabad*" is improvable and unverifiable, and is not a professional and reliable assessment.
 - Unfortunately, the Agency once again here considers all fabricated documents and fake information provided by the Israeli regime totally as authentic, and has concluded that Varamin issue, as "*not clarified*", without sufficient reasons and has disregarded Iran's clarifications.
3. In section D.3 about Location 1 – 'Turquzabad: It should be mentioned that:
- the Agency claim that "*....Turquzabad..... been involved in the storage of nuclear material and equipment*", is not based on authentic information and documents. The area in question is actually an industrial place encompassing various kinds of warehouses and depots for storing detergents, chemicals, foodstuff, fabrics & textiles, vehicles tires and parts, tubes and joints, and

some industrial scraps; therefore there had not been any ground for this location to be declared to the Agency .

- Furthermore, the request of the Agency from Iran to provide information on the moving containers from one location to another, as well as the so-called sanitization activities in this location which is an area for industrial scraps storage and dealing, has no any Safeguards and Additional Protocol relevance. Therefore, the Agency question is fundamentally baseless. However, the access was granted to the Agency for broader cooperation based on Iran's good-will.
- In our intensive investigations into the background of activities carried out in this location, we did not find the origin of the particles reported by the Agency. There has not been any nuclear activity or storage in this location. Therefore, no technical clue concerning the origin of reported particles were found. However, the possibility of presence of such particles by sabotage cannot be excluded.
- Unfortunately, the Agency again and again considers all fabricated documents and fake information provided by the Israeli regime totally as authentic, and has concluded that Turqzabad issue, as "*not clarified*", without sufficient reasons and has disregarded Iran's clarifications.

D.Conclusion:

1. The Islamic Republic of Iran has so far rendered its full cooperation even beyond its obligations under the CSA and the AP to the Agency. It has to be re-emphasized that all Iran's nuclear material and activities have been completely declared to the Agency and has gone through a very robust verification system. It should be noted that during the last 20 years the most intensive Agency inspections has been conducted in Iran, which has been

- confirmed by the Agency in its the SIR 2021, as it says that 22% of its inspections worldwide have been conducted in Iran; whereas Iran possesses only %3 of all nuclear facilities covered by the Agency throughout the world.
2. The Islamic Republic of Iran strongly expects that the Agency conduct its reporting on verification activities in the Islamic Republic of Iran in a professional and impartial manner without extraneous political pressures.
 3. Though having no obligation to respond to the questions raised by the Agency based on fabricated and unauthentic documents, Iran, on voluntary and cooperative basis, has provided all needed information, supporting documents and accesses to respond to the Agency's requests. This level of cooperation by Iran is a testimony to Iran's good will for clarifying the questions. Iran could have refrained from granting access and providing information and supporting documents if it had no intention to cooperate with the Agency on these questions. Unfortunately, the Agency's insistence on the validity of the fabricated documents has resulted in an invalid and unjust assessment.
 4. The Agency should not disregard the possibility of involvement of Iran's staunch enemies in providing false and fabricated information to it and at the same time their role in possible perpetration of intentional contaminating of the locations in question, especially when they themselves repeatedly announce their intentions to disrupt entirely peaceful nuclear activities of Iran and attempts to undermine cooperation between Iran and the Agency. Why the Agency tends to overlook the statements made by the officials of the Israeli regime in the wake of each sabotage act against Iran's nuclear program in recent years, in which they have credited such sabotages to themselves.
 5. The Agency by referring to the above-said invalid information has overshadowed unfairly all Iran's cooperation with the Agency and its transparent peaceful nuclear activities of. This approach does not match with

the extensive cooperation of Iran with the Agency and the implementation of the most robust verification system being applied on Iran by the Agency. The Islamic Republic of Iran would like to seriously warn about the negative impact of such an approach on the overall existing constructive environment in its cooperation with the Agency.