

Seventh session
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Working paper submitted by the
United Kingdom

(F) PRE-INVESTIGATION PROCEDURES [ACTIVITIES]

Designation of a site under investigation

18. Any facility or site selected for investigation by the requesting State Party shall be designated as precisely as possible by providing a site diagram related to a reference point, with geographic coordinates specified to the nearest second if possible. Whenever feasible the requesting State Party shall also submit a map specifying the site under investigation, which shall also include the site's perimeter clearly delineated.

18 bis. The perimeter of any site under investigation shall:

- (a) run at least 10 metres outside any buildings or other structures;
- (b) not cut through existing security enclosures; and
- (c) run at least 10 metres outside any existing security enclosures that the requesting State Party wishes to include within the perimeter of the site under investigation.

18 ter. If the perimeter does not conform with the specifications of paragraph 2, it shall be re-drawn by the investigation team to ensure that it conforms with that provision.

Issue of investigation mandate

19. The Director-General shall issue an investigation mandate for the conduct of the facility investigation. The

investigation mandate shall be the investigation request put into operational terms, and shall conform with the investigation request.

19 bis. [subsuming previous 23.2] The investigation mandate shall be made available to the investigated State Party by the investigation team, upon the latter's arrival at the point of entry to the investigated State Party.

Appointment of investigation team

20. The Director-General shall determine the size of the investigation team and select its members taking into account the circumstances of the particular request. The size of the investigation team shall be kept to a minimum necessary for the proper fulfilment of the mandate. No national of the requesting State Party or the investigated State Party shall be a member of the investigation team.

Notification

21. The Director-General shall, not less than 12 hours before the planned arrival of the investigation team at the point of entry, inform the politically representative body of States Parties about the location of the requested facility as specified in paragraphs 18 and 18 bis. At the same time, he shall also transmit the request to the investigated State Party, including the location of the facility.

Time-frame for an Investigation

22. The investigated State Party shall acknowledge receipt of the notification of an investigation not later than [one hour] after receipt of such a notification.

23. The Director-General shall dispatch an investigation team as soon as possible after an investigation request has been received [and approved in accordance with agreed procedures]. The investigation team shall arrive at the point of entry specified in the request in the minimum time possible consistent with agreed procedures for the notification and review of requests.

23 bis. The period of the investigation shall not exceed [84] hours, unless extended by agreement with the investigated State Party.

Monitoring of Site

24.1. Not later than [12] hours after the arrival of the investigation team at the point of entry, the investigated State Party shall begin collecting factual information of all vehicular exit activity from all exit points for all land, air and water vehicles of the investigated site's perimeter. This obligation may be met by collecting factual information in the form of traffic logs, photographs or video recordings.

24.2. Upon the investigation team's arrival at the site under investigation, it shall have the right to begin implementing exit monitoring procedures in order to secure the site such procedures shall include: the identification of vehicular exits, the making of traffic logs, the taking of photographs, and the making of video recordings of exits and exit traffic by the investigation team. The investigation team has the right to go, under escort, to any other part of the perimeter to check that there is no other exit activity.

24.3. All activities for securing the site and exit monitoring shall take place within a band around the outside of the perimeter, not exceeding 50 meters in width, measured outward.

24.4. The investigation team has the right to inspect on a managed access basis vehicular traffic exiting the site. The investigated State Party shall make every reasonable effort to demonstrate to the investigation team that any vehicle, subject to inspection, to which the investigation team is not granted full access, is not being used for purposes related to the possible non-compliance concerns raised in the investigation request.

24.5. The application of the above procedures may continue for the duration of the investigation, but may not unreasonably hamper or delay the normal operation of the site.

Pre-investigation briefing

25. The investigated State Party shall provide a pre-inspection briefing to the investigation team prior to granting it access, which shall not normally exceed three hours. The briefing should wherever possible include a windshield tour of the site. It shall include the scope and a general description of activities and facilities, details of the physical layout and other relevant characteristics of the

site (including a map or sketch showing all structures and significant geographic features), and details of the availability of facility personnel and records. It may also include an indication of areas the investigated State Party considers sensitive or not related to the purpose of the investigation.

Investigation Plan

26. After the pre-inspection briefing the investigation team shall prepare an initial plan which specifies the activities to be carried out by the team, including the specific areas of the site, documentation and personnel to which access is desired, and whether the team intends to divide into sub-groups. The investigation team may not divide into more than two sub-groups unless otherwise agreed by the investigated State Party. This plan shall be made available to the investigated State Party.
