



Security Council

Distr.
GENERAL

S/20744
21 July 1989
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 21 JULY 1989 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 herewith a commentary on the communiqué of the Iranian Ministry of Foreign Affairs issued on 17 July.

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

(Signed) Ismat KITTANI
Permanent Representative

Annex

Commenting on the communiqué issued by the Iranian Ministry of Foreign Affairs on 17 July 1989, a spokesman for the Permanent Mission of Iraq in New York stated as follows:

"On 17 July the Iranian Ministry of Foreign Affairs issued a communiqué concerning the situation between Iraq and Iran and the progress of the negotiations that was full of fallacies and lies. For purposes of clarification, we should like to set forth the following facts:

"1. The communiqué of the Iranian Ministry of Foreign Affairs made it appear that Iran accepted resolution 598 (1987) officially on 18 July 1988 as a diplomatic step taken by the Iranian Government to facilitate the implementation of resolution 598 (1987). The truth, as the members of the international community know, is that Iran did not accept resolution 598 (1987), which was binding after its adoption, but used in dealing with it various kinds of stratagems and manoeuvres in an attempt to prolong the war and win time in the hope of achieving its aggressive expansionist goals. Iraq, at that time, insisted on the necessity of Iran's accepting the resolution officially, proceeding from a natural standpoint, namely, that resolutions of the Security Council must be accepted under the Charter and that acceptance must be public and official. The Security Council and the international community know that Iran did not accept resolution 598 (1987) for the reasons put forward by the Iranian Ministry of Foreign Affairs. It only announced its acceptance of it after its aggressive programme was entirely smashed and it suffered wide-ranging military defeats in the period between April and July 1988. The communiqué issued by the ruler of Iran, Khomeini, explaining Iran's acceptance of the resolution, disproves everything that was stated in the communiqué of the Iranian Foreign Ministry. The Iranian Foreign Ministry thinks that the world has forgotten Khomeini's famous speech in which he said that acceptance of the Security Council resolution was like drinking a cup of poison!!

"2. Iraq's call for the holding of direct negotiations between the two parties under the auspices of the Secretary-General before and after the cease-fire is a natural invitation in accordance with the procedure of the contemporary international community, which regards talks between the two conflicting parties as the best method for resolving disputes. It is absolutely clear that holding genuine direct negotiations between Iraq and Iran does not give Iraq any advantage. The Iranian régime's sensitivity about direct negotiations and its violent attack on them on every occasion arouse profound doubts about this régime's intentions and reaffirm what we have always said about the veracity of the statements and pronouncements of its leaders. If the rulers in Tehran really want to establish a lasting peace with Iraq, why this acute sensitivity about holding direct talks with Iraq?

"When Iraq calls for direct talks, it is affirming its sincerity in wishing to arrive at a peaceful settlement through negotiations in accordance with international law.

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"3. The agreement reached between Iraq and Iran on 8 August 1988 through the Secretary-General of the United Nations removes all doubts about the topics to be dealt with in the direct negotiations under the auspices of the Secretary-General. These topics are all the provisions of the resolution that have not been implemented so far. There are not certain provisions of the resolution that are the subject of negotiations and other provisions that are not the subject of negotiations. The Iranian side's attempt to divide up the negotiations in this way is contrary to the text of the agreement of 8 August 1988. It is also contrary to the procedure of peaceful settlement of disputes as practised by all States in the modern age, directly between themselves or under the auspices of the Secretary-General of the United Nations.

"The Iranian leaders try hard to make world public opinion think that they agree to the proposals made by the Secretary-General of the United Nations. They set themselves up as speaking in his name, taking advantage of the neutral position of the Secretary-General, who avoids becoming embroiled in controversial details. We wish to state that this Iranian conduct constitutes unethical exploitation of the Secretary-General's neutrality. The members of the Security Council are made fully cognizant of the contents of the negotiations through the Secretary-General's reports to the Council.

"The spuriousness of these Iranian allegations are confirmed by the fact that the provisions which the Foreign Ministry's communiqué claims are not included in the direct negotiations were included as points for discussion in all the papers put forward by the Secretary-General to the two parties for discussion on the negotiating table with a view to arrival at agreement.

"The one topic that actually does lie outside the scope of the negotiations is the topic of the release of prisoners. Paragraph 3 of resolution 598 (1987) and article 118 of the Geneva Convention relative to the Treatment of Prisoners of War of 1949 and precedents throughout the international community all affirm in a way that admits of no other interpretation the binding obligation to release and exchange prisoners without delay after the cessation of active hostilities and entrust the supervision of this process to the International Committee of the Red Cross. The Iranian side's insistence on not proceeding to release and exchange prisoners after a year has elapsed since the cessation of active hostilities fully demonstrates how incompatible this régime's position is with international law and international humanitarian law and its readiness to gamble with the lives and suffering of tens of thousands of Iraqi and Iranian human beings in order to achieve political ends. It shows once again the selective approach adopted by this régime throughout the years of conflict with regard to Security Council resolutions and the provisions of international law, taking from them what it will and refusing to be bound by the obligations which they create for it.

"The fallacies contained in the communiqué of the Iranian Foreign Ministry regarding the question of the registration of the prisoners is another proof of the bad intentions of the Iranian régime and its constant

inclination to trickery and plays on words at the expense of human beings. The question of the registration of the prisoners is clear and unambiguous in international law: it is incumbent on the parties to the dispute to inform the Red Cross promptly of the number of prisoners and to provide the necessary information concerning them without delay.

"We informed the President of the International Committee of the Red Cross and the Secretary-General of the United Nations officially of our readiness to register all Iranian prisoners who were not registered when the Iranian side showed the same readiness, and the Security Council is cognizant of this. Resorting to percentages on this question is a contravention of international law and a ruse. Indeed, it is an unethical procedure, making human beings into numbers. Iraq rejects it on ethical and legal grounds and reaffirms the obligation on both parties to inform the International Committee of the Red Cross at the same time of the names of all non-registered prisoners.

"4. Resolution 598 (1987) is a peace plan. The peace plan must be discussed between the two parties, under the auspices of the Secretary-General, in all its elements. The question of the current presence of the military forces of the two parties on the ground, which is a result of the situation existing when the cease-fire came into effect, is one of the topics open to discussion. The Iranian side's position that would remove this or that topic from the course of the negotiations is incomprehensible unless this is a reaffirmation of its familiar selective approach. If so, this strengthens our suspicions that the Iranian side wants to achieve partial steps that suit it politically and give it freedom to prolong the state of no peace, no war, and to exploit it for blackmail and threats to security and stability in the region. The elements of the peace plan are interconnected, and it is not possible to deal with one to the exclusion of the others. The military presence of the forces on the ground is linked up with many things, on which mutual understanding must be reached in the context of the common understanding of the peace that exists between the two countries pursuant to resolution 598 (1987). Their removal from the negotiations as insisted upon by the Iranian side arouses many doubts and justifies our call for a comprehensive package approach reflecting a balance of the parties' obligations, undertakings and legitimate rights.

"Iraq calls on the international community to understand this side as explained by the President of the Republic of Iraq in his speech of 17 July 1989. Iraq, in stressing the necessity of respecting the agreement of 8 August 1988 and the principle and method of direct negotiations and the comprehensive package, affirms its sincere will to arrive at a comprehensive and lasting peace between the two countries. It is clear that this invitation does not imply special prerogatives for Iraq at Iran's expense.

"5. Iraq once again affirms its will to continue the negotiation process under the auspices of the Secretary-General of the United Nations. If the Iranian side is serious about arriving at a comprehensive and lasting peaceful settlement, it has only to respond to the Secretary-General's invitation and concur with Iraq's wish to sit down at the negotiating table under the

auspices of the Secretary-General and enter into genuine direct negotiations with a view to arriving at a common understanding of the peace plan and the positioning of the necessary mechanisms for its implementation. Resorting to fallacy-filled propaganda campaigns that turn the facts topsy-turvy is an indication of lack of a serious and sincere will to achieve a comprehensive and lasting peace."

