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LETTER DATED 28 NOVEMBER 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 to you the text of a letter from Mr. Tariq Aziz, Deputy Prime Minister and Minister for Foreign Affairs of the Republic of Iraq to the effect that on 27 November 1988 the Iranian News Agency announced the suspension of the exchange of sick and wounded prisoners.

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

(Signed) Ismat KITTANI
Permanent Representative

ANNEX

Letter dated 27 November 1988 from the Deputy Prime Minister
and Minister for Foreign Affairs of Iraq addressed to the
President of the International Committee of the Red Cross

I have the honour to inform you that in a broadcast from Nicosia on Sunday, 27 November 1988, Agence France-Presse reported that the Iranian News Agency had announced on that same day the suspension of the transfer of sick and disabled Iraqi prisoners of war, specifying that those transfers would not be resumed until after the release of the Iranian prisoners whom Iraq had not freed during the initial phases of the prisoner-exchange operation.

On this occasion, I wish to emphasize that the Iranian delegation at the Geneva negotiations, undertaken under pressure from the United Nations, the International Committee of the Red Cross and public opinion, signed on 10 November 1988 an agreement on the exchange of wounded and sick prisoners of war registered with the International Committee of the Red Cross.

The agreement envisaged the release of 1,158 Iraqi prisoners and 411 Iranian prisoners, with the stipulation that the transfer would be made on the basis of proportional daily reciprocal transfers, numbering 115 Iraqi prisoners and 51 Iranian prisoners, and that the transfer operation would be completed within 10 days beginning on 22 November 1988.

The Iranian authorities first deliberately decided to delay the start of the exchange operation for two days, and then, resorting to a flagrant ruse and fabricating totally illegitimate reasons, tried to reduce the number agreed upon for each transfer of wounded or sick prisoners, whose release was mandatory under the agreement concluded for that purpose.

On 24, 26 and 27 November 1988, three groups of 52, 51 and 52 prisoners were released. The International Committee of the Red Cross has informed us that the status of the three remaining contingents, numbering 190 prisoners, is as follows:

- 20 prisoners have refused repatriation;
- 61 prisoners are recuperating;
- There are 28 prisoners about whom no decision has been taken;
- 68 prisoners have already been released by the Iranian authorities;
- There are two prisoners whose identity is unknown;
- Eight prisoners are not in the camp;
- There are two deceased prisoners;
- There is one Egyptian prisoner about whom no decision has yet been taken.

It is clear from these figures and the pretexts advanced by the Iranians to justify them that the Iranian authorities are attempting, by fraudulent means, to secure the release of the same number of Iraqi and Iranian injured and sick prisoners, thereby violating what had been agreed to and what the International Committee of the Red Cross had proposed. It is worth mentioning that ICRC has not accepted the claims of the Iranian authorities, and that the latter have not submitted any document in support of their allegations. It is no secret to anyone that, for legal, family and financial reasons, documentation regarding the prisoners is of vital importance.

When we asked ICRC to provide the necessary documents to justify the Iranian claims, we took the decision to hand over wounded and sick Iranian prisoners, on the understanding that a proportional number of Iraqi prisoners would be handed over, under the above-mentioned agreement concluded with ICRC in Geneva, and that the documents would be submitted.

The Iranian authorities decided to suspend the exchange of prisoners after the fraudulent moves became apparent. The Iraqi Government, while repudiating the decision of the Iranian authorities, charges them with full responsibility for the consequences that may arise.

The Government of the Republic of Iraq appeals to the International Committee of the Red Cross, the United Nations and the international community to exert pressure on Iran to compel it to respect the agreement it signed in Geneva by releasing the total number of wounded and sick prisoners registered with ICRC. It is also essential to secure as soon as possible the full exchange of all prisoners of war in accordance with the provisions of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, which have been violated.

