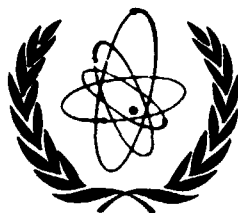


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**LETTER OF 5 DECEMBER 1991 TO THE DIRECTOR GENERAL
FROM THE RESIDENT REPRESENTATIVE OF IRAQ TO THE AGENCY**

The letter contained in Attachment 1 is being circulated to all Member States at the request of the Resident Representative of Iraq to the International Atomic Energy Agency.

The Director General's reply is contained in Attachment 2.

**LETTER OF 5 DECEMBER 1991 TO THE DIRECTOR GENERAL
FROM THE RESIDENT REPRESENTATIVE OF IRAQ TO THE AGENCY**

Vienna, 5 December 1991

Sir,

I have the honour to address this letter to you in connection with document SEC/NOT/1395/Add.1 of 10 October 1991, concerning the presentation of a Distinguished Service Award to David Kay for his role in the inspection activities in Iraq, especially as leader of the sixth inspection team under the authority of the Special Commission.

After US President Eisenhower's famous "Atoms for Peace" speech, and as a result of the discussions that followed it, the International Atomic Energy Agency was established as a technical organization, the objectives of which were laid down in Article II of its Statute. Those objectives were to promote the uses of atomic energy in the areas of medicine, agriculture and industry for the benefit of mankind and to establish safeguards designed to ensure that atomic energy would be used only for peaceful purposes. The Agency has pursued this policy over the past decades as a pioneer technical institution of the United Nations and avoided acquiring that political character which has marked the work of some other United Nations bodies - bodies that have become political intelligence-gathering institutions and have shed the neutrality enjoined upon them by the United Nations Charter.

We were amazed by the award of a Distinguished Service medal to Mr. Kay for intelligence work on behalf of the Special Commission and not for a technical task pertaining essentially to the Agency's activities and its Statute. Do activities of this kind deserve to be rewarded with such honour, when the acts committed were incompatible with every diplomatic and social convention? Below we give some examples of these activities:

1. While heading the second inspection team, Mr. Kay created a number of problems at the Faluja site when he tried to enter army camps without prior notification, using roads far from the regular entrances. That led one of the soldiers to fire warning shots into the air, because, apart from the fact that the day was an official religious holiday, he was not aware that the vehicles belonged to the United Nations. This was confirmed by a French member of the team to the correspondent of the French newspaper "La Libération" on 22 October 1991, who said, "The head of the team and some of his American colleagues were working more in the interest of the [Central] Intelligence Agency than in the interest of the United Nations. They were playing a provocative role

against the Baghdad authorities in order to justify further intervention by the US airforce." He added, "The American inspectors were trying deliberately to bring about a confrontation and wished that a member of the team would be killed in order to justify American intervention";

2. Kay started the inspection activities before the official working hours and at short notice, so that the competent officials could not be fetched, and hence there would be an excuse for breaking open doors in an uncivilized and unjustifiable manner;
3. He sent some of the team members to the chosen site before submitting an official notification to the Iraqi authorities, and those persons proceeded to scale the fence around the building; as a result, they were seized by the guards of the building. The situation was saved by the arrival of the Iraqi team and no notice was taken of that illegal practice;
4. Kay insisted on taking possession of the personal files of the staff, which contained private data concerning themselves and their families. He also stole and retained other documents without informing the Iraqi authorities, so that the required protocol for handing over and receipt could not be prepared;
5. The team entered one of the buildings not through its regular entrance but through an adjacent building, breaking down the fence between them and cutting the telephone lines running along the fence of the adjacent building;
6. Some members of the team headed by Kay carried out acts which were incompatible with public decency and conventions, such as appearing in the nude in the yard of the building in full view of the surrounding residential apartments;
7. He tampered with the personal bags of the staff and the pockets of their working garments.
8. Kay used provocative methods during inspections. For example:
 - (a) He threw some documents on the floor and trod on them;
 - (b) He photographed the number plates of private cars belonging to the staff;
 - (c) He brought video cameras close to the faces of the staff in order to take close-up pictures;
 - (d) He was accompanied by so-called technicians who were evidently experts in forcing doors and locks and seemed to be highly experienced in the techniques of theft;

- (e) He declared on more than one occasion that he would call in the US warplanes to deal with the situation;
 - (f) He asked members of his team in a loud voice, intended to be heard by the Iraqi side, whether they had flare cartridges to be used for indicating the team's location;
9. Mr. Kay tried to make it seem as if the team members were being held as hostages by rejecting all assistance extended by the Iraqi side out of goodwill and hospitality to foreigners - such as the offer of meals and chairs, especially for elderly members. Nor did he allow any member of the team who so wished to go to the hotel for a rest - all this in order to aggravate the artificial crisis.

The culmination of David Kay's intelligence activities was to send the information obtained by the sixth inspection team directly to the US authorities before communicating it to the Agency or the Special Commission, as was admitted by Ambassador Ekeus.

Should such a person be honoured by the Agency for carrying out these activities on behalf of parties who have nothing to do with the Agency's task?

As far as we know, the presentation of the Distinguished Service Award is subject to certain criteria and should go through a series of procedures applied by a special panel in the Agency. Reading your circular concerning the presentation of that award to Kay, we find no mention of such procedures. Was the honouring of Kay an initiative on your part? If so, this would have to be regarded as a precedent in the history of the Agency, and many other inspectors sent to Iraq or elsewhere to carry out similar work would compete for the same honour and reward, thus making the Agency's Statute and traditions a matter of history.

This action on your part has turned the Agency into an intelligence body in a scientific guise under the tutelage of the United States and its allies.

In conclusion, let me express the hope that the Agency will eschew actions of this kind in future and avoid involvement in political conflicts, and that it will return to its scientific and technical status - thus strengthening the confidence of Member States in the Agency and reviving the spirit of its Statute.

Accept, Sir, the assurances of my highest consideration.

(signed) Dr. Rahim Al-Kital
Ambassador
Resident Representative to the IAEA

**THE DIRECTOR GENERAL'S REPLY TO THE LETTER OF 5 DECEMBER 1991
FROM THE RESIDENT REPRESENTATIVE OF IRAQ**

31 December 1991

Sir,

I acknowledge receipt of your letter of 5 December 1991 concerning the presentation of a Distinguished Service Award to Mr. David Kay.

You are correct in believing that the presentation of Distinguished Service Awards - a matter which is within the managerial discretion of the Director General - is subject to certain criteria. These were established some years ago, and in my opinion Mr. Kay amply fulfilled those criteria.

Arrangements are being made to circulate your letter to all Member States together with my reply.

Accept, Sir, the assurances of my highest consideration.

(signed) Hans Blix