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Promotion and protection of human rights

The rule of law at the national and international levels

Letter dated 31 January 2022 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I am writing to you regarding the letter and its annex from the representatives of Canada, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland ([A/76/653](#)).

The Ministry of Foreign Affairs of the Islamic Republic of Iran reiterates its sincerest condolences to the families of the victims of the tragic accident of Ukrainian flight PS752 on 8 January 2020. First and foremost, the Ministry emphasizes the need to not only sympathize with and support the families of those affected but also take note that no remedy can heal the wounds, sorrows and griefs caused by the loss of loved ones. It is hoped that no accident of this or any kind will take place again.

The Islamic Republic of Iran has never recognized the so-called “International Coordination and Response Group”. Needless to say, the volitional acts leading to an agreement within this self-proclaimed Group create neither obligations nor rights for Iran without its consent. The Islamic Republic of Iran, therefore, is of the view that these countries’ request to hold joint negotiations with Iran has no basis and effect on Iran.

It should be noted that during the first round of bilateral negotiations with Ukraine, at the proposal of the Ukrainian side and on the sidelines of the meeting, a virtual session was held on 30 July 2020 that included the representatives of Canada, Sweden and the United Kingdom of Great Britain and Northern Ireland with the aim of expressing Iran’s good faith, sympathy and principled positions on the issues as well as declaring our readiness and cooperation for future bilateral negotiations. Moreover, during the third round of the negotiations held in Kiev in June 2021, the head of the Iranian delegation explicitly asserted that Iran did not recognize this self-proclaimed Group.

More importantly, the Islamic Republic of Iran has already welcomed bilateral negotiations with the relevant States through various notes verbales, including notes No. 641/1015428 dated 27 December 2021 to Ukraine, No. 641/1015434 dated 27 December 2021 to Canada, No. 641/1015437 dated 27 December 2021 to Sweden,



No. 641/1014526 dated 26 December 2021 to the United Kingdom, No. 641/969901 dated 17 November 2021 to Ukraine, No. 641/377/692050 dated 13 February 2021 to Ukraine and No. 641/375/652768 dated 4 January 2021 to Ukraine; and more recently No. 641/1050122 to Canada, No. 641/1050129 to Sweden, No. 641/1050142 to the United Kingdom and No. 641/1050177 to Ukraine, all dated 24 January 2022.

It is ironic that, without engaging in bilateral negotiations, the aforementioned Governments have concluded that any attempts at negotiations with Iran are futile!

Declaring its goodwill and providing the necessary explanations regarding the various technical, military and judicial aspects of the accident, the Islamic Republic of Iran has participated in three rounds of bilateral talks with the Ukrainian Government in Kiev in July 2020 and June 2021 as well as in Tehran in October 2020. Various facets of the subject were thoroughly examined by representatives from both parties, including experts, during these negotiations.

Furthermore, the Islamic Republic of Iran has thus far taken all feasible measures to fulfil its internal and international obligations in good faith and has endeavoured to act swiftly, accurately, transparently and constructively in this regard.

With regard to the technical aspects of the accident and despite the lengthy process of investigation taken globally as to the causes of aviation accidents, following the initial assessments and preliminary investigations of the Ukrainian aircraft accident in accordance with article 26 and annex 13 of the 1944 Chicago Convention, the relevant authorities of the Islamic Republic of Iran announced the main cause of the accident to the public at their earliest convenience on 11 January 2020.

Since the accident, the relevant institutions of the Islamic Republic of Iran have, in accordance with domestic laws and its relevant international obligations, performed their duties and responsibilities as accurately, transparently and quickly as possible. Accordingly, in the field of aviation, the independent Accidents Investigation Team in charge has published the final report of the accident in accordance with the framework of the Convention on International Civil Aviation (1944 Chicago Convention) and its annexes. This was achieved in due time through interaction and cooperation with the relevant countries and the International Civil Aviation Organization (ICAO) and was welcomed by most of the countries participating in the accident investigation process.

In this context, the Iranian delegation, headed by the then Deputy Foreign Minister for Legal and International Affairs, delivered a statement on 18 June 2021 to the 223rd session of the ICAO Council that elaborated on significant measures that have been taken by Iran in this regard.

Regarding the judicial aspect of the accident, as it has become known to the public, the Judiciary Organization of the Armed Forces as well as the Tehran Military Prosecutor's Office have conducted the necessary criminal investigations carefully, in accordance with their legal and inherent duties and with emphasis on the realization of justice.

The trial of the accused has already commenced and is now in progress. Furthermore, the families of the victims were invited and publicly informed that they could file a complaint against the accused before the competent courts of Iran. Currently, several hearings have so far been held in the presence of the families of the victims. It should be noted that the Islamic Republic of Iran has conducted the criminal and judicial process based on indisputable principles of law, including the principle of territorial jurisdiction of the country where the accident occurred and the nationality of the accused, and in compliance with the relevant laws and regulations.

Moreover, on 5 January 2021, the Cabinet of Ministers of the Islamic Republic of Iran issued a directive to the relevant institutions to pay the amount of \$150,000.00 ex gratia to the heirs of each person who lost his/her life in this accident. With the aim of implementing this directive, a bureau was formed in the Ministry of Roads and Urban Development of the Islamic Republic of Iran which has taken the necessary measures to carry out the payment process. It has so far made payments to a number of families willing to receive the said amount according to the relevant regulations.

In this regard, the readiness of the Islamic Republic of Iran to pay the survivors of 30 foreign nationals were conveyed through diplomatic channels in notes verbales No. 774571 to Canada, No. 774543 to Sweden, No. 773778 to Ukraine and No. 774340 to Afghanistan, all dated 11 May 2021.

The Islamic Republic of Iran once again reiterates that the payment will be made to all families regardless of their nationality and without discrimination, while categorically rejecting the baseless claims of this self-proclaimed Group in this regard.

Finally, the Islamic Republic of Iran strongly condemns any attempt to politicize the accident and its relevant technical issues through the utilization of any tools that would put pressure on the Iranian Government for political purposes. All States should be assured that Iran is prepared to take firm steps towards justice, transparency and accountability with regard to this case within the framework of law and the due process of law.

Noting the importance of maintaining channels of communication in order to consider matters in accordance with international law, the Islamic Republic of Iran expresses, once again, its willingness to hold further bilateral negotiations with Canada, Sweden, Ukraine and the United Kingdom of Great Britain and Northern Ireland on a bilaterally agreed agenda, should the aforementioned States indicate a willingness to do so in good faith.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 74 and 85.

(Signed) **Majid Takht Ravanchi**
Ambassador
Permanent Representative