

- **Where:** City of Halabja, Northern Iraq;
- **When:** March 16, 1988;
- **What:** CBRN Agent Released: Chemical;
- **Who:** Actor(s) involved: Iraqi Army
- **Why:** CBRN Event: Intentional



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# THE CHEMICAL ATTACK OF HALABJA

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**Keywords:** Iran-Iraq War - mustard gas, nerve agents - attack on Kurdish civilians

## *The facts*

The chemical attack on the city of Halabja in northern Iraq took place on the 16<sup>th</sup> of March 1988, in the context of the Iran-Iraq war. At that time the city was under the control of the Kurdish Peshmerga, supported by the Iranian military forces. The deployment of chemical weapons followed a conventional pre-bombardment aimed at breaking windows and doors and at pushing the population into air-raid shelters. Subsequently a cocktail of chemicals containing mustard gas, nerve agent Sarin and VX nerve agent was released and, being heavier than air, it quickly reached the unprotected victims in their underground cellars. The chemical attack was followed by a further conventional bombardment to destroy the evidence of what is considered a crime against humanity. The main reason for the assault was the counteroffensive to the Operation Zafar 7 led by the Iranian government to invade Iraq, supposedly with the support of the Kurdish population; however the event can also be seen as part of a broader campaign pursued by the Iraqi government against the Kurd minority that took place at the end of the '80s, headed by Saddam Hussein right-hand man Ali Hassan Al-Majid, also known as "Chemical Ali". In the immediate aftermath of the event an estimated number of 5000 people lost their life, the majority of which were unarmed men, women, and children, making it the most severe chemical attack on civilians in human history. In the following years many more people died of complications or birth defects.

## *Legal response*

The use of chemical weapons in the city of Halabja accounts for a violation of the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 1925, also known as the Geneva Protocol. Iraq acceded to the treaty in 1931, therefore subjecting itself to its binding nature. In any case, the Geneva Protocol embodies norms of international customary law and therefore applies to all members of the international community. Due to the severity of the allegations the UN Secretary General called for four separate investigations in Iraq that year, and the result was the unanimous conclusion on the use of chemical weapons by Iraq. In response to one of

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the reports from the investigations and on August 26 1988, the UN Security Council adopted a Resolution in which it condemned in general terms the use of chemical weapons in the Iran-Iraq War, but it avoided to explicitly denounce Iraq for the Halabja attack. The international community condemned the event but did not take concrete actions.

### ***Related legal tools:***

- [Geneva Protocol 1925](#)
- [Resolution 620 \(1988\) / adopted by the Security Council at its 2825th meeting, on 26 August 1988.](#)

### ***Further readings:***

- ICRC- <https://www.icrc.org/en/war-and-law/weapons/chemical-biological-weapons>
- [UNODA – Iraq](#)
- [International Law and the Use of Chemical Weapons in the Gulf War, McCormack](#)

### ***Witness Reports:***

- ['Life Froze' When Iraqi Jets Dropped Chemical Weapons On Halabja](#)

### ***About this publication***

This memo is the outcome of research carried out in the scope of the project CBRN-ITALY on International legal obligations related to Prevention, Preparedness, Response and Recovery from CBRN events and status of their implementation in Italy.

CBRN-ITALY has been funded by the Italian Ministry of Education, University and Research (MIUR) under the PRIN Programme (Progetti di Rilevante Interesse Nazionale) under grant n° 20175M8L32, with a duration of 36 months (March 2020 – February 2023). The research is carried out by four Universities: Scuola Superiore Sant'Anna, Institute of Law, Politics, Development (DIRPOLIS), Università di Bologna, Università di Firenze, Università di Torino.

The project aims at developing a common understanding of CBRN events and of actors involved (stage 1), at mapping obligations stemming from the wide range of applicable norms of International Law and European Union Law (stage 2), at exploring the implementation of applicable international obligations in Italy (stage 3) and at providing recommendations to address the gaps in the International, European and Italian legal and policy frameworks in all phases of the CBRN emergency management cycle (stage 4). The research activities are thus structured around four stages: 1. Definitions, 2. Mapping International and Regional Obligations, 3. Assessing the situation in Italy, 4. Providing recommendations.

For further information on the PRIN Project CBRN-ITALY, please visit:

<http://www.cbrn-italy.it/en>

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