

now like, in the light of paragraph 6 of Security Council resolution 598 (1987) , to report to the Security Council.

5. It is evident that the war between Iran and Iraq, which was going to be waged for so many years, was started in contravention of international law, and violations of international law give rise to responsibility for the conflict, which question is at the centre of paragraph 6. The area of violation of international law that should be of specific concern to the international community in the context of paragraph 6 is the illegal use of force and the disregard for the territorial integrity of a Member State.

There were of course in the course of the conflict massive violations of various rules of international humanitarian law.

6. The Iraqi reply to my letter of 14 August 1991 is not a substantial one; therefore I am bound to rely on explanations given by Iraq earlier. That these explanations do not appear sufficient or acceptable to the international community is a fact. Accordingly, the outstanding event under the violations referred to in paragraph 5 above is the attack of 22 September 1980 against Iran, which cannot be justified under the charter of the United Nations, any recognized rules and principles of international law or any principles of international morality and entails the responsibility for the conflict.

7. Even if before the outbreak of the conflict there had been some encroachment by Iran on Iraqi territory, such encroachment did not justify Iraq's aggression against Iran - which was followed by Iraq's continuous occupation of Iranian territory during the conflict - in violation of the prohibition of the use of force, which is regarded as one of the rules of jus cogens.

8. Of the numerous violations of humanitarian law which were committed during the Iraq - Iraq war, many have already been documented by the United Nations and by the International Committee of the Red Cross. At the request of one or both of the parties I have for instance on several occasions dispatched expert missions to the theatre of war to investigate such violations as the use of chemical weapons, attacks, attacks on civilian areas and the bad treatment of prisoners of war. The results of those investigations were all reported to the Security Council and issued as Security Council documents. They referred, sadly enough, to the existence of evidence that serious violations of humanitarian law had indeed taken place. On one occasion I had to note with deep regret the experts "conclusion that " chemical weapons ha[d] been used against Iranian civilians in an area adjacent to an urban centre lacking any protection against that kind of attack" (S/20134, annex). The Council expressed its dismay on the matter and its condemnation in resolution 620 (1988), adopted on 26 August 1988.

9. The events of the Iran - Iraq war, which for many years provided the news headlines in the world media, are well known to the international community. The position of the parties, expressed on many occasions in official documents, are also public knowledge. In my opinion it would not seem to