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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS  
IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL  
AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 22 February 1993 from the Permanent Mission  
of Kuwait to the United Nations Office at Geneva addressed to  
the Centre for Human Rights

The Permanent Mission of the State of Kuwait to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights and, with reference to the note from the Permanent Mission of Iraq at Geneva, reproduced in document E/CN.4/1993/79 of 20 January 1993, concerning Kuwaitis and nationals of other countries who are imprisoned, detained or missing in Iraq, wishes to state as follows:

1. In his letter to the Secretary-General of the United Nations, the representative of the Iraqi regime quotes a news agency, as usual in a selective and superficial manner, with a view to distorting the facts concerning Kuwaitis and persons of other nationalities who are imprisoned, detained or missing in Iraq, in so far as he refers to false information attributed to a committee of the Kuwaiti National Assembly, namely the "Committee on Hostages, Missing Persons and the Welfare of Families of Martyrs".
2. The Committee's report did not contain any of the information incorporated in the note from the representative of the Iraqi regime. On the contrary, the report called for the formation of a team to secure the release of the prisoners, similar to the inspection team that is searching for weapons of mass destruction. It also called for the economic sanctions to be linked to the release of the prisoners and the provision of information concerning their fate.

3. The Committee's concern arises from the humanitarian aspect of the matter, which the Iraqi representative fails to understand. The alleged information concerning prisoners in Kuwait whose names are included in the list of missing persons is a figment of his imagination, since the report of the "Committee on Hostages, Missing Persons and the Welfare of Families of Martyrs" contains no such information. Furthermore, the report contains absolutely no information concerning children detained at deportation centres.

4. The representative of the Iraqi regime lacked evidence to support his allegations and therefore once again raised the question of the multiple lists of prisoners and missing persons, the reasons for which have already been explained by Kuwait in earlier notes addressed to the Secretary-General. In this connection, we wish to reaffirm that Iraq's invasion and occupation of Kuwait caused deliberate and substantial damage in all spheres of life, as indicated in United Nations reports, and also led to the displacement of more than two thirds of Kuwait's population, who were not fully able to return until the end of 1991. The infrastructural damage resulting from the Iraqi invasion of Kuwait also made it very difficult to check and investigate information concerning prisoners, detainees and missing persons. In addition, changes in the lists of prisoners were obviously made whenever it was necessary to delete the names of persons who had been released, particularly in the first months following the expulsion of the Iraqi occupation forces and the liberation of Kuwait.

5. The bodies concerned with prisoners and missing persons are constantly checking the approved lists, maintaining regular contacts with the families and relatives of prisoners, detainees and missing persons and modifying the lists in the light of the results of those contacts. There is no inconsistency in these lists, since each list submitted to the International Committee of the Red Cross carries a date subsequent to the date of the previous list and contains a smaller number of names of prisoners, detainees and missing persons. Kuwait will continue the process of checking these lists.

6. The multiple Kuwaiti lists are an indication of Kuwait's credibility since, if it had intended to engage in political deception as the Iraqi regime claims, Kuwait would have retained only one list and would not have taken the trouble to check and update several lists.

7. The Kuwaiti authorities recently provided the International Red Cross with individual files on prisoners and missing persons supported by documents left behind by the Iraqi occupation authorities and showing the place, date and circumstances of their detention. These files refute Iraq's allegations to the effect that it is not holding any prisoners or missing persons, since they contain detailed information on each prisoner and missing person and reveal details, in the handwriting of the invading forces, which the Iraqi regime would prefer to conceal.

The question of prisoners, detainees and missing persons is not a matter of lists and numbers; it is a humanitarian and moral issue, which explains why the Iraqi regime is unable to understand it. This latest note from Iraq is merely a further attempt to mislead with a view to postponing the fulfilment of its obligations under the terms of the Security Council resolutions and to

refrain from complying with the Geneva Conventions concerning prisoners. In fact, Iraq is still refusing to permit the International Committee of the Red Cross to visit all the prisons and places of detention without prior notice. Iraq is also still refusing to cooperate with the Red Cross by providing it with the facilities needed to enable it to gather information in order to determine the whereabouts of the missing persons.

Following the Iraqi authorities' receipt of these individual lists which provide irrefutable proof that they are holding prisoners and missing persons, those authorities are called upon to give tangible effect to their claim to be cooperating with a view to determining the fate of those prisoners and detainees.

The Permanent Mission of the State of Kuwait at Geneva would be grateful if the Centre for Human Rights would circulate this note as an official document of the forty-ninth session of the Commission on Human Rights.

Accept, Sir, the assurances of our highest consideration.

(Signed) Mohammad AL-SALLAL

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