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LETTER DATED 4 JULY 1988 FROM THE PERMANENT REPRESENTATIVE OF IRAQ
TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit a letter addressed to you by the Minister for Foreign Affairs and an enclosed note verbale from the International Committee of the Red Cross concerning the Committee's visits to Iraqi prisoner-of-war camps in Iran.

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

(Signed) Ismat KITTANI
Permanent Representative

[Original: Arabic]

Annex

Letter dated 2 July 1988 from the Deputy Prime Minister
and Minister for Foreign Affairs of Iraq addressed to
the Secretary-General

I have the honour to refer to our letter of 18 March 1988, in which we requested that the Secretariat dispatch a mission to examine the conditions of Iraqi prisoners in Iran and to inquire about the fate of more than 20,000 prisoners whose names have not been registered with the International Committee of the Red Cross (ICRC) since they were captured several years ago. It would also be the task of such a mission to inquire about the fate of 7,000 others who were registered with ICRC, but who have disappeared and about whose fate ICRC knows nothing, as well as to investigate the atrocities - such as killing, torture and brainwashing - which are being carried out against those held in captivity in Iran.

A considerable time has passed since we made our request, but the Secretariat has not up to now taken the steps required to dispatch the proposed mission, despite the gravity of the issue and the Iranian régime's persistence in its practice of violating the law and the third Geneva Convention relative to the treatment of prisoners of war of 1949.

In this connection, we wish to inform you that we received a most serious note verbale from ICRC (a copy of which is enclosed with this letter) on 21 June 1988. The note verbale, which concerns the ICRC Mission in Iran and the situation of Iraqi prisoners of war in that country, included the following important points:

1. ICRC was not given access, during its visits to a number of prisoner-of-war camps, to 7,327 previously registered prisoners of war. The Committee had already informed us that it was unaware of those prisoners' fate.
2. It was not given access to thousands of other prisoners of war whom it knew to be held in Iran. (According to current estimates by the Iraqi authorities, there are more than 30,000 such prisoners.)
3. The Iranian authorities did not provide ICRC with the names of those held in captivity.
4. The Iranian authorities did not permit ICRC to discharge its mandate fully and efficiently under article 126 of the third Geneva Convention of 1949.
5. ICRC noted that the Power detaining the Iraqi prisoners was not respecting the basic provisions of the third Geneva Convention and that, under the circumstances prevailing in Iran, it found itself unable to discharge the mandate entrusted to it under the third Geneva Convention and was thus compelled to reduce the number of its staff in Tehran.

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In addition to the note verbale from ICRC to which I refer above, the Committee's reports on its visits to prisoner-of-war camps in Iran confirm that prisoners are subjected to intense political and psychological pressure, with the intention of inducing political and religious brainwashing, and that the Iranian authorities have allowed the Mission to carry out only one visit to certain Iraqi prisoner-of-war camps since it resumed its activity in Iran in December 1986. In contrast to this situation, The ICRC Mission in Iraq conducted, during 1987, for example, a series of visits to all Iranian prisoner-of-war camps in Iraq, at an average rate of one visit every six weeks.

A most important factor in establishing the truth of these reports may also be seen in the fact that the Tehran Mission's visits to Iraqi prisoner-of-war camps are conducted in the presence of Iranian observers. The Iranian authorities permit individual interviews only in a very small number of cases, which means that it is impossible to elicit precise and realistic information with respect to the prisoners' conditions.

Throughout its war of aggression against Iraq, the Iranian régime has subjected the prisoners to every atrocity from which a civilized human being would shrink. These include killing prisoners who are bound by ropes, cutting off their limbs and burying them alive, and even killing them in prisoner-of-war camps under the eyes of ICRC representatives, as happened in the crime committed at the Gorgan camp on 10 October 1984. They also include the use of violence and terrorism for the purpose of religious and political brainwashing and the subsequent use of such prisoners against their country. The régime is still committing such atrocities, in defiance of international public opinion, and is determined to continue with the war in violation of Security Council resolution 598 (1987).

To remain silent in the face of these dangerous violations of the law is entirely unacceptable. The United Nations Secretariat must deal with them promptly. They also require particular and urgent attention on the part of the Security Council and the prompt dispatch of the mission which we requested over three months ago.

I request that you have this letter circulated as a document of the Security Council.

(Signed) Tariq AZIZ
Deputy Prime Minister
Minister for Foreign Affairs
of the Republic of Iraq

[Original: English]

Enclosure

Note verbale dated 21 June 1988 from the International
Committee of the Red Cross addressed to the Ministry
of Foreign Affairs of Iraq

The International Committee of the Red Cross (ICRC) presents its compliments to the Ministry of Foreign Affairs of the Republic of Iraq and has the honour to inform it of the following:

In December 1986, the authorities of the Islamic Republic of Iran authorized the ICRC to resume its visits to Iraqi prisoners of war in Iran. The resumption of these visits was governed, however, by a restrictive interpretation of Article 126 of the Third Geneva Convention.

At the end of a first series of visits to 15 camps and 6 hospitals, which was completed on 26 December 1987, several serious and fundamental problems had emerged, namely:

- The ICRC was not given access during this series of visits to 7,327 previously registered prisoners of war (POWs);
- The ICRC had no access to thousands of other POWs whom it knows to be held in Iran;
- The Detaining Power did not notify captured POWs to the ICRC;
- The ICRC was not granted the broader terms and conditions to which it is entitled for its visits, so that it can discharge its mandate under Article 126 fully and efficiently.

Despite the ICRC's repeated requests and representations, these fundamental issues still remain unsolved.

Without prejudging any subsequent decisions that may be reached by the Government of the Islamic Republic of Iran to remedy this most disturbing state of affairs, which has persisted for the past six months, the ICRC can but observe that basic provisions of the Third Geneva Convention are not being respected by the Detaining Power.

The ICRC has consequently informed the authorities of the Islamic Republic of Iran that under the prevailing circumstances which make it impossible for the ICRC to discharge the mandate entrusted to it by the Third Geneva Convention, it finds itself compelled to adapt the number of its staff in Tehran to the actual scope of activity of its delegation there.

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It goes without saying that the ICRC will pursue representations with the Iranian authorities to obtain an early resumption of its visits to Iraqi prisoners of war, in accordance with Article 126, and for the speedy adoption of decisions concerning the application of the Third Geneva Convention.

The ICRC will keep the Ministry of Foreign Affairs of the Republic of Iraq regularly informed about the nature of these representations and of further steps the ICRC might deem appropriate, such as the transmission to both belligerent parties of a Memorandum assessing in an objective manner to which extent the Republic of Iraq and the Islamic Republic of Iran respect or disregard the dispositions of the Third Geneva Convention relative to the treatment of prisoners of war of 1949, which possibly will be followed by a public statement of the ICRC in view of the gravity and the urgency of the issues involved.

The International Committee of the Red Cross avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Iraq the assurances of its high consideration.

Baghdad, 21 June 1988

