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Letter dated 27 April 1984 from the Chargé d'affaires a.i. of  
the Permanent Mission of the Islamic Republic of Iran to the  
United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring the following to your attention.

The Iraqi policy of persistence in the criminal use of chemical weapons is a matter of international record, independently confirmed numerous times during the past seven years. The tragedy in Halabja, where Iraq committed genocide against its own Kurdish population, massacring 5,000 innocent civilians, was the latest and most savage manifestation of this policy. The continued use of chemical weapons by the Iraqi régime since their act of genocide in Halabja once again proves that in the absence of effective international preventive measures Iraq is determined to continue and expand its criminal resort to chemical warfare against military and civilian targets alike.

It is very disappointing to note that under these circumstances, the report of the specialist mission contained in S/19823 - which was unjustifiably and indeed expediently delayed - fails to address the task for which its dispatch was requested. While the Secretary-General, in his introduction to the report, observes that "indeed, the use of such weapons may have intensified", the report fails to address the crime in a clear and unambiguous tone. Moreover, the international community expected the Secretary-General to investigate and determine the responsibility for these latest resorts to chemical warfare. The fact, re-established by the report, that chemical weapons had actually been used did not

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\* A/43/50.

need a special investigation by the United Nations as the victims had been shown on international news broadcasts. It is clear from the report that the team, which for the first time comprised only of a physician and a political officer, did not have the scientific or practical expertise to determine the source of responsibility. This aberration from previous United Nations practice cannot be justified especially when the extent of the crime and the magnitude of the suffering was by far greater and more severe than the previous cases where complete teams had been dispatched to the area. The Foreign Minister of the Islamic Republic of Iran in his letter of 3 April 1988 (S/19741), where he categorically rejected the baseless Iraqi allegation of Iranian use of chemical weapons - reminded the Secretary-General of the necessity of dispatching a complete team, capable of determining responsibility for the crime.

Furthermore, as it is apparent in the 25 March 1988 statement of the spokesman to the Secretary-General, the Secretary-General was convinced of the fact that it was in fact Iraq that had resorted to chemical warfare:

Sadly, there is considerable and most serious evidence in the public domain that chemical weapons have again been used by Iraqi forces in the past few days, causing a high number of casualties, including civilians in both Iran and Iraq.

It is extremely regrettable that in transmitting the report of the team, the Secretary-General decided to neglect this clear statement regarding the issue of responsibility made on his behalf even prior to the dispatch of the team.

Moreover, despite repeated requests by the Islamic Republic of Iran, the team did not visit Halabja where the most serious and extrajudicial use of chemical weapons against civilians took place. This failure is even more questionable in view of the fact that Iraq had accused Iran of using chemical weapons only in Halabja in its only letter on the subject of chemical weapons (S/19730), which readily became the basis for the Secretary-General's decision to dispatch the team to Baghdad.

Notwithstanding its shortcomings, the report illustrates the fact that the use of chemical weapons even against civilians is being actively pursued by the Iraqi régime. The extensive use of chemical weapons, which has gone on a continuous rise, is now a matter with which the Security Council is officially seized. The inertia of the Security Council, and the irrelevant political considerations apparent in the report have even given the Iraqi war criminals the audacity to officially confirm their policy of resorting to this illegal tactic of warfare, and threaten the wider deployment of chemical weapons. The statement by an official of the Iraqi Mission to the United Nations in an article in the 27 April 1988 issue of the Christian Science Monitor that "definitely we are not denying it [the use of chemical weapons]" is the most clear illustration of this dismal failure of the United Nations and particularly the Security Council in discharging their Charter obligations.

It is long overdue, with unforgivable consequences, for the Security Council to take effective measures to compel the war criminals in Baghdad to respect internationally recognized rules of warfare. The Security Council is duty-bound to

condemn Iraq for its continual and persistent use of chemical weapons particularly the genocide in Halabja, and to impose an embargo on the export of the material and the technology for production of chemical weapons to Iraq. It should also mandate the Secretary-General to establish a permanent team in Tehran and Baghdad to investigate the extent of and responsibility for future uses of chemical weapons. Otherwise, the international community is bound to witness further erosion of the authority of the 1925 Geneva Protocol and along with it other norms of international humanitarian law.

It would be highly appreciated if this letter were circulated as a document of the General Assembly, under item 63 of the preliminary list, and of the Security Council,

(Signed) Mohammad Ja'afar MAHALLATI  
Ambassador  
Acting Permanent Representative

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