



# CHAIRMAN OF THE JOINT CHIEFS OF STAFF NOTICE

DOM/SJS  
DISTRIBUTION: A,B,C,J

CJCS NOTICE 5116  
30 September 1997

## PRESERVATION OF IRANIAN FOREIGN MILITARY SALES RECORDS

Reference: SecDef memorandum, 10 September 1997, "Defense of Iranian Claim at the Iran-U.S. Claims Tribunal"

1. Purpose. To disseminate information on the requirement to retain records relating to the Iranian Foreign Military Sales (FMS) program.
2. Cancellation. None
3. Applicability. This notice is applicable to the Joint Staff, Services, combatant commands, Defense agencies, and joint activities.
4. Background. The Iran-US Claims Tribunal at The Hague has jurisdiction over certain claims between the United States and the Government of Iran (GOI) arising from pre-1981 contractual arrangements. Of concern is the GOI claim of \$10 billion against the United States as repayment for alleged wrongful charges over the life of the FMS program. Since the early 1980s, there has been a freeze for all records relating to the Iranian FMS program. The deliberate or inadvertent destruction of these records could result in the USG being unable to rebut GOI allegations. The USG ultimately may be required to pay adverse monetary judgments.
5. Action or Procedure
  - a. The Secretary of Defense has requested (reference) that appropriate action be taken to identify and preserve all documentary materials pertaining to the entire Iranian FMS program; e.g., supporting and implementing documents, case management files, procurement records, transportation records, and financial accounting records.

b. DOD components must continue to ensure that these records are retained and accessible until DOS permits their disposition pursuant to normal records retention procedures.

6. Effective Date. This notice is effective upon receipt and will remain in effect until formally canceled.

For the Chairman of the Joint Chiefs of Staff:

A handwritten signature in black ink that reads "M. Manning". The signature is written in a cursive style with a large, looping flourish at the end of the name.

M. MANNING  
Colonel, USMC  
Secretary, Joint Staff