



Security Council

UN Doc. No. S/16962

A reference should be made to Distribution C. III

Distr.
GENERAL

S/16962*
22 February 1985

ORIGINAL: ENGLISH

PRISONERS OF WAR IN IRAN AND IRAQ

The report of a mission dispatched by
the Secretary-General

January 1985

* Reissued for technical reasons.

Note by the Secretary-General

1. In a letter addressed to the Secretary-General on 25 October 1984 (S/16799), the Government of the Republic of Iraq alleged that, in an incident on 10 October 1984 at a prisoner-of-war camp in Gorgan, the Islamic Republic of Iran, in the presence of representatives of the International Committee of the Red Cross (ICRC), Iranian military authorities had indiscriminately opened fire on the prisoners, killing or injuring a considerable number of them, and requested the Secretary-General to send a mission to Iran to investigate the incident.
2. In accordance with established practice, the Secretary-General consulted the Islamic Republic of Iran on Iraq's request. Iran indicated that it would agree to receive the mission, provided that the mission also investigated Iran's concerns regarding Iranian prisoners of war in Iraq. It also informed the Secretary-General that Iran was preparing a report on the incident of 10 October, which would be made available to him. Iraq agreed that the proposed mission should visit both countries.
3. In the light of its role vested under the Third Geneva Convention relative to the Treatment of Prisoners of War and of its presence at the time of the incident in question, ICRC was informed of the Iraqi request and the Iranian response.
4. The Secretary-General decided, as an extraordinary measure and in the light of his humanitarian responsibility under the Charter of the United Nations, to dispatch a mission to Iran and Iraq. The mission was to inquire into the incident of 10 October 1984 in the Gorgan Camp for prisoners of war and also would report to him on other concerns that the Government of Iran and the Government of Iraq had expressed regarding the situation of prisoners of war and civilian detainees.
5. On 7 November 1984, at the request of Iran, the ICRC report on the Gorgan Camp incident of 10 October 1984 was circulated as a document of the General Assembly and of the Security Council (A/39/639-S/16820).
6. Preparations were made and itineraries were being finalized with a view to dispatching the mission to Iran and Iraq during the second half of the month of November 1984 when, on 12 November 1984, the Government of Iran requested a change in the itinerary of the proposed mission whereby it would first visit Iraq before proceeding to Iran. That change was not acceptable to the Government of Iraq. Under the circumstances, the Secretary-General, on 19 November 1984, concluded that in the light of the differences that had arisen in connection with its itinerary and modalities, the mission would not take place, and so informed the two Governments. Meanwhile, both Iran and Iraq had submitted to the Secretary-General lists of special concerns which they wished the proposed mission to consider in the course of its inquiry.
7. On 4 December 1984, the Government of Iraq informed the Secretary-General that it would have no objection to having the proposed mission visit Iraq first, provided that, when it visited Iran, it would begin its work there with an inquiry into the incident of 10 October 1984 at Gorgan Camp. Upon being informed, the Government of Iran, on 12 December 1984, assured the Secretary-General of its full co-operation with the mission.

8. In the light of that development and the continued concern expressed by the Governments of Iran and of Iraq, and mindful of the moral and humanitarian responsibilities vested in his office, the Secretary-General felt duty-bound to seek to determine, as far as feasible, the factual basis for the concerns expressed by both Governments regarding the situation of prisoners of war, including the circumstances of the incident of 10 October 1984. To that end, he requested three qualified specialists in their respective fields to undertake a fact-finding mission to Iraq and to Iran. The mission was constituted as an independent body which would determine the scope of its inquiries, its procedures and method of work. The members of the mission are Professor Wolfram Karl, Professor of International Law, University of Salzburg, Salzburg, Austria; Professor Torkel Opsahl, Professor of Constitutional and International Law, University of Oslo, Oslo, Norway; Major-General Rafael Angel Vale Huerta, Military Adviser, Permanent Mission of Venezuela to the United Nations. The mission was assisted by Mr. Benon Sevan, Director in the United Nations Secretariat, and Mr. Francesc Vendrell, Senior Political Affairs Officer. The two Secretariat officials were temporarily assigned to the Office of the Under-Secretaries-General for Special Political Affairs for the duration of the mission.

9. The mission assembled in Geneva on 8 January 1985, where it met representatives dispatched by the Government of Iraq and the Government of Iran, who elaborated on the concerns of their respective Governments. It also met representatives of ICRC. The mission visited Iraq from 11 to 17 January, and proceeded to Iran, where it remained from 18 to 25 January. It then proceeded to Vienna, where it prepared a joint report, which it submitted to the Secretary-General on 9 February 1985.

10. The Secretary-General wishes to place on record his deep appreciation to the members of the mission for the efficient, dedicated and tireless manner in which they discharged their assignment despite constraints of time and resources, and often under difficult conditions.

* * *

11. In transmitting the annexed report of the mission to the Security Council, the Secretary-General cannot but express his deep dismay and concern that the unanimous findings of the mission indicate that the fundamental purposes that the international community set itself in adopting in 1949 the Third Geneva Convention relative to the Treatment of Prisoners of War are not being fulfilled.

12. As he has stressed in connection with earlier initiatives and inquiries which he had undertaken, and which were equally motivated by a sense of humanitarian concern, the Secretary-General attaches paramount importance to the strict observance of all the principles and rules of international conduct. The Secretary-General is convinced that any breach of such principles and norms, particularly if it continues to occur, would have a corrosive effect that could undermine the entire fabric of accepted international standards of conduct.

13. For this reason the Secretary-General is convinced, in this situation and in the light of the present report, that respect for the Third Geneva Convention must be restored. This can best be achieved if ICRC, which since the start of the hostilities has carried out the functions envisaged for humanitarian organizations in that Convention, is enabled to continue these functions on the basis of mutually agreed arrangements which would prevent future misunderstandings and permit it to discharge its humanitarian duties for the protection of and relief to prisoners of war. Further, it is important that the Government of Iran and the Government of Iraq, one having requested and the other having accepted the mission, pay close heed to the observations and recommendations made in the mission's report.

14. In this context the Secretary-General feels it is incumbent upon him to recall his note verbale of 26 June 1984 (S/16648) addressed to all Member and Observer States parties to the Geneva Conventions. In it, he underscored the vital importance of ensuring the observance of the principles embodied in those Conventions. It is especially relevant that the Conventions envisage that they shall be applied with the co-operation and under the scrutiny of Protecting Powers whose duty it is to safeguard the interests of the parties to the conflict. For this reason, the Secretary-General urged those States to give serious consideration to serving as Protecting Powers who are vested with a crucial role in the mechanism for ensuring the observance of the terms of the Conventions. ICRC would continue to discharge its humanitarian mandate under the Geneva Conventions in close co-operation with such Protecting Powers. The Secretary-General remains convinced that, in the light of the observations and conclusions of the members of the mission in their report, it is vital that Protecting Powers assume the responsibilities prescribed for them in the Geneva Conventions of 1949 in the context of the conflict between Iran and Iraq.

15. This being said, it is self-evident that no effort should be spared to ameliorate or end the continuing suffering of about 60,000 prisoners of war, many incarcerated for years, which is of immediate concern to the international community. The Secretary-General is of the view that, in addition to compliance with the terms of the Third Geneva Convention, an effective approach would be to seek an exchange of at least certain defined categories of prisoners of war on the basis of understandings to be promoted with the two Governments concerned. The Secretary-General is fully prepared to actively investigate the feasibility of this proposal, if both Governments indicate their receptivity to it.

16. Such an attempt becomes vital, since it is evident that the report, despite the restraint of its terms, compellingly conveys the tragedy of tens of thousands of men, most of them youthful, losing some of the finest years of their lives in suffering and captivity, a tragic situation magnified by the anguish of their families. These unfortunate men, isolated and uncertain of their fate, who appeal for freedom and return to their homes, underscore the human dimension of the cost of war. The Secretary-General is convinced more strongly than ever that their plight, and other suffering affecting both combatants and civilians, can be ended effectively only by the termination of the ruinous conflict that continues to inflict a heavy toll on the human assets, and also the material resources, of these two countries. He reiterates, once again, his readiness to help in any endeavour that will bring peace to the people of Iran and Iraq.

Annex

REPORT OF THE MISSION

CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
LETTER OF TRANSMITTAL		6
INTRODUCTION	1 - 18	7
I. THE INCIDENT AT GORGAN CAMP	19 - 50	10
II. VISIT TO IRAQ	51 - 158	17
III. VISIT TO IRAN	159 - 270	37
IV. GENERAL OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS	271 - 295	60

Appendices

I. List of points of special concern of the Government of the Islamic Republic of Iran		67
II. List of points of special concern of the Government of Iraq		70
III. Report of the International Committee of the Red Cross on the incident at Gorgan Camp, 10 October 1984		72
IV. Report on the Gorgan Camp incident, 10 October 1984, prepared by the Government of the Islamic Republic of Iran		73
V. List provided by the Government of Iraq of POW camps in Iraq and their population at the time of the mission's visit		75
VI. List provided by the Government of the Islamic Republic of Iran of POW camps in Iran and their population at the time of the mission's visit		77
VII. Chronology of activities of the mission		80

LETTER OF TRANSMITTAL

9 February 1985

Sir,

We have the honour to submit herewith our report on the enquiry which you requested us to undertake concerning certain aspects of the situation of prisoners-of-war and civilian detainees in the conflict between Iran and Iraq.

We visited Iraq from 11 to 17 January 1985 and Iran from 18 to 25 January 1985 for the purpose of exchanging views with the respective Governments and carrying out on-site observation and interviews, particularly in prisoner-of-war camps, in the respective countries. The report was prepared following our return to Vienna. Although we were appointed in our individual capacities, we agreed to work together as a team and our conclusions were reached unanimously.

We would like to record our sincere thanks to the Government of the Republic of Iraq and the Government of the Islamic Republic of Iran for the co-operation and assistance they provided to the mission during its stay in each country.

Our thanks are due also to the International Committee of the Red Cross for the relevant information which it made available to the mission.

We also wish to express our deep appreciation for the assistance we received from members of the Secretariat of the United Nations, particularly Mr. Benon Sevan, Director, and Mr. Francesc Vendrell, Senior Political Affairs Officer, who accompanied the mission and provided it necessary support throughout its work.

Lastly, we wish, Mr. Secretary-General, to express our gratitude to you for the confidence you have reposed in us.

Yours sincerely,

(Signed) Dr. Wolfram Karl

Dr. Torkel Opsahl

Major-General Rafael Angel Vale Huerta

INTRODUCTION

A. Mandate

1. The Secretary-General requested us to inquire into the incident which occurred on 10 October 1984 in the camp for Iraqi prisoners of war, located at Gorgan, Iran, and also to report to him on other concerns that the Government of the Islamic Republic of Iran and the Government of the Republic of Iraq had expressed regarding the situation of prisoners of war (POWs) and civilian detainees. In carrying out this task we were requested to ascertain, as far as feasible, the facts and circumstances of the incident at Gorgan and seek to determine the factual basis for the other concerns expressed by the two Governments.

B. Scope and methods of work

2. We assembled in Geneva on 8 January 1985 to discuss the scope of our activities and the methods of work. Although we were appointed by the Secretary-General in our individual capacities, we agreed to work as a team and to submit, on the basis of our independent inquiry, a joint report to the Secretary-General which would be factual, objective and as comprehensive as time and resources permitted.

3. It was further agreed that, in carrying out the tasks entrusted to us, we would bear in mind the exceptional circumstances under which the mission had been decided upon and the necessity to observe strictly the parameters set out in its mandate. In particular, we agreed to bear in mind the role of the International Committee of the Red Cross (ICRC), on which the United Nations has consistently relied to undertake responsibilities relating to POWs, in accordance with the Third Geneva Convention relative to the Treatment of Prisoners of War. However, we felt that the mandate that we received from the Secretary-General required us to listen fully to the concerns expressed and the representations made by both Governments regarding the treatment of POWs. We decided further that the Geneva Conventions would not, as such, be used as a framework for the conduct of our inquiries, except as standard reference material.

4. In order to carry out our inquiries, we adopted, as required, the following approaches:

(a) Interviews would be held with officials of the two Governments concerned, with a view to obtaining information regarding the policy of each Government towards the POWs under its jurisdiction as well as its responses and comments to each of the concerns expressed by the other Government;

(b) Visits would be paid to POW camps, in order to conduct on-site inquiries, including interviews with Government and military officials as well as officials in charge of the camps visited, tours of the camps and observation of conditions, and interviews with prisoners of war, with a view to obtaining information regarding specific conditions in the camps;

(c) Documents and reports made available to the mission by the two Governments would be carefully studied and taken into account.

C. Itinerary

5. While in Geneva before proceeding to Iraq and Iran, by prior arrangement with the two Governments, we met at the Palais des Nations with the representatives sent by the Governments of Iran and Iraq, who provided us with additional information as well as supplementary documentation regarding the special concerns that had been expressed by their respective Governments. We also met with the representative of ICRC, who provided us with information that was relevant to our inquiries.
6. Immediately after our meetings in Geneva, and in accordance with the agreements with the two Governments, we visited Iraq for six days from 11 to 17 January and then Iran for seven days from 18 to 25 January 1985, commencing our work in Iran by inquiring into the incident at Gorgan.
7. We then proceeded to Vienna to prepare our report. While in Vienna, we held a further meeting with a representative of ICRC, in order to seek clarification on certain points arising from our inquiries in the countries concerned.
8. The chronology of the mission's activities is reproduced in appendix VII to the present report.

D. Technical aspects of the inquiry

9. We wish to note that, in the course of our visits to both Iraq and Iran, we received full co-operation and assistance in carrying out our inquiries from both Governments concerned; a full programme of interviews with competent authorities and visits to prisoner-of-war camps were arranged within the context of the time available, and all necessary facilities were placed at our disposal. We wish to stress that we were enabled to conduct interviews with prisoners of war in private without the presence of government witnesses.
10. We feel bound, none the less, to indicate that there were some inherent limitations and constraints to which our inquiries had to be subject. Those limitations kept us from reaching conclusions concerning some matters and led us, in respect of others, to be less categorical in our findings than we might have been otherwise, although, for reasons which also are indicated below, they were not such as to prevent our reaching conclusions on most of the issues raised.
11. It should be noted that the limited time at our disposal evidently did not permit a fuller and more detailed inquiry. Visits to camps had to be brief, and interviews with the prisoners of war, both individually and in groups, were not always conducted under optimum circumstances. Nevertheless, it is our considered judgement that, based on conditions that were repeatedly observed and statements repeatedly heard, we were able to obtain what we believe to be a representative and reliable picture. A more detailed account, in our view, would not be essential to the fulfilment of the mission's mandate. Moreover, a full and detailed disclosure of the material that we obtained and its sources might endanger a number of unprotected persons. Many POWs conveyed to us their fear of reprisal in that regard, and evidence concerning past incidents clearly justified that fear.

12. Perhaps the one major shortcoming arising from the time limitation, which we considered inadvisable to extend once the mission had commenced, was the absence of opportunity to confront the Government of each country concerned, with the explanations, comments and materials collected in the other country.

13. We formed the impression that most of the camps had been prepared, by the authorities in advance of our visit. They generally gave the appearance of having recently been put in meticulous order, and apparently freshly brought-in provisions and equipment were in evidence. That impression was confirmed by the testimony of the POWs, who also told us at some camps that certain of their number had been transferred immediately before our visit, a practice which they said was frequent. In some camps, security measures taken by the authorities, while understandable as a necessity, affected the spontaneity of our contact with POWs.

14. The POWs whom we interviewed often were understandably in a highly emotional state, which did not allow us much opportunity for cross-examination about essential details, and occasionally what they said was clearly exaggerated or represented stereotypes rather than their own perceptions or experiences - a common reaction in conflict areas. Some of the information that they conveyed was hearsay rather than a first-hand account. A further difficulty in communication, which also affected our interviews with the authorities, was the lack of precise dates, owing to the time that had elapsed since certain events and the use of different calendars.

15. In interviewing the POWs, we constantly bore in mind that they were men who felt under the total control of the adversary Power under whose authority they were being detained and whose conduct was being examined. The POWs who recounted their experiences often appeared fearful. Yet, repeatedly, they gave us in private, sometimes in great detail, accounts contradicting the description of the standards of treatment given by the detaining authorities and their denial of the existence of serious problems. They also told us about serious incidents that were said to have taken place in the camps in the past. For obvious reasons, such information could not, in the circumstances, always be confronted with the official information. Critical comments by the POWs, however, were given credibility by their repetition and similarity, and to some extent were corroborated by our own observations of the conditions in the camps.

E. Organization of the report

16. In the present report, our findings and observations concerning the incident that took place at Gorgan Camp on 10 October 1984 are dealt with separately in chapter I below. The accounts of our visits to Iraq and to Iran, exclusive of Gorgan Camp, are contained in chapters II and III. Also addressed in each of these two chapters are the special concerns of the other Government that we conveyed to the host Government, together with the responses and comments of the host Government and our own findings and observations.

17. In order to facilitate their examination, a number of related concerns expressed by each Government have been grouped together for treatment. The lists of specific concerns transmitted by the Governments of the Islamic Republic of Iran and of Iraq are reproduced in appendices I and II, respectively.

18. The final chapter of the present report contains our general observations, conclusions and recommendations regarding the situation of prisoners of war in both countries.

I. THE INCIDENT AT GORGAN CAMP

A. Background

19. Gorgan Camp is part of a military garrison situated within the city of Gorgan, 381 km north-east of Teheran, close to the Caspian Sea. At the time of the incident, the number of POWs interned there was 3,418. The Camp consists of 22 dormitories, each accommodating between 160 and 260 POWs, divided into four sections. Of these, sections 1, 2 and 3, which housed approximately 3,000 prisoners, were intercommunicable and had access to the central yard of the Camp. The rest of the prisoners were housed in section 4 and did not enjoy free access to the yard or to the other sections of the Camp.

20. The Minister of Foreign Affairs of Iraq, in a letter dated 25 October 1984 addressed to the Secretary-General (S/16799, annex), charged that on 10 October 1984:

"the Iranian authorities were guilty of a fresh crime against Iraqi prisoners held by them, when their military indiscriminately opened fire on the prisoners in Korkan [sic] camp, killing or injuring a considerable number of them. The crime took place notwithstanding the presence of a mission of the International Committee of the Red Cross at the camp".

The Foreign Minister requested the Secretary-General to appoint a mission to investigate the incident.

21. In reply to the Iraqi charge, the Permanent Representative of the Islamic Republic of Iran to the United Nations in a letter dated 7 November 1984 addressed to the Secretary-General (A/39/639-S/16820), requested that the ICRC report on the incident be circulated as a document of the General Assembly and the Security Council and stated:

"Though too succinct to accommodate some important facts of the incident, the report does clearly show the baselessness of the allegation made by the Iraqi Foreign Minister".

B. Sources of information

22. Our findings on the Gorgan incident are based primarily on the following sources:

(a) The official ICRC report annexed to the letter of 7 November 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations referred to in paragraph 21 above (see also appendix III). The internal ICRC report was not made available to us under long-standing policies of that organization;

(b) The official Iranian report on the incident (see appendix IV);

(c) Other written reports and submissions by the Governments of Iran and Iraq, including a video tape of an Iranian TV film concerning the death of three Iraqi POWs and consisting largely of the confessions of the seven fellow prisoners accused of killing them, with an English summary of the transcript;

(d) Briefings by ICRC in Geneva prior to our departure. In response to our request to interview some of the ICRC delegates present at Gorgan on the day of the incident, the ICRC replied that it was not able to comply, explaining that "when there is a controversy, the delegate is not responsible in front of courts or commissions; the institution takes full responsibility";

(e) Oral presentations by the representatives of Iran and Iraq, both in preliminary meetings with us in Geneva and in the course of our visits to the two countries;

(f) Statements and answers by Colonel Samani, Commander of the Gorgan Garrison, and First Captain Hosseini, Commander of the Gorgan POW Camp, in meetings with us on 20 January 1985;

(g) Hearings that we held in private on the evening of 20 January 1985 with the seven POWs accused of killing three fellow prisoners on the day of the incident and with two other POWs who, according to the Iranian Government, had given notes to an ICRC delegate;

(h) Our on-site inspection of the Camp and private interviews with POWs interned there.

23. We also took note of certain published material on the incident from Iranian and other sources.

C. Undisputed facts concerning the incident

24. Some time between 1115 and 1130 hours, local time, on 10 October 1984, two prisoners started a quarrel, which was quickly joined in by others in the main yard of the Camp, between the mosque and section 1. Violence followed and soon spread to other parts of the Camp, with the exception of section 4, which, as already indicated, was separated from the other three sections. The event happened in the presence of several ICRC delegates who were working in section 1 at the time. The ICRC delegation had arrived in Gorgan on the previous day for its first visit and had conducted its activities in the Camp on 9 October without incident. The Camp Commander was in section 4 in the company of an ICRC delegate and thus not present when the fighting broke out.

25. Attempts to restore order between the two groups of prisoners - who will henceforward be referred to as "loyalists" and "believers" ^{1/} - went unheeded. Prisoners fought each other with stones, iron bars apparently taken from bedsteads, sticks, boards, bottles and other objects.

^{1/} The terms "loyalists" and "believers" will be used in the present report for the sake of brevity and convenience, those being two of the various labels used in Iran to refer to those factions supporting and those opposing the Iraqi Government respectively.

26. Unable to stop the fighting, the Camp Commander and the guards withdrew from the Camp, taking with them the ICRC delegates, some of whom had to be rescued by means of a ladder, since they were too far from the Camp gate. The ICRC medical doctor stayed behind in the infirmary throughout the incident. Up to the time that they withdrew, neither the Camp authorities nor the guards had been attacked. The ICRC delegates were not attacked at any time.

27. Some time later, reinforcements arrived. The Camp Commander, who by then was accompanied by the Garrison Commander, spoke to the POWs through the loudspeaker, but apparently to no avail, and the riot continued unabated. In the meantime, a large number of POWs rushed towards the Camp gate with the apparent aim of storming it. Some of the guards threw tear-gas canisters at the prisoners, but the latter counter-attacked en masse, preventing the further use of tear gas or the truncheons with which the guards were equipped. Warning shots were then fired into the air. When those failed to calm the situation, the Garrison Commander gave orders to shoot at the crowd. The Camp Commander stated that the orders were to shoot "below the waist", but he also admitted that the soldiers from the garrison "were not sharpshooters" and that "some might have hit higher". Some of the shots were fired from beyond the gate and the fence by soldiers positioned on a level with the prisoners inside.

28. Precisely how long the shooting lasted was difficult to determine, but there was no firm indication that the shooting went on for longer than necessary to restore calm. The situation was brought under control by about 1230 hours.

29. Nine POWs died as a result of the incident. Of these, three were killed by other POWs, three died immediately from gunshot wounds and three others died subsequently in hospital from the same causes. The number of wounded was 47, according to the official report, though we found some disagreement concerning both the number and causes of injuries.

D. Controversial aspects of the incident

30. Whereas there is substantial agreement as to the basic facts of the incident, disagreement arises concerning its immediate and underlying causes as well as the interpretation of those causes, particularly in respect of the role of ICRC, against which the Iranian authorities have levelled several charges.

31. One of those charges is that ICRC was acting, wilfully or unwilfully, as an agent of the Iraqi Government. That accusation was not made in either the official Iranian report on the incident or in the conversations that we held with Iranian authorities throughout our stay in Iran. However, public statements by some Iranian leaders as well as comments in the Iranian media have mentioned it. Similar allegations were made by some "believers" with whom we spoke, and we also noticed them in some of the slogans displayed in several other POW camps. The ICRC delegates themselves said that while they were visiting Gorgan on 9 October, they had heard from the camp authorities that a rumour was going the rounds to the effect that ICRC intended to make up a list of names of the members of the two opposing factions in the camps. We were not given, nor did we come across, any document or other information which could lend any support to such an allegation.

32. It has also been alleged that the ICRC visits on occasion cause disruption in the camps. In that connection, we observed that an incident could easily be sparked as a result of the deep antagonism and tension between the two POW factions, combined with the privileged treatment enjoyed by the "believers" and the suspicion with which the latter view the private conversations between their rivals and outsiders. An outbreak, in our view, is all the more apt to happen when one side attempts to prevent the other from talking privately to ICRC delegates and suspects the latter of collecting the names of POWs opposed to the Iraqi Government.

33. The official Iranian report on Gorgan as well as several Iranian officials have suggested that in his opening speech, delivered on 9 October to the assembled POWs, the ICRC representative had blamed past difficulties between ICRC and the Iranian Government for their delay in visiting the Camp.

34. ICRC told us that the speech was of standard content, explaining the purpose of the visit and the method of work, including references to the Third Geneva Convention. Although the reason for the delay had been hinted at, the words used were to the effect that after some difficulties had been resolved, the ICRC had been able to come to Gorgan; but there had been no explicit reference to the fact that those difficulties related to differences with the Iranian Government.

35. The mission considers that, regardless of which version of the speech is accepted as accurate, neither could, by itself, have been the cause of the riot, though given the prevailing atmosphere, what was said might have been misunderstood or misinterpreted by the camp authorities or by some of the POWs.

36. In both the official government report and statements from several Iranian officials, including the Camp Commander, it has also been claimed that the quarrel between the two prisoners which sparked the whole incident was caused by the action of an ICRC delegate who accepted from one POW a list of "anti-Baathist" POWs to be conveyed to the Iraqi Government. The official report states: "This action created suspicion with a number of POWs. One POW approached the representative demanding to see the note. The ICRC representative flatly refused to comply and subsequently a heated argument erupted", from which fighting developed and spread to the whole camp.

37. We consider that such action by an ICRC delegate, had it taken place, might have given reasons to the Iranian authorities to suspect that the "ICRC has engaged in espionage on behalf of Iraq". The charge is all the more serious in that, rightly or wrongly, it is widely held by Iranians that the Iraqi authorities, viewing one faction of POWs as traitors, would take measures against them or their families if a list of their names were to come into their hands. However, if this were so, the same serious consequences for their families might also result from the frequent showing on Iranian television of Iraqi POWs at prayer meetings, shouting anti-Iraqi slogans and engaging in similar activities.

38. Whether there is any factual basis for the specific charge levelled against ICRC was therefore very thoroughly investigated by us. It should be noted, first, that no Iranian officer witnessed the supposed episode and, second, that a large number of POWs interviewed in the Camp told us that no such incident had taken

place. Third, we interviewed the POWs who had earlier admitted to having passed such notes to the ICRC delegate on that day. One of the two POWs was the person named in the official report whose action is claimed by the Government to have sparked the fight. The other was identified in the video film, where he admitted to having given a certain delegate a list of "four names". Their testimony appeared to be flawed and did not help much to clarify matters.

39. We also found certain inconsistencies in the various allegations regarding the supposed list. In response to our questions, it was explained that there were actually supposed to have been two different notes passed, only one of which caused the uproar. There were also different versions as to what had happened to the alleged list: one that it had been tacitly pocketed by the delegate, another that it had been taken back forcibly by a second POW, who snatched it from the delegate's hand and tore it up, and a third that the POW who had given the ICRC delegate the paper had snatched it back and torn it up, "swallowing down half of the paper".

40. ICRC, for its part, has denied that any of its delegates received or would ever have accepted any document whatsoever other than the well-known official forms used for messages. Its instructions to its delegates on that point were, and are, very firm, since any violation of that rule would endanger the organization's work. According to ICRC, the only materials carried by its delegates on that day were their own notes or notebooks for collecting the information required under the Geneva Convention during visits. We were told, however, that in the course of the ensuing turmoil, some of the delegates had had their own papers snatched from them. Others had lost their papers in the process of climbing out of the Camp, papers which they never recovered. The delegates had later been searched bodily by the Camp authorities, and their motor vehicle had also been searched. No compromising evidence had been found, and none was presented to us.

41. We also noted that the physical description of the delegate suspected of having received the alleged list conveyed to the mission in Gorgan and the name suggested did not correspond to any of the delegates who, according to ICRC, had actually been interviewing prisoners. ICRC informed us that the delegate in question had been carrying out another function, that of observing material conditions in the Camp. He had not been speaking with the prisoners but taking notes on his observations, somewhat away from the spot where the fighting had erupted. We further noted that the allegation concerning the list episode seems to have been made some time after the event.

42. We note the absence of reliable and consistent evidence to the effect that any ICRC delegate received any note or list, as alleged, and consider it more likely that the quarrel erupted as a result of the suspicions held by one prisoner about the kind of information given by the other to the ICRC delegate, as some POWs told us, or as a result of the attempt by one POW to prevent the other from speaking to the delegate. The versions about a "paper" could have arisen from a rumour spread by some POWs or a misunderstanding, in view of the fact that some of the delegate's papers were lost or forcibly snatched by POWs during the turmoil.

43. The suggestion was also made that one ICRC delegate had actually encouraged the fighting that broke out. According to hearsay, referred to by the Camp

Commander, one ICRC delegate, after the quarrel between the two POWs had started, had made a gesture with his hands which was interpreted by the guard who witnessed it as a sign to the POWs to fight each other. We watched the Commander imitate the gesture but its supposed meaning was not clear to us. According to ICRC, one of its delegates near the fence did make a gesture in signal to the guards outside to avoid shooting. At any rate, even if some gestures may signify opposite things among different cultures, none of the POWs with whom we met in our tour of the Camp mentioned any gesture by any ICRC delegate as having had any impact - negative or positive - in the course of the fighting. Moreover, in our view, it is implausible that either of the two groups could have been encouraged by a signal from an ICRC delegate to start fighting.

44. Another controversial point relates to the numbers of prisoners injured in the incident. As mentioned earlier, the official Iranian report states that a total of 47 prisoners were wounded during the incident and that with the exception of one wounded POW, whose leg had to be amputated, "the rest incurred minor injuries" and "after recovering in a short time were returned to the camp". Though it was not explicitly stated, it was clear that the 47 men had suffered injuries severe enough to merit their transfer to hospital. The ICRC medical doctor, who visited the hospital on 11 October, reported having seen 35 wounded.

45. The POWs whom we interviewed in the Camp reported that, apart from those killed, a few hundred had been injured during the incident. We do not consider that this is necessarily an important discrepancy, since there must have been a number of POWs hurt during the disturbance - by fellow prisoners or, perhaps, by shots - whose injuries were judged not severe enough to require hospitalization. The official Iranian report states that more POWs were treated in the hospital for wounds inflicted by other POWs than by gunshot, but we have had no means of verifying that claim.

E. Other aspects of the incident

46. We were shown pictures of three dead POWs killed by blows. The victims are identified in the Government's report, which also contains a brief description of their injuries and cause of death. Their bodies were also seen by the ICRC medical doctor on 11 October. From the Iranian TV video tape that we were shown, with some explanations by the government authorities, including an English summary of the transcript, it would seem that the three men had been killed and another seriously injured in dormitory No. 6 in section 1 of the Camp by POWs who presumably belonged to the "loyalist" faction. The Government has described the accused as "Baathists", seven of whom were said to have confessed to the slayings and are to be brought to trial. Those confessions made up most of the video tape film that we viewed.

47. We held hearings in private with each of the seven accused men, during which they described the event, with only minor differences. We also questioned them in some detail about other aspects of the riot, such as the developments already described and their possible causes, and the measures taken by the camp authorities.

F. Measures taken by the authorities following the incident

48. The authorities did not give us any further information about punitive or other measures taken after the riot; but the POWs told us that many of them - the minimum figure given was 600 - all belonging to the "loyalist" faction, had afterwards been confined to dormitories for a considerable time or had been deprived of food or water for three days and then given only one meal a day, consisting mostly of bread and/or rice and water, for one month. Many POWs had reportedly become ill as a result.

49. The camp authorities, however, did confirm that they had segregated the two groups of prisoners involved in the riot, a situation that we ourselves observed. We also noted that the sections had been divided from each other by fences and barbed wire. That was said to have made the camp "secure" again.

G. Conclusions

50. We have reached the following conclusions concerning the incident in Gorgan:

(a) It caused the deaths of at least 9 prisoners, of whom 3 died from beatings and the rest from gunshot wounds, 47 wounded and hospitalized, and a larger number of less severely injured who were not treated in hospital.

(b) The trouble began with a quarrel between two prisoners belonging to the two opposing factions in the Camp, which, among other things, differed in their attitude towards the ICRC visit, with one group opposed to the visit or seeking to prevent the other from communicating freely with the ICRC delegates. The quarrel soon spread to the majority of POWs in the Camp.

(c) The escalating measures taken by the Iranian authorities to suppress the riot were in principle justified and corresponded to normal procedures for riot control.

(d) We find it impossible, however, to form an opinion as to whether in every respect the actual firing was necessary, sufficiently controlled or indiscriminate.

(e) There is no convincing evidence of any improper action of ICRC which, by itself, might have provoked the initial quarrel or the ensuing riot.

(f) In the course of the controversy that has developed between the Iranian Government and ICRC in the aftermath of Gorgan, some public statements by ICRC could have led the Iranian authorities to misunderstand the role of that organization in Iran, though such statements were made after the incident.

(g) Subsequent disciplinary measures against the POWs seem to have been of an unjustifiable character and one-sidedly applied.

(h) Given the experience of the incident, the subsequent separation of groups of prisoners seems to be a legitimate and necessary security measure.

(i) One of the underlying causes of the incident may have been the Iranian Government's policy of favouring the "believers" faction - a minority in most camps - over the "loyalist" faction. The incident might have been prevented had the authorities initially separated the two factions in the Camp and adopted a more balanced attitude towards both.

(j) The incident in Gorgan has not been unique or, indeed, the most violent in POW camps in Iran or Iraq. However, unlike other incidents in both countries, this one attracted considerable international attention because it was publicized shortly after its occurrence by Iranian exiles in France.

II. VISIT TO IRAQ

A. Programme of work and itinerary of the mission

51. Upon arrival in Baghdad on 11 January 1985 we held consultations on our programme of work, which we then communicated to the Iraqi authorities, who provided us with all the required facilities and arrangements for its implementation.

52. We were received by H. E. Mr. Tareq Aziz, Deputy Prime Minister and Minister of Foreign Affairs of Iraq. We also held conversations on the first and the last days of our visit with a team of Iraqi Government officials, which was headed by Mr. Wissam Al-Zahawi, Under-Secretary-General for International Organizations, Ministry of Foreign Affairs, and included Mr. Mohamed El Hadj Hamoud, head of the Legal Department at the Foreign Ministry; Brigadier-General Basil Ahmed Taka, Ministry of Defence; and Brigadier-General Nazar Al-Druby and Colonel Kadouri Hussein, member and Secretary, respectively, of the Permanent Committee of War Victims. In the course of our visits to the POW camps, we also held meetings with the commanders of the camps.

53. During our stay in Iraq, we visited eight POW camps, namely, the Salahuddin POW Camp, the four POW Camps situated in Mosul, and the three camps in the Ramadi area. According to Iraqi authorities, the combined prisoner population in those eight camps - which, we were told, were the only ones in existence in Iraq - was 9,206. In addition, during the final day of our stay in Iraq, we visited two villages in Misan, which is more than 300 km south-east of Baghdad and is where a large number of civilians from the Khuzestan region of Iran are at present located. The list of POW camps with their respective population, as provided by the Iraqi authorities at the time of our visit, as well as a chronology of activities of the mission in Iraq, are reproduced in appendices V and VII to the present report.

B. General information and policies of Iraq concerning prisoners of war

54. In the course of their meetings with us, the Iraqi authorities conveyed to us the following observations and comments as well as their general policies regarding prisoners of war:

(a) The Iraqi Government conceded that certain errors had been committed at the beginning of the war in its handling of the POW problem since Iraq was unprepared for the large number of prisoners captured.

(b) Iraqi POWs were the object of abject treatment by the Iranian authorities. Despite this, the President Saddam Hussein of Iraq had clearly stated that Iraq had no intention of meting out similar treatment to the Iranian POWs in Iraq. On the contrary, Iraq was determined to fulfil its international obligations in keeping with its historic values and principles.

(c) Iraq, unlike Iran, abided by the Geneva Conventions and had offered every facility to ICRC to carry out its work in Iraq, even though there had been occasional differences with the Red Cross.

(d) The total number of Iranian POWs held by Iraq was 9,206 housed in eight camps.

(e) Iraq was willing to proceed with an exchange of POWs, provided it was carried out on a proportional basis. Iraq could not accept an exchange of equal numbers of prisoners, as proposed by Iran, since the latter was holding five times as many prisoners as Iraq and the Iranian proposal, if implemented, would leave four fifths of Iraqi POWs in Iranian hands.

(f) Iraq was willing to repatriate wounded and sick Iranian POWs in accordance with the Geneva Convention and as ordered by the President. A mixed medical Commission (composed of 2 ICRC and 1 Iraqi doctors) had recently been set up and Iraq had already prepared a list of 100 POWs for repatriation and a second list of 100 was about to be completed. Another 300, in groups of 100 each, would follow. Prior to that, Iraq had already repatriated 424 Iranian POWs.

(g) Iraq was ready to proceed with an exchange of family visits once Iran had produced the full list of Iraqi POWs held in that country. Publishing additional names of POWs through the media, as Iran was doing, was against the Geneva Convention and contrary to Islamic and humanitarian principles. The visits could take place either through a third country or, preferably, through direct border crossing at a sector which would be subject to a mutually agreed temporary cease-fire.

(h) Iraq was willing to accept a Protecting Power if Iran agreed. So far, Iran had only proposed the Syrian Arab Republic and the Libyan Arab Jamahiriya, countries which had sided with Iran in the war and were thus unacceptable to Iraq. However, Iraq was extremely concerned to find a way to protect Iraqi POWs in Iran inasmuch as ICRC had been forced to suspend its activities there.

(i) There were no civilian prisoners among Iranian POWs. Some of the Iranians captured on the battlefield wore no uniforms but were armed and thus were POWs in accordance with the Geneva Convention. The majority within that category were the "child prisoners" belonging to the "Khomeini Guards" who were kept in Ramadi Camp No. 2. Iraq had offered to send that group back to Iran, but the Iranian Government had refused.

(j) There were no civilian medical doctors in the POW camps. The only Iranian medical doctors held in Iraqi camps were military doctors, though some of them, like certain other POWs, were volunteers who had been captured wearing civilian dress. Iraq might be willing to exchange the latter group with Iraqi civilian technicians held in Iran.

(k) There was a large number of Iranian civilians in Iraq, numbering around 75,000, who had not been captured but had sought refuge from persecution. Although they were regarded by Iraq as refugees and not as detainees, they were regularly visited by ICRC and were treated by Iraq according to the Fourth Geneva Convention. They were free to leave the camps or villages where they resided for other parts of Iraq or even to go to a third country if they so desired. A total of 130 civilians had already done so.

(l) There were no covert camps in Iraq. POWs, after capture, were taken to transfer centres, or hospitals, from where they were sent to the various camps. The usual period between capture and notification to ICRC was between one and two weeks. No registered POW had disappeared. Occasionally, some POWs were taken from the camps for interrogation but were always brought back to their camps. ICRC had handed to the Iraqi Government a list of 508 supposedly missing persons. The Government had looked into each case and had not been able to find any of them. Most were undoubtedly on the list of 1,432 POWs in Mosul Camp No. 1 which the Government had handed to ICRC in December 1984 after holding back their registration in an effort to put pressure on Iran to allow ICRC to resume its activities.

(m) Iranian POWs, unlike Iraqi POWs in Iran, were not subjected to political or ideological pressure. There had been only one case of an Iranian opposition clergyman who had visited a POW camp at the request of some POWs who had seen him on Iraqi television, but even that kind of visit had been stopped.

(n) Iranian POWs were free to perform their religious rites, since they belonged to the same religion as the Iraqis. However, public prayer, which was not required either by the Geneva Convention or by the Koran, was not allowed for security reasons, though POWs could pray in their own dormitories.

(o) Prisoners were not subjected to torture or maltreatment. ICRC had made some complaints to that effect, but when Iraq had proposed the establishment of a mixed medical commission to investigate the question ICRC had refused. The physical marks seen by ICRC on some prisoners was the result of wounds and bruises received on the battlefield.

(p) The maximum period of imprisonment that could be imposed by camp commanders on POWs for breaches of discipline was 3 days. A disciplinary committee, composed of 15 members, could sentence a prisoner to a maximum of 15 days in gaol. More serious breaches of discipline were dealt with by the military courts.

(q) POW representatives were freely elected by the prisoners themselves. If prisoners had any complaints, they were free to approach the Camp Commander through their representatives.

(r) Prisoners who were not officers received an allowance of 1.5 dinars per month; officers received 5 dinars. 2/

(s) Hygienic and medical conditions in the camps were excellent, as the President of ICRC had had occasion to remark during one of his visits.

(t) Concerning mail, Iraq allowed more than the two messages a month required by the Geneva Convention. In recent months, though, no messages from Iran had been received. Medical and other packages were welcome, though none had been received.

(u) POW personal possessions were put in a package and kept in the custody of the Camp Commander. If an Iraqi guard stole an item from a prisoner, he would be in breach of discipline and be severely punished.

* * *

C. Examination of the concerns expressed by the Government of the Islamic Republic of Iran

55. Our findings and observations regarding the concerns expressed by the Government of the Islamic Republic of Iran as well as the explanations of the policies of the Government of Iraq concerning the prisoners of war held in Iraq follow.

1. Allegations regarding the killing of prisoners of war in the camps

"Investigation of intentional murder and massacre of prisoners of war and civilian detainees, including the investigation and preparation of a report on the incident at Mosul Camp No. 2 on 19 November 1982, during which at least three people were killed and more than 80 injured" 3/

56. The Iraqi authorities emphatically denied that there had been any intentional murder or massacre of prisoners of war under their custody. They told us that the only incident in a POW camp which had resulted in the death of any POW had taken place on 26 July 1982 in Mosul Camp No. 1, though they added that another incident which had caused no deaths had taken place at Ramadi in January 1984. According to the authorities and to the official report provided us, a riot had broken out in Mosul Camp No. 1 following a quarrel between an Iranian POW and an Iraqi guard. The rioting prisoners had assaulted the guards and had broken doors and windows in the Camp. Only after all the steps required under the regulations had been taken did the guards open fire in self-defence. Some POWs had been wounded, and two had died afterwards in the hospital. Had the POWs not tried to obstruct the medical staff from carrying out their duties, those two prisoners might not have died. The

2/ At the prevailing official rate of exchange, one Iraqi dinar equals \$US 3.75.

3/ The full list of the points of special concern of the Government of the Islamic Republic of Iran is reproduced in appendix I to this report.

official report also contained the text of the testimonies given by several POWs who had witnessed the incident. As for the purported incident in Mosul Camp No. 2, the Iraqi authorities added that not only had such an incident not taken place but that that Camp was not in operation at the time the incident was supposed to have occurred.

57. In the course of our visit to the camps in Iraq, we received numerous reports from POWs about the occurrence of two separate incidents in Mosul in the course of 1982: one, which had taken place in Mosul Camp No. 1 on 26 July 1982, and another, said to have happened in November 1982, in Mosul Camp No. 2. There were some differences among POWs as to the exact date of both incidents, mainly owing to the lapse of time and the use of non-Gregorian calendars. Despite those differences, it is clear to us that the two incidents took place at separate times and camps in Mosul in 1982. The following brief accounts of the two incidents are based on the reports of numerous POWs and, in the case of Mosul No. 1, also on our hearings of two POWs who, according to the official report, had testified before the Iraqi authorities.

a. Mosul Camp No. 1

58. Several days before the incident, 500 POWs were transferred from Mosul Camp No. 2 to Camp No. 1. Their arrival in what was already a crowded Camp increased tension in the Camp, which was already ideologically divided between those supporting and those opposing the Iranian Government. The POW representatives requested the camp authorities to allocate two rooms in the second floor of the Camp - where the guards had their quarters - as additional dormitories to relieve the overcrowdedness. The authorities, while refusing to allocate rooms on the second floor, agreed to allocate two rooms on the ground floor where all POWs were housed. The rooms were being refurbished when the incident broke out.

59. The camp is in the form of a quadrangle with a large courtyard in the middle. Two sets of dormitories occupy opposite wings of the camp. One, divided into six dormitories (Nos. 8-13), contained the anti-Iranian Government POWs, while the other wing, divided into seven dormitories (Nos. 1-7), was occupied by pro-Iranian Government prisoners. Almost all newcomers were placed in dormitories Nos. 1 and 2, where an atmosphere of restlessness prevailed. There were approximately 125 POWs in dormitory No. 1 and 150 POWs in dormitory Nos. 2-7.

60. On the day of the incident, 26 July 1982, at approximately 2000 hours the doors of the dormitories had been locked except for dormitory No. 1. One of the guards took a POW to the officer on duty present at the camp, apparently because after the roll-call had been concluded, he refused to enter his dormitory as did some other POWs belonging to dormitory No. 1. At that moment, the POWs from that dormitory started shouting "Allah Akbar" (God is great) "Khomeini Rahbar" (Khomeini is the leader). Some POWs from other dormitories joined in the cheers. Noise was increasing; POWs in dormitory No. 2 broke the windows and opened the door with outside help, ran out and started breaking the locks of the doors of dormitories Nos. 3 to 7 of the same wing while inside, POWs broke windows, ventilators and even the electricity cables. Eventually some 900 POWs were out in the courtyard. The guards withdrew to the main door and shot into the air. The officer in charge of

the camp ordered the POWs to return to their dormitories but was not obeyed or heard and he and the guards withdrew from the courtyard. The POWs apparently intended to cross the courtyard towards the opposite wing and also tried to reach by the stairs the second floor where other guards were ready to fire. The guards were apparently ordered to shoot to the ground in front of the rioters but fire spread and went out of control. From POW testimonies it would appear that the Camp Commander attempted to halt the shooting, but without result. Some 8 to 12 guards reportedly fired. Two POWs died, one of them in the centre of the yard, the other one in a dormitory, and several were wounded while climbing the stairs or crossing the yard. It seems that two other prisoners died some time later because of their wounds.

61. The causes of the incident were apparently the tensions caused by crowded dormitories, bad treatment and the practice of confinement in halls as collective punishment. The attitude of the newcomers shortly before the incident may also have been a contributing factor. As told to us by POWs, there had been internal disputes among POWs because a group which was referred to as "the Khomeini people" did not want to hear radio programmes or play any kind of games and attempted to impose their views on the others. (In some cases they obtained from the authorities the removal of the loudspeakers from their dormitories in order not to hear the Farsi-language programmes transmitted by Radio Baghdad.)

62. In our view the officer in charge of the camp at the time of the incident followed the required steps, although he was not obeyed at the critical moment when some of the shooting was aimed not only at the rioters but also at the dormitories that had remained closed. We are unable to confirm that the shooting was carried out in self-defence. From the facts it appears more logical to conclude that the shooting was ordered for the purpose of re-establishing order. Despite all the measures taken, we found that the general conditions of the camp were not good; overcrowdedness was still evident, the treatment of POWs had not improved and there were too many sick and wounded prisoners, who should be repatriated.

b. Mosul Camp No. 2

63. The incident in Mosul Camp No. 2 took place following the collective confinement of all POWs to their dormitories without food or water. Those measures had been taken after the POWs refused to eat their lunch-hour meal in protest over the punishment of their representatives, who were being held and apparently ill-treated in the guards' quarters after they had attempted to protest the attempt to separate those POWs belonging to the regular army from the volunteers.

64. After several days of confinement - it appears to have been five or six - the inmates of one dormitory smashed the windows and also managed to break the lock of their dormitory. Prisoners in other dormitories proceeded to do likewise. Once in the courtyard, they staged a sit-down and proceeded to select new representatives - the old ones being still in detention - to talk to the Camp Commander. The latter reportedly refused to speak to the new representatives. Instead, he came down and ordered prisoners back into their rooms, which the POWs refused to do, apparently out of fear of being locked up again. Nothing happened on that day, but on the following day, a high-ranking officer from outside the Camp arrived and again

ordered all POWs to return to their rooms. Before the prisoners - who were obviously reluctant to obey - could decide, he gave a signal, and a large number of guards brought from the outside rushed in with iron sticks and other weapons and attacked the prisoners. Two POWs were apparently killed on the spot, and a large number of them injured. Two other POWs reportedly died afterwards in the hospital from their injuries. The guards also entered the dormitories and proceeded to destroy mattresses, blankets and POW belongings. The prisoners said that they had been told that their treatment was in retaliation for the battle of Bostan. On the same day of the incident, or the day after, some 30 to 35 POWs were picked up, apparently at random, and taken to the second floor of the Camp, where, together with the POW representatives still being held there, they were beaten with clubs by the guards. They were kept there for approximately 20 days, with reduced food rations and subjected to periodic assaults.

65. On the basis of the information received, we were unable to reach a definite conclusion that the measures that were taken as well as the beatings which resulted in the deaths and injuries of POWs had been justified.

66. We consider it necessary to mention, that on the basis of numerous testimonies received from POWs, other serious incidents appear to have occurred in Anbar and Ramadi 1 Camp.

"Investigation of suspicious deaths in which incisions in the area of stomach and chest as well as broken skulls and the like have been unequivocally cited as causes of death"

67. The Government of the Islamic Republic of Iran has stated that suspicious deaths have been reported in numerous cases, citing as an example that the representatives of ICRC, during their visit to the "Al-Rasheed Camp" in Baghdad, had noticed that 16 Iranian prisoners had died in that camp.

68. It should be noted that the Iranian authorities, while citing ICRC, did not make available to us any ICRC reports on its visit to the "Al-Rasheed Camp".

69. The Iraqi authorities informed us that the so-called "Al-Rasheed Camp" is the military hospital in Baghdad, to which seriously injured personnel, including POWs, are taken. We were invited by the authorities, to visit the above-mentioned hospital as well as others.

70. We did not, however, consider that such visits would be likely to throw much light on the causes of death of the POWs in question or of any other similar cases, and, for lack of time, we decided not to visit any of the said hospitals. In any event, we ought to point out that the cause of death in hospital of a person from injuries normally have to be found elsewhere. We regret not having been able to investigate the causes of such deaths, which would have necessitated our inspection of other places and documents as well as the hearing of possible witnesses.

71. In brief, we were not in a position to establish the factual basis for the above concern expressed by the Government of the Islamic Republic of Iran, except as it is covered by our observations in paragraphs 56-66 above and 106-108 below, respectively.

2. Allegations of the killing of prisoners of war on or after capture

"Investigation of various cases of mass execution of prisoners of war in general, and that of the detained personnel of the Revolutionary Guards in particular"

72. Iran has asserted that Iraq was practising mass execution of Iranian captives and, in particular, of the members of the Revolutionary Guards. Evidence was submitted by the Iranian authorities in the form of copies of purported Iraqi military orders to treat "Khomeini Guards" as "warlike criminals in the battlefield", instead of transferring the injured Guards to hospitals for treatment.

73. The Iraqi authorities replied that such orders did not exist. They would contradict humanitarian law and would thus be against Iraqi principles. The material presented by Iran was said to be forged.

74. We observed that in so far as the Iranian allegation might include incidents which occurred in Iraqi prisoner camps, they have mainly been dealt with in paragraphs 56 to 66 above. It would not be correct to speak of "mass executions" in this respect. As to the alleged execution of newly captured enemy personnel, we heard some statements to that effect in the camps but could not ourselves draw any firm conclusion on the basis of the material available to us.

75. Bearing in mind the intense animosities engendered by this war, it cannot be excluded that a considerable number of Iranian soldiers could have been killed on the battlefield upon surrender.

76. Although we were not in a position to verify the information we received, nothing we heard would, in our opinion, contradict what was stated in a memorandum of ICRC of 7 May 1983:

"Both in Iran and in Iraq captured soldiers have been summarily executed. These executions were sometimes the act of individuals involving a few soldiers fallen into enemy hands; they have sometimes been systematic action against entire enemy units, on orders to give no quarter.

"Wounded enemies have been slain or simply abandoned on the field of battle. In this respect the ICRC must point out that the number of enemy wounded to which it has had access and whom it has registered in hospitals in the territory of both belligerents is disproportionate to the number of registered able-bodied prisoners in the camps or to even the most conservative estimates of the extent of the losses suffered by both parties."

3. Allegations regarding persons unlisted or "disappeared"

"Preparations for a follow-up on the fate of nearly 20,000 disappeared persons, many of whom, according to reports of the Red Cross and other services, are in covert detention camps"

77. The Iranian authorities informed us that, two years ago, a list of 10,000 missing Iranian soldiers had been submitted to the Commission on Human Rights for investigation. By the beginning of 1985, that number had increased to approximately 20,000 persons. A list of their names had been handed to us in Geneva. The Iranian Government said that it had substantial evidence and proof indicating that a large number of those persons were being held in secret captivity. Further specifications and documentation in this regard were provided by the Iranian authorities.

78. We handed to the Iraqi authorities the list of missing persons, together with some photographs - taken from the Iraqi media by the Iranian authorities - of persons claimed to be missing.

79. The Iraqi authorities stated that all Iranians in POW camps were registered by ICRC. Further, there were no covert camps in Iraq, and all camps were open to ICRC. Those on the list provided by the Iranian authorities might have disappeared on the battlefield. The Iraqi authorities stated that they did not have the time for a detailed study of the list, which was handed back to us, or the other documentation that we provided, before our departure from Iraq. As for the photographs, we were told that they could have been taken anywhere and might be forgeries. The Government further stated that Iran had refused to provide information on Iraqis killed on the battlefield.

80. Some of the names in the list, the Iraqi authorities stated, might be those of some "75,000 civilian refugees which are living in several villages in the areas of Al-Tash, Misan, Samawa, etc.". On the battlefield, they pointed out, many enemy dead had remained in no man's land for long periods of time and could not be recognized. In one case, through ICRC, the Iraqi authorities had requested a cease-fire to remove corpses, but that had been rejected by Iran. Moreover, many other Iranians killed in battle did not have any tags or documents to permit identification. In some battles, Iran had launched human waves, sometimes with old people or children to clear the minefields, many of whom had died and whose names were probably included in the list. Whenever dead bodies were recovered, the Iraqi side buried them with such identification as was available. The Iraqi Government was ready to provide the list of those buried, if Iran would reciprocate. The authorities also gave us a video-cassette, showing actual battle scenes, to demonstrate the difficulties involved in the identification of those killed.

81. Due to constraints of time and the extremely difficult and complex task of locating missing persons, we were unable to do anything but emphasize the gravity of the accusation made by the Government of the Islamic Republic of Iran. We questioned the Iraqi authorities very closely and carefully to ascertain, as far as possible, the actual whereabouts of those mentioned in the list. It appears to us that for a variety of reasons, some of the bodies of persons who had died on the battlefield could not be recognized and, as a consequence, had been buried as unidentified or unknown. However, the failure to submit the required reports in other instances may have been part of counter-intelligence measures designed to mislead the enemy. We believe that, since the Iraqi authorities have not reported the names of the dead members of the Iranian armed forces or volunteer combatants whom it has been able to identify, failing thus to fulfil its humanitarian duties, many of these dead must be among the list of 20,000 said to be missing.

82. The reasons given by Iraq are plausible but not satisfactory. We should like to recall, as we do in the case of Iranian failure to submit such reports, that the parties to the conflict are obliged, under the First Geneva Convention, to record and provide to the central prisoner-of-war information agency for transmission to the country of origin all data on each wounded, sick or dead person of the adversary falling into their hands as well as the identity and state of health of captured personnel, with death certificates of those who have died after capture.

"The investigation into and report on civilian prisoners"

83. This concern has two aspects: first, civilians, including old men, women and children, said by Iran to have been forcibly removed from their homes and transferred to internment camps in Iraq and to be numbering tens of thousands; and, second, civilians held in POW camps and registered by ICRC, claimed to number more than 1,500. These two matters are dealt with separately below:

a. Civilians moved from their homes in Iran to Iraq

84. These are said by Iran to have been deported by force, most of them being Iranian Arabs and Kurds.

85. ICRC, for its part, pointed out in its memorandum of 7 May 1983 that "tens of thousands of Iranian civilians from the Khuzistan and Kurdistan border regions, residing in areas under Iraqi Army control, had been deported in grave breach of the Fourth Geneva Convention", and that until May 1983 the ICRC delegates had had only restricted access to a few of these people.

86. The Iraqi authorities admitted that considerable numbers of Iranian citizens totalling some 75,000 were currently on Iraqi soil and lived in special villages built for and by them on land granted by the Government of Iraq. They were not considered deportees, detainees or internees but civilian refugees. They were not

captured but had come voluntarily to Iraq, in the wake of the war, fleeing from persecution. Most of them were farmers. Though Iraq regarded them as refugees, it had agreed that they should be covered by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, and were thus visited by ICRC. We were told that we were welcome to visit the villages, an invitation which we accepted.

87. We decided to travel to the Misan area, where 25,000 civilians of Arab origin from the Khuzistan region of Iran are concentrated in four villages. We went first to the village of Bitarah, 40 km west of Al-Amarah in the southern part of the country, with a population of about 2,500 families (some 15,000 persons, of whom 6,000 to 7,000 were under 16 years of age). Another village nearby briefly visited was Kumet (Dosolek), which has about 500 families.

88. In further official briefings in Bitarah, we were told that nobody in Misan had been forced to leave Iran. Many had travelled by their own means of transport, such as cars or carts, on lorries provided by the Iraqi army or by foot. Many had brought with them their own belongings. Both the dangers in the war zone and opposition to the Iranian Government were cited as grounds for their preference to stay in Iraq. We were also informed that the people living in Misan had been issued identity cards by the Iraqi Ministry of the Interior similar to those issued to all Iraqis but stating that they were "Arabistanis", since, though Arabs, they were not Iraqi nationals. They were under the supervision of the Iraqi Committee of Victims of War, on which representatives from the various government ministries sat. Every village had a school, and the inhabitants had been given land and cattle by the Iraqi Government.

89. We inspected the two villages, including the schools, and we were able to speak in private with what we consider to be a fair cross-section of the inhabitants of Bitarah. Some of those interviewed stressed that they considered themselves to be part of the Arab nation, though not necessarily Iraqis, and even referred to their anti-Iranian activities while in Iran. Others, however, after expressing fear of speaking out, stated that they had been forcibly brought to Iraq and doubted that the presence in the village of many of its inhabitants was voluntary. Several, particularly the older ones, complained about their separation from their families as well as a lack of mail from those relatives left in Iran. Allegations were also made about younger men, aged between 18 and 40, being coerced into enlisting in the Iraqi army under such threats as having their pay cut off. That, however, was denied by the authorities.

90. We noted that the civilians in those villages did not seem to be unanimous in their attitude or their assessment of their conditions and that some of them seemed to wish to be repatriated independently of the war and the political situation in Iran. Currently, they were not allowed to do so. Given the constraints of time, it was impossible for us to assess the proportion of people who shared such views - and therefore should not be regarded as refugees in any sense of the word - and of those who did not wish to return, at least under the existing circumstances.

91. We were informed by the Government that all civilians from Iran had freedom of movement and of employment within Iraq and that there were no restrictions if they wished to move to third countries. About 130 civilians had, in fact, done so. We

were provided with a list of 102 names of those who had emigrated from Iraq to a third country. In our view, any repatriation programme or resettlement (which was said by the authorities not to be an issue in practice) would in those circumstances have to be based on detailed investigation and accompanied by assurances that they are voluntary.

92. It was not possible for us, due to constraints of time, to visit Anbar (Altash), the village for Kurds with an estimated population of 15,000. Samawa, basically for "intellectuals", was another village which could not be visited because of lack of time.

b. Iranian civilians held in Iraqi POW camps

93. This concern is related to other Iranian concerns, such as the general claim of large numbers of Iranians missing in Iraq and those relating to the captured Iranian Minister of Oil and his entourage, as well as Iranian medical personnel held by Iraq. However, it is also more specifically claimed that in the course of registration of Iranian POWs by ICRC, it had emerged that a number of them, said by the Iranian Government to number more than 1,500, were civilians whom ICRC had been unable to have separated and released. It was claimed that of 424 captives repatriated by Iraq, 235 were civilians, 171 of them being over 50 years of age.

94. According to the Iraqi authorities, persons held as POWs had been captured when actively engaged in the hostilities. The authorities pointed out that in the Iranian war effort many persons had participated in the fighting besides the regular army, such as the Revolutionary Guards and other volunteer forces. When, for instance, a medical doctor was captured, arms in hand, he had to be regarded as a POW (see para. 102 below). The repatriation of a number of persons referred to by Iran showed, on the other hand, Iraq's willingness to examine individual cases, as Iraq was also currently doing with a view to repatriating more POWs unilaterally as soon as the necessary procedures could be completed.

95. As a point of departure, we have taken note of the statement made by the Minister for Foreign Affairs of Iraq in his meeting with us, admitting generally that mistakes might have been made, especially in the earlier stages of the war.

96. During our visits to the POW camps in Iraq, we met in most of the camps a considerable number of prisoners who claimed to be civilians and gave credible accounts of their background. Many of these prisoners were old and in poor health. Others were farmers, still others young professional civilians captured during the hostilities, especially in the areas of Khorramshahr and Abadan, areas which were for some time occupied by Iraq. Occasionally, we encountered POWs who claimed that they had not been captured during hostilities but had fled from Iran seeking political asylum. The specific complaint was made by some such persons that the authorities arresting them had not listened to them and that they never had had a chance to present their cases.

97. While unable to verify the individual stories and taking into account the well-publicized fact that both old and young Iranian civilians have volunteered to join the war effort, we must, nevertheless, point out that we consider it established beyond reasonable doubt that there are in Iraqi POW camps a number of

inmates who should not properly be there. A close examination of the files of POWs by the competent Iraqi authorities would, we believe, confirm our conclusion.

"Investigation of the fate of Mr. Tondguyan, the Minister of Oil, and his deputies and companions captured by the Iraqi forces"

98. The Government of the Islamic Republic of Iran has accused Iraq of not permitting the captured Minister of Oil and his deputies, namely, Mr. Yahyavi and Mr. Boushehri, and his other attendants to be visited by ICRC. They have further charged that the Minister and his companions have been mistreated and tortured.

99. We requested the Iraqi authorities to be allowed to meet with the Minister of Oil, Mr. Tondguyan, and his deputies. We were told that they were willing to have us meet the Minister but that he had expressed his wish not to meet anyone, including ICRC and had threatened to commit suicide if his wishes were not respected. They informed us that the Minister was well and that he had spoken with his family both in Iran and in New York on the telephone. From a military viewpoint, we were told, the Minister was less important than an Iranian pilot. But the Minister refused to see anybody. The Iraqi Government had made an offer to ICRC to meet the Minister on condition that ICRC signed an affidavit taking full responsibility for the Minister's actions thereafter in view of his threat to commit suicide. The Iraqi authorities were willing to allow us to see the Minister, provided we gave the same guarantee that had been requested from ICRC. After due consideration, we felt that we were not in a position to accept such an offer. The authorities informed us that the Minister's companions at the time of his capture could be seen by us when we visited Anbar and Ramadi No. 1 camps.

100. We very much regret that we could not meet either the Minister of Oil or, except for his driver held at Ramadi Camp No. 1, any of his associates who might have been with him at the time of capture. The Iraqi authorities claimed that they had never captured the two deputies and therefore did not know their whereabouts. During our visits to the camps, we heard from a number of POWs that they had seen Mr. Yahyavi and Mr. Boushehri in detention at Abu Ghoraih, a prison about 30 km from Baghdad which the authorities claimed was solely reserved for Iraqi prisoners.

"Investigation of the fate of the Red Crescent personnel, including medical doctors, assistants and other personnel, captured and detained in contravention of the First Protocol of the Geneva Convention"

101. The Iranian authorities have stated that persons falling within the above category have been denied any contact with members of ICRC or with their families.

102. The Iraqi authorities informed us that they had, in fact, repatriated four women belonging to the Iranian Red Crescent staff. All medical doctors and assistants held by Iraq had to be considered military personnel, since they were either part of the regular army or, even if they wore civilian attire, were part of the volunteer forces. Regarding the latter group, Iraq would be willing to exchange them for Iraqi civilian technicians held as prisoners by Iran, on a percentage basis, not on equal numbers.

103. We met a number of medical doctors and personnel in various camps in Iraq, including a group of five doctors in Anbar Camp who had been captured as long ago as October 1980. The five ranged in age from 46 to 61 years and some of them were themselves afflicted with various ailments and infirmities.

104. All of them declared that they were civilian doctors who had been captured in October 1980 on the road from Khorramshahr. Only one of them stated that he had been a member of the Iranian Red Crescent who had been sent to treat the wounded in civil hospitals.

105. We should like to recall that, according to the First Geneva Convention, the staff of national Red Cross societies and that of other voluntary aid societies must be respected and protected in all circumstances. If they fall into the hands of the adverse party, they must be retained only in so far as the state of health and the number of POWs require; in other words, they shall be returned to their country unless their retention is indispensable. In repatriating them, account should be taken of the chronological order of their capture and their state of health. Although these persons are not to be deemed prisoners of war, they are entitled to a status at least as favourable. It seems to us that the five Anbar doctors are a clear case for unconditional repatriation, irrespective of reciprocity.

"Investigation of the fact that the names of the Iranian prisoners of war are submitted to the Red Cross months and sometimes years after their capture"

106. The Iraqi authorities informed the mission that they had consistently reported all captured Iranians to ICRC within a period of one to two weeks and, as of December 1984, all Iranian POWs were registered by ICRC. However, as ICRC had been informed, Iraq did hold up for a time the registration of a substantial number of Iranian POWs, not yet seen by ICRC, in order to exert pressure on Iran, which was holding thousands of unregistered Iraqi POWs. After a while, those Iranian POWs, who numbered 1,432, were registered by ICRC in December 1984. They were all housed in Mosul Camp No. 1.

107. Despite the assurances given by the Iraqi authorities, we believe that there have been considerable delays in many instances in submission to ICRC of the names of captured Iranian prisoners, with some POWs never seen by ICRC.

108. We visited Mosul Camp No. 1 and have, indeed, ascertained that 1,432 POWs had been registered by ICRC in December 1984. The rest of the POWs in Mosul Camp No. 1 were already in possession of their ICRC cards. Of the 9,206 Iranian POWs claimed to be held by the Iraqi authorities, 9,195 had been registered by ICRC at the time of the mission's visit.

4. Allegations of the existence of "secret" camps

"Investigation of the fate of prisoners of war who have been suspiciously transferred from overt to covert camps or vice versa"

109. The Iranian authorities provided us with information concerning the alleged practice of the Iraqi authorities of transferring POWs from overt to covert camps, or vice versa. They also provided the names of what they consider secret camps, where Iranian POWs are interned.

110. The Iraqi authorities, in reply to the above Iranian concern, stated that some Iranian POWs had, in fact, been temporarily transferred from their camps for the purpose of interrogation but they were always returned to their camps. It was also possible that, at times, such transfers could have coincided with visits of ICRC to the camp. However, such transfers were not premeditated to coincide with such visits. The interrogations related to matters of a military nature or to events in POW camps and were always carried out without coercion. On other occasions, interrogation was required after the authorities had discovered the true rank or identity of a prisoner who had hidden either from the authorities.

111. According to the Iraqi authorities, ICRC had visited all the POW camps in Iraq and had registered all the POWs. There were no covert or "secret" POW camps in Iraq, they stated. It happened that military hospitals, like the one in Al-Rasheed, which were in military camps, were often used for the treatment of POWs who required special care. On other occasions, military quarters were used as a transit point for newly captured POWs. For example, the Tanoomeh Camp referred to by the Iranian authorities was located in the war front, where army units had their quarters.

112. Although we were not in a position to ascertain for ourselves the existence of covert POW camps in Iraq, or if the transfers of POWs were made for short periods solely for the purpose of interrogation, as claimed by the Iraqi authorities, we believe, based on information received from a variety of sources, that many Iranian prisoners of war, including the Minister of Oil and some of his associates, remain concealed from the time of their capture. We estimate the number of concealed POWs to be in the hundreds.

113. During the course of our visits to the POW camps, we met a number of Iranian POWs who claimed to have been held in "covert" camps or such places as a wing in the Ministry of Defence and Abu Ghoraib, which, the Iraqi authorities told us, was solely for Iraqi prisoners. Some POWs, in recounting their detention in such "covert" camps, stated that they had seen Iranian prisoners, mainly Revolutionary Guards and pilots, kept in such places. For instance, we received information to the effect that 51 Iranian officers were being held in Abu Ghoraib. Most POWs who claimed to have been at one time or another in interrogation centres or in "secret" camps explained that they had been kept in overcrowded cells, often with barely any light, sometimes for long periods of time, and frequently subjected to torture.

114. We were also informed by some POWs that prior to our visits to their camps, some POWs, particularly those in punishment cells, had been removed by the authorities. We were not in a position to verify the above allegations.

5. Allegations of torture and severe mistreatment of prisoners of war in camps

"Mental and physical torture of the prisoners"

115. In support of the above charges, the Government of the Islamic Republic of Iran refers, inter alia, to reports from ICRC which have mentioned credible instances of beatings with sticks, batons and wire cables.

116. The Iraqi authorities responded that the above charges made by Iran were totally unsubstantiated, as we would realize when we talked with the POWs.

117. During our visits to the POW camps in Iraq, we saw and heard much evidence of physical violence and ill-treatment in the camps, attributed mainly to prison guards but also, on occasions, to those POWs who enjoyed the confidence of the authorities and were said to be "authorized" to use force against fellow prisoners. Shortness of time did not allow us to examine and verify the truth of all such allegations, though their frequency and similarity leads us to the conclusion that brutality by guards in most POW camps is common.

118. The allegations most frequently heard related to blows on the head and other beatings with batons, truncheons or wire cables. In almost all the camps visited we met POWs who had had their hearing impaired, including several who had lost their hearing in one ear and even some who had become totally deaf as a result of blows on their head or ears. We were also told that some POWs had lost their sight or had had it seriously impaired as a result of beatings. We noticed scars, bruises, broken teeth and other bodily marks which appeared to be consistent with the stories told to us by the prisoners. Other frequent forms of punishment mentioned to us included confinement in punishment cells for periods of up to a month, and individual and collective deprivation of food.

119. Some prisoners complained that they had been beaten or otherwise punished for talking to ICRC.

120. POWs who had spent some time in interrogation centres stated that torture was frequently employed there either as punishment, in order to extract information, or simply for purposes of intimidation. They spoke of being suspended upside down from ceilings or ventilators, of having the soles of their feet whipped or beaten, of electric shocks administered to various parts of their bodies, including their genital organs, of burnings with cigarettes and, in some cases, mock executions. We met several POWs who alleged that they had become impotent as a result of torture and heard allegations about cases of castrations and of POWs having bottles or other objects inserted into the rectum. We were also told of instances of sexual assaults, particularly in Anbar and Ramadi Camps Nos. 1 and 2.

121. We did not, of course, have the means of verifying such allegations. Even taking into account the possibility of exaggeration, we were struck by the consistent pattern of many of the allegations.

122. We regret not being able to enter into more specific details of some of the practices reported to us because of the need to protect our sources.

123. We questioned the authorities in some detail about the system of disciplinary punishment. The rules to which the Government referred to do not seem to allow practices such as those described. For instance, the maximum period of solitary confinement that a Camp Commander may impose is 3 days; a maximum of 15 days can only be imposed by decision of a disciplinary committee, a central authority. More severe punishments can only be imposed by a military court.

124. We believe, however, that outside these rules, punishment both of a corporal character and in the form of isolation and confinement in "punishment rooms", and deprivation of food and facilities take place through more informal procedures.

125. We consider that any form of torture or physical ill-treatment of POWs should be absolutely forbidden and that any orders to that effect should be strictly enforced. We also do not think that there is room for any kind of collective punishment. We further believe that the existing rules regarding solitary confinement should be observed in practice.

6. Allegations of political and ideological pressure and indoctrination

"Political and ideological pressure on prisoners of war by the leading members of terrorist groups infiltrating the camps"

126. The Iranian authorities have charged Iraq with political and ideological intimidation of Iranian prisoners of war. Further, they have claimed that leaders and members of the Iranian opposition groups, such as Sheikh Ali Tehrani and members of Mojahedeen-E-Khalgh, were allowed to enter the camps, where they systematically tried to brainwash Iranian POWs and incite them to abandon their religious beliefs and commit treason against their country.

127. The Iraqi authorities countered the above charges by referring to their own charges against Iran for carrying out such practices against Iraqi prisoners of war. They stated that they had had only one such case when one member (a clergyman) of an opposition group went to visit a POW camp at the request of some POWs who had seen him on television.

128. In the course of our visits to the camps we heard various allegations of attempts to influence POWs politically and ideologically. In several camps, many POWs complained about being forced to hear from morning to night, through the loudspeakers installed in every dormitory, radio programmes of a political content broadcast in Farsi by radio Baghdad. Other POWs told us of attempts to force them to give interviews critical of the Iranian leaders on radio or television, and of forced shouting of "anti-Khomeini" slogans. Reference was also made to the staging of plays of a political content critical or abusive of the Iranian leadership. We were also told in one or two camps of visits by Iranian opposition leaders - in one case, shortly before our arrival - whom all POWs were forced to listen to. Those allegations notwithstanding, we received the impression that such ideological pressure did not seem to be intense.

129. We have noted the recent establishment of a school at the Ramadi Camp No. 2 (better known as the "children's camp"). The school has been given much publicity by the Iraqi authorities, with organizations such as Terre des Hommes and Défence des Enfants providing equipment and some of the teaching staff. The school, which was formally opened on 6 February 1985, is named "Iranian children prisoners-of-war school".

130. We visited the school, where we were informed by the authorities that the choice for attendance was left to the "children". The average age of the children in the Camp, some of whom had been in captivity for more than 2 years, appeared to be about 16 years.

131. We were informed by the non-Iraqi teachers that after initial opposition, an increasing number of the youngsters were attending school. The fact that many prisoners appear to stand aloof from the school tends to give credence to the voluntary character of this educational programme. Though we recognize that instruction at school could easily be abused for purposes of political indoctrination, particularly of young people, we feel that it is too early to pass judgement on this experiment.

"Investigation of the Iraqi measures to prevent the prisoners from performing their religious prayers"

132. According to the Iraqi authorities, there were no such restrictions for any religious group in Iraqi POW camps. The only problems arose from the wish of some POWs to hold collective (congregational) prayers; that could not be allowed for security reasons. Participation in such prayers was limited by the authorities to 10 POWs at a time. They added that Islam did not prescribe such forms of collective prayers.

133. During the course of our visits to the camps, we saw a number of POWs praying individually. We also heard a number of them complaining that they were not allowed to have collective prayers. Even when the authorities had allowed groups of 10 to pray together in the dormitories, they were forced to stay, at least 1 metre apart from each other, instead of shoulder to shoulder, as called for by their Shia rites.

7. Allegations of substandard conditions in camps

"Unhygienic conditions and lack of necessary facilities in the camps"

134. The Iranian Government referred to the inadequacy of meals, insufficient water supply, vitamin deficiencies causing mouth infection, and bad hygiene. It was also claimed that the camps were overcrowded, which intensified contamination and hygienic hazards.

135. The Iranian Government also complained about shortages of medical facilities and supplies.

136. The Iraqi authorities did not comment specifically on the above charges but asked us to see for ourselves the conditions in the camps.

137. During visits to camps, material conditions, health services and related subjects were often discussed with representatives of the authorities, medical personnel and the POWs. We noted that the camps visited were all in good order when we arrived and showed signs of recent cleaning and tidying, inside as well as outside the dormitories.

138. Nevertheless, shortcomings of installations and equipment required for good hygiene were evident. There were few showers, and in some camps we were told by the POWs that only cold water was available, and then not at all times. The latrines were in extremely bad shape; frequently their stench was appalling.

Further, when dormitories were locked, buckets placed in the dormitories were used as toilets. We also noticed some leaking ceilings and walls, and heard frequent complaints of dampness in the dormitories. In most of the dormitories, prisoners did not have beds, only mattresses and blankets on the floor. Overcrowding in the dormitories of some camps was evident. One dormitory visited, 15 by 5 metres in size, accommodated 57 to 60 POWs.

139. A number of prisoners raised medical problems and complained about inadequate health services and supplies. In one camp, the POWs told us that there was no resident doctor. Many POWs complained about the lack of dental care and adequate medicines, and the absence of certain vitamins in their diet.

140. Most health complaints appeared to be related to inadequate hygiene, as evidenced by the apparent prevalence of scabies, haemorrhoids and rheumatism. We also heard complaints of chronic and some infectious diseases as well as of mental disorders.

141. Though food was said to have improved in most camps before our arrival, there were also complaints about its poor quality and quantity. Cases of deprivation of meals as group punishment have already been noted.

"Lack of attention to the sick and the wounded, thus ending in permanent disability and amputation"

142. The above claims were contested by the Iraqi authorities. In our contacts with official medical personnel in the camps the point was often made that besides the health facilities in each camp, efficient treatment was provided in military hospitals when necessary. In fact, some of the alleged transfers of prisoners from camps to covert places and back again were said to be cases of hospitalization. The invitation to the mission to visit a military hospital could not be acted upon, as explained by us in paragraph 70 above.

143. It was difficult for us to determine the factual basis of this particular Iranian concern, especially as regards those wounded in the battlefield, though some POWs asserted having witnessed several wounded prisoners shot dead. We were told of a POW in Anbar who had died owing to lack of treatment after having suffered a heart attack and of prisoners who had become permanently disabled as a result of inadequate medical treatment.

144. We met some of those prisoners as well as others who claimed that they were not being allowed to have a required operation for third-degree haemorrhoids.

145. As we mentioned in connection with the previous Iranian concern, we witnessed a good deal of suffering among POWs, who complained of lack of medical attention of various kinds, of chronic diseases, of deteriorating hearing and eyesight and other ailments.

146. Despite our inability to form a definitive opinion as to the correctness of all the complaints, we believe that there is considerable room for improvement regarding the treatment of the sick and wounded.

8. Allegations of denial or withholding of mail and other entitlements of prisoners of war in camps

"Investigation of the fact that the messages of families of prisoners are withheld by the Iraqi censorship and sometimes never reach them"

147. The Iraqi authorities stated that Iranian POWs in Iraq received eight times more correspondence than the Iraqi POWs in Iran, who were much larger in numbers. They had, until recently, been allowed up to six messages per month. However, that had created serious administrative problems. After discussions with ICRC, it had been agreed to allow two messages per month, as called for by the Third Geneva Convention. In recent months, however, no messages from Iraqi POWs had arrived from Iran.

148. From our inquiries, we have come to the conclusion, without passing judgement on the causes, that the one to eight proportion indicated by the Iraqi authorities seems plausible. This does not mean, of course, that irregularities, including the withholding of mail by the Iraqi authorities, do not exist. We have also heard from some POWs that they were allowed only one letter or message per month; photographs were not delivered. A related complaint expressed by POWs in virtually every camp was that they were not being allowed pencil and paper. Nevertheless, delays in handling messages due to censorship procedures seem to be prevalent.

"Investigation of Iraqi refusal, in contrast to the Third Geneva Protocol, to allow Red Crescent aid packages containing such items as medical spectacles and special medicines to reach the prisoners"

149. The Iraqi authorities replied that medical and other packages were welcome, though none had been received from Iran. They, in turn, complained that packages sent to Iraqi POWs had not been distributed by the Iranian authorities.

150. Our own inquiries, however, have indicated that camp commanders, both in Iran and Iraq, have not allowed distribution of medical supplies sent to POWs.

"Investigation of the Iraqi soldiers' seizure of the prisoners' personal possessions"

151. We feel that seizure of personal possessions of a POW has been happening on both sides, either at the time of capture or shortly thereafter. Given the length of their detention and the seriousness of some of their problems, only a few Iranian POWs in the camps visited made such complaints. It was not possible for us to investigate in detail the concern expressed by the Government of the Islamic Republic of Iran.

152. We requested the Iraqi authorities to explain and demonstrate their system for securing the personal possessions of POWs after capture and registration. They said that when POWs were in the hands of responsible authorities, Iraqi regulations corresponding to the provisions of the Geneva Conventions applied. To have an illustration of how the rules were observed in practice, we requested in one camp to see the possessions kept on behalf of some of the prisoners. We found out that

they were kept in a safe next to the Camp Commander's office. A few samples of such belongings were brought to us and were verified by the POWs concerned during our visit in the camp.

9. Allegations of the prevention of visits and certain other concerns

153. In a letter dated 19 November 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General (see appendix I), the following proposals were made for consideration by us to be carried out under the auspices of the Red Cross:

- "(a) Mutual exchange of an equal number of prisoners;
- (b) Preparations for the families of the prisoners to visit them."

154. Further, we could make the following proposals in this regard to the Iraqi authorities:

- "(a) To allow Iraqi families to travel to Iran for the purpose of visitation;
- (b) To create a similar possibility for Iranian families to travel to Iraq."

155. The Iranian authorities have informed us that despite the negative response of Iraq to the proposals for family visits, the Iranian authorities were allowing family visits to Iraqi POWs in Iran and providing all facilities for such visits.

156. We are aware that ICRC has formulated procedures for family visits which have been submitted to the two Governments. However, there has been no follow-up on the matter on the part of the Governments concerned.

157. The Iraqi authorities informed us that they were ready to allow family visits, once Iran had provided the full list of Iraqi POWs held in Iran. They could not accept the Iranian practice of announcing the names of Iraqi POWs through the media, a practice that they considered to be in violation of the Geneva Conventions. The visits, once the Iraqi demands had been met, could take place through a third country or, preferably, through direct border crossing, which would require a mutually agreed temporary cease-fire.

158. The authorities in both countries expressed their readiness to exchange POWs. The authorities in Iraq, however, stated that the exchange should be on a proportional basis, as Iran held about five times as many Iraqi POWs as there were Iranian POWs in Iraq. They added, however, that they were prepared to be flexible concerning the proportionality.

III. VISIT TO IRAN

A. Programme of work and itinerary of the mission

159. Upon our arrival in Teheran on the morning of 18 January 1985, we decided upon our programme of work after considering a number of proposals submitted to us by

the Ministry of Foreign Affairs of the Islamic Republic of Iran. The programme was subsequently communicated to the Iranian authorities who provided us with all the technical arrangements and linguistic facilities required for its implementation. In deciding our itinerary, we had to balance out the desirability of visiting as many POW camps as possible, in addition to Gorgan, against the limitations imposed by the distance of some of the camps from Teheran and by the limited length of our stay.

160. We were received by H.E. Mr. Ali Akbar Velayati, Minister for Foreign Affairs of the Islamic Republic of Iran. We also held conversations, at the start and at the conclusion of our visit, with a team of Iranian Government officials, which was headed by Mr. D. J. Mahallati, Director-General for International Affairs, Ministry of Foreign Affairs, and included H.E. Dr. Said Rajaie-Khorassani, Permanent Representative of the Islamic Republic of Iran to the United Nations, Mr. S. Nasser, head of the Department of International Organizations, Ministry of Foreign Affairs, Mr. A. Akhondi, Adviser to the Minister of Interior, and Mr. H. Hosseini, deputy head, Department of International Organizations.

161. We also held discussions with Colonel Mokri, Commander of the Military Centre in Teheran, with overall responsibility for POW camps throughout the Islamic Republic of Iran, as well as with the commanders of every POW camp visited. We also met with the Secretary and other leading members of the Commission for the Protection of Iranian Prisoners of War.

162. During our stay in the Islamic Republic of Iran, we visited eight POW camps: Gorgan Camp; Sari and Semnan, situated between Gorgan and Teheran; and five other camps situated in Teheran and its surrounding area, namely Davoudieh, Mehrabad, Heshmatieh, Takhti and Parandak. A planned visit by helicopter to Arak POW camp, situated some 200 km south-west of Teheran, had to be cancelled owing to weather conditions. The combined POW population held in the camps visited was 30,894. The list of POW camps in Iran together with their population as provided by the Iranian authorities, as well as a description of the eight POW camps visited appears in appendix VI to this report. The chronology of our activities in the Islamic Republic of Iran is set out in appendix VII.

B. General information and policies of the Islamic Republic of Iran concerning prisoners of war

163. In the course of the preliminary meetings, the Iranian authorities conveyed to us the following observations and comments, as well as their general policies on the matter of prisoners of war.

164. Concerning the situation of Iranian POWs in Iraq, the information received by the Iranian Government suggested that their situation was extremely precarious. As the mission would undoubtedly note, that was in clear contrast to the treatment of POWs in Iran which was a humane one, based on the dictates of the Koran and in accordance with the guidelines laid down by Imam Khomeini himself, who wished all POWs to be treated as guests.

165. It was unfortunate, they stated, that the issue of POWs should have become a practical tool in the hands of Iraq and its supporters. Recently ICRC had also fallen into that trap. A clear example was the problem of Iranian POWs under 18 years of age captured by Iraq. The Islamic Republic of Iran, which also held a large number of POWs falling within that age group, had proposed the release through ICRC of all POWs under 18 held by both sides. ICRC, however, had not assisted in the implementation of that proposal but had used it as part of its propaganda against Iran. Two weeks before the mission's arrival, the Government of Iraq had announced its intention to build two schools for Iranian child prisoners, and two Swiss organizations had volunteered assistance for that undertaking. The Iranian Government had called the attention of the Swiss Government to that matter.

166. The incident in Gorgan was similar to incidents that had also occurred in Mosul and other POW camps in Iraq. ICRC knew about them but, whereas it had chosen to publicize the Gorgan incident, it had remained silent about Mosul.

167. The Islamic Republic of Iran was used to being subjected to outside pressures. Iraq had started the war in an attempt to prevent the Islamic Republic of Iran from pursuing the policies it had set out to achieve. The Iranian Government was ready to consider any proposals within an international framework but beyond the glare of publicity. It would therefore not accept such a renowned organization as ICRC if it was to be used as an instrument of publicity and pressure. The Islamic Republic of Iran was satisfied with the way the United Nations had handled its two inquiries into civilian areas subjected to military attack and into the use of chemical weapons. The Government trusted that in carrying out its work, the mission would not be influenced by the political propaganda surrounding the POW issue.

168. Concerning areas for negotiation with Iraq, the Iranian Government pointed out that, several years previously, when Iran held far fewer POWs than at present, it had proposed a mutual exchange of prisoners but had received no reply from the Iraqi Government. It was still ready to exchange POWs in equal numbers, or in numbers acceptable to Iraq. There was also the problem of Iranian civilians - for example, medical doctors - held by Iraq as POWs in contravention of the Geneva Conventions. That was another area for negotiation with Iraq, even though the Iranian Government doubted Iraq's willingness to reach an agreement. The Islamic Republic of Iran, moreover, was willing to arrange for an exchange of child prisoners in any numbers to which Iraq might agree. Several years previously, the Iranian Government had put forward a suggestion for the exchange of visits by POW families. Some steps taken by the Government of Iraq had prevented such a proposal from becoming a reality. The proposal was still on the table, and Iran was willing to allow visits by Iraqi families of POWs, irrespective of reciprocity.

169. We were also informed that Iran had been willing for some time to release unilaterally large numbers of invalid Iraqi POWs. To date one group of 72 such POWs had been repatriated, and another group of 26 would follow. There had been some delays in that regard, owing to the strained relations with ICRC.

170. The Islamic Republic of Iran was seriously considering the possibility of asking one or more neutral countries, or an international organization, to act as a protecting Power. Alternatively, the Iranian Government would be willing to use

the good offices of a third country or of an international organization, without either taking up the role of protecting Power, for the purpose of assisting in an exchange of prisoners.

171. In reply to a question, we were told that the Iranian Government felt that those POWs held for the longest period should be released first. There were between some 6,000 and 7,000 Iraqis who had been held in captivity for more than four years.

172. Turning to the policies and administrative practices followed by the Iranian Government towards Iraqi POWs, we were informed that:

(a) The total number of POWs in Iran was more than 46,000 spread over 16 camps. Most POWs had been captured near Khorramshahr;

(b) The camps were located in areas where the climate was best, far from the battlefield. Most of them had previously been Iranian army quarters;

(c) All camps had tap water in abundance and had heating and cooling facilities; some were air-conditioned;

(d) Every camp had the required sanitary facilities: showers, lavatories and water basins. POWs were required to shower at least once a week. Although there were some mechanized laundry facilities, most POWs washed their clothes by hand, for which they were given laundry soap;

(e) All camps had doctors and medical facilities to cope with mild medical cases. Emergency and intensive care was available in military hospitals. There was an average of one doctor and three medical assistants per 1,000 POWs. That compared favourably with the rest of the country, where the ratio was one doctor per 10,000 inhabitants. Use was made in the camps of captured Iraqi medical personnel;

(f) Prisoners wounded on the front were immediately moved to hospitals in Teheran. It was the policy of the Iranian Government, in keeping with Islamic precepts, to seek to repatriate, via a third country, those POWs with chronic or incurable diseases. If there were any hindrances to that effort, they were due to bureaucratic delays, not least on the part of ICRC, which had resulted, for instance, in the death of two POWs before they could be repatriated;

(g) The sleeping facilities in the camps were identical to those provided for Iranian soldiers. Beds, mattresses, pillows, blankets, towels and tooth-brushes were provided for every prisoner;

(h) Fifteen items of clothing were supplied to each POW. Every six months they received a new cap; every four, new underwear; every month, four bars of soap; every six months, new bath and hand towels, a tooth-brush and a pair of slippers; every month, one pair of socks; every year, a new bedspread and every other year, two new blankets. Prisoners also received a new woolen coat and trousers every year;

(i) The food provided to POWs was the same as that provided to the Iranian army. Since the country was at war, army rations contained 3,500 to 4,000 calories per day. The same applied to POWs. Frequently, camp authorities consulted POWs about their diet. One consequence had been, for instance, that the amount of rice had been reduced and that of meat increased. Twice a week POWs ate chicken. Meat was always provided with their main meals. Butter and preserves, and sometimes eggs were served with breakfast. Three days a week, the authorities endeavoured to give prisoners fruit or compote;

(j) Every POW, irrespective of rank, received the equivalent of 20 Swiss francs a month. Of this, SwF 10 was paid to them in coupons, which they could use as money in the camp canteen or store, where goods were available at cost value. The other SwF 10 was paid in the form of cigarettes, at the rate of seven per day. POWs were not paid in cash, since that would facilitate the task of those seeking to escape. In addition, every POW was given a daily allowance of 20 rials ^{4/} to purchase sweets (93 rials equals approximately \$US 1). At the beginning of the war, soldiers received SwF 8, NCOs SwF 12 and officers SwF 16. It was decided later that it would be more equitable to increase the pay of everybody to SwF 20. Thus, Iran was going beyond what was required under the Geneva Convention. Sometimes prisoners received their pay for two or three months in one lump sum;

(k) Concerning amenities, all camps had colour television and radio sets. POWs were free to switch on any programmes that they wished. Journals and magazines in Arabic and, sometimes, in English were available;

(l) Physical exercise in the morning was compulsory. Games were not, although football, baseball and table tennis were popular. Each POW camp had its own teams which competed against each other. The winning team then played against an Iranian team. The authorities had recently decided to allow the winning team to play abroad in 1985;

(m) Every facility for religious worship was provided. Some POWs had even been taken to the Holy City of Qum. The needs of Christians and any other religious minorities were also taken care of, particularly at Christmas and some other major Christian religious holidays;

(n) Regarding mail, we were told that POWs were free to correspond with anybody anywhere, including, of course, their families. Pen and pencils as well as paper were provided. Correspondence was handled through ICRC or through a third country. Letters sent to countries other than Iraq received prompt replies. Replies from Iraq were slow, suggesting that the Iraqi Government was holding up mail or that the families did not receive the letters sent to them by POWs. Proof of that was the fact that, in several instances, prisoners received "phony" letters written, for instance by the "wife" of a prisoner who was unmarried or containing information about the health of a relative who was long dead. Letters from POWs after being censored, a process that usually took between one and two weeks, were handed to ICRC, unless they went via a third country;

^{4/} Ninety-three rials equals approximately \$US 1 at the prevailing official rate of exchange.

(o) The Iranian Government was willing to facilitate meetings of POWs with their families. Third countries had been notified that any families of POWs were welcome in Iran. To facilitate matters and to avoid possible reprisals by the Government of Iraq, the Iranian authorities did not stamp the passports of those coming to visit their relatives in the camps. Their entry visa was put on a separate slip of paper. Facilities were provided for POWs to meet their wives in total privacy. In some camps, we were informed that POWs had appeared on television requesting their families to come and visit them;

(p) Virtually all camps had a cultural committee. One of its main tasks was to provide literacy classes for those POWs who did not know how to read and write. It was calculated that 50 per cent of Iraqi POWs were illiterate at the time of their capture. As a result of that effort, between some 6,000 and 8,000 POWs had learnt how to read and write. A total of 285 literacy classes were held in the camps, employing a total of 581 teachers, most of whom were POWs themselves. In most classes, a commentary of the Koran was provided. Geography and history were also taught. In addition, a total of 260 plays had been performed in the camps by the prisoners themselves and more than 500 POW songs had been taped and distributed. Every prison had a library. All that was in keeping with the guidelines set out by the Imam, who wanted POWs to return one day to their country and become useful elements of their society;

(q) In every camp there was a workshop where POWs could acquire practical skills and carry out useful work, ranging from art and handicrafts to small-scale manufacturing activities. Those who worked received additional money;

(r) All concerns of the POWs were handled by the camp representative and a council of eight, all of them POWs elected by the prisoners. Each dormitory and section had its own elected representatives. Representatives were subject to approval by the camp authorities. In those camps which contained officers as well as soldiers, officers sometimes but not always acted as POW representatives;

(s) No Iraqi civilians, with the exception of families, were allowed inside the camps;

(t) Most breaches of discipline were handled by the camp commanders who could impose a period of solitary confinement for a period not exceeding 10 days. Serious crimes were brought before a court, although the sentence was suspended until the conclusion of the war. Corporal punishment could be imposed only by a court, in accordance with Islamic law. The camp authorities, let alone other prisoners, were not allowed to administer corporal punishment.

173. Our findings and observations regarding the concerns expressed by the Government of Iraq as well as the policies of the Government of the Islamic Republic of Iran concerning the prisoners of war held in that country are contained in the following section of the present report.

C. Examination of the concerns expressed by the Government of the Republic of Iraq

1. Allegations regarding the killing of POWs in the camps

"The harsh treatment of Iraqi prisoners - their torture, murder, the amputation of the limbs of some of them and the taking of blood from them" 5/

174. Complementary to these Iraqi concerns, the Iraqi authorities have claimed that such inhumane treatment has repeatedly led to revolt among Iraqi POWs in the camps at Gorgan, Sari, Parandak, Semnan and Mashad, resulting in large-scale killings and wounding of prisoners by the Iranian guards.

175. The above charges were categorically and in toto rejected by the Iranian authorities, who declared them to be nothing but propaganda. The claim that blood was taken from Iraqis was declared to be without foundation even if blood was needed for their compatriots, it would not be drawn from the POWs but supplied by the national blood banks. With regard to the incidents claimed by Iraq to have occurred in various camps, they were either denied altogether or attributed to quite different causes.

176. We were not in a position to establish the factual basis of the Iraqi concerns regarding wilful killing, unnecessary amputations in connection with medical treatment or the taking of blood from Iraqi POWs to be used for Iranian soldiers. During the course of our visits to POW camps, however, we heard many complaints of physical and mental ill-treatment of a general nature, including whipping and beating with wire cables, sticks and iron pipes, and kicking, especially of wounded parts of the body. Such treatment was usually inflicted by prison guards, but, on occasion, by fellow POWs opposed to the Iraqi Government. We also heard reports of long-term confinement, sometimes solitary, sometimes in small and overcrowded cells; of being locked into containers with no room for movement, of the pulling of nails etc. Collective punishment measures, such as deprivation or reduction of food for periods up to 30 days were also reported.

177. Although it was not possible for us to determine the accuracy of individual accounts, their prevalence and similarity, substantiated by numerous POWs, led us to conclude that undoubtedly such practices had been carried out. Maltreatment, or even rumours about it, might well lead to revolt; it is therefore quite likely that it is partly accountable for some of the violent incidents which have repeatedly occurred in some of the camps. Apart from the incident in Gorgan Camp, which has been described in detail in the preceding section of the present report, during our visits to the camps we also heard from several sources of the following incidents:

(a) In the Kaladous section of Parandak Camp, on 5 February 1983, 13 POWs had been killed, and more than 100 seriously wounded; and in Fallahi section, on 23 August 1984, 1 POW had been killed, and dozens seriously wounded;

5/ The full list of the points of special concern of the Government of the Republic of Iraq is reproduced in appendix II to this report.

(b) At Sari Camp, on 5 January 1983, 1 POW had been killed and 7 wounded;

(c) At Semnan Camp, on 2 January 1983, 3 POWs had been killed, and 15 seriously wounded;

(d) At Takhti Camp, in early August 1984, 4 POWs had been killed.

178. We also heard of an incident at Ghouchan Camp, on 13 February 1983, during which about 50 POWs had been killed and scores seriously wounded, and another at Mehrabad Camp (no date provided), where no less than 10 POWs died. An incident at Mashad Camp was also mentioned without details.

179. In connection with the above incidents, the POWs at the various camps visited gave us full or partial lists of the names of POWs killed or injured, with their ICRC registration numbers as well as registration cards. Most of the POWs told us that the cause of the incidents involved the ideological differences between "believers" and "loyalists" and the resistance of the latter to having the "believers" with them in the same dormitories or sections. The authorities admitted to the incidents at Parandak, Sari and Takhti. They stated that the incidents stemmed from quarrels between opposing POW factions and attempts to escape. We were not in a position to verify the other incidents, but we do conclude, based on the well-corroborated information provided to us, that the incidents at Semnan on 2 January and at Parandak on 5 February 1983 did, indeed, take place.

"The rendering of death sentences or sentences of imprisonment against certain Iraqi prisoners without informing the International Committee of the Red Cross of the legal proceedings taken in the investigation and the trial"

180. In respect of the above concern, the Iraqi authorities provided us with copies of three death sentences and three sentences of imprisonment imposed by the Iranian military courts in 1983 which had not been reported to ICRC.

181. The Iranian authorities maintained that in conformity with the Geneva Convention of 1949, the host State holds the right to try and punish delinquent POWs in accordance with its military regulations. They stated that the three POWs with sentences of imprisonment had been interviewed in 1984 by ICRC and that we could meet with the three if we wished to do so.

182. During the course of our visits to the various camps we heard a number of complaints about sentences imposed by Islamic courts and the sentencing to death of pilots for having carried out air raids on civilian areas. However, we were not in a position to ascertain the factual basis for such claims.

183. We should like, however, to draw attention to articles 104 and 107 of the Third Geneva Convention, according to which the detaining Power has the duty to inform the protecting Power (or its substitute) at least three weeks before the opening of a trial and any judgement and sentence upon POWs should be immediately reported.

2. Allegations of the killing of POWs on or after capture

"Mass murder of Iraqi prisoners, whether on capture or subsequently"

184. Iraq has accused Iran of committing mass murder of Iraqi prisoners, on capture or after capture. In order to substantiate that charge, the Iraqi authorities gave us photographs of dead soldiers, with their hands and legs tied, who were said to be Iraqi POWs murdered upon capture in Bostan. They also referred to a magazine article in which it was alleged that the civilian population in Iran was admitted to POW camps and incited to take revenge for the sufferings that they had endured under Iraqi enemy actions. Further, the Iraqi authorities charged that mass executions of Iraqi POWs had taken place on various occasions in different places, the most prominent of which was the shooting of 1,500 POWs in the Al-Khafajiah area on 29 November 1981. They told us that similar instances had occurred after the fighting in Abadan on 27 September 1981 (150 POWs executed) and at Zwarko Camp, east of the Basra sector, where 50 POWs were said to have been executed on 15 March 1984 and buried at Shah Abayyid Cemetery.

185. All the above charges were categorically refuted by the Iranian authorities. The explanation given with respect to the deeds of Al-Khafajiah was that the bodies had been left behind by the Iraqis after a battle which resulted in the liberation of Bostan. The 1,500 abandoned bodies had been gathered and buried in Bostan. As to Zwarko, the Iranians denied that any such camp existed. They maintained that the allegations concerning the POWs captured during the Abadan battles and the slaughtering of POWs by the civilian population were without foundation. The photographs that had been given us were denounced as fakes.

186. On the basis of the material available to us, we were unable to confirm the charge of mass murder of Iraqi POWs upon or after capture. It should be noted, however, that similar charges of such incidents were made by some Iraqi POWs in the various camps that we visited, particularly in respect of the battles in Abadan, Bostan and Shush. They also gave us some of the names of those claimed to have been killed after capture. Bearing in mind the vicious and emotional nature of the war, we cannot exclude the possibility that large numbers of Iraqi soldiers could have been killed on the battlefields upon surrender.

187. As we observed under a similar concern expressed by Iran, nothing we heard would, in our view, contradict what was stated on this matter in the ICRC memorandum of 7 May 1983 (see para. 76 above).

188. Concerning the charge that POWs were killed by civilians, we were not in a position to investigate it, but no such incidents were mentioned by the Iraqi POWs visited by us.

3. Allegations regarding persons unlisted or "disappeared"

"The fact that Iran has not provided the Iraqi authorities with the names of Iraqis missing on the battlefield"

189. The Iranian authorities stated that each country was itself responsible for the gathering of information on their missing persons. That was why the Islamic

Republic of Iran had first presented a list of about 10,000 and, lately, of about 20,000 missing persons.

190. The Iranian authorities further informed us that forwarding the names of all Iraqi missing persons was impossible because:

(a) Iraqi soldiers did not possess metal identity tags, a matter that had been referred to Iraq through ICRC;

(b) There were many instances of escape, where Iraqi soldiers had taken refuge in other countries;

(c) Those Iraqi corpses without metal identity tags or any other identifications had been buried in accordance with Islamic norms;

(d) In some instances, because of circumstances, including heavy bombardment, bodies had remained unattended and, owing to the lapse of time, had become unrecognizable.

191. We should like to draw the attention of the parties to the conflict to the fact that they are obliged to record and provide to the protecting Power and to the central prisoner-of-war agency all data on each wounded, sick or dead person of the adversary falling into their hands as well as the identity and state of health of captured personnel, with death certificates of those who have died after capture.

192. From our analysis of the documentation and the testimonies heard, it appears to us that for a variety of reasons, some of the bodies of persons who had died on the battlefield could not be recognized and, as a consequence, had been buried as unidentified or unknown. However, the failure to submit the required reports in other instances may have been counter-intelligence measures designed to mislead the enemy.

193. The reasons given by Iran are plausible but not satisfactory. We believe that because many of the Iraqi POWs have not been reported by Iran to ICRC or any other agency, have not been visited, registered or provided with identity cards and have not been reported to the Iraqi Government, they may constitute a considerable proportion of the persons considered to be missing.

"The fact that Iran has not handed over to the mission of the International Committee of the Red Cross in Iran the names of a large number of Iraqi prisoners (close to 15,000) and, in particular, those of high-ranking officers"

194. In connection with the above concern, the Iraqi authorities provided us with a partial listing of Iraqi POW officers (1,569) not visited by ICRC who are unaccounted for. They also gave us a list of 79 Iraqi officers reported by Iran as having been captured and a list of 64 names of POWs based on information broadcast by Abadan radio.

195. The Iranian authorities stated that they tried to submit the lists of captured POWs to ICRC as soon as possible, depending on, inter alia, where the capture took place, the distance, the time the captives have been held in detention camps.

196. Further, they informed us that except for some 200 recently captured POWs, all Iraqi POWs had been registered by ICRC. They were all accessible and available to ICRC, which could see them. They were all allowed to write to their families about their well-being on the first available occasion and had also been able to convey messages to their families through the Iranian mass media (television, radio and newspapers). The Iranian authorities maintained that time did not permit them to investigate the lists provided by the Iraqi authorities before our departure, though they had noticed a number of inconsistencies. They also claimed that ICRC had often delayed its visits to the camps and the processing of identity cards after registration.

197. Further, the Iranian authorities stated that very often high-ranking Iraqi officers had concealed their rank and identity. They also pointed out that many of those claimed by Iraq to be among the missing might have died in action. They assured us that they would investigate the list that we gave them and report to us thereon promptly.

198. We have noted a number of inconsistencies with regard to the above information. For example, according to the Iranian authorities, the total number of Iraqi POWs is 46,262, but 45,287 have been registered by ICRC. Moreover, based on our own inquiries, we believe that there are serious delays in providing the required information on POWs to ICRC, which has not been allowed to visit the camps on a regular basis. In fact, ICRC has not been able to visit all the camps, partly because of the existing difficulties between the organization and the Iranian authorities.

199. It should be pointed out that the suspension of ICRC activities after the incident at Gorgan in October 1984 was not the first. Delay in the registration, or the non-registration, of POWs after capture was verified in the course of our visits to the camps. Some POWs had not been registered since their capture at the beginning of 1982, and others had received their registration cards only recently, despite having been captured a long time ago. Some POWs told us that they had not been registered by ICRC during its visit to their camp because just prior to the arrival of ICRC, they were either "hidden" or transferred to another camp and then returned to their camp immediately after the departure of ICRC. That charge was repeated often in the various camps. In one instance, we were told that more than 140 officers had been transferred prior to our arrival. It was also alleged that some POWs, particularly officers, were often transferred and that no one could ascertain their status thereafter.

200. We have also noted that not many officers were included in the figures provided by the Iranian authorities on the various camps, at least on those that we visited. Very few of them were of the rank of Colonel or Lt. Colonel, and only 8 were pilots. We were not provided with an actual breakdown by rank.

201. Though the official Iranian figure for Iraqi POWs stands at 46,262, there have been reports estimating their number to be between 50,000 and 53,000. We were not in a position to establish an accurate figure or to verify the Iraqi Government's claim that there are close to 15,000 POWs whose names have not been reported to ICRC (see observations in paras. 203-211 below).

"The presence of a number of Iraqi prisoners in Evin Prison under Iranian names"

202. As will be seen in paragraph 207 below, the Iranian authorities informed us that the Evin Prison was reserved for Iranian prisoners and that there were no Iraqi POWs interned in that prison. We were not in a position to ascertain whether there were, in fact, any Iraqi POWs interned in Evin Prison.

4. Allegations of the existence of "secret" camps

"The fact that there are unpublicized prison camps which the mission of the International Committee of the Red Cross in Iran is unable to visit, although the Iraqi Government knows of the existence of some of them"

203. In connection with the above concern, the Iraqi authorities in Baghdad provided us with lists:

- (a) A list of 9 POW camps and 2 hospitals in Iran visited by ICRC in 1984;
- (b) A list of 7 POW camps not visited by ICRC but whose existence, they told us, had been confirmed by the Iranian authorities;
- (c) A list of 15 undisclosed POW camps in Iran.

204. We submitted the three lists to the Iranian authorities, whose comments are reflected below.

205. In turn, the Iranian authorities gave us their list of POW camps in Iran. They informed us that the names of the camps visited by ICRC on the Iraqi list were erroneous and that those on their list were correct. They also pointed out that the reports of the Red Cross regarding those camps had been published. They explained that the reason why ICRC had not visited the other 7 camps was that it had decided to suspend its activities. The list of POW camps, with the number of Iraqi POWs in each, as provided by the Iranian authorities, is reproduced in appendix VI.

206. With regard to the Iraqi claim concerning the "secret" camps, the Iranian authorities emphatically denied the existence of such camps and replied in writing as follows:

"(a) Definitely, there exists no camp in the name of 'Walli-al-Assar' in Iran;

"(b) The camp 'Torbat Jam' has been previously mentioned in the Iraqi list as an official camp of the Islamic Republic of Iran. But now it is relisted as an unofficial camp;

"(c) The city of Dezful has one air base, where only the air base personnel and their families live, and no POW camp exists in that city;

"(d) There is no camp in Qazween whatsoever;

"(e) Mashad has only one camp which has been previously mentioned in the list of official camps;

"(f) In Mashad there is definitely no region or camp with the name of 'Qali';

"(g) In Mashad there is no camp called 'Zwarko';

"(h) The prison of Evin is especially for internal (Iranian) prisoners; there are no POWs in that camp;

"(i) Farahabad is the previous name of Takhti, which has been mentioned as an official camp;

"(j) Sang Bast is not a camp but is a place where addicts are kept;

"(k)-(l) In general, all camps named Tariq-al-Quds (which starts from (l) and ends in (16). In the Islamic Republic of Iran no camp bears the name of Tariq-al-Quds (20 and 21);

"(m) Mehrabad is mentioned in the official list of camps and has been constantly visited;

"(n) In Berjand there is no POW camp;

"(o) Shameranat is located in North of Teheran and has no POW camp."

207. The Iranian authorities further informed us that of the 40 POW officers alleged by Iraq to be held in Evin Prison, only 7 had been located in various POW camps and that there were no POWs in Evin Prison. The 7 were in camps visited by ICRC. They indicated that a major difficulty in identifying the persons claimed to be imprisoned was the fact that the full names of the said prisoners of war were not provided by the Iraqi authorities. Very often, too, the POWs did not provide full information on their actual rank or names. The Iranian authorities asked us to extend our stay in Iran for one day, in order to investigate the Iraqi claim regarding "secret" camps. Given the magnitude and the practical difficulties that such an investigation might entail, we felt unable to accept to their offer.

208. We believe that some of the confusion regarding established and confirmed POW camps might be the result of linguistic differences. Moreover, some of the places mentioned by the Iraqi authorities could have been used as centres for the collection and/or transit of newly captured POWs to various camps. The Iranian authorities have confirmed that some camps had been evacuated, such as the Anzali Camp in 1984 when the POWs were transferred to the Kahrizak Camp. The Gezel Hesar Camp had also been evacuated. We heard from a number of POWs at various camps of the existence of camps such as Al Ahwaz, Qasr-Firouzieh and Bandar-Anzali. Sang Bast was mentioned on several occasions as an underground camp with more than 2,000 POWs with the majority unregistered by ICRC. However, we were not in a position to confirm or deny the existence of such camps.

209. Numerous testimonies have been analysed and coincide in reflecting the existence of small detention camps and punishment areas near the existing official camps and of certain normal cells that exist in the military installations surrounding some of the camps which are possibly used for POWs. For example, the authorities admitted that some punished Iraqi Christian POWs from Parandak Camp were kept in the military police headquarters (Deshwan) in Teheran although we had sufficient information confirming the existence of individual disciplinary cells in several POW camps.

210. We were informed by many POWs that special places used as cells or punishment areas were changed or redecorated before our arrival.

211. There is a substantial number of hospitals where ill and wounded POWs are convalescing or under treatment, none of which did we visit for lack of time; some of them had been previously visited by ICRC but not recently.

5. Allegations of torture and maltreatment of prisoners of war

"Harsh treatment of Iraqi prisoners, their torture, murder, the amputation of limbs of some of them and the taking of blood from them"

212. The findings and observations of the mission regarding this concern are contained in paragraphs 174-179 above.

"Pillorying of Iraqi prisoners in the streets of Iranian cities while bound with chains"

213. The Iranian authorities stated that the Iraqi claims were "totally false and without foundation". Referring to the fact that Iraqi prisoners appear regularly in Friday prayer sessions on television, the Iranian Government has stated that this was on their own request to be allowed to join religious ceremonies and visit sacred places.

214. Although we did hear reports on the pillorying of Iraqi prisoners in the streets of Iranian cities, we were not in a position to establish the factual basis either of the Iraqi claims or of the Iranian response.

6. Allegations of political and ideological pressure and indoctrination

"The placing of civilian supporters of the Iranian régime together with Iraqi prisoners for political, ideological and propagandistic purposes which are internationally prohibited"

"The fact that political elements, under cover of religion, visit the prison camps in order to undertake political activities hostile to Iraq and with the intention of influencing the morale of Iraqi prisoners and enrolling them, by coercive means, in political movements subservient to the Islamic Republic of Iran"

215. Iraq made the accusation that the Iranian authorities regularly practised brain-washing and political indoctrination on Iraqi POWs. According to these allegations, civilians, in particular members of Iraqi opposition groups, who have fled to the Islamic Republic of Iran, are admitted to POW camps. They would be allowed to make propaganda for their own political aims and try to win over Iraqi POWs and incite hatred against the Iraqi Government. This would normally occur under cover of religious practices. Pressure would also be exerted on POWs to read books of certain political, religious or ideological bent. Those converted would be trained to return to Iraq and organize a rebellion there. They would also be induced to fight in the Iranian army against their own country. Evidence was submitted in the form of a military report on a ceremony where a great number of "Iraqi POWs promised allegiance to Ayatullah Khomeini", agreed to join the Islamic Da'wa party and engaged themselves to free Iraq from its present Government. Individual oaths were said to have been taken in the presence of Hojatolislam Mohammad Baqir Al-Hakim from Nejev.

216. The Government of Iraq has also accused the Iranian authorities of forcing the Iraqi Christian POWs to perform the Islamic rituals (prayers and fasting) and not allowing them to practise their religion.

217. The Iranian authorities rejected the above accusations as totally baseless and false. The performance of religious duties could certainly not be called "brain-washing". Religious services and preachings served the religious and psychological needs of POWs. They were allowed in response to the prisoners' own wishes. Apart from Hojatolislam Al-Hakim, who was recognized as a religious leader by most of the Moslems of Iraq, no Iraqi opposition leader had ever been admitted to the camps, it was said. As to the alleged coercion to read books with certain contents, it was said that the camp libraries corresponded to Iranian public libraries. In any case, people could not be forced to read. The Islamic Republic of Iran also denied training POWs with the aim of instigating a rebellion in Iraq, but it felt unable to suppress the Iraqi people's own opposition to the Baathist régime. In no case would Iraqi POWs be allowed to fight against Iraq, even if they wished to do so. A number of reasons were given as proof that the military report produced by Iraq as evidence was forgery. Further, the Iranian authorities stated that Islam did not allow the enforcement and imposition of beliefs. The Christian POWs were allowed to observe their own rites and twice a year the camp authorities invited Christian clergy to administer religious rites.

218. When visiting the camps, the mission found unequivocal signs of political indoctrination being applied to Iraqi POWs. In quite a number of cases, our first contact with POWs was overshadowed by their shouting slogans condemning the Iraqi Government and praising the Islamic Revolution. That could go on for almost an hour as was the case in Takhti camp. Banners with slogans were hoisted and posters showing the portraits of leaders of the Islamic Revolution in Iran, Iraqi opposition leaders and unflattering drawings of the President of Iraq were present in most camps visited. We were repeatedly told by the POWs that they were forced to attend lectures and preachings with an anti-Iraq bias. Everything was done, we were told, to change the POWs' political, ideological and religious allegiance, including physical and mental ill-treatment. In almost every camp visited, there was a group of Iraqi POWs who were against the Government of Iraq, co-operating

closely with the Iranian political and military authorities. They were said to enjoy special privileges, and we were in fact able to notice considerable differences between the various sections of a given camp in terms of clothing, accommodation and free movement. Such divisions coincided conspicuously with the opinions heard from the inmates. It seems that considerable latitude is given to the faction known as "believers" in order to influence their fellow prisoners' convictions. They, rather than the military authorities, we were told, ran some of the sections of camps. We were repeatedly told that POWs were more afraid of those professing opposition to the Iraqi Government than of their Iranian guards.

219. Throughout our visits to the camps we were cautioned by POWs that the Cultural Committee referred to by the Government - the POWs call it "Farhangi" was in fact run by "Al-Hakim followers". The Committee had wide authority to interrogate, beat, torture, deprive a POW of his right to send and receive messages, or order transfer of POWs to unknown camps. We were not, however, in a position to verify such allegations.

220. Prisoners often complained of restrictions on music or on singing or of being denied access to a radio. It was generally asserted that the only Arabic journals and magazines POWs received were those published in Iran by the Da'wa party and other Iraqi opposition groups living in that country. Libraries were said to be stocked almost entirely with books on Islam or on Islamic-oriented subjects, as we were, on occasion, able to verify ourselves.

221. We were also informed by the POWs that classes, where available, were reserved for "believers". Certainly we were able to note that few, if any, classes appeared to exist in those camps or sections exclusively inhabited by those who continued their support for the Government of Iraq.

222. Whenever we enquired from POWs about the contents of plays and songs performed in the camps, we were informed by both factions of POWs alike that they mainly had a political content, with the President and the Government of Iraq being frequently the target of abuse or satire.

223. It certainly cannot be denied that Iraqi POWs in the Islamic Republic of Iran live under strong psychological pressure. This is all the more so since religious and political issues are closely interwoven in that country and, as many "believers" repeatedly stated, they identified themselves with the Iranian war aim of overthrowing of the Iraqi Government, which was decried as criminal and anti-Islam. Religious instruction, which is administered by the Iranian clergy, thus almost inevitably takes a political turn which is bound to create conflicts of conscience for the Iraqi prisoners. We noted the presence of a clergyman in Gorgan who was alleged by POWs to be an Iraqi deportee. A great effort would be needed indeed in order to safeguard the human dignity of those POWs who have their families in Iraq and wish to return to their country once the war is over.

224. During our visit to the various camps, we observed the psychological isolation as well as the trauma of Christian Iraqi POWs in the midst of "believers". This was noted in particular during our visit to the Takhti Camp where over 1,000 "believers" kept shouting and singing anti-Iraqi slogans. There were only a score of Christians seated in one corner in silence, afraid and refusing to talk.

In many other camps, we were informed of several attempts to convert non-Islamic minorities. Further, we were informed that the religious ceremonies on Christmas 1984 had been disrupted by "believers" who hurled insults at Christian POWs, and serious fighting had taken place. Although we could not confirm some of these allegations made by POWs in camps visited, in view of the overall atmosphere in the camps, such incidents could be possible, not as a result of official Government policy but rather as a result of the missionary zeal of some "believers". We feel none the less that, in view of the exceptional psychological situation prevailing in POW camps, minority groups require special attention and assistance.

7. Allegations of substandard conditions in camps

"Bad health and medical services and inadequate equipment and food"

225. The Iranian authorities informed us that all possible health services were provided in the POW camps and that on the warfront the same prompt attention was accorded to all wounded, whether Iraqi or Iranian.

226. They further stated that the food provided for the Iraqi POWs was the same as that provided for the army personnel of the Islamic Republic of Iran and that the ICRC reports proved the falsehood of Iraqi allegations. The same policy was applied with regard to clothing for POWs.

227. The authorities provided many details about the policy and regulations applicable to POWs, as well as the personnel and resources available in each camp, one principle being that their material conditions should be the same as those of the Iranian soldiers. We heard many other details about regular replacement of clothing, types and quantities of food and provisions in the canteens where goods were available for POWs to buy from their earnings.

228. We paid considerable attention to the material conditions in the camps visited. Apart from health, medical services, equipment and food, we examined in particular clothing, bedding, hygienic facilities, buildings, exposure to weather and climate, possibilities for movement and exercise, etc. This was not an attempt to do the work of ICRC. In the circumstances, such an enquiry was essential.

229. We could not verify the statement made by the authorities regarding the policy of maintaining the same standards for POWs as for Iranian soldiers, as we did not examine the conditions of the soldiers in any comparable way. We noted, for instance, that when hospitalization was requested, medical services were supposed to be given in the nearest military hospital, but for lack of time, we could not visit the hospitals. Therefore, our assessment is based on what we saw and heard in the POW camps.

230. We visited dispensaries, clinics and sick wards and interviewed medical personnel, including Iraqi doctors and medical assistants who were themselves POWs, sometimes working together with Iranian health personnel. We also visited a considerable number of patients receiving care in those places.

231. We noted the complaint in some camps that facilities were inadequate to cope with the health problems of POWs. In particular it appeared that the medication was insufficient, and that the doctors were provided only with limited and inadequate means, even medications whose shelf-life had expired.
232. The more serious aspect seemed to be that, despite these services, the general health standard was low in certain camps and dormitories. A number of prisoners suffered from very visible ailments, disabilities and injuries which, according to them and their fellow POWs were either not treated at all or were treated very inadequately. The late amputation of infected limbs and the pulling of teeth instead of treatment at an earlier stage were cited as examples.
233. In several instances such complaints were confirmed by the responsible medical personnel who declared that they were unable to cope with the task.
234. Certain chronic diseases were observed in several camps. We were told by POWs in many camps of widespread urinary and malignant diseases, tuberculosis, scabies, haemorrhoids, skin diseases, cancer, etc. We saw many disabled prisoners, victims, we were told by POWs, of the war, of incidents in the camps or of torture. Cases of mental disorders and apathy were numerous.
235. In our view, this situation, perhaps inevitable after long years of captivity, proves that the care provided is inherently insufficient. We were informed by many POWs that they had not had a physical check-up since captivity over four years previously.
236. We were shown the equipment available to POWs for their daily life in dormitories and elsewhere inside the camps. Apart from their beds and clothes the individuals did not have many personal effects of their own; some had their small personal belongings in self-made cardboard containers near their beds. Some workshops, libraries and other common places seemed satisfactorily equipped. In most of the places we visited, we were informed in private conversations that new equipment had been handed out recently, at times just before our visit.
237. Many POWs spoke about their own earlier lack of minimal personal effects, or of poor equipment (e.g. we were told by POWs in one camp that from 1982 through 1983 they had been provided with two suits, two shorts, two vests and two pairs of slippers; they had to buy pyjamas, socks and caps, as well as cups). We noted very often the rather poor state of their clothing, which was often patched up. All dormitories visited were in good order; at least for the occasion, and practically everywhere blankets and sheets were new and clean. Where heating was necessary, heaters seemed to be available.
238. We heard frequently complaints about insufficient monthly allowances - equivalent of SwF 10 in coupons per month and seven cigarettes per day irrespective of whether one was a smoker or not. Complaints were also heard about delayed payments of allowances, at times extending more than six months.
239. Moreover, on random inspection in various places underneath the new bedding mattresses were still very poor and worn out. And in some camps many prisoners wore poor clothes, in particular in Semnan, and in certain sections and dormitories of other camps.

240. Hygienic facilities such as toilets, washrooms and showers were provided and apparently an attempt was made to keep them clean. Their standard and numbers, however, were in most places insufficient in view of the large numbers of POWs. POWs in some camps complained also that they had to take cold baths irrespective of weather conditions and that they were taken to public baths four times a year. Also, the water supply was insufficient. One part of Semnan, the lower camp, had 20 lavatories and 18 showers for 2,881 persons, which may have accounted for some of the health problems in those places.

241. Overcrowding in dormitories was widespread. Even taking into account the reduced standards one must expect compared to civilian life, facilities seem totally inadequate when several hundred prisoners must share a room perhaps constructed for 100 or when three persons have to share two beds among them.

242. In quarters used for "punishment", or "disciplinary units", the overcrowding was in some places appalling. We saw 33 persons living in a room of 12 square metres. Other POWs told us of having been kept, as punishment, for many weeks with more than 100 persons in a room for 10 to 12, sleeping in turns while the others were standing up.

243. The lack of privacy was obvious, and we had the impression that the more POWs were made to stay together in one room, the more easily tension could arise among them.

244. We noted no obvious cases of malnourishment. We saw the kitchens and distribution of meals and inspected the food served during our visit. We heard, however, some comments about special food being served on that occasion, and that normally food was inadequate, insufficient and of poor quality. Consistent and credible descriptions were heard on certain occasions of withholding of food, reduced portions, cutting of diet to one meal a day, etc., sometimes even denial of water, as collective punishment.

245. The camps inspected were mostly located in former army barracks, and most of the POWs were lodged in one-, two- or sometimes three-storeyed buildings (Davoudieh, Mehrabad, Heshmatieh, Parandak); one camp was located in a sports stadium (Takhti) and one in the open plain in tents (Semnan). Whereas some of the camps had adequate space adjacent to the buildings for movement and exercise, this was not the case everywhere. Some sections in some camps were separated from the other sections and were described by their inmates as well as by other POWs in the camps as "prisons". They were not, however, places for the detention of offenders (disciplinary or criminal), but in fact the whole population of these sections was separated from other prisoners. This was mainly the case of prisoners who were actively loyal to the Government of their country. These prisoners, on the other hand, seemed to some extent to prefer to be kept apart from other groups, in particular from those who are considered to be "believers". POWs often complained of restrictions on music or on singing or of being denied access to a radio. In no camp were we informed by POWs that physical exercise was compulsory. On the contrary, complaints were frequently expressed about its inadequacy. In some camps, POWs were allowed to go outside their dormitories only for two hours a day and were restricted to the relatively narrow area of their section.

246. We noted that there had been no provision for separate camps for POWs who are officers. In all the cases we witnessed, non-commissioned officers and soldiers were mixed in the same camp with officers, although they were usually grouped in separate sectors or dormitories. In all cases dormitories were crowded. The representatives of the camps or sectors were not usually the officers unless they belonged to the group opposing the Iraqi Government.

247. A large number of officers, even in cases when they were considered to be anti-Iraqi Government, informed us that they were not respected as officers and also received bad treatment, in some cases insults, beatings and punishment in cells. The great majority claimed to have been kept under constant pressure by the Iranian authorities under intimidating circumstances, very often being transferred from one camp to another. They also complained that they were ordered to salute non-commissioned officers and that their allowances were the same as those of the non-commissioned officers and soldiers.

8. Allegations of withholding of mail and other entitlements of POWs

"Intentional stoppage or delay, on the part of the Iranian authorities, of letters from Iraqi prisoners for long periods of time"

248. The Iraqi authorities claim that the Iranian authorities have withheld letters to or from Iraqi POWs for more than a year with the full knowledge of ICRC, especially letters of officers and other POWs who have refused to co-operate with camp authorities. They withheld family photographs sent to POWs. Further, some letters which were supposedly sent by Iraqi POWs were in fact written by the Iranian authorities with anti-Iraqi invectives in order to sow distrust between the families and the Iraqi authorities.

249. The Iranian authorities informed us that, in spite of all difficulties, the Islamic Republic of Iran had exerted maximum effort to expedite letters and messages as much as possible. Letters containing obscene, political or security material were not allowed, subject to the judgement of the appropriate authorities. POWs' correspondence was carried in accordance with the following stages: distribution of special ICRC message forms in POW camps, collection of written messages, which were then forwarded by the military authorities to the ICRC mission in Teheran, and thence to ICRC headquarters in Geneva. ICRC then forwarded the letters to the authorities in Iraq. After clearance by Iraqi censorship, letters were then transmitted to the families of POWs in Iraq. Incoming letters to the Islamic Republic of Iran had to go through a similar process which took on average from three to eight months.

250. We recognize the difficulties, in particular the administrative and logistical difficulties, in handling messages to and from POWs whose numbers are estimated close to 50,000; we also recognize the inherent delays arising from the collection, clearance and distribution and/or forwarding of such messages.

251. Contrary to what we were informed by several camp commanders about a larger number of messages addressed to the prisoners being received, we were told by POWs that they received very few. In fact, one of the most frequently heard complaints was the infrequency, when not the total absence of mail. Most POWs claimed to receive one, or at most two, letters per year. There were also allegations that mail was received more frequently by the "believers" or, in some camps, that mail had reached them only after a long delay, shortly before our arrival.

252. Some complaints were also heard that POWs had been denied the opportunity to write messages, or that messages written by them or addressed to them were either destroyed or not delivered by the authorities. We were not in a position to establish the factual basis of such complaints, although the possibility cannot be discarded that the delaying of messages might be used as a means of exerting pressure on POWs.

9. Allegations of prevention of visits and certain other concerns

"The fact that the mission of the International Committee of the Red Cross has not been permitted to visit Iraqi prisoners or to visit them only at infrequent intervals, in contravention of the Geneva Conventions"

253. The Iranian authorities stated that the claim made by Iraq was contrary to the truth. The Iraqi authorities should clarify where and when the Iranian Government had officially denied ICRC admission to the camps. In spite of the expansion of POW camps, the increasing number of POWs and other administrative difficulties, the reports of ICRC and the flow and exchange of correspondence from POWs were clear evidence of ICRC activities. However, the lack of experience of some members of the ICRC mission and their disregard for the psychological conditions and cultural background of the POWs had created problems to the extent that ICRC had suspended some of the planned visits; at that stage, the Government of the Islamic Republic of Iran had insisted on the activities of ICRC being continued.

254. In any event, the Islamic Republic of Iran had always welcomed representatives of international organizations which had wished to meet with POWs. So was the case with the United Nations mission currently visiting Iran; all facilities were accorded to the mission to visit POWs freely without the presence of Iranian officials. That had been the usual procedure of the Islamic Republic of Iran and would be accorded to all, unless impartiality and neutrality were not observed.

255. Reference is made to our observations in paragraphs 198-201 above.

256. We have noted that relations between ICRC and the Government of the Islamic Republic of Iran have not always been smooth. At times difficulties have arisen not so much because of practical difficulties, but rather for reasons arising through misconceptions of the activities or intentions of one another. It is not so much what actions have in fact been taken but what each has perceived the other as doing. The atmosphere prevailing in the camps we visited demonstrated on two occasions how misconceptions or misunderstandings, among other factors, could give rise to tensions and at times riots and fighting between the two determined opposing factions among the POWs. The distinct ideological divisions between the

two groups, one of which enjoys the support of the Iranian authorities, could have given rise to tensions during the visits of ICRC members who at times had been harassed by POWs who profess to be against the Iraqi Government.

257. As mentioned above, the relations of ICRC with the Iranian authorities leave much to be desired. On several occasions the activities of ICRC have been suspended in the Islamic Republic of Iran, with one such suspension lasting for more than eight months; since the Gorgan incident in October 1984, ICRC has stopped visits to the camps and the only functions performed are those of handling messages, to which reference is made in paragraphs 248-252 above.

258. Another factor in the difficulties faced regarding regular visits by ICRC personnel, we believe, is the large number of POWs and camps, the distances between the camps and the relatively small number of ICRC personnel allowed to be stationed in Iran. We have been informed that ICRC had a maximum of 20 delegates in the country at any one time.

259. In several of the camps we visited, a considerable number of POWs did not have ICRC identification cards, which meant that, no matter what reasons were invoked, a large number of POWs have not been seen or had any contact with ICRC. This is an important point since the Iranian authorities only reported numbers and left it to ICRC to register them. Most of those POWs unregistered expressed their concern and fear, stating that they felt in danger because they had not been given a card, in some cases even when they had been more than three years in prison.

260. In some reported cases, especially with a group of officers, POWs have been transferred several times from one camp to another, whether by coincidence or not, just before an ICRC visit.

261. On the other hand we have witnessed that some POWs belonging to the "believers" faction demonstrated hostility towards ICRC and destroyed their ICRC registration cards in the presence of members of the mission. In one particular camp, Takhti, we received numerous messages sealed in blood, expressing opposition to ICRC and its activities in Iran.

262. It should be noted that during the years 1982 to 1984 the average frequency of visits by ICRC teams to camps open to it was once in 18 months.

263. In Davoudieh camp in Teheran, we met a group of over 190 non-Iraqi detainees who claimed to be either soldiers who had volunteered in the Iraqi Popular Army or civilians. Considerable portions of the non-Iraqis were Egyptian, Lebanese, Somali and Sudanese nationals. Smaller numbers came from Algeria, Djibouti, Ethiopia, Jordan, Libya, Mauritania, Morocco, Nigeria, Syria, Tunisia and the United Arab Emirates. In total, 17 countries - mainly Arab - were said to be represented. Over 25 per cent of the detainees claimed to have been working for the Iraqi National Oil Company (INOC) on the Isle of Majnoun when they were captured by Iranian troops on 23 February 1984. Another smaller group of non-Iraqis told us they were fishermen. They had joined the Union of Fishermen in Kuwait and were working for a private Kuwaiti employer before being captured on 22 August 1983. Among the detainees were also some journalists.

264. From the non-Iraqis who had volunteered in the Iraqi Popular Army, we heard that, when doing so, they had been acting not with mercenary intent but for political motives and in a spirit of Arab solidarity. At least some of them had their domicile in Iraq before entering the Iraqi military service.

265. None of those detained had been either seen or registered by ICRC; only we were accorded free access. The detainees were housed on the third floor in two dormitories with a corridor in between.

266. We are aware of the fact that the legal status of the group described may give rise to certain difficulties. There is no doubt, however, that civilians of non-belligerent nationality should be returned to their country of origin.

267. Volunteers in the Iraqi Popular Army, however, according to the provisions of the Geneva Conventions, are to be treated as combatants. They are, therefore, entitled to the status of prisoners of war and should be registered as such. In any case, they cannot be regarded as mercenaries for the following reasons. Firstly, and primarily, the notion of "mercenaries" is only of recent origin and cannot be invoked by States which have not ratified the First Protocol to the Geneva Convention of 10 June 1977 (which Iran has not). Secondly, it is quite obvious that the material conditions of a mercenary would not be fulfilled by the persons in question. These soldiers do not seem to have acted from a desire for private gain, nor, they assured us, had they, in any case, been promised material compensation substantially in excess of that promised or paid to other Iraqi combatants; or they were residents of Iraq or territories formerly controlled by it; or they were in any case members of the Iraqi Army (cf. art. 47, paras. 2 (c), (d) and (e) of the First Protocol), any such reason being itself sufficient to exclude the status of mercenary.

"The fact that the Islamic Republic of Iran has not complied with the decision of the Mixed Medical Commission concerning the handing over of disabled Iraqi prisoners, and the fact that the Commission has not been allowed to continue its work"

268. The Iranian authorities informed us that on several occasions they had repatriated many handicapped prisoners of war. They already had a list of 26 ready for repatriation, bringing the total to be repatriated to 192. Those to be repatriated were informed only about a week before the actual repatriation for security reasons and also to spare them the mental suffering if their repatriation, for some reason, had to be postponed. Moreover, they stated, they had heard reports that some of those repatriated previously had been subjected to persecution by the Iraqi authorities. The delay in the repatriation of the 26 was due to the suspension of the activities of ICRC. The Iranian authorities were consulting with a third party in order to handle the repatriation exercise.

269. During our visits to the various camps, we noted many handicapped POWs, as well as those suffering chronic or incurable diseases.

270. We believe that no effort should be spared to repatriate such POWs expeditiously on humanitarian grounds as called for under the Geneva Conventions.

IV. GENERAL OBSERVATIONS, CONCLUSIONS AND RECOMMENDATIONS

271. The sight of so many thousands of men in POW camps, mostly in the prime of their life, wasting their best years away in confinement, deprived of virtually all the amenities of life, uncertain of their fate, could not but stir deep emotions in every one of us. It should not be forgotten that, apart from those who have died or have been wounded in the battlefield, prisoners of war and their families are the immediate victims of the prolonged and ruinous war between the two countries. The most vivid images that we have carried back from the POW camps are tear, loneliness, uncertainty, isolation, bitterness and despair.

272. The mandate that we received from the Secretary-General was to report on the situation of POWs and the concerns of the Governments. However, from the camps in both countries we have brought back a message from the POWs themselves, which we feel duty-bound to convey. Countless POWs expressed their message in impressive and moving ways, from eloquent and convincing pleas to silent sadness, from emotional outbursts to tears. The questions most frequently asked were: "When will the war finally end?"; "How much longer will we have to endure this suffering?"; "What will happen to us when the mission leaves?"; "Why does society tolerate such cruelty towards us?". Often it was just one word: "Repatriation!".

273. While we were given assurances by authorities in both Iraq and Iran that they endeavoured to adhere to accepted international norms for the treatment of prisoners of war, it was evident that policies and standards that they professed to uphold were not always being observed. We found that harsh treatment and violence in the camps were far from uncommon. POWs provided a large volume of information about their physical ill-treatment, by such means as whipping, beating with truncheons or cables, simultaneous blows on both ears, electric shocks, assaults on sexual organs and kicks - often inflicted in parts of the body where POWs had suffered wounds. Physical violence appeared to be particularly common in POW camps in Iraq. We also received reports of collective punishment measures, such as lengthy confinement and deprivation of food and water. While we could not reach categorical conclusions about the truth of individual allegations, we heard many similar complaints from prisoners in different camps and were shown marks, wounds, injuries, etc., which were compatible with the allegations.

274. POWs repeatedly spoke, sometimes in great detail, about grave incidents that were said to have taken place in the camps in the past, despite denials of local camp authorities and representatives of central authorities accompanying the mission. Our efforts to have further clarifications on such points succeeded, on several occasions, in having them officially admitted and in obtaining records with sufficient detail to confirm the substance of the POW assertions. Sometimes the official denials were vague and conditioned (e.g. the Commander saying that nothing of the sort happened during his term of office in the camp), but in other cases they were so categoric, despite repeated inquiries, that we must regrettably conclude that they were made in spite of the two Governments' own information. Regarding these incidents, POWs sometimes admitted that they were related to their own protests, which, however, they claimed were justified by their harsh treatment and condition. In this connection we wish to reiterate what we already stated in the chapter relating to Gorgan, namely that the incident in that Camp was by no

means an isolated one, nor indeed the most serious to have occurred in POW camps in either country. The chief exceptional feature about the Gorgan incident was the world publicity attached to it.

275. We were told by POWs everywhere we went that many of the facilities and the general condition in the camps had noticeably improved shortly before our arrival. In many camps mattresses and blankets had been provided and new items of clothing had been distributed, while the quality and quantity of food had improved. In some others restriction on the supply of water had been lifted, or hot water had become available for the first time. To some extent the reported recent improvements were evident from our own observation. We nevertheless noted serious inadequacies in the hygienic conditions of several camps as well as in the daily diet of the prisoners.

276. One aspect which appeared to cause special distress to many POWs, and on which numerous POWs laid special emphasis, particularly in Iran, was the sense that their deeply-felt ideological and national identity was not being respected and, indeed, was under assault. We also heard allegations of religious pressure on non-Moslem POWs and of conversions to Islam by some Christian POWs. While we were not able to ascertain whether these conversions had taken place under duress, we could not but notice the atmosphere of missionary zeal that permeated some camps.

277. Both Governments have, in varying degrees, attempted to promote, if not to exploit, the ideological differences existing among the prisoners. The problem was often exacerbated by prisoners' "representatives" who had not been properly elected. We noted that these divisions ran particularly deep among Iraqi POWs in Iran and were at the root of the fear and tension which had, in turn, sparked many disturbances and outbreaks of violence, as the Gorgan incident demonstrated.

278. Another aspect which caused our serious concern was the enforced physical and intellectual idleness of many POWs in most of the camps we visited in both countries. Not enough provision was made to keep the prisoners occupied in some kind of useful activity and the availability of reading material seemed woefully inadequate. Recreational amenities in many of the camps were either insufficient or, at times, totally lacking, and prisoners frequently complained of restrictions on games, music, singing or on access to a radio. This situation, coupled with the long years of incarceration, cannot but result in the progressive mental degeneration of the prisoners as the number of those whom we noted suffering from mental disorders testifies.

279. The problem on other occasions was the enforced nature of some of the "recreations" provided. POWs told of their being forced to listen, from morning to night, to radio programmes containing political propaganda beamed through the loudspeakers installed in their dormitories. Equally, POWs reported being encouraged to take part in "plays" of a political nature with the leaders of their countries being often the target of abuse or ridicule.

280. One of the major and most frequent complaints we heard and one which contributed significantly to the feelings of isolation among POWs was the infrequency, when not the total absence, of mail, particularly in Iran. We would like to express our deep concern at this grave situation which could easily be corrected.

281. The feeling of isolation was further deepened when there was an absence of regular visits to the camps by an impartial humanitarian body. We wish to draw attention in this connection to the role played by the ICRC, through its resources and long experience, in promoting respect for the observance of the provisions of the Geneva Conventions, including, in particular, the Third Convention relative to the Treatment of Prisoners of War. That both Governments have, in connection with the subject of the present inquiry, extensively resorted to reports of ICRC to support their arguments constitutes, in our view, a testimony to the irreplaceable role of the Committee.

282. We must regretfully report that we were not in a position to make definite findings as regards the issues of missing persons and of alleged mass killings of POWs and other enemy personnel. We did not find evidence of wilful killings in POW camps. Insofar, however, as such allegations may have referred to what might have happened on the battlefield, it escapes the scope of the present inquiry, which had no way of verifying the degree to which such regrettable practices may have occurred, as opposed to battle deaths, or tracing those victimized.

283. These are very serious issues and, above all, nobody should be insensitive to the concerns of the bereaved families who are kept in anxiety and worry for the tens of thousands of missing or those alleged to have been summarily killed. No effort should be spared to examine these concerns, if need be by appropriately constituted international inquiries in co-operation with the two Governments. However, when we were confronted with these concerns, there was very little we could do except receiving the comments of the other side.

284. We did, however, note that neither party to the conflict had fulfilled the obligation under the First Geneva Convention of providing the other party, through the intermediary of the Central POW Information Agency, a Protecting Power or its substitute, information on each wounded, sick or dead person of the adverse party who fall into their hands as well as the identity and state of health of captured personnel, with death certificates of those who have died after capture. This has no doubt increased the number of those who are officially listed in their country as missing. While taking note of the explanations given by the two Governments why identification of enemy dead in the front often is difficult, we believe that serious effort should be made to provide promptly and accurately the required information so as to alleviate the anxiety and distress of the families of missing.

285. Having noted that numerous POWs have spent three or more years in detention, we feel compelled to pose the question: is not prolonged captivity in itself inhuman treatment? Indeed, many POWs told us that this, more than any specific ill-treatment, was the greatest source of their torment. The very fact of prolonged and indefinite captivity is so inhuman and futile that the only effective and human solution to the problems of most of the POWs visited would be their early release.

286. Although the Geneva Convention does not require release before the cessation of hostilities, the belligerents' right to keep POWs for the whole duration of the conflict loses its justification when the conflict is inordinately prolonged, particularly in modern warfare which does not depend on manpower to the same extent

as in the past. In this respect the Convention seems out of step with modern humanitarian principles. It should be recalled that POWs are neither to be regarded as criminals nor as hostages; they are to be treated honourably without degrading them in rank or personality. Many POWs repeatedly asked whether there should not be a time limit for their suffering irrespective of the continuation of the war.

287. We would also point out that the prolonged captivity of POWs embitters relations and creates tensions and conflicts, both inside the camps and at the international level, while frequently becoming an instrument of propaganda between the warring parties. This in turn requires the detaining Powers to divert material resources in order to maintain and secure POWs that could be better spent for other purposes.

288. For these reasons, but above all for humanitarian considerations, we consider it both unjustified and counter-productive to continue the lengthy detention of the POWs as presently done by both parties. It would be in the interest of each to release, unilaterally as they have on occasion done, or through mutual agreement, as many prisoners of war as possible, giving priority to certain categories of them, including those seriously ill, disabled, and civilians mistakenly made POWs, who have been held on both sides in contravention of the international obligations of the parties, as well as minors and aged prisoners.

289. Unilateral or mutually agreed release of POWs should proceed in an orderly and controlled manner with the participation of competent agencies. Supervision would be necessary to ensure that those released would not return to the theatre of war, any repatriation is voluntary and those apprehensive for whatever reason about repatriation and preferring to be resettled either in the country now holding them as prisoners or in a third country are granted such opportunities as may be available. We have noted that certain steps have been taken by the parties in this regard, but we consider them so far quite inadequate and tainted by propaganda purposes.

290. Indeed, in the course of the present inquiry, we have formed the unfortunate impression on both sides that certain matters were not always reported objectively but subject to distortions for propaganda purposes. Some of the Governments' concerns seemed also to have been advanced more for propaganda purposes than out of any realistic expectation that they could be assessed by the present mission. This might be understandable given the bitterness of the conflict between them. There is no need to elaborate on the finding, however, that such attempts by the detaining Power to use the prisoners of war as tools or weapons against the enemy after they have fallen into its hands constitutes an abuse.

291. We further noted and welcomed that both Governments have expressed their readiness to provide in principle for the release of those disabled or sick, as well as to consider exchanges of other categories of prisoners of war and to arrange family visits. While we are aware that many difficulties must be resolved before agreement could be possible and that arduous and eventually unsuccessful efforts have been made in the past in this area, we express an earnest hope that the two Governments would pursue these proposals in the spirit of humanitarian concern for the suffering of the thousands of prisoners of war.

292. Similarly, we were encouraged by the assurances by the authorities in both Iraq and Iran of their intent to respect the provisions of the Geneva Conventions as well as by their repeatedly stated readiness to amend any shortcomings found by the mission. We welcome this attitude and express our hope and expectations that our findings and recommendations would assist in the endeavour to improve the treatment of POWs in both countries.

293. We cannot but stress, however, that the overriding yearning of the prisoners of war themselves was that this prolonged and tragic war should be brought to the earliest possible end.

* * *

294. In the light of these considerations and of the specific observations submitted in other parts of this report, we have reached the following unanimous conclusions.

(a) In neither country are the POWs treated as badly as alleged by the Government of the other country; nor, on the other hand, are they treated in either as well as claimed by the Government of the detaining Power. The existing situation on both sides is cause for serious concern.

(b) Prolonged and indefinite captivity is itself the greatest source of hardship for prisoners of war.

(c) Most of the problems confronted by the prisoners of war are identical or similar in both countries: difficult living conditions, frequently harsh treatment - such as excessive use of force by some camp guards, particularly in Iraq - incidents marked by violence, isolation from the outside world and uncertainty about the length of their captivity. Gorgan was not a unique or the most serious incident to have occurred. In Iran, ideological and religious pressure exerted on prisoners and the consequent existence of antagonistic groups in POW camps adds to the tension and atmosphere of fear.

(d) Camps in both countries also share the common malaise of a prolonged period of captivity as well as physical and intellectual idleness, resulting in a considerable incidence of mental disorders.

(e) We were not in a position to form definite conclusions about allegations regarding missing persons or mass killings of prisoners of war.

295. We wish to submit the following unanimous recommendations.

(a) Treatment of prisoners of war in both countries should be fundamentally improved and their rights under the Geneva Convention strictly respected and safeguarded.

(b) Corporal punishment and any form of physical ill-treatment as well as the practice of collective punishment should be prohibited and any infraction of this rule should be strictly dealt with by the authorities. Measures should be taken, particularly in Iraq, to prevent excessive use of force by camp guards.

(c) Living conditions in the camps in both countries should be generally improved, including in particular dietary and hygienic standards, and opportunities should be provided to prisoners of war to engage unfettered in constructive physical and intellectual activities to the maximum extent feasible. Medical services should be improved, and psychiatric help should be made available as required.

(d) Immediate measures should be adopted to give full effect to the rights of POWs to send and receive correspondence and to receive parcels with the frequency and in the manner prescribed in the Third Geneva Convention.

(e) The provisions of the Geneva Conventions governing the treatment of officers according to their rank should be fully respected and enforced, particularly in Iran.

(f) Freedom of thought, religion and conscience of every prisoner of war should be strictly respected. No ideological, religious or other pressure should be brought to bear on the prisoners.

(g) In order to improve the general atmosphere in the camps and reduce the risk of conflicts, measures should be taken, particularly in Iran, to refrain from exerting ideological or religious pressure on POWs and to separate physically the two opposing groups of prisoners as well as to afford them equal treatment. Greater efforts should be made to meet the religious needs of minorities free of coercion or discrimination.

(h) In the interest of all POWs and of the two Governments concerned, conditions should be created to enable the International Committee of the Red Cross effectively to carry out all its functions under the Geneva Conventions for the protection and relief of POWs and other victims of war in both countries. The Committee should be enabled, as a matter of priority, to look into the matter of missing persons.

(i) Immediate measures should be taken by each of the two Governments to collect and record information on each wounded, sick or dead person of the adverse party who fall into its hand and to provide such information to an appropriate agency for transmittal to the other Government. In order to facilitate identification and reduce the number of missing persons, both Governments should consider taking measures to ensure that all members of their forces use double name tags or name plates and to issue orders to Commanders of their armies to instruct their soldiers to report to their superiors the identity of those dead or wounded soldiers they come across in the battlefield.

(j) Both Governments should take immediate steps to exchange lists, through ICRC or another intermediary, containing the total number of POWs captured with, in particular, detailed up-to-date data concerning sick and wounded personnel.

(k) It is to be hoped that the two Governments would give serious consideration to releasing, unilaterally or on a reciprocal basis, as many of the prisoners of war under their jurisdiction as possible. Some could be released

unconditionally, others conditionally, subject to international guarantees and control that they would not return to the theatre of war. Prisoners who are seriously or chronically ill, wounded or disabled, as well as civilians mistakenly made POWs should be immediately repatriated. Minors and aged prisoners should be treated as a matter of priority.

(1) Both Governments should desist from making use of prisoners of war - including those repatriated - and their suffering for purposes of political propaganda.

Appendix I

LIST OF POINTS OF SPECIAL CONCERN OF THE GOVERNMENT OF THE
ISLAMIC REPUBLIC OF IRAN

Contained in a letter dated 19 November 1984 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General in elaboration of points of concern contained in Iran's letter of 8 November 1984

1. Investigation of intentional murder and massacre of prisoners of war and civilian detainees, including the investigation and preparation of a report on the incident at Camp 2 of Mosul on 19 November 1982, during which at least three people were killed and more than 80 injured.

2. Investigation of various cases of mass execution of POWs in general, and that of the detained personnel of the Revolutionary Guards in particular.

Note: Documents found in captured Iraqi military headquarters contain an official order to Iraqi military personnel to this effect.

3. Investigation of suspicious deaths in which incisions in the area of stomach and chest, as well as broken skulls and the like, have been unequivocally cited as causes of death.

4. Preparations for a follow-up on the fate of nearly 20,000 disappeared persons, many of whom, according to reports of the Red Cross and other sources, are in covert detention camps.

Note: A list of these persons will be included in our report.

5. The investigation into and report on civilian prisoners.

Note: 1. Tens of thousands of Iranian civilians were captured during the invasion by Iraq. The inhabitants of the occupied cities, including old men and women as well as children, were forcibly removed from their homes and transferred to Iraq. The fate of many of them is not known.

2. In the list of prisoners who were visited by the Red Cross there are more than 1,500 names of civilian prisoners, some of whom are over the age of 55 years. Among the 424 prisoners who were freed there were 235 civilians, 171 of whom were over 50 years old and most of whom spent about 3 years in captivity.

6. Investigation of the fate of Mr. Tondguyan, the Minister of Oil, and his deputies and companions captured by the Iraqi forces.

Note: Contrary to what the Iraqi media show for public consumption, reports of their subjection to torture have been received.

7. Investigation of the fate of the Red Crescent personnel, including medical doctors, assistants and other personnel, captured and detained in contravention of the First Protocol to the Geneva Conventions.

Note: These persons have been denied any contact with members of the Red Cross or with their families.

8. Investigation of the fate of prisoners of war who have been suspiciously transferred from overt to covert camps or vice versa.

Note: 1. The report of the Red Cross has repeatedly asserted that a number of prisoners of war who had been previously visited have since been transferred from overt to covert camps or vice versa.

2. Some of the covert camps have been identified and their names and locations will be provided in due course.

9. Political and ideological pressure on POWs by the leading members of the terrorist groups infiltrating the camps.

10. Mental and physical torture of the prisoners.

Note: Reports of the Red Cross have mentioned some instances of beatings with sticks, batons and wire cables. Consequently, many of the prisoners of war now suffer from mental illness.

11. Unhygienic conditions and lack of necessary facilities at the camps.

12. Lack of attention to the sick and the wounded, thus ending in permanent disability and amputation.

13. Investigation of the fact that the names of the Iranian prisoners of war are submitted to the Red Cross months and sometimes years after their capture.

14. Investigation of the Iraqi measures to prevent the prisoners from performing their religious prayers.

15. Investigation of the fact that the messages of families of prisoners are withheld by the Iraqi censorship and sometimes never reach them.

16. Investigation of Iraqi refusal, in contrast to the Third Geneva Protocol, to allow Red Crescent aid packages containing such items as medical spectacles and special medicines to reach the prisoners.

17. Investigation of the Iraqi soldiers' seizure of the prisoners' personal possessions.

I also request Your Excellency's good offices to have the following proposals considered by the Mission and carried out under the auspices of the Red Cross:

1. Mutual exchange of an equal number of prisoners.

2. Preparations for the families of the prisoners to visit them.

Note: At present the names of the Iraqi prisoners are publicized gradually by Arabic broadcasting Radio of the Islamic Republic of Iran so as to enable their families to visit them if they wish. The first list of the names of one thousand prisoners is being completed and this compilation will continue.

The Mission can make the following proposals in this regard to the Iraqi authorities:

- (a) To allow the Iraqi families to travel to Iran for the purpose of visitation.
- (b) To create similar possibility for Iranian families to travel to Iraq.

Appendix II

LIST OF POINTS OF SPECIAL CONCERN OF THE GOVERNMENT OF THE REPUBLIC
OF IRAQ

Transmitted by a letter dated 2 November 1984 from the
Permanent Representative of Iraq to the United Nations
addressed to the Secretary-General

1. The fact that Iran has not provided the Iraqi authorities with the names of Iraqi soldiers missing on the battle fronts.
2. The fact that Iran has not handed over to the mission of the International Committee of the Red Cross in Iran the names of a large number of Iraqi prisoners (close to 15,000) and in particular those of high-ranking officers.
3. The fact that there are unpublicized prison camps which the mission of the International Committee of the Red Cross in Iran is unable to visit although we know of the existence of some of them.
4. The intentional stoppage or delay, on the part of the Iranian authorities, of letters from Iraqi prisoners for long periods of time.
5. The fact that the mission of the International Committee of the Red Cross has not been permitted to visit Iraqi prisoners or to visit them only at infrequent intervals, in contravention of the Geneva Conventions.
6. The harsh treatment of Iraqi prisoners, their torture, murder, the amputation of the limbs of some of them, and the taking of blood from them.
7. The pillorying of Iraqi prisoners in the streets of Iranian cities while bound with chains.
8. The mass murder of Iraqi prisoners, whether on capture or subsequently.
9. Bad health and medical services and inadequate equipment and food.
10. The presence of a number of Iraqi prisoners in Evin prison under Iranian names.
11. The placing of civilian supporters of the Iranian régime together with Iraqi prisoners for political, ideological and propagandistic purposes which are internationally prohibited.
12. The fact that political elements, under cover of religion, visit the prison camps in order to undertake political activities hostile to Iraq and with the intention of influencing the morale of Iraqi prisoners and enrolling them, by coercive means, in political movements subservient to Iran.

13. The fact that Iran has not complied with the decision of the Mixed Medical Commission concerning the handing over of disabled Iraqi prisoners, and the fact that that Commission has not been allowed to continue its work.
14. The rendering of death sentences or sentences of imprisonment against certain Iraqi prisoners without informing the International Committee of the Red Cross of the legal proceedings taken in the investigation and the trial.

Appendix III

REPORT OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS
ON THE INCIDENT AT GORGAN CAMP 10 OCTOBER 1984

Submitted by a letter dated 7 November 1984 from the Permanent
Representative of the Islamic Republic of Iran to the United
Nations to the Secretary-General (A/39/639-S/16820)

On 9 October 1984 eight delegates and a medical delegate from the International Committee of the Red Cross Tehran Delegation, went to the Gorgan Camp to see the approximately 3,400 Iraqi POWs whom the authorities of the Islamic Republic of Iran say are interned there.

After the customary initial interview with the officers in charge, the ICRC Delegates registered 14 Iraqi POWs, visited the infirmary, made an appraisal of material conditions in section 1 and distributed identity cards to some 3,000 prisoners in sections 1, 2 and 3.

On that first day of the visit the delegates were able to work in accordance with the requirements of the Geneva conventions.

The following day some delegates registered 374 POWs in section 4 and discussed with them problems related to correspondence with their families in Iraq. The medical delegate examined some POWs in the camp infirmary and in dormitories. Other delegates went to section 1 to interview prisoners without witnesses and to assess material detention conditions.

At about 11.30 a.m. one of the delegates in the yard saw that a dispute had arisen between two Iraqi POWs. This quickly spread and soon the whole camp was in uproar.

The guards at first fired warning shots into the air and by loud speakers ordered the POWs to return to their dormitories.

On their part, delegates tried to calm the prisoners. Other delegates tried to separate POWs fighting each other and urged the guards to refrain from opening fire. The delegates efforts were futile.

A few minutes later, the POWs stormed the camp exit. After launching tear gas bombs and shooting in the air, the guards began firing into the crowd.

At about 12.30 p.m. calm has been restored. The ICRC delegates were then told to leave the camp.

On 11 October 1984 one delegate and the Medical delegate were allowed to examine three corpses which had not been identified and 35 wounded POWs. The three corpses showed wound on the head, caused by blows.

Appendix IV

REPORT ON THE GORGAN CAMP INCIDENT, 10 OCTOBER 1984, PREPARED
BY THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

1. Nine representatives of the International Committee of the Red Cross visited the Gorgan Camp for Iraqi prisoners of war and distributed more than 3,000 questionnaires among them from 1030 to 1700 hours on 9 October 1984.
2. A representative of ICRC in a speech delivered to the POWs stated, among others, that due to certain problems with the Government of the Islamic Republic of Iran, ICRC had not been in a position to visit the camp earlier. Now, ICRC had come to see whether the provisions of the Geneva Convention had been implemented or not.
3. On this day, according to the usual procedure, the ICRC delegation was first briefed on the general conditions of the camp and, during a visit to the hospital and public places, distributed the questionnaires among 3,000 POWs and also registered 14 new POWs.
4. On the second day, the visit continued with registration of 374 Iraqi POWs and, while medical teams examined some of them, other ICRC delegation members undertook to inspect different parts of the camp, conducting the visit to POWs with no witness.
5. At 1130 hours, a note was delivered to one of the ICRC representatives by a POW, Khazir Abbas Khazir, who later stated during the investigation that the note included a list of names to be presented to the Iraqi authorities.
6. This action created suspicion within a number of POWs. One POW approached the ICRC representative demanding to check the note. The ICRC representative flatly refused to comply and subsequently a heated argument erupted.
7. As the argument continued, a tense atmosphere developed and within a short time spread to other parts of the camp. This led to scuffle and fight among the POWs who used any object they found, including bedsteads, empty metal cans and glass pieces, as weapons.
8. Camp authorities asked the POWs to immediately stop the violence and to restore calm. They later attempted to disperse the POWs by firing tear gas cannisters and by using truncheons.
9. Three POWs were killed by a number of other POWs in one of the dormitories and one was seriously injured. Injuries from the mentioned objects and blows received on the head, face and stomach have been recognized as causes of death for the three POWs.

10. Taking advantage of the prevailing atmosphere, some POWs attacked the guards and rushed towards the gates, attempting to escape from the camp. The unrest, still not being contained, forced the guards to fire warning shots in the air. The POWs, however, did not pay any attention to this warning, compelling the guards to shoot below the waist, using slow-moving bullets.

11. The unrest ended around 1230 hours and calm was restored. A total of 6 were killed (3 by gunshot wounds and 3 by POWs). Also 47 were injured during the unrest. The number of those injured by gunshot were less than those injured by the POWs. Three other injured lost their lives after being transferred to the hospital and while undergoing medical treatment. Except for one case of leg amputation, the rest incurred minor injuries and, after recovering in a short time, were returned to the camp.

12. The names of the POWs who lost their lives in the incident are:

- | | |
|-----------------------------|--------------|
| 1. Hossein Marhij Jabbar | (By POWs) |
| 2. Abdol-Karim Mahmoud Hadi | (By POWs) |
| 3. Jabbar Mazheh Salman | (By POWs) |
| 4. Rahman Jaber Rahman | (By gunshot) |
| 5. Bejer Shawi Shand | (By gunshot) |
| 6. Hasoun Fazaa Hasireh | (By gunshot) |
| 7. Hamd Khalis Sami | (By gunshot) |
| 8. Majid Ghader Ebrahim | (By gunshot) |
| 9. Amer Mohsen Alvan | (By gunshot) |

Concluding remarks

1. This is the first time that any disturbance has broken out in the Gorgan Camp since it began its operation as a POW camp in 1981.
2. The measures taken by the camp authorities were recognized as proper and timely, considering the extent of the disturbance on one hand and the low number of casualties on the other.
3. Considering the existence of personal, tribal, ideological and political differences among the Iraqi POWs and the fact that a number of them are members of the Baath Party of Iraq, while others are among their opposition, the ICRC representatives should have adopted a more tactful attitude towards the POWs.
4. Seven POWs who have confessed to the slaying of the other three POWs would be brought to trial once the investigation on their case is completed.
5. This report is the result of a thorough investigation of the incident, including interviews made with the Commander in charge and other personnel of the camp, the guards and a large number of POWs, all recorded and documented.

Appendix V

LIST PROVIDED BY THE GOVERNMENT OF IRAQ OF POW CAMPS IN IRAQ AND
THEIR POPULATION AT THE TIME OF THE MISSION'S VISIT

<u>Name of camp</u>	<u>No. of POWs</u>
1. Anbar	1 330
2. Mosul No. 1	1 439
3. Mosul No. 2	1 572
4. Mosul No. 3	1 724
5. Mosul No. 4	663
6. Ramadi No. 1	1 332
7. Ramadi No. 2	874
8. Salahuddin	<u>272</u>
Total	<u>9 206</u>

II. Measures taken by the Vietnamese enemy
during the current 7th dry season

The enemy are well aware that if they only keep trying to mobilize their forces to oppose us at their strategic "throat" and fail, they will be defeated. Consequently, they have to mobilize their forces to oppose and fight us in western Kampuchea. This has been the decision taken by the Politbureau in Hanoi which has ordered its army high command in Kampuchea to implement it at all costs, for as it termed, "it is a matter of life and death".

According to their above-mentioned objectives, the Vietnamese enemy have taken a number of important measures as follows:

- i. They have mobilized the maximum of their forces to oppose and fight our army in western Kampuchea,
- ii. They have done their utmost to transport additional military equipment provided by the Soviet Union and its Warsaw Pact allies, especially heavy artillery and tanks, to western Kampuchea,
- iii. They have intensified their fascist policy of forcible enlistment of Kampuchean people into their army as their strategic assistant forces,
- iv. They have intensified their barbarous policy to commandeer the population in the communes, districts and provinces and send them to clear forests and build road in western Kampuchea.

According to the above-mentioned assignment of their forces, the Vietnamese enemy have set their objectives of fighting in western Kampuchea as follows :

- i. To send their intelligence and commando units across the border to fight on Thai territory, one to ten kilometers deep.
- ii. To destroy our military depots and our military equipment such as heavy artillery, trucks, roads, bridges, transmitter-receiver sets.
- iii. To cut our supply lines to the battle zone I,
- iv. To attack our command posts from the regimental level upward.

In order to achieve these four objectives, the enemy have set up and used their special forces called "Special Units A5" which they consider as their vanguard intelligence and commando

Chronological description of prisoner of war camps
visited by the mission

1. Sallahuddin. The camp is situated between Baghdad and Mosul, some 150 km to the north of the capital. It is part of a military garrison and houses a total of 275 prisoners of war in two blocks of buildings facing each other, one for officers, who constitute more than one half of the inmates, and the other for soldiers and NCOs, who are mostly assigned to work as orderlies.

2. Mosul - (Mosul Camps Nos. 1, 2, 3 and 4). There are four POW camps in the outskirts of Mosul, the second largest town in Iraq, 400 km north of Baghdad. The four buildings, where the camps are located, were former barracks of the Iraqi army, which still maintains a garrison in the vicinity. The four camps are two-storey quadrilateral buildings, with a yard in the middle, about half of which has been converted into vegetable gardens tended by the prisoners. The ground floor houses the prisoners, while the second floor is reserved for the officers and guards. With the exception of Mosul Camp No. 4, which was the latest one converted into a POW camp, the other three gave an impression of being overcrowded. At the time of the Mission's visit Mosul Camp No. 1 had a total of 1,439 POWs; Mosul Camp No. 2, 1,572; Mosul Camp No. 3, 1,724; and Mosul Camp No. 4, 663.

3. Ramadi - (Anbar Camp, and Ramadi Camps Nos. 1 and 2). There are three camps in the outskirts of Ramadi, a town some 110 km west of Baghdad. One, somewhat farther away from the other two, is called Anbar and has a total POW population of 1,330. The other two camps are located close to each other. Ramadi Camp No. 1 holds 1,332 POWs, while Ramadi Camp No. 2 - the so-called "children's camp" - houses 874 POWs, all below the age of 18.

Appendix VI

LIST PROVIDED BY THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN
OF POW CAMPS IN IRAN AND THEIR POPULATION AT THE TIME OF THE
MISSION'S VISIT

<u>Name of camp</u>	<u>No. of POWs</u>
1. Arak	2 392
2. Bojnoord	2 359
3. Davoudieh	2 384
4. Ghouchan	2 404
5. Gorgan	3 402
6. Heshmatieh	7 253
7. Kahrizak	3 264
8. Manjeel	1 685
9. Mashad	961
10. Mehrabad	2 371
11. Parandak	8 276
12. Qasr	886
13. Sari	1 953
14. Semnan	4 294
15. Takhti	1 073
16. Torbate-Jam	<u>1 305</u>
Total	<u>46 262</u>

Chronological description of prisoner-of-war camps
visited by the mission

1. Gorgan. Gorgan Camp is part of a military garrison situated within the city of Gorgan, 381 km north-east of Teheran, close to the Caspian Sea. According to the Camp's authorities, the number of POWs at the time of the mission's visit was 3,402. The Camp consists of 22 dormitories, each accommodating between 160 and 260 prisoners of war, divided into four sections. Since the 10 October incident, POWs cannot move freely around the Camp and are restricted to their respective sections.
2. Sari. Sari Camp is located in the heart of the city of the same name, 131 km west of Gorgan and 250 km north-east of Teheran. According to figures provided by the authorities, there were 1,953 POWs in the Camp on the day of the mission's visit. According to the camp authorities, most of the prisoners in the Camp had been captured in 1982. The Camp consists of single-storey buildings divided into five sections, with a total of 14 dormitories, each with an average number of 130 POWs. As is the case with the other camps visited, with the exception of Takhti and Mehrabad, prisoners are not free to move outside their section. The last visit by the ICRC took place in 1983.
3. Semnan. Semnan Camp lies in the proximity of the town of the same name, 201 km south of Sari and 228 km west of Teheran. A former military training camp, it consists of a series of tents grouped into two self-contained "camps", the Upper Camp and the Lower Camp. The total POW population of Semnan at the time of the mission's visit was 4,294, of whom about 106 were officers. There are about 10 prisoners per tent. Most of the prisoners had been in other camps before being sent to Semnan. The only visit of the ICRC to Semnan took place in 1981 for purposes of registration. Given the nature of the camp, prisoners sleep on mattresses instead of bunks or beds as is the rule in the other Iranian POW camps visited.
4. Davoudieh - Davoudieh Camp is situated in the north of Teheran in three-storey former university buildings. The number of POWs totalled 2,384 on the day of the mission's visit. According to the camp authorities, the figure included 273 officers and 445 non-commissioned officers as well as 194 non-Iraqis who are regarded as "mercenaries" by the Iranian Government and to whom ICRC has had no access. The non-Iraqi prisoners - mostly nationals from other Arab countries - live in separate dormitories. The Camp consists of seven divisions, with a combined number of 20 rooms and 3 large halls. According to the authorities, there were some 50 prisoners under 18 years of age in the Camp. The only visit by ICRC to the Camp took place in June of 1984.
5. Mehrabad. This Camp is situated within the Mehrabad air force base in the centre of Teheran. It houses a total of 2,371 POWs and is divided into seven sections, with four dormitories. The dormitories, housed in two-storey buildings, are spacious, with individual beds instead of bunks. POWs are free to move within the different sections. The last ICRC visit took place in June 1984.

6. Heshmatieh. The Camp lies in the south of Teheran. After Parrandak, it is the second largest POW camp in Iran, with a total prisoner population of 7,253 at the time of the visit by the mission. There are reported to be 82 officers and 2,018 NCOs among the prisoners. The camp consists of single-storey barracks containing 30 dormitories and is divided into 5 sections. With an average of more than 230 POWs per dormitory, the impression was one of rather crowded conditions. The Camp was last visited by ICRC in May/June 1984.

7. Takhti. Takhti is located in a stadium in Teheran. It currently holds 1,073 POWs. The last ICRC visit took place in July 1984. According to the camp authorities, more than 1,000 POWs had been transferred since then to Parandak, partly because the camp was destined to be closed in the near future, partly also because of the need to separate the two "ideological" groups following an incident in the summer of 1984 which had led to the death of one POW. In the coming months the remaining POWs, all of them currently housed in a single enormous hall, are expected to be transferred to Parandak.

8. Parandak. This Camp, situated some 80 km south-west of Teheran, is the largest POW camp in Iran. At the time of the Mission's visit, the official number of POWs was 8,276, housed in 22 dormitories deployed in 6 self-contained "camps". The Camp, consisting of single-storey buildings, had been newly built and was still being expanded to accommodate an enlarged POW population. A visit to the dormitories left an impression of overcrowdedness. There were 315 POW officers in the Camp who, as in other camps visited, shared the same quarters with the NCOs and the soldiers. The last ICRC visit had taken place in the summer of 1984 before the transfer of half of the Takhti inmates.

Appendix VII

CHRONOLOGY OF ACTIVITIES

Tuesday, 8 January 1985:

- Mission assembles in Geneva

Wednesday, 9 and Thursday, 10 January 1985:

- Meetings at the Palais des Nations:
 - (a) Meeting with delegation from the Republic of Iraq
 - (b) Meeting with delegation from the Islamic Republic of Iran
 - (c) Meeting with the representative of the International Committee of the Red Cross

Friday, 11 January 1985:

- Departure from Geneva
- Arrival in Baghdad

Saturday, 12 January 1985:

- Meetings with Iraqi Government officials
- Meeting with Mr. Tarig Aziz, Deputy Prime Minister and Minister of Foreign Affairs of Iraq

Sunday, 13 January 1985:

- Visit to Ballahuddin POW Camp
- Visit to Mosul POW Camp No. 3

Monday, 14 January 1985:

- Visit to Mosul POW Camp No. 2
- Visit to Mosul POW Camp No. 1
- Visit to Mosul POW Camp No. 4

Tuesday, 15 January 1985:

- Visit to Anbar POW Camp
- Visit to Ramadi POW Camp No. 1
- Visit to Ramadi POW Camp No. 2

Wednesday, 16 January 1985:

- Visit to civilian villages in Misan area
- Meeting with Iraqi Government officials

Thursday, 17 January 1985:

- Departure from Baghdad

Friday, 18 January 1985:

- Arrival in Teheran

Saturday, 19 January 1985:

- Meeting with Iranian Government officials
- Meeting with Commander of Military Centre in charge of prisoner-of-war camps
- Arrival in Gorgan

Sunday, 20 January 1985:

- Visit to Gorgan POW Camp

Monday, 21 January 1985:

- Visit to Sari POW Camp
- Visit to Semnan POW Camp

Tuesday, 22 January 1985:

- Visit to Davoudieh POW Camp
- Visit to Mehrabad POW Camp
- Meeting with Members of Commission on Protection of Iranian Prisoners of War

Wednesday, 23 January 1985:

- Visit to Heshmatieh POW Camp
- Visit to Takhti POW Camp
- Meeting with Mr. Ali Akbar Velayati, Minister of Foreign Affairs of the Islamic Republic of Iran

Thursday, 24 January 1985:

- Visit to Parandak POW Camp
- Meeting with Iranian Government officials

Friday, 25 January 1985:

- Departure from Teheran
- Arrival in Vienna to prepare report
