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LETTER DATED 14 MARCH 1989 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF THE ISLAMIC REPUBLIC OF IRAN TO THE
UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, and with reference to the letter dated 22 February 1989 from the Permanent Representative of Iraq to the United Nations, transmitting a note dated 13 February 1989 from the Ministry of Foreign Affairs of Iraq addressed to the International Committee of the Red Cross, concerning the prisoners of war which is contained in document S/20478, I have the honour to state the following.

The Islamic Republic of Iran cannot emphasize enough the plight and agony of prisoners of war and the Iranian civilians who have been held in Iraqi captivity for many long years. Since the inception of the imposed war, the Islamic Republic of Iran, based on the precepts of Islam and certainly beyond the standards of the Geneva Conventions, adopted some measures to lessen, to the extent possible, the pain of living in captivity for Iraqi POWs. These measures included, inter alia, granting family visits to Iraqi POWs, and unilateral repatriation of certain categories of POWs. The Islamic Republic of Iran initiated the unilateral repatriation of sick and wounded Iraqi prisoners of war and is committed to continuing this policy based only on humanitarian grounds.

The Iraqi authorities need to be reminded that had they been serious about the talks with the aim of achieving a permanent and just peace, they would have accepted the Secretary-General's timetable for his implementation plan of resolution 598. Under such circumstances, Iraqi authorities are aware that the process of global repatriation of prisoners of war in the imposed war would have been completed a few months ago. They should also be reminded that their continued occupation of territories of the Islamic Republic of Iran means homelessness and displacement of tens of thousands of Iranian civilians which should be a matter of concern within the context of "newly developed humanitarian consciousness among the authorities of Iraq".

Criticizing Mr. Sommaruga, the President of the International Committee of the Red Cross, who, on Monday 13 February 1989, said: "from the entry into force of the cease-fire between Iraq and Iran up to the present, only 351 prisoners have been exchanged, most of them Iraqis", the above-mentioned note goes on to lecture

arithmetic of a distorted kind to the international community. In this connection, it may be noted that one quarter of Iranian prisoners, who were repatriated after the establishment of the cease-fire, were civilians whose captivity by Iraq in itself constituted a flagrant violation of norms and principles of international law. During the same period, in addition to 252 Iraqi prisoners of war, who were repatriated to Iraq, tens of other Iraqi POWs were released but refused to be repatriated. It may also be mentioned that the Islamic Republic of Iran unilaterally repatriated another 260 Iraqi POWs from 21 to 23 February 1989 and is determined not to allow Iraqi political manoeuvres on the issue of POWs disturb her policy of unilateral repatriation of Iraqi prisoners of war in accordance with the Third Geneva Convention relative to the Treatment of Prisoners of War.

Iraq's Foreign Ministry explicitly maintains, in the above-mentioned note, that the negotiation between the two countries might take some considerable time. This observation clearly discloses Iraq's strategy to sabotage any progress in the implementation of resolution 598 and to render the ongoing talks futile which in turn manifests that Iraq intends to further delay the withdrawal of its forces from Iranian soil. It is quite evident to the international community, however, that on the basis of the norms and principles of international law as well as the letter and spirit of resolution 598, withdrawal of troops to the internationally recognized boundaries which should have taken place without delay following the establishment of the cease-fire, is not only mandatory but also constitutes a prerequisite for a negotiated settlement.

If there is any truth in Iraq's expression of concerns for the plight of the POWs, it should immediately withdraw its forces to the internationally recognized boundaries and thus pave the way for speedy repatriation of POWs on both sides as well as civilian detainees.

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

(Signed) Mahmoud Sadat MADARSHAHI
Ambassador
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