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LETTER DATED 2 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT
OF THE SECURITY COUNCIL

On instructions from my Government, I should like to refer to the letter of the Permanent Representative of the Iraqi regime to the United Nations contained in document S/25012, dated 23 December 1992 concerning prisoners, detainees and missing persons in Iraq who are Kuwaiti and third country nationals, and wish to state as follows:

1. In his aforesaid letter, the Permanent Representative of the Iraqi regime cited news agency extracts transmitting some of what transpired in a session of the Kuwaiti National Assembly (Parliament) devoted to discussing the measures to be taken in order to guarantee Iraq's compliance with Security Council resolutions related to the release of prisoners, detainees and missing persons who are Kuwaiti and third country nationals. The extracts contained in the Iraqi Representative's letter from the news agency transmission concerning the National Assembly were characterized by their selectivity and the fact that they were entirely removed from the actual course of the general discussion in the session of Kuwaiti National Assembly on this humanitarian issue, which brings suffering on Kuwaiti people of all classes and which is a wound that still bleeds, even though two years have passed since the liberation of Kuwait and the expulsion from Kuwaiti territory of the invading Iraqi forces by virtue of Security Council resolutions and international legitimacy. The seditious aim which the Iraqi regime is trying to achieve is undoubtedly to mislead world public opinion as far as possible by distorting facts and by abandoning legal, moral and ethical responsibility for the release of innocent Kuwaitis and third country nationals held in Iraqi prisons and detention camps.

2. The above-mentioned letter of the Iraqi Representative referred to false information which it attributed to a committee of the Kuwaiti National Assembly, namely the Committee for Hostages, Missing Persons and the Welfare of Families of Martyrs. The report of the aforesaid Committee contained none of the alleged information concerning prisoners in Kuwait whose names were contained in the list of missing persons, nor any information on children detained in deportation centres. On the contrary, the report specifically called for the following:

(a) The establishment of an international team concerned with the release of prisoners similar to the inspection teams concerned with weapons of mass destruction in Iraq.

(b) A linkage between the economic sanctions imposed on Iraq and the release of prisoners and the discovery of their whereabouts.

The Chairman of the Kuwaiti National Assembly Committee also transmitted these requests to the Chairman of the Security Council, whom he met during his visit to United Nations Headquarters last December. The fabrication of this information is nothing more than a web of fantasy and a transgression of the report of the National Assembly Committee for Hostages, Missing Persons and the Welfare of Families of Martyrs.

3. The letter of the Representative of the Iraqi regime alleged that Kuwait was exploiting the issue of prisoners in order to achieve political purposes aimed at prolonging economic sanctions against Iraq. Kuwait has no need to resort to such behaviour. The well-known practices of the Iraqi regime, such as its persistence in making invalid claims to its so-called "historical rights to Kuwait" and its circumvention of all its obligations pursuant to Security Council resolution 687 (1991) and the resolutions subsequent thereto, clearly obviate the need to exploit the issue of prisoners and detainees, which is a humanitarian question, as a pretext for prolonging economic sanctions against it. Similarly, the whole world is aware of and monitors Iraq's methods of evasion and the wide discrepancy between the statements made by that regime and its actions.

4. The letter of the Permanent Representative of the Iraqi regime fails to provide evidence in support of its allegations concerning the accusation that Kuwait is exploiting the issue of prisoners in order to achieve political purposes. It therefore resorted to reiterating the matter of the number of lists of prisoners and missing persons, the reasons for which Kuwait has already explained in earlier letters to the Secretary-General and some of which we again refer to here as follows:

(a) The aggression and the Iraqi occupation of Kuwait were the wilful cause of vast destruction to all areas of life, as United Nations reports have indicated;

(b) The aggression and the Iraqi occupation of Kuwait resulted in the displacement of more than two thirds of the population of Kuwait, whose repatriation was not completed until the end of 1991;

(c) The destruction of Kuwait's infrastructure made the process of verifying and investigating information concerning prisoners, detainees and missing persons extremely difficult;

(d) The names of those released, particularly in the first months following the expulsion of the Iraqi occupation forces and the liberation of Kuwait, were deleted;

(e) The names of those who arrived in Kuwait directly or via other countries following the uprising witnessed in Iraq in March and April 1991 were deleted;

(f) The names of those whose martyrdom was discovered and whose corpses were identified were deleted.

5. The authorities concerned with prisoners and missing persons in Kuwait are continuously revising the approved lists, in which respect regular contacts are made with the families and relatives of prisoners, detainees and missing persons. The lists are then amended based on the results of those contacts, and contain no contradictions, as each one is handed over to the International Committee of the Red Cross (ICRC) on a date subsequent to the previous list and comprises fewer names. Kuwait will continue its ongoing revision of these lists.

6. The number of Kuwaiti lists is evidence of one thing, namely Kuwait's integrity; if, as the Iraqi regime alleges, political blackmail was the underlying intention, Kuwait would have adhered to a single list and would not have brought upon itself the burden of checking and revising the lists.

7. Kuwait recently handed over to ICRC 617 individual files on prisoners, detainees and missing persons. Each file contains full and detailed information on the prisoner in question. The files also include photographs of those innocent prisoners and documents left behind by the Iraqi occupation authorities showing the place, date and circumstances of their detention. They also contain, in the handwriting of the invading forces, facts which incriminate the Iraqi regime and which it wishes to expunge. These files were prepared with the generous cooperation of ICRC.

8. Although it is now more than three weeks since those files were handed over, the Iraqi authorities have not thus far responded to any of them, despite their earlier undertaking to ICRC that they would respond within 10 days of receiving any individual file.

The question of the prisoners, detainees and missing persons is, in actuality and essence, not a question of lists and numbers but a humanitarian, ethical and religious question. This is what explains the Iraqi regime's inability to understand this question. This latest letter from the Iraqi regime is merely another attempt to evade its obligations under the relevant Security Council resolutions and to use human beings, whom God Almighty has honoured and whose blood he has rendered unlawful, as a means of blackmail. If the Iraqi authorities wish to prove their good intentions, the truth of their allegations and their sincere cooperation with ICRC, they have only to comply with the standard measures and criteria by which ICRC operates, namely:

(a) Public identification of prisons and places of detention;

(b) Allowing ICRC to have access without prior notification to those prisons and places of detention;

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(c) Allowing ICRC delegates to be alone with Kuwaiti prisoners, missing persons and nationals of third States;

(d) Cooperation with ICRC in providing all the necessary facilities to enable it to collect information for the purpose of determining the location and fate of those innocent persons.

We also wish to reaffirm our demands, which were included by the Special Rapporteur on the situation of human rights in Kuwait under Iraqi occupation in his report submitted to the General Assembly at its forty-sixth session (A/46/544). I wish to draw attention to some of these demands, which are, inter alia:

1. That Iraq "provide information on all persons deported from Kuwait between 2 August 1990 and 26 February 1991 who may still be detained and ... release, in accordance with its obligations under article 118 of the Third Geneva Convention and article 134 of the Fourth Geneva Convention, these persons without delay";

2. That Iraq "provide, in accordance with its obligations under articles 120 and 127 of the Third Geneva Convention, and articles 129 and 130 of the Fourth, detailed information on persons arrested in Kuwait between 2 August 1990 and 26 February 1991 who died during or after that period while in detention as well as on the site of their graves";

3. That Iraq "provide, in accordance with its obligations under article 107 of the Third Geneva Convention and article 74 of the Fourth, detailed information on all executions of persons arrested in Kuwait between 2 August 1990 and 26 February 1991 carried out in Kuwait or Iraq during or after that period and ... provide information about the site of their bodies";

4. That the Iraqi regime "search, in a humanitarian spirit, for the persons still missing and cooperate with international humanitarian organizations, such as the International Committee of the Red Cross, in this regard".

The above-mentioned standard procedures and criteria, which are applied by ICRC in all similar humanitarian missions and the above-mentioned demands, which were included by the Special Rapporteur on the situation of human rights in Kuwait, are the true touchstone for establishing the degree of Iraq's serious compliance with the Fourth Geneva Convention, human rights instruments and the letter and spirit of paragraph 30 of resolution 687 (1991). The individual files of 617 Kuwaiti prisoners that were handed over to ICRC and which prove decisively the existence of prisoners and missing persons in Iraq may perhaps be a sufficient legal, political, ethical and religious basis for testing the sincerity of Iraq's intentions and the extent of its commitment to fulfilling its undertakings.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative
