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REPORT OF THE MISSION DISPATCHED BY THE SECRETARY-GENERAL ON  
THE SITUATION OF PRISONERS OF WAR IN THE ISLAMIC REPUBLIC OF  
IRAN AND IRAQ

Note by the Secretary-General

1. In letters to the Secretary-General dated 2 July 1988 (S/19980 and Corr.1, annex) and 7 July 1988 (S/19993, annex), the Deputy Prime Minister and Minister for Foreign Affairs of Iraq requested the Secretary-General to dispatch a mission to examine the conditions of Iraqi prisoners of war (POWs) in the Islamic Republic of Iran.
2. In a letter to the Secretary-General dated 11 July 1988 (S/20012), the Acting Permanent Representative of the Islamic Republic of Iran also requested the Secretary-General to dispatch a mission to examine the conditions of Iranian POWs in Iraq.
3. In accordance with established practice, the Secretary-General consulted the Islamic Republic of Iran and Iraq on these requests. Both Governments consented to the dispatch of a mission.
4. In the light of the role vested in it under the Third Geneva Convention relative to the Treatment of Prisoners of War, the International Committee of the Red Cross (ICRC) was informed of the two requests.
5. 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 the Islamic Republic of Iran and Iraq. The task of the mission was to endeavour to ascertain the facts and inquire into the concerns expressed by the two Governments regarding this question with a view to ensuring the observance of the relevant rules of international humanitarian law. It was hoped that it would also contribute to the ongoing efforts of the Secretary-General to achieve full implementation of Security Council resolution 598 (1987).

6. The mission was constituted as an independent body which was to determine, within the mandate entrusted to it by the Secretary-General, the scope of its inquiries, its procedures and method of work. The mission was comprised of the following three specialists:

Major-General René Bats  
Belgian army (Belgium)

Professor Wolfram Karl  
Professor of International Law  
University of Salzburg (Austria)

Professor Torkel Opsahl  
Professor of International Law  
University of Oslo (Norway).

Professors Karl and Opsahl had taken part in a mission which the Secretary-General dispatched in 1985 to the Islamic Republic of Iran and Iraq to investigate the same question. Mr. G. Ramcharan, Senior Political Officer of the United Nations Secretariat, accompanied the mission and co-ordinated its work.

7. The mission assembled at Geneva on 21 July 1988, where it met representatives of the Government of the Islamic Republic of Iran and of the Government of Iraq. It also met representatives of ICRC. The mission visited the Islamic Republic of Iran from 24 to 30 July 1988 and proceeded to Iraq, where it remained from 31 July to 5 August. It then returned to Geneva, where it prepared a joint report, which it submitted to the Secretary-General on 12 August 1988.

8. 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.

9. In transmitting the report of the mission to the Security Council (see annex), the Secretary-General is conscious that, since the mission was dispatched, important developments have taken place. A cease-fire has come into effect and the parties will soon commence, under the auspices of the Secretary-General, negotiations which are expected to lead to a comprehensive, just, honourable and lasting peace between the Islamic Republic of Iran and Iraq.

10. In the new situation that now obtains, it is the hope of the Secretary-General that the POWs on both sides will soon be repatriated and that, therefore, their material and psychological conditions which are mentioned in the report of the mission will soon be things of the past. The Secretary-General also hopes that the parties will take due account of the points that the mission has identified to be borne in mind in the repatriation process. The Secretary-General is encouraged by the conclusion of the mission that "on the crucial issue of repatriation the views of the parties are convergent and in substance consistent with the Third Geneva Convention". The Secretary-General would like to echo the hopes of the mission that "with goodwill on both sides it should be possible for the parties, with the guidance of ICRC and the advice of the Secretary-General, to deal with the repatriation process smoothly".

**Annex**

**REPORT OF THE MISSION DISPATCHED BY THE SECRETARY-GENERAL  
ON THE SITUATION OF PRISONERS OF WAR IN THE ISLAMIC  
REPUBLIC OF IRAN AND IRAQ**

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LETTER OF TRANSMITTAL

12 August 1988

Dear Mr. Secretary-General,

We have the honour to submit herewith our report on the inquiry which you requested us to undertake concerning the situation of prisoners of war and civil detainees in the conflict between the Islamic Republic of Iran and Iraq.

We visited the Islamic Republic of Iran from 24 to 30 July and Iraq from 31 July to 5 August 1988 for the purpose of exchanging views with the respective Governments and carrying out on-site observations and interviews, particularly POW camps, in the respective countries. We prepared our report following our return to Geneva. 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 Islamic Republic of Iran and the Government of Iraq for the co-operation and assistance they provided to the Mission during its stay in the respective countries.

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. G. Ramcharan, Senior Political Affairs Officer, who accompanied the Mission provided the necessary support throughout its work.

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

Your sincerely,

(Signed) Major-General René Bata

(Signed) Prof. Wolfram Karl

(Signed) Prof. Torkel Opsahl

## INTRODUCTION

### A. Mandate

1. The Secretary-General requested us to inquire into the situation of the POWs being held in the Islamic Republic of Iran and Iraq. In carrying out this task we were requested to endeavour to ascertain the facts and inquire into the concerns that the two Governments had expressed in this regard.

### B. Scope and methods of work

2. We assembled at Geneva on 21 July 1988 to discuss the scope of our activities and 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. We further agreed that, in carrying out the tasks entrusted to us, we would bear in mind the role of ICRC. The United Nations has consistently supported the functions of ICRC relating to POWs in accordance with the Third Geneva Convention relative to the Treatment of Prisoners of War. However, we felt that the mandate we had 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.

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 POWs under its jurisdiction as well as its responses and comments to the concerns expressed by the other Government;

(b) Visits would be paid to POW and civilian 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 observations of conditions would be made; and interviews with POWs or civilians would be conducted with a view to obtaining information regarding 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.

5. We approached our task as that of a humanitarian mission entrusted with the collection of data intended to promote humane treatment for POWs and civilian detainees in the Islamic Republic of Iran and Iraq. We were conscious of efforts being made by the Secretary-General to bring the conflict between the Islamic Republic of Iran and Iraq to an end and saw our mission as related to that process and as contributing ultimately to its success.

6. We functioned on the basis of consensus and set out to report our activities and findings, aware of the efforts of the Secretary-General to promote a solution to the conflict. While attention has to be drawn to issues requiring consideration with a view to improving the situation of POWs and civilians in the Islamic Republic of Iran and Iraq, we have felt that our primary role was not to ascribe responsibilities for acts that had taken place vis-à-vis POWs and civilians. Rather we should state the facts and concentrate on measures of a positive nature intended to improve their situation, where needed.

7. In the course of our work, we were mindful of the need not only to apply norms of a universal character such as the Geneva Convention of 12 August 1949 relative to the Treatment of Prisoners of War but also to have regard to the prevailing cultural and religious traditions and characteristics of the region.

#### C. Itinerary

8. While at Geneva before proceeding to the Islamic Republic of Iran and Iraq, we met at the United Nations Office at Geneva with representatives of the Government of the Islamic Republic of Iran and Iraq, who provided us with information relevant to our mission. We also met with representatives of ICRC, who provided us with information that was relevant to our inquiries.

9. Immediately after our meetings at Geneva, and in accordance with the agreements with the two Governments, we visited the Islamic Republic of Iran for seven days from 24 to 30 July 1988 and then Iraq for six days from 31 July to 5 August 1988.

10. Thence we proceeded to Geneva to prepare our report. While at Geneva, we had a further meeting with representatives of ICRC in order to discuss certain points arising from our inquiries in the countries concerned.

11. The chronology of the Mission's activities is reproduced in appendix I to this present report.

#### D. Technical aspects of the inquiry

12. We wish to note that, in the course of our visits to both the Islamic Republic of Iran and Iraq, we received co-operation and assistance in carrying out our inquiries from both Governments concerned; a programme of interviews with competent authorities and visits to POW camps were arranged within the context of the time available; and the necessary facilities were placed at our disposal.

13. 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 POWs, both individually and in groups, were not always conducted under optimum circumstances. The POWs whom we interviewed often were understandably in an emotional state, which did not allow us much opportunity for cross-examination about essential details, and occasionally what they said seemed exaggerated or to represent stereotypes.



rather than their own perceptions or experiences. Some of the information that they conveyed was hearsay rather than a first-hand account. 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.

14. In each country we brought a United Nations interpreter to the POW camps: in the Islamic Republic of Iran for conversations in Arabic with the Iraqis held there; and in Iraq for interpretation from Farsi with Iranian POWs. Still there was, of course, a language problem in the camps because the Mission, which comprised four persons, had only one interpreter. In practice, we often visited different sections individually, assisted by POWs acting as interpreters in English and sometimes in French. These were helpful but did not always seem to be sufficiently independent. They offered themselves to us informally, but we had the impression that some of them had been selected by the leadership and represented their views.

15. We did not have our own interpreter for our conversations with the central and local authorities we visited. Some officials spoke English or French or had their own interpreter. But we often felt it to be a handicap not to have our own Farsi interpreter in the Islamic Republic of Iran and an Arabic interpreter in Iraq. What often happened was that officials of the host delegation accompanying us took over the conversations and answered instead of the persons to whom we wanted to address ourselves, such as local commanders, officers, representatives, doctors, guards and the "cultural adviser" who is a person designated by a central Iranian directorate to assist in providing cultural guidance in the camps and who resides in his respective camp.

16. We took extensive notes of our conversations with authorities and in the camps, often under difficult conditions. We have had to rely on them in preparing the present report. Errors and misunderstandings cannot be precluded because the time and resources at our disposal did not allow us to check all the information as thoroughly as we would have wished.

17. It should also be understood that technically our mission must not be regarded as a formal investigation applying strict procedures in a quasi-judicial manner. We were asked to examine conditions and inquire into certain issues, as reported below. Sometimes we met with expectations that we should clarify the fate of individual persons or establish the precise facts of complex allegations such as large numbers of missing persons. Some of these matters were beyond our terms of reference. We explained to the authorities of both countries that our mission was not, as such, part of the established international machinery to deal with POWs and interned civilians, but rather was meant to supplement that machinery in a critical phase in order to help it to function more normally. The further handling of some of the issues presented to us will belong to later stages in the process. Where we have found that more information could be made available, we have so indicated in the hope that further good offices may bring it into the machinery.

18. Perhaps the one major shortcoming arising from the time limitations was the lack of any opportunity to confront the Government of each country concerned with the explanations, comments and materials collected in the other country.

19. 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 standard 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

20. In the present report, the accounts of our visits to the Islamic Republic of Iran and Iraq are contained in chapters I and II respectively. Chapter III deals with the issue of repatriation. Chapter IV of the present report contains our concluding observations regarding the situation of POWs in both countries.

### I. SITUATION OF PRISONERS OF WAR IN THE ISLAMIC REPUBLIC OF IRAN

#### A. Programme of work and itinerary of the Mission

21. Upon arrival at Tehran on 24 July 1988, we held consultations on our programme of work which we communicated to the Iranian authorities as we went along. They provided us with the required facilities and arrangements for its implementation.

22. We held conversations on the first and last days of our visit with a team of officials from the Ministry for Foreign Affairs which was headed by Mr. Tabatabaee, Director for International Political Affairs. On the day before our departure from Tehran we had discussions lasting from 10 a.m. to 5 p.m. with Mr. Nazaran of the Supreme Defence Council and President of the Permanent Committee for Victims of War. Mr. Nazaran, who is the official responsible for the administration of all POW camps in the Islamic Republic of Iran, was accompanied by a large team.

23. We also held discussions with Colonel Mokri, Commander of the Military Centre in Tehran, with overall responsibility for POW camps in the Islamic Republic of Iran under the command of the Army, as well as with the commanders of every POW camp we visited.

24. During our stay in the Islamic Republic of Iran, we selected on our own, on the basis of a number of considerations, the following five POW camps which we visited: Heshmatieh, Takhti, Parandak, Arak and Davoudieh. We also wanted to

visit Gorgan Camp but, owing to the military situation then prevailing, the Iranian authorities informed us that they could not place a transport plane or helicopter at our disposal. The list of POW camps in the Islamic Republic of Iran, together with their population as provided by the Iranian authorities appears in appendix II to the present report. The chronology of our activities in the Islamic Republic of Iran is set out in appendix I.

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

25. As a point of departure, the general information contained in the report to the Secretary-General of the previous mission dispatched in January 1985 <sup>a/</sup> is still valid. No major changes seemed to have taken place. However, it can be supplemented and updated by the following observations and comments which the Iranian authorities conveyed to us, during the course of the preliminary and final meetings, regarding their general policies on POWs.

26. The view of the Iranian authorities is that, according to the precepts of Islam, the POWs are guests of the Iranian authorities and enemies of yesterday become friends of today. According to the law of Islam, POWs are treated as human beings who have legal and spiritual rights. Those who are in charge of the POWs must apply the law of Islam. In accordance with Islam, they cannot maltreat a POW. No abuse and no physical pressure is permitted.

27. The Iranian authorities consider that the Geneva Conventions are adhered to in the Islamic Republic of Iran much more so than elsewhere in the world. All POWs are on the same footing and have the same facilities as the Iranian soldiers. The camp authorities tried to create a good atmosphere and living conditions, both physical and mental. Taking into account the standard of living of the Iranian people during wartime, the authorities consider that the living conditions of POWs are better than those of 85 per cent of the population.

28. The Iranian authorities explained that in each camp the POWs were grouped whenever possible. Thus POWs may be put together with their relatives, with POWs from their region of origin or sharing their religious or political opinions. In this respect, the pro-Iraqi "loyalists" and pro-Iranian "believers" are sometimes separated (Heshmatieh) and sometimes mixed (Parandak, Arak).

29. The Iranian authorities informed the Mission that the POWs have relatively large autonomy in the internal organization of their camp and its sections, under the supervision of the Cultural Committee. In accordance with the Geneva Convention, the representatives of each camp, as well as each section and room, are elected by the prisoners themselves.

30. The Mission was informed that the POWs' food is the same as that of the Iranian soldiers. It consists of 3,800 to 4,200 calories each day. The POWs are given 200 grams of meat each day, i.e., 6 kg per month, compared to the Iranian population which consumes 700 grams per month. Sometimes, there is a central kitchen in the camp or in each section. Sometimes the POWs prepare their own food.

31. As far as accommodation is concerned, the Iranian authorities said that each POW has a bed, a mattress, a pillow and blankets. In each section there is running water, sometimes warm water, showers and enough toilets. Each room has electricity, fans and sometimes a cooling and heating system.

32. The Iranian authorities stated that much is done for the health of the POWs. The medical services and hospitals for the POWs are the same as those for the Iranian soldiers. There are central hospitals for the seriously ill, a clinic in each camp and a sick ward in each section with Iraqi doctors and medical personnel who are POWs, who are under the supervision of an Iranian doctor. Recently, the sum of \$4.2 million has been spent by the Iranian authorities on medicines alone for POWs, in addition to the cost of the hospitals and clinics.

33. The Iranian authorities asserted that, after five, six or seven years of captivity, the psychological condition of POWs is good because the Iranian authorities have taken the necessary measures for their physical and mental health. They help the POWs to spend their time on mental and physical pursuits and have provided them with libraries (120 altogether), newspapers in English and Arabic, radio and television in all rooms and many workshops with working facilities. Physical training is compulsory. There are sports facilities for table tennis, basketball, football, volleyball and karate. Competitions are organized inside and outside the camps. There are facilities for recreation and social activities: choral singing, theatre and painting. All this is the responsibility of the Cultural Committee which supervises education, sports, recreation and religion.

34. The Iranian authorities said that they had also provided what they call "spiritual guidance" to the POWs, also under the responsibility of the Cultural Committee. The POWs have facilities to practise their religion. Most of them are Moslems, and visits are organized to the holy places. But all are free to practise their own religion, including Christianity.

35. As there are many POWs who are illiterate, the Iranian authorities have organized schools in the camps, using educated POWs for teachers, and 13,000 POWs have learned to read and write. Consequently, they had been able to write letters to their families.

36. The Mission was informed that, in accordance with the Geneva Convention, the POWs are allowed to write two messages each month to their families in Iraq, through ICRC. In addition they are allowed to send many letters elsewhere in the world. Visits from family members have been arranged for some POWs.

37. The Iranian authorities told the Mission that POWs received from the Iranian Government every month 12 rials, which is more than the obligatory allowance stipulated by the Geneva Convention. Whatever the POWs earn as salary is in addition to this allowance.

38. The Iranian authorities stated that they had been regularly and unilaterally releasing disabled POWs, and 702 such prisoners had been released and repatriated to date.

C. Situation of the prisoners of war whom the Mission could visit

39. The Mission chose to visit the camps of Heshmatieh, Takhti, Parandak, Arak and Davoudieh, where, according to the figures given them by the authorities, a total of 24,972 prisoners were held (see appendix II). Prior to its visit to the camps, the Mission met with the Camp Commander in the presence of Col. Ibrahimi who accompanied the Mission throughout its visits. The Mission obtained from the Camp Commander information on the structure and distribution of inmates, arrangements for medical services, the existence or non-existence of POW representatives, the manner of their election or selection, the maintenance of order in the camps and the manner of dealing with alleged breaches of camp discipline.

40. Thereafter, the Mission entered the camps and spoke to POWs individually and in groups. At the outset of each visit, the Mission made a statement explaining that it had been sent by the Secretary-General of the United Nations to inquire into the conditions of POWs. This statement was subsequently repeated each time the Mission met with an individual or group of POWs in the camps. The Mission had private meetings with the POWs at Heshmatieh, Parandak and, to some extent, at Takhti. In other camps, this proved impossible owing to the intransigence of the dominating groups of POWs. However, this in itself was indicative of the situation prevailing there. Observations regarding the situation and living conditions of the POWs are set out below.

1. Material conditions

41. Most of the POWs met said they were treated as guests of the Iranian Government, that they had no complaints and that there was no reason to investigate their situation. Food, accommodation and health conditions seem to be acceptable. No prisoner gave the impression of being hungry. As stated by the camp authorities, all prisoners seem to have a bed and blankets and a communal television set in their rooms.

42. Kitchens and workshops are generally good, and washrooms and toilets reasonable in the circumstances, if not altogether optimal.

43. Each camp has a clinic with Iraqi doctors and medical personnel, under the supervision of an Iranian doctor.

2. Psychological conditions

44. Undoubtedly, the POWs are exposed to practices which the Iranian authorities call "spiritual guidance" provided by the Cultural Committee. Many POWs stated that the "guidance" took the form of brainwashing, putting them under permanently heavy mental pressure. The results of the treatment are striking. In each camp visited, there were fanatical, hysterical and sometimes violent demonstrations by the prisoners, who were assembled inside, along the barbed-wire fences. They chanted slogans against the Government of President Saddam Hussein, against the super-Powers, and in favour of Islam and Imam Khomeini. The POWs waved numerous

banners, and the flags of the United States and Israel were burned in our presence in Arak camp. In various ways, many prisoners also expressed their disapproval of the ICRC and, occasionally, of the United Nations. About 50 per cent of the POWs in the camps visited took part in the demonstrations, shouting slogans; but many of them were clearly under the influence of a minority of perhaps 10 or 20 per cent.

45. Nevertheless, we succeeded in entering the interior parts of the camps at Heshmatieh, Takhti and Parandak and in having private conversations with many of the prisoners. Most of them spoke about political problems, but some of them were anxious about their future, i.e., repatriation to Iraq, staying in the Islamic Republic of Iran, or going to a third country. Also, they were anxious about their families. They are indeed allowed to send a message to their families in Iraq every two weeks, but they have no knowledge if their messages are received, and they have to wait five or six months to receive news from their families. They inquired about guarantees for their families in case they refused to be repatriated to Iraq.

46. Owing to the fanatical demonstrations, we did not succeed in having private conversations with many POWs in Takhti, apart from a number of POWs who were in the building and some in the sick ward. We observed how the older prisoners influenced the newer ones who had just been captured, to shout their slogans.

47. Moreover, we never succeeded in entering the interior sections of the camp at Arak and Davoudieh, owing to the intensity of the demonstrations. In Davoudieh we waited more than an hour for the demonstrations at the entrance gate to calm down but in vain. Naturally, we advised against the use of force by the camp authorities when that was mentioned, and we decided to withdraw instead. The Iranian authorities told us that, short of using force, which they also preferred to avoid, they could not do anything to prevent these demonstrations because the prisoners had great autonomy and, as guests of the Iranian Government, were allowed to express their feelings and protests openly.

48. Davoudieh is a camp whose population includes about 200 POWs of non-Iraqi nationality. We could see that only some of the POWs were demonstrating while many of them were in their rooms, looking out of the windows. Subsequently, the authorities brought to one of our meetings 16 POWs of non-Iraqi nationality with whom we could speak privately. After our meeting with them, they also chanted religious slogans but in a courteous manner. The 16 POWs with whom we spoke all asked questions about their status under the Geneva Conventions.

#### D. Prisoners of war registered but not seen subsequently

##### 1. The facts

49. We were informed by the Government of Iraq and by ICRC that, during the series of visits to the 15 camps for Iraqi POWs and the 6 hospitals ICRC had made in the Islamic Republic of Iran in 1987, the ICRC delegates were unable to see 7,327 of the prisoners who had been registered by ICRC during its previous phase of visits to Iranian POW camps. This was, and still is, a matter of concern to ICRC because

it is not in accordance with the Third Geneva Convention. ICRC informed the Ministry of Foreign Affairs of Iraq of these facts, by a note verbale dated 21 June 1988. b/

## 2. Iraqi allegations

50. In Iraq's request for the present mission, b/ Mr. Tariq Aziz, Deputy Prime Minister and Minister of Foreign Affairs of Iraq, took this point as one of the most important allegations against the Iranian authorities. He wrote that ICRC was unaware of the fate of the 7,327 prisoners who had disappeared.

## 3. Inquiry by the Mission

51. When we arrived at Tehran, one of our first questions was about these prisoners, although the list of names had not been placed at our disposal by any of the interested parties. The answer given by the Iranian officials was, first, that it was well known that many Iraqi POWs in the Islamic Republic of Iran refuse any contact with ICRC and that they could not force the 7,327 POWs who had been registered before 1984 to have new contact with ICRC. If those POWs had not been seen by ICRC later, it was probably because they had changed their minds. It was said that ICRC might have received the necessary information from the Islamic Republic of Iran instead of reporting the problem and burdening the United Nations with it. But the Islamic Republic of Iran had to be sure that the lists would not go to Iraq, because the families of the POWs concerned might have been put at risk. The Mission insisted, however, on the need to receive more detailed information about these POWs.

52. During the penultimate meeting with the Iranian authorities on 29 July, Mr. Nazaran of the Supreme Defence Council, who is President of the Permanent Committee for Victims of War and, as such, is in charge of the POWs in the Islamic Republic of Iran, released to the Mission the following information:

(a) Of the 7,327 POWs in question, 7,220 names listed by ICRC corresponded to the Iranian lists of Iraqi POWs at the time, that is, two weeks earlier;

(b) The cases causing the discrepancy in numbers, i.e., a little over 100 names, had not been identified by the Iranian authorities. That could be, they said, because some POWs had given a wrong name either to ICRC or to the Iranians;

(c) Of the 7,220:

(i) The following were still POWs in the Islamic Republic of Iran and, after some of them had been transferred to another camp, were now in the following camps:

1,027 in Manjeel  
352 in Bojnoord  
271 in Heshmatieh  
224 in Davoudieh  
217 in Parandak  
132 in Mehrabad  
56 in Gorgan  
44 in Semnan  
40 in Ghouchan  
38 in Arak  
27 in Kahrizak No. 1  
17 in Kahrizak No. 2  
16 in Sari  
12 in Mashad  
6 in Torbate-Jam  
3 in Takhti

(ii) There were 4,655 who had been given asylum in the Islamic Republic of Iran and had been released. The Iranian authorities showed the Mission photocopies of the asylum cards they had received from the Ministry of the Interior and said that eventually it would be possible for the representatives of the United Nations High Commissioner for Refugees (UNHCR) to check the information;

(iii) A total of 31 had been repatriated to Iraq through ICRC;

(d) Sixty-two had died. The Mission received a list of all POWs who had died in camps.

53. The Mission was pleased to hear that most of the 7,327 had not "disappeared". It was not the Mission's mandate nor was it practically possible to investigate individual cases any further or check the statistics. We note that the total number amounted to 7,230, which represented a slight deviation from the declared total of 7,220.

#### 4. Statement of the Mission to the Iraqi authorities

54. During the first and second meetings with the Iraqi authorities at Baghdad on 31 July and 1 August 1988, Ambassador Al Witri, President of the Committee for Victims, elaborated Iraq's concern for these 7,327 POWs who, he said, had disappeared. Noting that our mandate was to report to the Secretary-General, we nevertheless decided on 1 August 1988 to inform the Iraqi officials, provisionally as follows:



"In reply to the point raised about the 7,327 POWs we would like to state the following. The Iranian authorities informed us that ICRC gave them such a list. The Iranian authorities informed the Mission that they had checked the list and concluded that 7,220 persons on that list corresponded to names on their records. Thirty-one persons on the list had been repatriated to Iraq. The Iranian authorities gave the Mission statistics relating to the present whereabouts of the 7,220 persons classified according to camps and status. They also showed the Mission their documentation. The Mission concluded that it had taken its investigation of this matter as far as it could since it was not possible for it to see 7,220 persons distributed in 16 camps and elsewhere."

E. Alleged prisoners of war not registered or otherwise accounted for

55. Iraq has also requested the Mission to "inquire about the fate of more than 20,000 prisoners whose names have not been registered with the ICRC since they were captured several years ago". The Iraqi request of 2 July 1988 b/ refers to the note verbale of 21 June from ICRC and recalls that ICRC "was not given access to thousands of other prisoners of war whom it knew to be held in Iran. (According to current estimates by the Iraqi authorities, there are more than 30,000 such prisoners.)". The request also states that the Iranian authorities did not provide ICRC with the names of those held in captivity.

56. According to further information given to us on this point, there is some evidence that many of the persons concerned are in fact held as POWs in the Islamic Republic of Iran. Thus, more than 9,500 of them are known to ICRC and Iraq to be held as POWs because they have sent family messages through ICRC. In addition, it is believed, on the basis of other indications, that another 10,000 missing persons are held as POWs. In support of that claim, Iraq has stated that about 17,000 are known from appearances as POWs on Iranian TV and radio.

57. There was no way in which we could carry out an examination of these claims other than by putting them before the Iranian authorities.

58. The Iranian authorities have replied that there are indeed thousands of POWs in the Islamic Republic of Iran who have not been registered by ICRC. The authorities stated that they had lists of names of all captured POWs, whether registered by ICRC or not, and they know in which camps they are. They have, however, never felt obliged to transmit these lists to ICRC or to the Iraqi authorities. Many of the POWs refuse contacts with ICRC and/or do not want their names to be given to Iraq. According to the policy of the Islamic Republic of Iran, nobody can force a POW to be registered, because they are guests who decide for themselves. Moreover, some POWs may have given ICRC a wrong name.

59. When we requested the Iranian authorities to give us the number of non-registered POWs, they answered that it would not be possible because they did not have the register of ICRC, which was the sole responsibility of ICRC.

60. The Iranian authorities also suggested that the number of POWs in that category was much exaggerated. As to the allegation that such persons are kept away from the known POW camps, e.g., in secret camps, we were not able to obtain any further information. g/

61. The Mission accepts the possibility that thousands of Iraqi POWs have refused to register with ICRC. In an atmosphere of hatred against international organizations at large, courage is needed to oppose the general trend in the camps. However, there are indications that a certain proportion of POWs, including officers, was never given a chance to register, although they had been captured years ago. And one cannot exclude the fact that they have been actively hindered by their own fellow prisoners. The Mission points out that, while registration with ICRC might be a personal matter for the prisoner concerned, there is an obvious obligation for the authorities, under article 122 of the Third Geneva Convention, to forward all relevant information on POWs via its national Information Bureau to the Power on which they depend. Nothing can detract from this obligation of international law, least of all the alleged autonomy of the prisoners.

62. The question of the actual number and whereabouts of this category of POWs is still pending. After our return to Geneva, the Iraqi authorities on 11 August forwarded to us materials said to contain lists of 24,247 names in this category.

#### F. Other concerns

##### 1. Allegations by Iraq

63. Many of the allegations by Iraq which were covered by our mandate have been dealt with elsewhere in the present report. Some less specific allegations about atrocities, etc. were not pursued because no further information had been offered apart from the reference to events in Gorgan on 10 October 1984, which was a main topic in the report of the previous mission. g/ We never saw any direct evidence of atrocities, torture, or beating; but from the conversations we had with some prisoners we cannot dismiss allegations that such acts have occurred.

64. It remains to deal with the recent deaths of a number of Iraqi soldiers in the Mawat region. The Iraqi Government states that Iranian forces killed them, mutilated them and burned them after tying up some of them with ropes. g/ We have seen a video tape which was offered as evidence and which consists of pictures of the remains of dead bodies. No dates, numbers, names or other details were given to us, and we could not on this basis come to any conclusion about how these deaths may have occurred. We had no way to examine this allegation other than to put it to the Iranian authorities. They replied that the allegation was totally false and that Iraqi prisoners had never suffered any atrocities in the region of Mawat. In support of this assertion, they provided us with a document which purports to contain a brief report of statements by two named Iraqi prisoners who were captured in that region, denying that atrocities had ever taken place.

## 2. Non-Iraqi prisoners of war

65. Some of the prisoners detained in the Islamic Republic of Iran are not Iraqi nationals but come from other countries such as Egypt, Lebanon, Somalia, the Sudan or the Syrian Arab Republic. About 200 of them are held in the camp at Davoudieh, but many are in other camps. Most have not been registered by ICRC. The Iranian authorities call them mercenaries and have argued that, under Protocol I of the Geneva Conventions, they are not protected. The Iranian authorities contend that they could, according to custom, suffer capital punishment but have not been executed; on the contrary, they are treated as the other POWs. Since this seems to be the case, the legal argument about mercenaries has become redundant. (Otherwise, one would have to observe that the Islamic Republic of Iran is not a party to the Protocol mentioned, and in any event has not shown that the condition of its article 47 have been fulfilled.) Some of these POWs had been released voluntarily, others were expected to be released shortly. The Iranian authorities hoped that they would all be released eventually. In fact, they promised that the non-Iraqi prisoners also will be released after the cessation of hostilities.

### G. Role of the International Committee of the Red Cross

66. ICRC has experienced a number of difficulties in the Islamic Republic of Iran. There have been problems of co-operation for several years, and in some cases misunderstandings. In fact, the previous United Nations Mission to investigate the situation of POWs was originally requested as a result of these difficulties.

67. Although the present Mission was primarily concerned with an independent examination of the situation of the POWs in the two countries, its mandate was in large measure determined by reference to difficulties arising in the recent stages of co-operation between ICRC and the Islamic Republic of Iran, in particular concerning registration of and visits to POWs there. It is not the task of the Mission to defend the role of ICRC as the most important instrument for the promotion and protection of international humanitarian law and for the application of the Geneva Conventions, but it is our duty to comment on why the role of ICRC has become so difficult both with reference to the Iranian authorities and in relation to the POWs themselves.

68. The Iranian authorities' relations with ICRC have been characterized by a large measure of distrust and suspicion which sometimes may have been caused by misunderstandings. Although the Iranian authorities claim to adhere strictly to the Geneva Conventions, they do not, in our opinion, seem to have a full understanding of the independence of ICRC and the way it has to play its role. The report of the 1985 mission dealt with allegations against ICRC and found them to be unfounded. ¶/

69. Some reproaches against ICRC were also made to the present Mission. The representative of the Islamic Republic of Iran, Mr. Nazaran, stated inter alia that ICRC should act as a humanitarian agency only, under the Geneva Conventions, and that the Islamic Republic of Iran could not accept that ICRC had other priorities.

Also, ICRC had not taken the same attitude in Iraq as in the Islamic Republic of Iran. Maybe the majority of the delegates were experts, but some were too young to deal with the POWs and were sent to the Islamic Republic of Iran to practise their knowledge, which was theoretical only. The Islamic Republic of Iran had been forced to ask for them to be recalled. Their attitude to the POWs had been negative and unacceptable and they did not appreciate that the POWs were the guests of the Islamic Republic of Iran. They had also made the mistake of censoring POWs' letters. (ICRC admits that it has returned letters with a political content.) But, he added, the Islamic Republic of Iran does not want ICRC to be expelled from the Islamic Republic of Iran; it just wants ICRC to change its attitude.

70. On its side, ICRC has reduced its presence because of its inability to carry out its visits to POWs under the restrictions imposed by the Islamic Republic of Iran.

71. However, these difficulties are not such that, in our view, they cannot be overcome with the changing situation. Better co-operation is clearly possible and, in fact, the Iranian authorities have declared themselves ready to co-operate with ICRC in the matter of repatriation.

72. According to our observations, ICRC's relations with the POWs, however, could be more problematic. Many have refused to be registered and refuse any contact with ICRC. Their fear of the Iraqi authorities and of repatriation are often given as reasons. Many years of captivity and the influence from surroundings hostile to ICRC as being a "Western" organization, plus the belief (rightly or wrongly) that ICRC cannot do much to help them, are among the factors making themselves felt. After the cease-fire, many prisoners may change their attitude, but this cannot be taken for granted.

#### H. Concluding observations

73. Thanks to the co-operation of the Iranian authorities, our Mission was able, in spite of time and other constraints, to fulfil its mandate of examining the POW situation there and Iraq's allegations sufficiently to enable us to formulate general observations. Briefly, the situation of the POWs held by the Islamic Republic of Iran is as follows.

74. Their material conditions are, on the whole, acceptable although it might be desirable to have them further improved on some points.

75. Their psychological conditions remain for us a matter of concern. We were told that POWs are considered as guests of the country. We accept that many, perhaps most of them, are genuinely devoted to Islam. Their situation after capture has been described to us as one where they naturally seek comfort in religion. They may also have reasons to turn against Iraq. Be all this as it may, it nevertheless seems obvious that they have all faced deep emotional stress, which requires some further observations.

76. Long-term captivity is obviously in itself an important factor explaining the state of mind of these POWs. But equally important is the general atmosphere within the camp, which results from the very strong religious and political influence which is called "spiritual guidance". To us, it is indistinguishable from mental pressure. The pressure comes partly from fellow prisoners in the guise of camp autonomy. But we think it is above all made possible by the Cultural Committee and it has resulted both in their apparent religious conversion as "true believers" as well as in their hostility against the régime of Iraq which they describe as atheist. At the same time, many profess to be strongly in favour not only of Islam but of the Iranian leaders, in particular Imam Khomeini.

77. Nevertheless, it is clear to us, and admitted by the Iranian authorities in charge of the camps, that considerable differences of opinion exist among the Iraqi POWs.

78. At the time of the 1985 Mission, the situation in several of the camps then visited was different because groups had been separated in different sections in order to avoid unrest such as had occurred, for example, in Gorgan and Parandak. One of the recommendations of the 1985 Mission reads: 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."

This recommendation does not seem to have been followed. The pressure does not seem to have diminished. And we were told during the present Mission that the policy was not to separate prisoners according to opinion, but rather it was one of integration, with a few exceptions (Heshmatieh). The motives given might appear positive, and recent incidents of a serious nature were not reported. But the demonstrations we witnessed in all camps proved decisively that the pro-Iranian POWs are now allowed to dominate practically all sections and exercise strong pressure on the other prisoners. The Iranian authorities described this as a result of the autonomy within the camps. We are not convinced that the position would have been the same without active encouragement by the detaining Power.

79. The situation is now changing with the declaration of a cease-fire, which offers great hope and expectations to the POWs. But the situation may also become dangerous. After years of exposure to pressure and indoctrination, the prisoners who have turned against ICRC and their own country cannot be expected to change their attitude in a few days. There is a risk that riots may break out, for example, in the moment when transfer is to take place with a view to registration and repatriation.

80. We recommend that the role and activities of the Cultural Committee be reconsidered. The need now is not for spiritual guidance to comfort the prisoners in their captivity but for an objective and impartial information service.

81. Important concerns have been raised by Iraq about the 7,327 POWs who were registered by ICRC prior to 1984 but not seen by it subsequently, and the 20,000 to 30,000 missing who have not been registered as POWs by ICRC, most recently specified in a list of 24,247 names.

82. Our Mission has established that, apart from some POWs who had died and can be accounted for, the Iranian authorities know the whereabouts and present status of their prisoners or former prisoners and are able to make the relevant information available.

83. The controversy about these numbers has several causes: past difficulties faced by ICRC in the Islamic Republic of Iran, in relation both to prisoners and to authorities; some misunderstandings; and, last but not least, the characteristic failure on both sides during the war to give information about those captured as required by the Third Geneva Convention.

84. It is our hope and belief that this state of affairs will change decisively when the repatriation of POWs is being prepared after the cease-fire. But the findings of our Mission indicate that further diplomatic efforts are needed in this respect.

## II. SITUATION OF PRISONERS OF WAR AND INTERNED CIVILIANS IN IRAQ

### A. Programme of work and itinerary of the Mission

85. Upon arrival at Baghdad on 31 July 1988 we held consultations on our programme of work which we communicated to the Iraqi authorities as we went along, and they provided us with the required facilities and arrangements for its implementation. At the end of our visit they summed up, in writing, their replies to the allegations by the Islamic Republic of Iran, an English translation of which was received at Geneva on 12 August 1988.

86. We held conversations on the first, second and last days of our visit with a team of Iraqi government officials which was headed by Ambassador Akram Al Witri, Head of the Legal Department of the Foreign Ministry, and President of the Permanent Committee on War Victims. Brigadier General Nazar Al Quasi of the Ministry of Defence, who is Secretary-General of the Permanent Committee, was also part of the Iraqi delegation. In the course of our visits to the POW camps, we also held meetings with the commanders of the camps; and in the case of the civilian camps we had discussions with the Deputy Governor of the Province of Anbar.

87. During our stay in Iraq, we visited four POW camps: two situated in Mosul and two in the Ramadi area. We also visited Al-Tash civilian camp, situated in the Ramadi area where a large number of Kurdish civilians from the Islamic Republic of Iran are at present located. The list of camps with their respective populations, 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 III and I of the present report.

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

88. As a point of departure, the general information contained in the report to the Secretary-General of the Mission of 1985 h/ is still valid. 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 POWs:

(a) The Government of Iraq is a party to the Geneva Conventions of 1949, and its policy is to adhere strictly to those Conventions;

(b) However, in some instances, as a result of the alleged failure of the Islamic Republic of Iran to abide by its obligations under the Geneva Conventions, the Government of Iraq had had to resort to measures of reprisal;

(c) The policy of the Government of Iraq was and remains to co-operate with ICRC in the performance of its mandate under the Third Geneva Convention;

(d) The policy of the Government of Iraq is to assure adequate accommodation, food, clothing, medical services and recreational facilities for POWs. For the care of the POWs, a Permanent Committee on War Victims had been established. The President of the Committee is the Head of the Legal Department of the Foreign Ministry. This arrangement had been made in order to maintain constant watch over compliance with the provisions of the Geneva Conventions;

(e) The Government of Iraq respects the status of the POWs. Accordingly, although many of them have written requesting asylum in Iraq or wanting to join the Mojahedin-e Khalq, no action had been taken on those requests on the ground that such requests could not be entertained while they remained POWs;

(f) The Government of Iraq is committed to a policy of full repatriation to the Islamic Republic of Iran of all POWs and interned civilians upon the cessation of hostilities. However, those POWs or interned civilians with well-founded fears of returning to the Islamic Republic of Iran should not be forced to do so.

C. Situation of prisoners of war whom the Mission could visit

89. Appendix III of this report contains a list of POW camps with the number of POWs whom the Government of Iraq acknowledges it has in its custody. The number roughly coincides with those whom ICRC has so far been permitted to register (about 18,000). However, there are also large numbers of newly captured prisoners who have been accommodated in transit camps, schools and other temporary quarters and who are still awaiting registration.

90. During its visit to Iraq, the Mission visited four POW camps which it selected on its own on the basis of a number of considerations: camp No. 3, Mosul region; camp No. 4, Mosul region; camp No. 9, Ramadi region; and camp No. 13, Ramadi region. These four camps contain a total of 6,350 POWs.

91. Prior to its visit to each of the four camps, the Mission met with the Camp Commander in the company of General Al Quasi. The Mission obtained from the Camp Commander information on the structure and distribution of inmates, arrangements for medical services, the existence or non-existence of POW representatives, the manner of their election or selection, the maintenance of order in the camps, and the manner of dealing with alleged breaches of camp discipline.

92. Thereafter, the Mission entered the camps and spoke to POWs individually and in groups. At the outset of each visit, the Mission made a statement explaining that it had been sent by the Secretary-General of the United Nations to inquire into the conditions of POWs. This statement was subsequently repeated each time the Mission met with an individual or group of POWs in the camps.

93. The Camp Commander and his immediate staff usually stayed outside the camps while the Mission visited them. However, there were guards within reach in order to ensure the safety of the Mission. The Mission did not have the impression that the camp guards were attempting to encroach on its freedom to interview POWs without surveillance.

94. However, it seemed that some POWs in the camps had strong political feelings: some prisoners loyal to the revolutionary Government in the Islamic Republic of Iran, some whose hearts were with the previous Government and some who supported the Mojahedin-e Khalq. The POWs to whom the Mission spoke often complained of spies in their midst who would report to the Camp Commander and the camp guards.

95. Notwithstanding suspicions of their fellow POWs, many POWs spoke freely to the Mission. The topic of most interest to the POWs, irrespective of their political views was when the peace and a cease-fire would come; would they be able to return to their homes soon? Would they be forced to return to the Islamic Republic of Iran if they did not wish to do so? What guarantees would they be given for themselves and their families if they returned? Could they seek refuge in another country?

96. Of the four camps which the Mission visited, two contained recently captured POWs and in the other two POWs had been in captivity for several years. These camps were of special interest to the Mission, the former because the POWs were new and the latter because we had information about certain problems in them. These camps may therefore not be representative of Iraqi camps at large.

97. In the camps with new POWs, No. 3 in the Mosul region and No. 13 in the Ramadi region, the POWs were in better spirits as they had not been long in captivity. In camp No. 3 the POWs were wearing yellow uniforms marked as POWs. In camp No. 13, the POWs were wearing pyjamas, as the authorities had not yet been able to obtain POW uniforms. The space available for accommodation appeared to be adequate and food sufficient. In both camps there were POWs with injuries who had been treated and remained among their colleagues, while there were some in a sick ward recovering after surgery. At camp No. 3, a doctor was in attendance, as was the case at camp No. 13. One had the impression that the newly captured POWs had reasonably good facilities and services. They did not complain. We also saw young POWs among them, starting from the age of 13, who had been part of the Iranian



Army. But we were told that the children would soon be moved to camp No. 7 where there were schools.

98. In contrast, camp No. 4, Mosul region, was clearly overcrowded. The authorities explained that in order to make space for the newly captured POWs they had added some POWs to camp No. 4. Camp No. 4, like other camps in the Mosul region, is located in a fortress-type military establishment. Outside there are high concrete walls, then there are exterior buildings which lead into an inner courtyard, oblong in shape. In the middle of the courtyard there was a roadway on all sides of which vegetable gardens were being cultivated by the POWs. On the four sides of this courtyard, there was a succession of basement rooms, each room accommodating about 100 POWs. The rooms had had window-type spaces, but these had mostly been blocked up with concrete. So there were few, if any, windows in the rooms. Ventilation was by fans. The POWs slept on blankets on the floor, which is standard practice in Iraqi camps. Most of the rooms had in one corner a rudimentary toilet for use while the POWs were in confinement within their rooms. In the same corner there were usually one or more plastic pails with drinking water. The POWs said that they had to spend long hours in their rooms without access to the regular toilets, which was detrimental to their health.

99. The POWs in camp No. 4 complained repeatedly about their living conditions, which seemed to be worse than in other camps. But their dissatisfaction must also be seen against the background that they had been in captivity for up to eight years, which is in itself a terrible ordeal. They were exasperated by camp routine and the idleness forced upon them by both disciplinary restrictions (no more than five were allowed to stand together) and a general lack of opportunities. There were also allegations of guard violence, although it was admitted that this had diminished as a consequence of the last Mission's visit. Instead, psychological pressure on POWs was said to have increased, and yet the POWs had not lost their spirit. Several of them had taken the effort to compile an elaborate account of life in a POW camp. This document, which is in the records of the Mission, may contain some truths, some exaggerations and some falsehoods. The Mission cannot check all the statements, but the document stands as an eloquent testimony to the power of the human spirit, even in the most adverse conditions. Camp No. 4, in the opinion of the Mission, is clearly in need of extensive improvements.

100. In camp No. 9 in the Ramadi region, the Mission saw another dimension of captivity which, however, did not seem typical of Iraqi camps at large. Camp No. 9 consists of three sections. In sections 1 and 2 the POWs had been there for two to three years. Few persons in these sections would speak spontaneously to the Mission. In section 3, by contrast, there were POWs who had been moved within the last month from camp No. 6 in order to make room for newly captured prisoners. Almost to a man they informed the Mission that while in their previous camp they were well treated by their Camp Commander and had had no cause to complain about him. Since their arrival in camp No. 9, by contrast, they had had to practise humiliating forms of salute to the guards who were insulting and aggressive. They also claimed that the Camp Commander was very severe and that the conditions were such that the POWs in sections 1 and 2 had been cowed into fear. Most of the persons who spoke to the Mission expressed fears that they would be punished for having spoken.

101. When some members of the Mission returned to camp No. 9 the following day, they found the fears confirmed. The Camp Commander and his guards had abused and threatened the POWs for having spoken to the Mission; there were even claims and signs of physical assault and many persons who had spoken to the Mission had been transferred to sections 1 and 2 which had a particularly bad reputation among the prisoners. The POWs were at a point of near desperation, and rather than greeting our return they were fearful that our visit might again lead them into punishment. Their only wish was to speak to General Al Quasi whom they knew from his visits to their former camp and who was the only one whom they felt could help them. He immediately complied with their request to meet them and the POWs appeared to look to him for protection.

102. In subsequent discussions with General Al Quasi and Ambassador Al Witri, the Mission made it clear that practices such as the one seen in camp No. 9 would jeopardize the Mission's task as a whole, since it rendered fact-finding impossible. It was given the assurance, however, that this was a problem confined to this camp only and that both the Camp Commander and his guards would have to answer for their conduct, which was strictly against government policy.

#### D. Non-registration of prisoners of war

103. The list of POW camps in Iraq provided by the Government of Iraq shows that 11 of 13 camps are currently in use, with a total of 18,139 POWs. Prior to the establishment of the Mission, ICRC had been able to register 12,761 of those POWs. As a consequence of the establishment and upon confirmation of the Mission's arrival at Tehran, the Government of Iraq decided to permit ICRC to register outstanding and newly captured POWs. Accordingly, from Sunday, 24 July to Thursday, 28 July, ICRC registered approximately 5,400 more POWs in Iraq, which brings the total number of those registered to around 18,000. There are, however, large numbers of newly captured prisoners provisionally accommodated outside established camps.

104. Upon the Mission's arrival in Iraq on Sunday, 31 July, it was informed that the Iraqi Government had decided to halt the ICRC registration activities. The Mission was further informed that the Government of Iraq had adopted this attitude for the following reasons: first, Iraq had extended full co-operation to ICRC, which visited Iraqi POW camps once every eight weeks. In contrast, ICRC was unable to visit POW camps in the Islamic Republic of Iran. Second, the Islamic Republic of Iran had failed to account for the fate of 7,327 POWs who had been registered by ICRC in the Islamic Republic of Iran but whom it had not seen subsequently. Furthermore, the Government of Iraq had substantial evidence that the Islamic Republic of Iran was keeping 20,000 to 30,000 Iraqi POWs in undisclosed locations. The Government of Iraq, therefore, felt that while it was co-operating with ICRC in the spirit of the Geneva Convention, Iran had withheld such co-operation. The Government, therefore, had decided, as a measure of reprisal, not to allow ICRC to register any more POWs in Iraq. The Government of Iraq hoped, by its action, to put pressure on the Government of the Islamic Republic of Iran to account fully for the POWs in its custody.

105. In the discussions which the Mission had with the Iraqi authorities it urged that, in a situation where humanitarian principles were involved, it was not legitimate to insist on considerations of reciprocity or reprisals. Rather than reciprocity, generosity was required to show the way to full compliance with the humanitarian norms of the Geneva Conventions. In addition, under article 13 of the Third Geneva Convention, measures of reprisal against POWs are prohibited.

E. Prisoners of war not accounted for

106. During its visit to the Islamic Republic of Iran, the Mission was told that since the beginning of the war approximately 60,000 persons, either in the battlefields or in the areas, roads and cities which were under Iraqi occupation, were still missing. It is believed in the Islamic Republic of Iran that most of these persons are POWs and civilian detainees whom Iraq has kept in hiding and has not permitted ICRC delegates to visit and register. This belief is based on:

(a) Family messages sent by registered POWs containing information about those missing;

(b) Testimony of repatriated POWs and civilian detainees who were interned with the missing persons at the same place for some time;

(c) Radio messages from those missing over Iraqi radio stations;

(d) Pictures of those missing printed and transmitted in Iraqi and foreign newspapers, magazines and on television;

(e) Hand-written messages of those missing that are noticed in family messages of POWs;

(f) Testimony of hijacked (to Iraq) Iran Air passengers who have seen some of those missing.

107. During its meetings with representatives of the Iraqi authorities the Mission put to them the Iranian contention that some Iranian POWs in Iraq were kept in hiding. The Iraqi representatives denied that they had any POWs in hiding. In a written response to the Iranian allegation referred to above, they stated:

"Concerning paragraph 3 of the note about Iranian allegations that Iraq did hide a large number of Iranian prisoners, we would like to clarify that Iraq did permit the ICRC mission to register all Iranian POWs, particularly those captured in the latest battles. In fact, the mission started registration on 24 July 1988; in only two days, it was able to register more than 5,000 new prisoners. The registration was then halted because of the refusal by the Iranian authorities to permit the fact-finding mission from the United Nations to visit the hidden and disappeared Iraqi prisoners, and their continuing refusal to permit the ICRC mission from registering them."

108. The Iranian authorities in their meeting with the Mission also raised the cases of individuals said to be missing in Iraq. The Mission discussed some of these cases with the Iraqi authorities, but did not receive any specific explanation. The Mission felt that in the circumstances it was not possible for it to clarify the fate of the individuals mentioned.

F. Situation of interned civilians

109. The Islamic Republic of Iran has asserted that Iraq was holding tens of thousands of Iranian civilians, both as civilian internees and as POWs in camps under miserable conditions. The figure given was 75,000. It was said that, especially after the occupation of the Iranian city of Hoveizeh, large numbers of civilians, including old men, women and children, had been forcibly removed from their homes and transferred to Iraq. This concern has two aspects: first, civilians said by the Islamic Republic of Iran to have been forcibly removed from their homes and transferred to internment camps in Iraq; and, second, civilians held in POW camps and mostly registered by ICRC.

110. As to the first category, those held in civilian camps, the Iraqi authorities acknowledged the existence of three camps situated in different parts of the country and holding people of different origin, namely:

(a) The village of Al-Tash (in the province of Anbar) with more than 25,000 people of Iranian-Kurdish origin;

(b) Villages in the Misan area with about 30,000 people of Iranian-Arab origin from the border province of Khuzistan;

(c) A camp situated at Al Shomeli (Babil) with about 300 people of Iranian origin.

According to the Iraqi authorities, all internees were refugees who had come to Iraq to seek protection from political oppression to which they had been exposed in the Islamic Republic of Iran, and this mostly was prior to the beginning of the war

111. In view of the fact that the previous Mission had visited the camps in the Misan area, and taking into account the limitations of time and transport facilities which the Mission encountered, it was decided to visit the camp of Iranian Kurds at Al-Tash, situated about 20 kms south of Ramadi, which is the capital of the province of Anbar approximately 150 kms west of Baghdad. In an official briefing by the Deputy Governor of the Province, the Mission was told that the population was more than 25,000 persons of all ages belonging to different tribes and accommodated accordingly in houses each sheltering one family. The Mission was told they were refugees and had the right to leave Iraq if they so chose, but during their stay in Iraq they were assigned residence in the village. In several respects, however, their condition could be described as being closer to internment. The village is surrounded by barbed-wire, and no one can leave without permission. Subject to this limitation, however, they could travel to Ramadi, even in their own cars; and some of them (about 350) had regular jobs there. Every head

of family received a monthly pay of 40 Iraqi dinars plus a decreasing amount of money for each additional member. Certain basic supplies of food, water and electricity were provided free of charge by the Government, while others could be bought in the market which was run by the inhabitants themselves.

112. Medical care was said to be provided by five Iraqi doctors and one dentist in the camp, the more serious cases being transferred to the nearby Ramadi hospital. A health project sponsored by the Ministry of Health, the provincial administration and ICRC was said to be under way in order to remedy the shortage of water and improve the sewage system. There were schools of various grades available, and the language of instruction was Kurdish.

113. The camp has been under the supervision of ICRC since 1983 which, in addition to its normal functions, was engaging in a resettlement scheme in third countries for cases of hardship. The Mission met ICRC delegates on the spot who confirmed the favourable picture gained from the official briefing but hinted at sanitary deficiencies and the problem of securing resettlement in third countries.

114. According to our own investigations, the camp population, while being all of Iranian-Kurdish extraction, belonged to three different groups: first and most numerous were those who had left the Islamic Republic of Iran in 1979 for political reasons, had been interned in the As-Sulaymaniyah area until 1982 and then transferred to Al-Tash; second, there were those who had been deported from the Islamic Republic of Iran by Iraqi troops when occupying the north-west of the Islamic Republic of Iran; and, third, there were those who had crossed the border into Iraq in order to stay with relatives and friends.

115. The Mission had conversations with chiefs of tribes (mohtars) and individuals, who also invited us to their houses. These were mud cottages built by themselves but kept in order and neat inside. There were hardly any gardens, and no grass or trees, which was attributed to the infertility of the soil on the border of the desert. The water of a lake situated nearby was said to be salty. Water and sewage seemed to be one of the major problems in the camp. However, leaving aside these rather grim conditions, which there is ground to believe will be improved in the near future, it was gratifying to see that the social texture in this camp is intact which may compensate for some material hardship. There is also a remarkable quest for education, even among adults. In every tribe, we were told, there were literacy classes and, in addition, English classes on a private basis.

116. With the cease-fire coming about, the main problem that worries the internees is the question of asylum and repatriation. This applies also to those who have been deported from the Islamic Republic of Iran in violation of article 49 of the Fourth Geneva Convention. Those to whom we spoke and who had in general a good command of English would prefer to go to a third country; the majority, however, seemed inclined to return to the Islamic Republic of Iran, provided they were given effective guarantees that they would not be subject to persecution upon their return. In the absence of such guarantees, however, their future looks gloomy. Although the Iraqi authorities assured us that according to Iraqi law the principle of non-refoulement applied and that nobody would be returned to the Islamic Republic of Iran against his own free will, there was not much readiness to harbour

this population for an indefinite period upon the cessation of hostilities. The same would seem to apply to the internees of Shomeli and, perhaps to a lesser extent, to the "Arabistanis" of the Misan area.

117. A second category of civilians are those held in POW camps and treated accordingly. On an earlier occasion *i/* they were claimed to number more than 1,500. Some of them have been repatriated to the Islamic Republic of Iran; others such as Iranian doctors, were still being held in captivity. In camp No. 9 (Ramadi), for instance, out of a total of 1,515 POWs 139 were listed by Iraqi authorities as being civilians. A justification given in general was that they had been met with arms in hand. On the basis of the report of 1985, there is reason to believe, however, that many of these prisoners were genuine civilians, many of whom had been deported from areas under Iraqi occupation. Be that as it may, with the prospect of general repatriation in the wake of a cease-fire, factual issues lose much of their importance, provided the process gets started soon and is carried out speedily.

#### G. Other concerns

118. Other concerns expressed by the Iranian Government and not covered so far were the allegations of murder and massacre, ill-treatment of POWs and the question of unilateral repatriation. One of these concerns (murder and massacre) refers to events which took place prior to the previous Mission's visit and are adequately covered by its report. *j/* The other concern (allegation of ill-treatment) was rejected by the Government of Iraq. While the Mission cannot exclude that such practices exist as they did in the past *k/* there is reasonable ground to believe that the situation has improved in this respect. As to the third outstanding concern of the Islamic Republic of Iran (unilateral repatriation), this issue may be considered to have been overtaken by recent events and will be covered in chapter III of this report.

#### H. Criminal prosecution and punishment of prisoners of war

119. The criminal prosecution and punishment of POWs is governed by the Third Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, section VI, chapter III, on penal and disciplinary sanctions.

120. This matter has not been raised specifically by the Islamic Republic of Iran, and the Mission found it neither necessary nor possible in the prevailing situation to make any complete study of it. However, as part of its inquiry the Mission sought to elicit some information about how Iraq applies these provisions. The Mission submits the following illustration only.

121. In camp No. 4 (Mosul) in Iraq, several POWs told us about the trial of two POWs recently sentenced to 15 years imprisonment and now serving their sentences in Abu Ghoraib prison in Baghdad. We were offered the opportunity to see them but did not have the time. We did, however, make inquiries about their cases. According to the other prisoners the POWs were convicted for the alleged possession of

political documents. The authorities explained that the two men had been convicted by the Revolutionary Court for having insulted the President of Iraq. We asked for clarification of the applicable legislation, which was said to be similar to that of all countries in order to protect inter alia the honour of the Head of State. Without going deeper into the matter we cannot pass judgement on the legislation and its application in the present case. Although this is not required by the Geneva Convention, the authorities suggested that a recommendation for pardon would be made in such cases in the context of eventual repatriation. We welcomed such an attitude and refer to our recommendation in chapter III.C.

#### I. Role of the International Committee of the Red Cross

122. The following facts about the role of ICRC in acting for the protection and assistance of POWs in Iraq are not in dispute:

- (a) ICRC has so far registered a total of 18,161 POWs in Iraq;
- (b) Out of the three civilian camps, ICRC has regular access to only two of them, namely, Al-Tash and Al-Shomeli;
- (c) ICRC makes regular visits, about once every eight weeks, to POWs whom it has registered in Iraq;
- (d) The Government of Iraq has admitted that a certain number of recently captured POWs has not been seen, registered or visited by ICRC;
- (e) As at the time of writing this report, ICRC is not permitted to register POWs in Iraq although its visits to those already registered are continuing;
- (f) The Government of Iraq has a legal obligation under the Third Geneva Convention to allow ICRC to register POWs in Iraq, but it contends that it has acted in reprisal against the alleged failure of the Government of the Islamic Republic of Iran to co-operate with ICRC.

123. During the discussions with the Iraqi authorities regarding eventual repatriation arrangements, those authorities readily acknowledged that ICRC would be the most appropriate organization to assist in the repatriation process and declared their readiness to co-operate fully with ICRC.

124. Apparently, the Iraqi authorities had already had discussions with ICRC about the practical aspects of any future repatriation exercise. "We have confidence in ICRC", the Mission was told. "We shall abide by their ideas, give them assistance, transport, finance and whatever else they need in the repatriation exercise." The authorities added that they had already prepared a full and complete list of all POWs in Iraq which they would give to ICRC for the repatriation exercise, once agreement had been reached between the parties.

#### J. Concluding observations

125. Thanks to the co-operation of the Iraqi authorities our Mission was able, in spite of time and other constraints, to fulfil its mandate of examining the situation of POWs and civilian internees in Iraq sufficiently to enable us to formulate general observations. Briefly, the situation is the following.

126. The material conditions of the POWs whom the Mission could visit are generally acceptable although in some instances, such as in camp No. 4 (Mosul) improvements are necessary.

127. As was confirmed by many POWs, improvements had taken place since the visit of the previous Mission in 1985. What was then considered to be the main problem in Iraq, namely ill-treatment as a consequence of guard violence and the difficulty of finding adequate personnel, had not entirely been solved although progress has been made. Psychological pressure on Iranian POWs was said to have increased, although the cause may also lie in their long-term captivity. There was, however, no proof of systematic indoctrination.

128. The Mission notes that Iraqi camps are regularly visited by ICRC whose recommendations are generally complied with. This applies to the 11 established camps which are currently in use.

129. The problem of non-registration of POWs, is a legacy of the past which Iraq now seems ready to solve. The permission given to ICRC to register every prisoner in Iraqi POW camps was to Iraq's credit. It was therefore all the more disappointing to hear that considerations of reciprocity had again brought this process to a halt. While such a policy may be acceptable in other fields, it is clearly erroneous in the context of humanitarian issues where reprisals are strictly forbidden by international law. It is also thought that with a prospect of repatriation, registration of POWs should be as prompt and complete as possible.

130. With regard to interned civilians two aspects should be distinguished. There are those who live in internment camps under conditions nearing normal life, i.e. with their families and, as the case may be, with their tribe. Although the Iraqi authorities claim that all these populations came to Iraq of their own free will as refugees, this may not always have been the case. There is evidence that a certain number of these persons were deported from border areas under Iraqi occupation. This seems to apply foremost to the civilian internees of the Misan area with a population of Iranian-Arab origin, 1/ but also to some extent to the village of Al-Tash where Kurds of Iranian origin are interned. The living conditions which the Mission saw in these camps are on the whole acceptable. The main problem today results from the uncertainty about the future of these internees in Iraq, in the Islamic Republic of Iran, or wherever they would be allowed to live. A number of civilians have not been interned in civilian camps but are being treated as POWs. So far any reproach to Iraq for keeping those in captivity met with the argument that they had been fighting against Iraq. However, these persons are being treated like POWs and are expected to be repatriated as such.



### III. REPATRIATION

#### A. Introduction

131. In both countries the outlook for repatriation in the context of the Islamic Republic of Iran's recent acceptance of Security Council resolution 598 (1987) was raised by the authorities.

132. The Third Geneva Convention, article 118, paragraph 1, provides that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities".

133. This principle puts an obligation on the detaining Power subject to no other condition than the cessation of active hostilities. The obligation is total, and not based on reciprocity. The timing and procedure are only partly regulated by articles 118 and 119 of the Convention.

134. Unlike the provisions governing repatriation during hostilities (arts. 109-117), which prohibit forcible repatriation for certain categories (art. 109, para. 3), the subjective will of the prisoner is not explicitly mentioned as a condition for repatriation of all prisoners after the cessation of hostilities. An interpretation which would entirely disregard this element and stress the right of the Power of origin to have their nationals forcibly returned, however, would not be correct. The Convention is an instrument protecting the prisoners in their own interest.

135. Limitations on the duty to repatriate have been recognized in practice, in particular after the Korean war. Also, the ICRC Commentary to the Third Geneva Convention (pp. 546-549) endorses the same idea. Today the limitation of a State party's duty under article 118 to repatriate POWs can also be based on overriding concepts of international refugee law and human rights. We have in mind the principles of the Refugee Convention of 1951 (which is, as such, binding only on the Islamic Republic of Iran), the Universal Declaration of Human Rights of 1948 and the two Covenants of 1966 (to which the Islamic Republic of Iran and Iraq are parties) as well as other instruments and practices. These elements lend support to the view that nobody can be returned to an area where he may be persecuted. This principle of non-refoulement is sometimes described as ius cogens. The protection against deprivation of life or ill-treatment under non-derogable human-rights provisions also may be seen to bind the State considering repatriation, if that would carry with it a serious risk of such violations.

136. The duty of the detaining Power under article 118 depends on the terms "without delay" and "cessation of active hostilities". In the present case, however, the acceptance of Security Council resolution 598 (1987) including its paragraph 3 makes the duty effective upon the cease-fire which came into effect on 20 August 1988.

137. As in past wars, there will be a need in practice for some repatriation machinery as well as some co-ordination between the Islamic Republic of Iran and Iraq. Having accepted the Convention and the Security Council's resolution, the

two States are, we think, under a duty to co-operate about all the issues which may arise concerning repatriation. Besides, and failing agreement, each of them "shall establish and execute without delay a plan of repatriation" (Third Convention, art. 118, para. 2).

#### B. Views and policies of the Islamic Republic of Iran and Iraq

138. The Islamic Republic of Iran and Iraq both reaffirmed to our Mission their commitment to the Third Geneva Convention in general, as well as in respect of repatriation. Apart from that, the specifics of international refugee law and human rights were not discussed during the Mission's visit. However, policy statements such as "No POW will be forced back" were often heard from the authorities, and Iraq referred to its Law No. 51 of 1971 on political refugees, article 4, which prohibits the return of a refugee to the country of origin and makes it possible for an unsuccessful asylum seeker to be sent to a third country.

#### C. Points to be kept in mind

139. We are of the opinion that clarification of the following issues will be essential at the next stage of negotiations and preparations for repatriation. The role of ICRC and the United Nations in the process is of crucial importance.

(a) The need for full registration or complete lists of POWs on both sides appears to be accepted. But past concerns on this point have loomed large during the Mission. As reported in chapters I and II, it appears to affect quite large numbers. The absence on both sides of the required notification under article 122 of the Geneva Convention is a fact which has contributed to many difficulties;

(b) Those unwilling to register and be repatriated represent the second important problem, possibly even as regards numbers. Special procedures may become necessary to assist ICRC should the POWs maintain their attitude. They are not to be forced in any way but, in particular, the prevailing atmosphere among the Iraqis in the camps in the Islamic Republic of Iran may make co-operation with such POWs difficult;

(c) A series of problems related to protection against forced repatriation. Assurances, procedures and guarantees should be provided. Also, it will be essential to reduce the fears of some POWs for reprisals against the families of those who oppose repatriation, and provide for family reunification in the host country or after resettlement in any third country;

(d) However, the process should not be seen to favour non-repatriation. Both sides have made it clear that this is not their policy and non-repatriation inevitably carries with it a succession of new concerns and problems. Some guarantees to encourage voluntary repatriation should be found. Those to be repatriated may require that their country of origin grants an amnesty for any offences alleged to be committed by them, for instance by surrendering or being influenced in the POW camps to express views contrary to the views of their own

country or its authorities, or for other service-related offences or offences against their duty of loyalty during captivity. Possible fears relating to the "debriefing" period after repatriation should also be met by guarantees against abuse. Moreover, those unwilling to go back to the armed forces after a long period of captivity might be offered discharge as an incentive to accepting repatriation. The guarantees provided ought to be monitored by a humanitarian organization such as ICRC;

(e) For the benefit of those POWs against whom criminal proceedings or punishment is pending, the detaining Powers should consider granting amnesty or pardon with a view to repatriation;

(f) The Islamic Republic of Iran and Iraq will have to agree on many points in connection with repatriation. They must fix crossing points on the border (or through a third country, e.g. Turkey), and also priorities - presumably, first, the sick and wounded POWs as well as children; second, POWs captured many years ago; and, lastly, POWs captured more recently. Repatriation should start and end at the same time for both countries so as not to give any advantage in case of a breach of the cease-fire;

(g) POWs who are not returning must have the possibility to receive copies of their diplomas from their countries of origin (for instance, through the United Nations Educational, Scientific and Cultural Organization);

(h) Release and repatriation should also be secured for personnel captured by irregular forces and detained on the territory of the other side (such as the Iranians said to be held by the so-called Liberation Army of the Mojahedin-e Khalq);

(i) Agreement must also be reached on the problem of non-nationals and, particularly, non-Iraqi POWs in Iran;

(j) Agreement should also eventually be reached regarding detained civilians, particularly in Iraq.

#### IV. CONCLUDING OBSERVATIONS

140. In the preceding chapters we have tried as faithfully as possible to report on the issues which were assigned to us by the Secretary-General, in the light of the information provided by the parties and that gathered in our own inquiries, visits and observations, as well as our discussions with the parties and with ICRC.

141. The time available to us was short. We had less than one week in each country to visit the camps and speak to the government officials involved. Our mandate was to investigate into the situation and allegations concerning the POWs as well as to contribute to the efforts of the Secretary-General in the implementation of paragraph 3 of Security Council resolution 598 (1987).

142. Our findings and recommendations on the specific issues assigned to us are indicated at the end of the preceding chapters, and it is not necessary to recall

them all here. Moreover, many of the observations in the report of the Mission that investigated the situation of the POWs in 1985 m/ are also relevant in 1988, or even more so, three and a half years later. Prolonged captivity, the earlier Mission had suggested, could in itself be inhuman treatment. However, the present Mission took place in a different context from the earlier one.

143. July and August 1988 have been a time of changing perspectives for all concerned. The approach we took to our mandate had to be flexible. In the first place, our Mission assembled just as the Islamic Republic of Iran had accepted Security Council resolution 598 (1987). Nevertheless, the fighting continued while the Mission was proceeding. The mixture of fighting and hopes for peace influenced everyone we met as well as ourselves. What the POWs, as well as the authorities, did and told us was obviously conditioned by this situation. Even as this report is being written, the situation is developing. The contrast to the stalemate of 1985 is striking.

144. On the issue of repatriation the Mission thinks that the views of the parties are convergent and in substance consistent with the Third Geneva Convention. Also the key role of ICRC is taken for granted. Both sides agree that repatriation should be done as quickly as possible; that no POW should be forcibly repatriated, especially when he has a well-founded fear of persecution in the event of his return; and that there will be some POWs for whom it will be necessary to find third countries of asylum. We note that guarantees for their families must also be provided. With goodwill on both sides it should be possible for the parties, with the guidance of ICRC and the advice of the Secretary-General, to deal with the repatriation process smoothly.

145. To set the process in motion, the parties may endeavour to improve communications between themselves on issues concerning the POWs. The exchange of full lists of POWs held by both sides and the provision of information about soldiers lost in action would certainly help to create an atmosphere of confidence. The good offices of international intermediaries can be used to advantage in this process.

146. In order to allay the fears and anxieties of POWs the parties, in co-operation with ICRC, should also inform the POWs about the agreed repatriation procedures and about the practical aspects of their return as well as the principles of international humanitarian law which govern the process.

147. Both parties may in this spirit consider and implement measures which can relax the atmosphere in the camps. Hopefully, visits may also be facilitated while some activities of external authorities such as the cultural committees in the Islamic Republic of Iran may lose their relevance and could be phased out in the interim.

148. The material conditions in the camps of both countries are reasonable in the circumstances, and in the above perspective they are not a matter of primary concern. While improvements naturally could be made, the POWs whom we saw on both sides are fed, clothed, accommodated and cared for medically in an acceptable manner.

149. The POWs in both countries were under different pressures. Captivity for a prolonged period imposes of itself severe psychological strains. Moreover, the POWs in both countries belong to different political or religious persuasions, and it is only natural that these differences will breed strained relations among captives locked up in crowded rooms much of their time, year after year. In both countries we learned that one set of POWs was used to influence or to inform upon another. Now that peace is at hand it is our hope that instructions will be issued to cease such practices.

150. We are bound to observe that from the evidence we obtained from independent sources, both sides seemed to have taken more POWs than they are ready to account for, or than appear in the numbers they say they hold in officially known camps. The Islamic Republic of Iran now lists in these camps 46,098, but the number of captured POWs could well be in the vicinity of 70,000. Iraq has furnished a list of camps holding as of 1 August, 18,139 persons, whereas their representatives told us they had many newly captured ones so far not accounted for, so that the total figure might be in the region of 35,000.

151. Determining the whereabouts of the missing POWs was certainly a major concern of both Governments and also to us. There are important differences between the situations in the two countries in this respect. We refer to chapters I to III above where the matters are dealt with in some more detail. It was a source of satisfaction to us that, with the co-operation of the Iranian authorities, we were able to provide some information about the whereabouts of nearly all of 7,327 missing POWs, which showed that most of them were alive and safe inside or outside the camps.

152. With the good offices of international intermediaries it is our hope that the soldiers whose whereabouts are still unknown will be accounted for in a similar way.

#### Notes

a/ Official Records of the Security Council, Fortieth Year, Supplement for January, February and March 1985, document S/16962, annex, paras. 163-172.

b/ S/19980, annex.

c/ Official Records of the Security Council, *ibid.*, annex, paras. 203-211.

d/ *Ibid.*, annex, paras. 174-183.

e/ S/19993, annex.

f/ Official Records of the Security Council, *ibid.*, annex, paras. 31-34 and 50.

g/ *Ibid.*, annex, para. 295 (g).

h/ *Ibid.*, annex, para. 54.

Notes (continued)

- i/ Ibid., annex, para. 93 et seq.
- j/ Ibid., annex, paras. 55-76.
- k/ Ibid., annex, paras. 115-125.
- l/ Ibid., annex, paras. 84-92.
- m/ Ibid., annex, paras. 271-293.

APPENDIX I  
CHRONOLOGY OF ACTIVITIES OF THE MISSION

Thursday, 21 July 1988

Mission assembles at Geneva

Thursday, 21 July 1988

Meetings at United Nations Office at Geneva

Meetings with the representatives of ICRC

Friday, 22 July 1988

Meetings with the representatives of ICRC

Meeting with representative of the Islamic Republic of Iran

Meeting with representative of Iraq

Saturday, 23 July 1988

Departure from Geneva

Sunday, 24 July 1988

Arrival at Tehran

Meetings with Iranian Government officials

Meeting with POW camp administrators

Monday, 25 July 1988

Visit to Heshmatieh POW camp

Visit to Takhti POW camp

Tuesday, 26 July 1988

Visit to Parandak POW camp

Wednesday, 27 July 1988

Visit to Arak POW camp

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Thursday, 28 July 1988

Visit to Davoudieh POW camp

Friday, 29 July 1988

Meeting with POW camp administrators

Saturday, 30 July 1988

Meeting with Iranian Government officials

Departure from Tehran

Sunday, 31 July 1988

Arrival at Baghdad

Monday, 1 August 1988

Meeting with Iraqi Government officials

Tuesday, 2 August 1988

Visit to POW camp No. 4 (Mosul)

Visit to POW camp No. 3 (Mosul)

Wednesday, 3 August 1988

Visit to POW camp No. 9 (Ramadi)

Visit to POW camp No. 13 (Ramadi)

Thursday, 4 August 1988

Visit to Al-Tash civilian camp

Second visit to POW camp No. 13 (Ramadi)

Friday, 5 August 1988

Meeting with Iraqi Government officials

Departure from Baghdad

Saturday, 6 August 1988

Arrival at Geneva to prepare report



APPENDIX II

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

<u>Name of Camp</u>	<u>No. of POWs</u>
1. Arak	2 510
2. Bojnoord	2 286
3. Davoudieh	1 800
4. Ghouchan	2 350
5. Gorgan	3 511
6. Heshmatieh	6 642
7. Kahrizak I	3 559
8. Kahrizak II	1 356
9. Manjeel	1 560
10. Mashad	1 251
11. Mehrabad	1 212
12. Parandak	10 052
13. Sari	750
14. Semnan	2 041
15. Takhti	3 968
16. Torbate-Jam	1 250
	<u>46 098</u>

APPENDIX III

LIST PROVIDED BY THE GOVERNMENT OF IRAQ OF PRISONER-OF-WAR CAMPS  
AND CIVILIAN INTERNMENT CENTRES AND THEIR POPULATION AT THE TIME  
OF THE MISSION'S VISIT

A. PQW camps

<u>Name of Camp</u>	<u>No. of POWs</u>	<u>Place</u>
Camp No. 1	1 866	Mosul
Camp No. 2	1 731	Mosul
Camp No. 3	998	Mosul
Camp No. 4	1 957	Mosul
Camp No. 5	416	Sallahuddin
Camp No. 6	2 501	Ramadi
Camp No. 7	1 776	Ramadi
Camp No. 8	1 518	Ramadi
Camp No. 9	1 516	Ramadi
Camp No. 10	1 980	Ramadi
Camp No. 11 a/		
Camp No. 12 a/		
Camp No. 13	1 880	Ramadi
	<u>18 139</u>	

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a/ Camps Nos. 11 and 12 under construction.

B. Civilian internment centres

1. Al-Tash Camp in al-Anbar Governorate holds 25,596 Iranian citizens of Kurdish origin.
2. Al-Shomeli Camp in Babil Governorate holds 352 Iranian citizens of Persian origin.
3. Misan Camp holds 20,000 Iranian citizens of Arab origin.

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