



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/1995/140
14 February 1995

ENGLISH
Original: ARABIC

COMMISSION ON HUMAN RIGHTS
Fifty-first session
Item 12 of the provisional agenda

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 2 February 1995 from the Permanent Mission
of Kuwait to the United Nations Office at Geneva addressed
to the Centre for Human Rights

The Permanent Mission of Kuwait to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights, and with reference to document A/49/394, dated 19 September 1994, comprising the reply of the Government of Iraq to the report on the situation of human rights in Iraq of the Special Rapporteur of the Commission on Human Rights contained in document E/CN.4/1994/58, dated 25 February 1994, would like to set forth as follows the reply of the Government of Kuwait to the claims contained in the Iraqi note concerning the issue of Kuwaiti prisoners and disappeared persons and requests that it be circulated as a document of the fifty-first session of the Commission on Human Rights under agenda item 12.

1. In paragraph 10 of its reply, Iraq alleges that, driven by a humanitarian impulse, it is at present cooperating seriously with the International Committee of the Red Cross to search for Kuwaiti prisoners and disappeared persons and to bring this matter to a conclusion. Kuwait would like to state here that Iraq has not effectively cooperated with any international effort concerning the issue of prisoners and disappeared persons, since its participation in the meetings of the tripartite committee chaired by the International Committee of the Red Cross goes no further than nominal attendance following a boycott that lasted several years. Similarly, the Iraqi replies to individual files have produced nothing fresh and were insufficient to clarify the whereabouts of prisoners and disappeared persons. Instead, they were worded in a manner aimed essentially at procrastination, evasion and obstruction and achieved no substantial result.

2. Iraq alleges that the initiatives shown by "well-intentioned parties" were met with rejection by the Kuwaiti side. This false allegation turns the facts on their head, since it is well known that Kuwait welcomed various Arab and international initiatives to resolve this human tragedy, although it ceased to do so after reaching an impasse owing to the prevarications of the Iraqi side and its failure to address that tragedy with any seriousness; Iraq's cooperation is the only condition for a successful outcome and has not yet been forthcoming.

3. Iraq alleges that there are numerous Kuwaitis in Iraq whom Kuwait has so far not permitted to return to Kuwait. The truth is that those individuals referred to in the Iraqi note are not Kuwaiti citizens and do not hold Kuwaiti nationality. On the contrary, they are Iraqi citizens who were residents of Kuwait, which they left for Iraq during the period of occupation or with the defeated Iraqi troops. Many of them were employed as soldiers or as agents of the Iraqi occupation forces. As a humanitarian gesture, Kuwait, under "Operation Reunification", none the less repatriated those of them with family ties in Kuwait who were not engaged in any hostile activity during the occupation period.

4. Finally, Kuwait wishes to point out that, in its aforesaid reply, Iraq was unable to refrain from the habit of distorting fact and depicting the opposite of things as they stand, that being a part of its nature with which the world was thoroughly acquainted both before and during the period of the Iraqi occupation of Kuwait.
