

# Kerry's Clumsy Words on Iran Deal

Secretary of State Kerry, in another diplomatic blunder, has inserted the word "dismantle" into comments on Iran's deal to constrain its nuclear program. Kerry's loose talk has created expectations in mainstream U.S. media beyond what Iran has agreed to, Gareth Porter writes for Inter Press Service.

By Gareth Porter

Iran's pushback against statements by Secretary of State John Kerry and the White House that Tehran must "dismantle" some of its nuclear program, and the resulting political uproar over it, indicates that tough U.S. rhetoric may be adding new obstacles to the search for a comprehensive nuclear agreement.

Iranian Foreign Minister Mohammad Javad Zarif said in an interview with CNN's Jim Sciutto on Wednesday, "We are not dismantling any centrifuges, we're not dismantling any equipment, we're simply not producing, not enriching over five percent."

When CNN's Fareed Zakaria asked President Hassan Rouhani, "So there would be no destruction of centrifuges?" Rouhani responded, "Not under any circumstances. Not under any circumstances."

Those statements have been interpreted by U.S. news media, unaware of the basic technical issues in the negotiations, as indicating that Iran is refusing to negotiate seriously. In fact, Zarif has put on the table proposals for resolving the remaining enrichment issues that the Barack Obama administration has recognized as serious and realistic.

The Obama administration evidently views the rhetorical demand for "dismantling" as a minimum necessary response to Israel's position that the Iranian nuclear program should be shut down. But such rhetoric represents a serious provocation to a Tehran government facing accusations of surrender by its own domestic critics.

Zarif complained that the White House had been portraying the agreement "as basically a dismantling of Iran's nuclear program. That is the word they use time and again." Zarif observed that the actual agreement said nothing about "dismantling" any equipment.

The White House issued a "Fact Sheet" Nov. 23 with the title, "First Step Understandings Regarding the Islamic Republic of Iran's Nuclear Program" that asserted that Iran had agreed to "dismantle the technical connections required to enrich above 5%."

That wording was not merely a slight overstatement of the text of the "Joint Plan of Action." At the Fordow facility, which had been used exclusively for enrichment above five percent, Iran had operated four centrifuge cascades to enrich at above five percent alongside 12 cascades that had never been operational because they had never been connected after being installed, as the International Atomic Energy Agency (IAEA) had reported.

The text of the agreement was quite precise about what Iran would do: "At Fordow, no further enrichment over 5% at 4 cascades now enriching uranium, and not increase enrichment capacity. Not feed UF6 into the other 12 cascades, which would remain in a non-operative state. No interconnections between cascades."

So Iran was not required by the interim agreement to "dismantle" anything. What Zarif and Rouhani were even more upset about, however, is the fact that Kerry and Obama administration spokespersons have repeated that Iran will be required to "dismantle" parts of its nuclear program in the comprehensive agreement to be negotiated beginning next month.

The use of the word "dismantle" in those statements appears to be largely rhetorical and aimed at fending off attacks by pro-Israel political figures characterizing the administration's negotiating posture as soft. But the consequence is almost certain to be a narrowing of diplomatic flexibility in the coming negotiations.

Kerry appears to have concluded that the administration had to use the "dismantle" language after a Nov. 24 encounter with George Stephanopoulos of NBC News. Stephanopoulos pushed Kerry hard on the congressional Israeli loyalist criticisms of the interim agreement. "Lindsey Graham says unless the deal requires dismantling centrifuges, we haven't gained anything," he said.

When Kerry boasted, "centrifuges will not be able to be installed in places that could otherwise be installed," Stephanopoulos interjected, "But not dismantled." Kerry responded, "That's the next step." A moment later, Kerry declared, "And while we go through these next six months, we will be negotiating the dismantling, we will be negotiating the limitations."

After that, Kerry made "dismantle" the objective in his prepared statement. In testimony before the House Foreign Affairs Committee on Dec. 11, Kerry said the U.S. had been imposing sanctions on Iran "because we knew that [the sanctions] would hopefully help Iran dismantle its nuclear program."

White House spokesman Jay Carney dismissed Zarif's comment as "spin" on Iran's commitments under the Joint Plan of Action "for their domestic political purposes." He refused to say whether that agreement involved any "dismantling"

by Iran, but confirmed that, "as part of that comprehensive agreement, should it be reached, Iran will be required to agree to strict limits and constraints on all aspects of its nuclear program to include the dismantlement of significant portions of its nuclear infrastructure in order to prevent Iran from developing a nuclear weapon in the future."

But the State Department spokesperson, Marie Harf, was much less categorical in a press briefing on Jan. 13: "We've said that in a comprehensive agreement, there will likely have to be some dismantling of some things." That remark suggests that the Kerry and Carney rhetoric of "dismantlement" serves to neutralize the Israel loyalists and secondarily to maximize U.S. leverage in the approaching negotiations.

Kerry and other U.S. officials involved in the negotiations know that Iran does not need to destroy any centrifuges in order to resolve the problem of "breakout" to weapons grade enrichment once the stockpile of 20-percent enriched uranium disappears under the terms of the interim agreement.

Zarif had proposed in his initial power point presentation in October a scheme under which Iran would convert its entire stockpile of 20-percent enriched uranium into an oxide form that could only be used for fuel plates for the Tehran Research Reactor.

U.S. officials who had previously been insistent that Iran would have to ship the stockpile out of the country were apparently convinced that there was another way to render it "unusable" for the higher-level enrichment necessary for nuclear weapons. That Iranian proposal became the central element in the interim agreement.

But there was another part of Zarif's power point that is relevant to the remaining problem of Iran's stockpile of low-enriched uranium: Iran's planned conversion of that stockpile into the same oxide form for fuel rods for nuclear power plants as was used to solve the 20-percent stockpile problem. And that plan was accepted by the United States as a way of dealing with additional low-enriched uranium that would be produced during the six-month period.

An element included in the Joint Plan of Action which has been ignored thus far states: "Beginning when the line for conversion of UF<sub>6</sub> enriched up to 5% to UO<sub>2</sub> is ready, Iran has decided to convert to oxide UF<sub>6</sub> newly enriched up to 5% during the 6 month period, as provided in the operational schedule of the conversion plant declared to the IAEA."

The same mechanism the conversion of all enriched uranium to oxide on an agreed time frame, could also be used to ensure that the entire stockpile of low-

enriched uranium could no longer be used for “breakout” to weapons-grade enrichment without the need to destroy a single centrifuge. In fact, it would allow Iran to enrich uranium at a low level for a nuclear power program.

The Obama administration’s rhetoric of “dismantlement,” however, has created a new political reality: the U.S. news media has accepted the idea that Iran must “dismantle” at least some of its nuclear program to prove that it is not seeking nuclear weapons.

CNN Anchor Chris Cuomo was shocked by the effrontery of Zarif and Rouhani. “That’s supposed to be the whole underpinning of moving forward from the United States perspective,” Cuomo declared, “is that they scale back, they dismantle, all this stuff we’ve been hearing.”

Yet another CNN anchor, Wolf Blitzer, who was an official of the American Israel Public Affairs Committee before becoming a network journalist, called Zarif’s statements “stunning and truly provocative,” adding that they would “give ammunition” to those in Congress pushing for a new sanctions bill that is clearly aimed at sabotaging the negotiations.

The Obama administration may be planning to exercise more diplomatic flexibility to agree to solutions other than demanding that Iran “dismantle” large parts of its “nuclear infrastructure.” But using such rhetoric, rather than acknowledging the technical and diplomatic realities surrounding the talks, threatens to create a political dynamic that discourages reaching a reasonable agreement and leaves them unresolved.

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## The Crumbling Lockerbie Case

A quarter century ago, the Pan Am 103 bombing over Lockerbie, Scotland, killed 270 people and later was pinned on a Libyan agent. In 2011, Lockerbie was used to justify a U.S.-backed war to oust Libya’s Muammar Gaddafi, but the evidence now suggests the case was a miscarriage of justice, John Ashton writes.

By John Ashton

Dec. 21, 2013, marked the 25<sup>th</sup> anniversary of what, until 9/11, was the worst terrorist attack on U.S. civilians. A total of 270 people died when PanAm flight 103 was blown out of the sky over the small Scottish town of Lockerbie; 189 of the dead were Americans.

Officially the crime was partially solved on Jan. 31, 2001, when Libyan Abdelbaset al-Megrahi was convicted of the murders by a panel of three senior Scottish judges, sitting at a specially convened Scottish court at Kamp Zeist in The Netherlands. His co-defendant, Lamin Fhimah, was acquitted.

As Megrahi was allegedly a puppet of the Gaddafi regime the Scottish and U.S. prosecutors have vowed to pursue those who were pulling his strings. The ex-FBI Director Robert Mueller said on the 25<sup>th</sup> anniversary that he expected further charges to be brought. Yet, to most of those who have scrutinized the Megrahi conviction and Consortiumnews.com is one of the few U.S. media outlets to have done so (see [here](#), [here](#) and [here](#)) it is, at best, odd and, at worst, a sham.

One of the UN trial observers, Professor Hans Koechler, noted: "there is not one single piece of material evidence linking the two accused to the crime. In such a context, the guilty verdict in regard to the first accused appears to be arbitrary, even irrational," while eminent Scottish lawyer Ian Hamilton QC has said, "I don't think there's a lawyer in Scotland who now believes Mr Megrahi was justly convicted."

More importantly, in 2007, the Scottish Criminal Cases Review Commission, a statutory body that reviews alleged miscarriages of justice, referred the conviction back to the appeals court on no fewer than six grounds, one of which was that the trial court's judgment was unreasonable. Shockingly, four of the other grounds concerned the non-disclosure of important evidence by the prosecution. Sadly, Megrahi succumbed to pressure to abandon the appeal, shortly before his release from prison on compassionate grounds in August 2009.

### **More Promising Leads**

Another reason to doubt the official line that the bombing was a solely Libyan operation is that there is ample circumstantial evidence that it was commissioned by Iran (possibly in retaliation for the U.S. military shoot-down of an Iranian airliner on July 3, 1988, killing 290 people) and carried out by a radical Palestinian group, the Popular Front for the Liberation of Palestine General Command (PFLP-GC).

Two months before the Pan Am 103 attack, on Oct. 26, 1988, the group was caught red-handed by the German federal police with a barometric bomb designed to explode at altitude. The police also uncovered a huge terrorist arsenal, which

the group had amassed in an apartment in Frankfurt, the city from which PA103's feeder flight, PA103A, would originate. Like the Lockerbie bomb, the barometric bomb had been built into a Toshiba radio cassette player. Although it was a single-speaker model the Lockerbie device had twin speakers by a rather sick twist, both models were from Toshiba's BomBeat range.

The man who made the German bomb, Marwan Khreesat, turned out to be a mole for both the Jordanian and German intelligence services. He told the police that he had made five bombs, only four of which were recovered. He and another PFLP-GC member, Mobdi Goben, who led the group's Yugoslavian cell, confirmed that the organization had other bomb makers and that the Oct. 26 raids did not snare all of its German operatives.

Significantly, both men independently named a member with the *nomme de guerre* Abu Elias as the operation's linchpin. His true identity remains unknown. Declassified U.S. intelligence documents stated as fact that Iran and the PFLP-GC were behind the bombing. Another, written months after the investigation had shifted decisively to Libya, said that Iranian interior minister had paid \$10 million for the hit.

The increasingly rickety "Libya-did-it" line appeared to receive a much-needed boost 2 ½ years ago with the fall of the Gaddafi regime. At the start of the revolution, in early 2011, the opposition leader Mustafa Abdel Jalil, who had been Gaddafi's justice minister, told the Swedish newspaper *Expressen* that he had proof that his old boss was responsible for Lockerbie. Other senior government defectors implicated the old regime in the bombing.

So, when Scotland's prosecution service, the Crown Office, announced that it would be seeking the cooperation of the new Libyan government to gather evidence against Megrahi's alleged co-conspirators, Lockerbie watchers were braced for some rapid developments.

### **Getting Nowhere**

Unfortunately for the Crown Office and police, in the intervening 2 ½ years, they appear to have got precisely nowhere. Last December, Libya's new UK ambassador, Mahmud Nacua, said that his government would be happy to open all of its Lockerbie files to the police, but added *that this would only happen when the government had fully established security and stability a process he believed would take at least a year. A year on, there's no hint that the files are about to be opened.*

It was not until February 2013 that the police, prosecutors and the FBI got to visit Tripoli to speak to the new government. Embarrassingly, no sooner had they

left than the new deputy justice minister, Hameda al-Magery, told the *Daily Telegraph* that the case was closed.

The Crown Office swiftly issued a press release, which described the discussions with the Libyans as “positive” and added “it is hoped there will be further progress as a result.” That hope seems increasingly forlorn. Only last month did the Libyan government appoint prosecutors to work on the case with Scottish and U.S. investigators.

The development was hailed as a “significant step” by Scotland’s chief prosecutor, the Lord Advocate Frank Mulholland. That is one interpretation, but, when viewed as a whole, the events since Gaddafi’s fall suggest that the Libyans might be trying to put off the day when they have to admit to the Scots and FBI that the cupboard is bare: they have no evidence of the Gaddafi regime’s involvement.

Since Gaddafi’s fall, the only document about the case to surface publicly from his regime’s files is a letter from Megrahi to his relative, Gaddafi’s security chief Abdullah Sennousi, in which, according to the *Wall Street Journal*, he protested his innocence and blamed his plight on “the immoral British and American investigators” who “knew there was foul play and irregularities in the investigation.”

What, then, of Mustafa Abdel Jalil’s proof? When asked about it on *BBC Newsnight*, the best he could offer was the fact that Gaddafi’s government had paid Megrahi’s legal bills. A year later Jalil insisted in another newspaper interview that *Expressen* had misquoted him, adding: “All I said then is what I say right now, which is that the regime was involved in this case, evident by insisting [Megrahi] returns [to Libya] and that they spent a lot of money on him while he was in jail.”

It was preposterous to claim that the old regime’s funding of Megrahi’s legal defense, and its efforts to secure his return to Libya, was evidence of its guilt.

### **Exonerating Evidence**

While the police investigation in Libya has stalled, the police and Crown Office are studiously ignoring new evidence that destroys the case against Megrahi and Libya. It concerns the most important physical evidence of the entire case, a tiny fragment of circuit board, known by its police reference number of PT/35b, which was allegedly part of the bomb’s timer.

According to the prosecution case, the fragment matched boards in timers designed and built for the Libyan intelligence service by a Swiss firm called

Mebo. During preparations for Megrahi's aborted second appeal, his legal team (with whom I worked as a researcher) discovered that the fragment could not have originated from one of the Libyan timers' boards, because it bore a crucial metallurgical difference.

When combined with a wealth of existing anomalies concerning the fragment's provenance, the discovery strongly suggested that it was a fake that was planted in order to implicate Libya. According to the published memoir of the head of the FBI's Lockerbie investigation, Richard Marquise, his opposite number in the Swiss police also suspected the fragment was a plant. The thought even occurred to Marquise and the Scottish police's senior investigating officer, Stuart Henderson.

Why, then, have the Scottish police and Crown Office failed to approach the witnesses who can attest to the mismatch between the fragment and the Libyan timers – witnesses who include the man who made the boards used in the those timers, and two independent scientists? The obvious answer is that they want to avoid evidence that shows the official case to be built on sand.

**John Ashton, who worked as a defense investigator on the Pan Am 103 case, is the author of *Scotland's Shame: Why Lockerbie Still Matters*.**

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