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LETTER DATED 24 JANUARY 1990 FROM THE PERMANENT REPRESENTATIVE OF
THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, and with reference to document S/21093, I have the honour to invite your attention to the following:

The Islamic Republic of Iran released 53 sick and wounded Iraqi POWs of which 50 were repatriated to Iraq through the International Committee of the Red Cross on 17 January 1990. The other 3 Prisoners refused to go back to Iraq in the presence of the delegates of the International Committee of the Red Cross. The Islamic Republic of Iran, in continuation of its established practice, took this unilateral action out of a genuine humanitarian concern - illustrating its solid intention for achieving a lasting peace in the region, despite the recent deafening official propaganda coming out of Baghdad.

The unilateral release of 53 Iraqi sick and wounded prisoners by the Islamic Republic of Iran was a practical step following its official proposal to the International Committee of the Red Cross for the complete repatriation of all the sick and wounded POWs. This step presented the Iraqi officials with an opportunity to practice what they preach. It gave them an opportunity to take a similar action which would have led to an early repatriation of all the sick and wounded prisoners of war, pending the day Iraqi officials decide to implement resolution 598 whose urgent objectives apart from withdrawal of troops to the Internationally recognized boundaries is the immediate release and repatriation of all POWs.

Iraqi officials not only failed to avail themselves of this opportunity, but also began to complain in document S/21093 that the number of POWs recently released by the Islamic Republic of Iran is a small number! Notwithstanding such Iraqi complaint about the "smallness of figure 50", Iraq turns around and releases only 20 Iranian sick and wounded POWs who returned to Iran aboard the same plane which carried 50 Iraqi POWs to Iraq! This is quite ironic! Iraqi officials have unfortunately exploited the issue of POWs and have changed this humanitarian issue to a distorted political game of numbers. This is a clear illustration of Iraq's lip service to the issue of repatriation of POWs. The Islamic Republic of Iran wishes to reiterate the proposal it had previously submitted to the International Committee of the Red Cross for a complete repatriation of all the sick and wounded

POWs from both sides, and herewith draws the attention of the International Community to such irresponsible Iraqi behaviour which sabotages a possible plan for such repatriation.

Iraqi officials have underlined their commitment to the Third Geneva Convention relative to the Treatment of Prisoners of War of 1949 in document S/21093 and continue that "all prisoners should be released and repatriated without delay on cessation of active hostilities. Active hostilities ceased on 20 August 1988". Under such circumstances, undoubtedly the Iraqi officials must know that according to the same convention they have been legally obligated to unilaterally repatriate all Iranian POWs without delay after 20 August 1988 when they believe active hostilities ceased. They must know that the Third Geneva Convention rejects the concept of reciprocity in this context. The only rational explanation for the evident disgraceful contradiction between Iraq's words and deeds is this régime's desperate attempt to misuse the United Nations machinery and to manipulate public opinion.

The Islamic Republic of Iran, however, has taken several practical initiatives, the latest of which was the unilateral release of 53 sick and wounded Iraqi POWs. It has also both publicly and privately maintained that Iraq's occupation of Iranian territory is the prima facie evidence of Iraq's aggression against Iran and therefore active hostilities has not ceased on 20 August 1988. The fact that Iraqi forces have taken more than 700 Iranian military personnel as well as some civilians as captives after the establishment of cease-fire is a clear proof of the veracity of this position.

The Islamic Republic of Iran wishes to reaffirm its position that resolution 598 is a totality which has taken the plight of POWs into consideration and it only needs the political will, not the lip service, of Iraq to consent to its implementation through the plans of the Secretary-General. Needless to point out that if Iraq had made such a political decision in the first place when direct talks began, global repatriation of all Prisoners of War would have been completed before the end of 1988. The time for public deception and propaganda has long been passed, and the time for practical steps to be adopted in the interest of peace and tranquillity within the context of resolution 598 is long overdue.

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

(Signed) Kamal KHARRAZI
Ambassador
Permanent Representative

