

Iran

Note to the Secretary-General
(Through Mr. KIM)

Iran Visa

Further to the request of the SG to the Political Unit in the "schedule of in-coming correspondence" (12 October) to be updated regarding the denial of a visa to the Iranian Deputy FM, OLA has reported to the Political Unit that it is preparing a draft response for the EOSG to send to the PR of Iran. The response would assure him that the UN was aware of the denial of the visa and had communicated its position on the matter to the United States Mission to the UN.

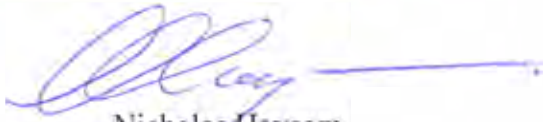
This matter had come to OLA's attention from the Committee on Relations with the Host Country. Attached is an extract of the draft report of the Committee concerning the exchange on this issue for your information.

For background information it should be noted that pursuant to a long-standing practice regarding denial of visas, the US Mission usually informs the UN when it has decided to deny an entry visa to a representative of a Member State seeking to visit the UN Headquarters. In this case, the US Mission informed OLA on 30 April of the decision to deny a visa to Mr. Basti, (Deputy Foreign Minister for International Legal Affairs) to attend the NPT Review Conference in May, on "national security grounds". In turn, OLA noted to the US that there was a difference of opinion regarding the interpretation of the UN-US Headquarters Agreement relating to the use of "national security" as a basis for denying visas.

The US subsequently again denied an entry visa to Mr. Basti to join the Iranian delegation to the 65th General Assembly. OLA expects the Iranian PR to raise this at the next meeting of the Host Country Committee.

The legal issue at hand concerns the interpretation of Section 11 of the Headquarters Agreement. The Organization has consistently maintained that Section 11 of the Headquarters Agreement does not provide for any exceptions, including national security, to the requirement that the host country "not impose any impediments to transit to or from the headquarters district of (1) representatives of members...". The United States maintains that it has the right to do so on national security grounds. OLA understands that the US believes Mr. Basti was involved in the US Embassy hostage taking incident.

In the rare instances of US denials of visa, the Secretariat has, usually with the assistance of the Chairman of the Host Country Committee (by tradition the PR of Cyprus), left the matter to bilateral discussions between the US Government and the State concerned.


Nicholas Haysom
1 November 2010

Cc: Mr. Nambiar

10-10323

<u>DCDC</u>	<u>CDC</u>	<u>SG</u>
Recommended	For SG's approval <input type="checkbox"/>	Approved <input type="checkbox"/>
Action:	For SG's attention <input type="checkbox"/>	Noted <input type="checkbox"/>
SG's info	For SG's information <input checked="" type="checkbox"/>	Seen <input type="checkbox"/>
Date: 1/Nov/10	For SG's signature <input type="checkbox"/>	Signed <input type="checkbox"/>
Comment	Date: _____	Date: _____
(if applicable):	Comment (if applicable):	
76		

RE: IRAN VISA

Extract from the draft 2010 Report of the Host Country Committee:

14. At the 246th meeting, the observer of the Islamic Republic of Iran expressed serious concern and strong protest regarding delays and the subsequent denial of a United States entry visa for Mr. Mohammad Mehdi Akhondzadeh Basti, Deputy Minister for Legal and International Affairs of Iran. An application for an entry visa was submitted on 30 November 2009 for the purposes of attending the sixty-fourth regular session of the General Assembly, and a second application was submitted on 2 December 2009 to attend the fifty-fourth session of the Commission on the Status of Women. No response was received to either request. A third application was subsequently filed for the purposes of attending the 2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held in New York from 3 to 28 May 2010. No response was received until 30 April 2010, at which time the host country authorities informed the Iranian Embassy in Bern that the request for an entry visa had been denied. The response received stated that the Deputy Minister had been found ineligible for a non-immigrant entry visa for reasons of national security but no further clarification was given. The observer of the Islamic Republic of Iran stated that his Government believed that this decision contravened the obligations of the host country under the Headquarters Agreement and undermined the right of States to be represented in meetings of the United Nations. The observer of Iran expressed concern over this recurring practice of delaying or denying visas and stated that those actions signifies that the seat of the United Nations Headquarters could be used as political leverage against certain countries to the detriment of international diplomacy. He also noted that according to the Headquarters Agreement the host country authorities shall carry out their obligations regardless of the bilateral political relations between the host country and the Member States. He called upon the host country to abide by its international obligations under the Headquarters Agreement and to issue an entry visa to the Deputy Minister to allow him to attend the remainder of the Review Conference. He also recalled the role of the Secretary-General of the United Nations, as the signatory of the Headquarters Agreement, in ensuring the proper implementation of the provisions of the Agreement.

15. The representative of the Libyan Arab Jamahiriya expressed understanding for the security concerns of the host country and appreciation for the willingness demonstrated by the host country to allow Permanent Missions to the United Nations to function adequately. However, the representative stated he was concerned about the statement of the observer of the Islamic Republic of Iran because his country had also noticed excessive delays in the issuance of visas.

16. The representative of the host country responded to the concerns expressed by the representative of the Libyan Arab Jamahiriya and the observer of the Islamic Republic of Iran by stating that the host country takes its responsibilities very seriously and is mindful of the Headquarters Agreement. He explained that the host country receives a large number of visa applications and its policy is to issue visas promptly; however, visa applications must be reviewed for security concerns and more problematic applications require more time to review. The host country had worked with the Permanent Mission of the Islamic Republic of Iran on other visa applications in the past. For the Nuclear Non-Proliferation Treaty Review Conference the host country received over 96 visa applications from the Islamic Republic of Iran, of which over 80 were granted within three days. Only one was denied, and in accordance with the *modus vivendi*, the denial was communicated to the United Nations Secretariat. In this regard, he suggested that the right of the Islamic Republic of Iran to be duly represented at the Review Conference had not been compromised as both the President and the Foreign Minister were in attendance. The host country representative added that the United States Representative and Deputy Representative had voiced their concerns regarding delays in the issuance of visas, and the Department of State and the Department of Homeland Security were presently discussing how to avoid future visa delays. The representative of the host country requested that any delegation experiencing delays raise the issue immediately with his Mission.

17. The observer of the Islamic Republic of Iran expressed the view that the explanation offered by the host country representative did not justify the visa denial of the Deputy Minister. He added that his country had experienced other problems relating to the issuance of visas, including delays in processing re-entry visas for staff of the Permanent Mission. He requested the United States Mission to raise the issue with the host country government.



Permanent Mission of the Islamic Republic of Iran to the United Nations

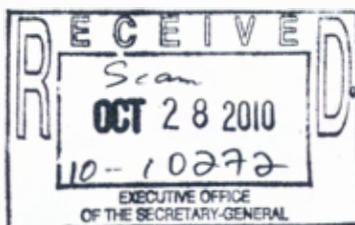
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Ms. O'Brien
Mr. Parker {f.i.}
LH

In the name of God, the Compassionate, the Merciful

No. 1250

27 October 2010



Excellency,

I have the honour to address you, in your capacity as Chairman of the Committee on Relations with the Host Country, concerning the attached Note Verbale dated 27 October 2010 addressed to the United States Mission to the United Nations (see annex).

I would be grateful if you could have this letter and its annex circulated as a document of the Committee on Relations with the Host Country.

Mohammad Khazaei
Ambassador
Permanent Representative

H.E. Mr. Minas A. Hadjimichael
Ambassador & Permanent Representative of the
Republic of Cyprus to the United Nations
Chairman of the Committee on Relations with the Host Country

✓ cc: H.E. Mr. Ban Ki-moon
Secretary-General
United Nations, New York



Permanent Mission of the Islamic Republic of Iran to the United Nations

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In the name of God, the Compassionate, the Merciful

No.1248

The Permanent Mission of the Islamic Republic of Iran to the United Nations presents its compliments to the United States Mission to the United Nations and has the honour to refer to its previous correspondence, including Note Verbale No. 545 dated 29 June 2010, concerning the denial of a U.S. entry visa to Mr. Mohammad Mehdi Akhondzadeh Basti, Deputy Foreign Minister for Legal and International Affairs, to attend the 2010 NPT Review Conference (3-28 May 2010).

We have learned with utmost dismay that Mr. Akhondzadeh's application for a U.S. entry visa was denied for a second time. He had requested entry visa on 3 August 2010 to attend the 65th annual session of the UN General Assembly (17 September-3 October 2010). The U.S. authorities also denied U.S. entry visas to two other high-ranking officials from the Iranian Ministry of Foreign Affairs, namely Mr. Ali Ahani, Deputy Foreign Minister for European Affairs, and Mr. Behruz Kamalvandi, Deputy Foreign Minister for American Affairs, who were supposed to accompany the Presidential delegation to the United Nations.

It is very unfortunate and disappointing that the host country authorities continue to disregard the international obligations of the United States by denying entry visas to Iranian representatives to attend the meetings of the United Nations. These unjustified decisions clearly contravene the international obligations of the United States Government as the host of the United Nations Headquarters, particularly those articulated in the Headquarters Agreement, including its Section 13 (a) and (b).

The recurrence of such pattern adds to the concern that the host country authorities are increasingly tilted toward exploiting the country's status as the host of the United Nations Headquarters for their bilateral political objectives. This attitude contradicts the Headquarters Agreement which provides that "The provisions of section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States" (Section 12).



Permanent Mission of the Islamic Republic of Iran to the United Nations

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The Islamic Republic of Iran reiterates its serious concern and strong protest to the United States Government for not fulfilling its international obligations vis a vis the United Nations Member States. The Islamic Republic of Iran also reiterates its calls to the United States authorities to abide by their legal obligations under the Headquarters Agreement to facilitate the entry of the Member States' representatives to attend the United Nations' meetings, and to take urgent measures to rectify past failures, reverse the above-mentioned decision and avoid such in the future.

The Permanent Mission of the Islamic Republic of Iran to the United Nations avails itself of this opportunity to renew to the United States Mission to the United Nations the assurances of its highest consideration.

New York, 27 October 2010

United States Mission to the United Nations
New York





Permanent Mission of the Islamic Republic of Iran to the United Nations

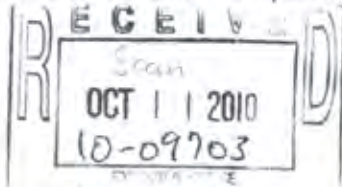
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In the name of God, the Compassionate, the Merciful

No. 1147

8 October 2010

Excellency,



Upon instruction from my Government and pursuant to your meeting with H.E. Mr. Manouchehr Mottaki, the Minister of Foreign Affairs of the Islamic Republic of Iran, on Monday evening 27 September 2010 in my residence, I have the honour to address you in your capacity as the custodian of the United Nations Headquarters and the Headquarters Agreement.

As you know, the United States' authorities denied an entry visa to H.E. Mr. Mohammad Mehdi Akhondzadeh Basti, Deputy Foreign Minister for International and Legal Affairs, to attend the 2010 NPT Review Conference (3-28 May 2010). This was officially announced to the Iranian Embassy in Bern on 30 April 2010.

The excuses given later by the Host Country authorities to justify such denial is totally unacceptable and could not relieve the United States Government of its responsibility under international law, particularly under the Headquarters Agreement.

This unjustified decision by the United States authorities clearly contravenes the international obligations of the United States Government as the Host of the United Nations Headquarters, particularly those articulated in the Headquarters Agreement. The Headquarters Agreement, obligates the host country in clear terms that "The federal, state or local authorities of the United States shall not impose any impediments to transit to or from the headquarters district of [...] representatives of Members [...] of the United Nations", and that "When visas are required for persons referred to in that section, they shall be granted without charge and as promptly as possible" (section 13 (a)); and that "Laws and regulations in force in the United States regarding the residence of aliens shall not be applied in such manner as to interfere with the privileges referred to in section 11" (section 13 (b)). Furthermore, the Headquarters Agreement has made it absolutely clear that "The provisions of section 11 shall be applicable irrespective of the relations existing between the Governments of the persons referred to in that section and the Government of the United States." (Section 12).

Moreover, depriving the representatives of the Member States, especially the high-ranking officials in charge of the United Nations issues in the Ministry of Foreign Affairs, from attending the United Nations' meetings would adversely affect the functioning of the United Nations system and impair the very foundations of multilateral diplomacy.

The Islamic Republic of Iran has already conveyed its serious concern and strong protest to the United States Government for its failure to honour its international obligations concerning the prompt issuance of entry visas for representatives of the Member States to attend the United Nations' meetings (see document A/AC.154/393).



Permanent Mission of the Islamic Republic of Iran to the United Nations

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Against this background, Mr. Akhondzadeh filed another application for an entry visa to attend the High-level Meeting of the General Assembly on Millennium Development Goal and the Sixty-fifth Session of the UN General Assembly (17 September-3 October 2010). However, we learned with utmost dismay that his request was denied for a second time. The U.S. authorities also denied entry visa to H.E. Mr. Ali Ahani, Deputy Foreign Minister for EU Affairs.

The recurrence of such pattern adds to the concern and suspicion that the Host Country authorities are increasingly tilted toward exploiting the country's status as the Host of the United Nations Headquarters, for their bilateral political objectives.

The Islamic Republic of Iran reiterates its calls to the United States authorities to abide by their legal obligations under the Headquarters Agreement to facilitate the entry of the Member States' representatives to attend the United Nations' meetings, and to take urgent measures to rectify past failures, reverse the above-mentioned decision and avoid such in the future.

I wish to underline the principal role of the United Nations' Secretary-General who is "Authorize[d] [...] to bring that Agreement into force in the manner provided in Section 28 thereof, and to perform on behalf of the United Nations such acts or functions as may be required by that Agreement" (PP. 6 of the Headquarters Agreement) in urging the Host Country authorities to respect the terms and spirit of the Headquarters Agreement. The Member States have delegated to you, through the General Assembly, the power to sign and the responsibility to perform the Headquarters Agreement on behalf of the United Nations.

I trust, therefore, that your active engagement and good offices in ensuring the proper implementation of the Agreement by the Host Country authorities would contribute to the overall cause and proper functioning of the United Nations system.

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

Mohammad Khazaei
Ambassador
Permanent Representative

H.E. Mr. Ban Ki-moon
Secretary-General
United Nations, New York