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LETTER DATED 18 AUGUST 1989 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

In reference to the statements by the Minister for Foreign Affairs of Iraq on the subject of prisoners-of-war (POWs) dated 18 April 1989 and 10 June 1989 respectively (S/20597 and S/20684), I have the honour to note the following:

1. Since the beginning of the talks for the implementation of Security Council resolution 598 (1987) under the auspices of the Secretary-General of the United Nations, the Islamic Republic of Iran has repeatedly expressed its willingness for the full and rapid implementation of all the provisions of Council resolution 598 (1987), including paragraph 3 on the repatriation of POWs.

2. The Islamic Republic of Iran on numerous occasions in its communications and meetings with the authorities of the United Nations and the International Committee of the Red Cross (ICRC), has emphasized the point that, if the Iraqi régime had agreed to the timetable of July-August 1988 and the plan of 1 October 1988 for the implementation of resolution 598 (1987) which were introduced by the Secretary-General to both sides, all the POWs would have been repatriated by now.

3. The way Iraq has treated the mandatory resolution 598 (1987) during the peace talks, which emanates from its policy of procrastination and selective treatment of the provisions of the resolution on the one hand and the illegal imprisonment of more than 700 of the Islamic Republic of Iran's forces and several Iranian civilians by Iraq after the establishment of the cease-fire on the other hand, are all reminiscent of the fact that one should not only cast doubts as to the willingness of that régime to accept a lasting peace in the region, but should also be convinced that Iraq is manipulating a humanitarian issue to achieve its political and propagandist goals, and it has been proven in practice that the claim of the authorities of that régime as regards the repatriation of POWs lacks any humanitarian foundation.

4. Iraq claims that, after the establishment of the cease-fire, active hostilities between the two countries have terminated, making it time to implement article 118 of the Third Geneva Convention of 12 August 1949. If the Iraqi régime

is sincere in its position and claims to have accepted it unequivocally, it should, in accordance with the second paragraph of article 118 of the Third Geneva Convention, formulate a plan for the repatriation of POWs and immediately put it into operation. The lack of such action by Iraq denotes that the Iraqi régime does not even prescribe to its own interpretation of article 118 of the Third Geneva Convention.

5. After the lapse of more than a year since the inception of the cease-fire, Iraq still occupies more than 2,000 square kilometres of the territory of the Islamic Republic of Iran and tens of thousands of inhabitants of occupied towns and villages are kept away from their homes and belongings while, in accordance with Article 2 of the Charter of the United Nations regarding respect for the territorial integrity of States and the letter of paragraph 1 of resolution 598 (1987), the withdrawal of forces should take place immediately after the cease-fire. With the continuation of the occupation of the territory of the Islamic Republic of Iran by Iraq which is a distinct manifestation of aggression, in fact, active hostilities have not ceased. Therefore, to achieve the requisite conditions for the exchange of POWs, as a first step, by the full and unconditional withdrawal of Iraqi forces to internationally recognized boundaries, this explicit evidence of aggression should be removed to prepare the basis for the full and immediate exchange of POWs in accordance with article 118 of the Third Geneva Convention.

6. Iraq on the one hand recognizes its one-sided interpretation of the Secretary-General's letter of 8 August 1988 as the basis for the implementation of the resolution and on the other hand wishes to exchange the POWs outside the framework of the talks for the implementation of the resolution. This double standard by Iraq demonstrates the lack of sincerity of that régime as regards to the rapid implementation of the resolution.

Therefore it is clear that Iraq alludes to the humanitarian issue of the POWs to achieve its political interests and tries, by pursuing this matter, to delay the withdrawal of its forces to internationally recognized boundaries and the implementation of resolution 598 (1987).

The Islamic Republic of Iran, as expressed repeatedly, is ready to free and exchange the POWs in accordance with the 1 October 1988 plan of the Secretary-General. The Islamic Republic of Iran expects the international fora to exert pressure on the Iraqi régime to end its illegal actions and its policies of procrastination and obstruction, so that the proper ground for the rapid implementation of the resolution is developed and the inhabitants of the Iranian towns and villages under the occupation of Iraq and also the POWs of both countries are relieved of their suffering and hardship.

It would be highly appreciated if this letter were circulated as a document of the Security Council.

(Signed) Gholamali KHOSHROO
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