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OF THE ARMED CONFLICT BETWEEN
IRAN AND IRAQ

SECURITY COUNCIL
Thirty-ninth year

Letter dated 27 November 1984 from the Permanent Representative of
Iraq to the United Nations addressed to the Secretary-General

I have the honour, with reference to the letter dated 7 November 1984 addressed to you by the Permanent Representative of the Islamic Republic of Iran to the United Nations (A/39/639-S/16820), to enclose herewith the text of the statement of Mr. Alexander Hay, President of the International Committee of the Red Cross (ICRC), of 23 November 1984 to the Permanent Representatives in Geneva.

The statement, which represents the views of the ICRC, is indeed the real lesson from which the Iranian Government should learn, namely that Iraq's concerns about the fate of the Iraqi prisoners of war in Iran are not "baseless" as the Permanent Representative of Iran has the audacity to allege.

The Iranian Permanent Representative should be well advised to consider carefully the statement in order to know that it is his authorities which shamelessly produce thoughtless letters that do not seem to cause them any embarrassment.

I shall be grateful if you could kindly arrange for the circulation of this letter and its enclosure as a document of the General Assembly, under agenda item 44, and of the Security Council.

(Signed) Dr. Riyadh AL-QAYSI
Permanent Representative

ANNEX

Allocution made on 23 November 1984 by Mr. Alexander Hay,
President of the International Committee of the Red Cross,
to all Permanent Representatives in Geneva

Once again, I must approach you and your Governments on the question of the respect of the Geneva Conventions in the conflict between Iraq and Iran.

As you all know, following the serious incidents which took place in the prisoner-of-war camp in Gorgan, the Islamic Republic of Iran made numerous statements on the subject of these incidents and on ICRC's humanitarian activities in Iran and in Gorgan.

The highest officials of the Iranian Government, their diplomatic representatives abroad, the press, television and radio in Iran have accused the ICRC of spying for Iraq, of provoking violence in the prisoner-of-war camps, of raising obstacles to the return to their families of seriously wounded Iraqis, of carrying out a propaganda campaign hostile to Iran, of refusing to make a serious effort to search for the numerous people who have disappeared in the war.

If I have asked to speak to you today, it is not only because the ICRC, which has been direct witness to Iran's inadmissible treatment of Iraqi prisoners of war, can today no longer stay silent in the face of such attempts to mislead public opinion. It is much more because some 50,000 Iraqi prisoners of war being held in the Islamic Republic of Iran and the ICRC once again urgently need your Governments' help.

I am convinced that their help will be forthcoming. We must all hope that it will have a positive effect.

In three years, the ICRC, by itself, has not been able to obtain respect of humanitarian law in the conflict between Iraq and Iran and especially to bring Iran to respect the third Geneva Convention relative to the Treatment of Prisoners of War. It was obliged to send two memoranda on 7 May 1983 and on 10 February 1984 to your Governments, explaining the difficulties it had encountered in discharging its humanitarian mandate in that conflict. The ICRC received valuable help from many Governments which were determined to see international humanitarian law prevail and which wanted to guarantee the survival of the victims whom that law should protect.

In the spring of 1984, you Governments' response and the ICRC's exceptional patience seemed to have born fruit in Iran.

At that time, the ICRC received renewed oral and written guarantees from the Iranian authorities that they wished to apply the third Convention and so resumed its visits to the Iraqi prisoners, starting on 19 May 1984. For the third time, after the interruptions of 1982 and 1983, the ICRC hoped that it would finally be able to work in Iran under normal conditions.

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From May to October 1984, ICRC delegates were able to visit nine camps and see some 29,000 Iraqi prisoners of war, or about half the total number of prisoners of war being held in Iran.

These visits did not go as smoothly as had been expected. Some prisoners were removed from the camps before the delegates arrived; others were prevented from seeing the delegates during the visits. These visits, although incomplete, enabled the ICRC to get a clear picture of the conditions of captivity of the Iraqi prisoners of war and to bring to the attention of the Iranian authorities, in numerous confidential representations, the points causing it concern.

On 10 October 1984, in the camp at Gorgan, the ICRC delegates were witness to an incident which resulted in the death of prisoners of war. As it is customary, the ICRC submitted a report on the incident to the authorities of Iraq and of the Islamic Republic of Iran, in which it reminded the Islamic Republic of Iran of its obligation under the Convention to conduct an enquiry into the events. From that day, Iran suspended all ICRC activities on its territory and undertook a campaign of slander against the ICRC of unprecedented virulence in the 120-year history of the ICRC and of the Red Cross and Red Crescent movement.

Unfortunately, what happened in Gorgan is not an isolated incident - that, ICRC has ascertained in a manner leaving no room for doubt. Other violent confrontations have taken place in other camps, causing numerous deaths and injuries. Such violence - as we have repeatedly told the Iranian authorities - is the inevitable result of Iran's policy throughout the past three years, a policy the ICRC has already described and denounced in its memorandum of 10 February 1984, I quote: "Ideological and political pressure, intimidation, systematic 're-education' and attacks on the honour and dignity of the prisoners have remained a constant feature of life in the camps, and even seem to increase as a result of the activities of certain persons having no connection with the normal running of the camps. Representatives of a 'department of political and ideological education', members of Iraqi opposition groups who have fled to the Islamic Republic of Iran, and the official press all attempt to incite the prisoners against their Government."

The Gorgan tragedy is but one more proof of the fact that these deliberate violations of the third Convention continue in spite of the appeals of the ICRC and the States parties to the Conventions.

Today, and for the third time in three years, Iran has, with no valid justification whatsoever, denied the ICRC its right to have access to the Iraqi prisoners.

At stake is the physical and moral survival of thousands of men and future respect for the Geneva Conventions: such a policy forces in fact prisoners of war to choose between treason or death. This policy must cease, but we fear that the Islamic Republic of Iran will not consent to stopping it unless it is convinced that the international community demands this of it as it would of any State signatory to the Conventions.

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In making this appeal, the ICRC is well aware that in other serious situations in the past it has not had recourse to such an exceptional measure. It is also aware that the situation of captivity of prisoners of war in Iraq is not satisfactory and wishes to emphasize that it is taking on their behalf all the measures which circumstances dictate.

But the repeated and systematic nature of the Iranian violations of the third Geneva Convention is so serious that the ICRC feels that if it did not have recourse to this exceptional measure, it would jeopardize by its silence not only the lives of tens of thousands of men, but also the very future of humanitarian law. It places the fate of these men and the future of humanitarian law in your hands and those of your Governments. Under article 1 of the Geneva Conventions, it is the legal duty of States parties to ensure that Governments engaged in an armed conflict respect these Conventions: the efforts of the ICRC to ensure protection of prisoners of war in Iran will fail unless the Iranian authorities are brought to realize that it is the political will of the community of States to see humanitarian law observed.
