

# After 221 Chemical Attacks, it's Time to Correct the Travesties with Regard to the Chemical Weapons Matter in Syria

The Democratic States Meeting in  
The Hague Have to Overcome  
States Supporting the Use  
of Chemical Weapons

# SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Monday, June 25, 2018

The Syrian Network for Human Rights (SNHR), founded in June 2011, is a non-governmental, independent group that is considered a primary source for the OHCHR on all death toll-related analyses in Syria.



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### I. Introduction:

This century has yet to see a use of chemical weapons as the Syrian regime did against its own people in an appalling repeated, widespread, systematic manner, which undoubtedly constitutes crimes against humanity, despite the many Security Council Resolutions that have been adopted in support of holding the perpetrators of chemical attacks accountable. The American-Russian agreement that was devised in the aftermath of the Two Ghoutas Attack in August 2013 stated that the Security Council would conduct regular reviews regarding the Syrian regime's use of chemical weapons. All Security Council Resolutions that have been adopted on chemical weapons in Syria specified that the Security Council is to take measures against the Syrian regime under Chapter VII of the Charter of the United Nations in the event of the Syrian regime's non-compliance with the provisions of the American-Russian agreement and Security Council Resolutions. The Joint Investigative Mechanism that was established in accordance with Security Council Resolution 2235 that the Syrian regime has used chemical weapons five times at least, as more incidents were being investigated before Russia's veto at the Security Council ended the mandate of the Mechanism.

The chemical attacks that followed Russia's pledges to have the Syrian regime surrender its chemical weapon stockpile have established that the Syrian regime, with Russia's blessing,



has deceived the Security Council, the UN, and the OPCW. According to SNHR's database, which contains incidents of chemical weapon use and the victims who were killed in said attacks, as well as reports released by the UN and other international organizations that covered certain incidents, the Syrian regime has breached the American-Russian agreement and the CWC, as well as all Security Council Resolutions on chemical weapon use. Consequently, the OPCW, as an affected party and as an organ of the United Nations, has to submit a formal request to the UN Secretary General and to demand that those who were responsible for chemical weapon use are held accountable considering their violation of the agreement that was signed by the Syrian regime and the OPCW. This would be done by having the OPCW members refer the case to the UN Secretary General after two-thirds of the 41 OPCW members approve it. In turn, the United Nations Secretary General would have to refer the case to the Chief Prosecutor for investigation, before a file is prepared and submitted to the International Criminal Court. In light of the Security Council's utter failure, the UN General Assembly would have to take its place in this regard, where a special session should be held to work towards a resolution similar to Resolution 337 of 1950. This needs the support of seven permanent member states at the Security Council.

On June 26-27, 2018, The Hague's World Forum will be the stage for a conference called for by the OPCW as per the request of 11 CWC member states in order to take urgent steps to enhance the implementation of the agreement. This would be a real opportunity to correct some of the wrongs that have indeed reached the level of travesties with regard to the issue of chemical weapons in Syria. States of the free world have to overcome the pressure of Russia and its allies, seeing that Russia has blessed the Syrian regime's use of chemical weapons, as proven in a number of SNHR reports. Otherwise, those states have, at the very least, failed to shoulder their pledges to prevent the Syrian regime from using chemical weapons and have failed to have the Syrian regime fully surrender its chemical weapon stockpile, and, as such, take full responsibility for this.

This meeting come in parallel with the OPCW's statements about its soon-to-be-released report which will show the findings of the investigations conducted by the organization on Douma two chemical attacks on April 7, 2018. While the organization doesn't have the authority to conclusively identify the perpetrator in this crime, merely proving that a chemical weapon was used will thoroughly discredit the numerous contradicting claims by the Syrian and Russian regimes who asserted that no chemical weapons were used.



**Fadel Abdul Ghany, chairman of SNHR, says:**

“What’s the point in determining the use of chemical weapons without identifying the perpetrator? Failing to enable the OPCW to uphold this task will mean that the mandate of determining this will be left to a Security Council-formed committee, which will be largely politicized. In case the findings of said committee conflicted with one of the state members, this would mean that its mandate will come to end, like what Russia did with the special committee on Syria in an effort to protect the Syrian regime and Russia itself who is implicated with the Syrian regime.”

**II. The Use of Chemical Weapons in Syria according to SNHR database**

SNHR’s database, which was compiled as a result of our continuous work over the course of seven years, contains incidents of chemical weapon use that we have documented, relying on accounts from survivors, eyewitnesses, and more particularly doctors who treated the injured, as well as civil defense members, in addition to analyzing videos and pictures posted online or sent to us by local activist via e-mail, Skype, or social media. Most of witnesses’ accounts have corresponded with the pictures and videos we’ve analyzed to yield a high level of credibility.

In most cases, SNHR team hasn’t been able to visit the incident sites and we haven’t so far taken and tested any blood or soil samples in light of the present circumstances.



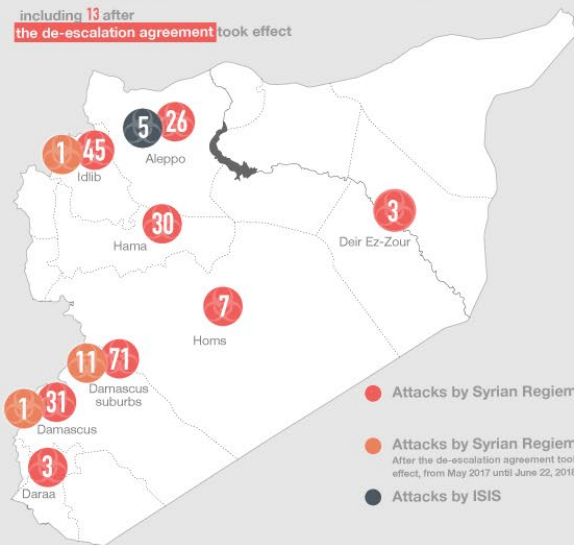
# The use of chemical weapons in Syria from the first documented use, December 23, 2012 until June 22, 2018

No less than  
**221**  
chemical attacks

Syrian Regime  
**216**

ISIS  
**5**

including 13 after the de-escalation agreement took effect



The attacks resulted in  
**1461**

individuals killed at the hands of Syrian regime forces as follow:

1397 including 185 and 252 women (adult female)

57 armed opposition fighters and 7 captives from Syrian regime forces who were being held at an armed opposition prison

and no less than

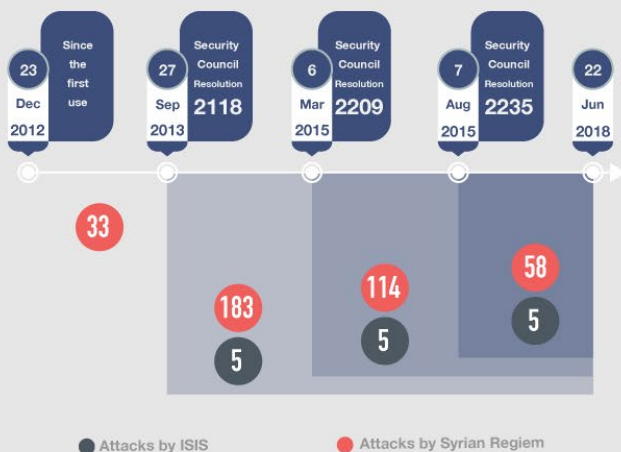
**7599**

individuals injured distributed as follow

7472 attacks by Syrian regime

127 attacks by ISIS

## Distribution of attacks in light of Security Council resolutions



Russia supported the Syrian regime in at least

**3**  
chemical attacks

At least

**3**  
chemical attacks targeted medical facilities by the Syrian regime

As documented by SNHR

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## **A. Chemical attacks from the first documented use of chemical weapons on December 23, 2012, until June 22, 2018**

The number of chemical attacks we've documented is about 221 chemical attacks by the parties to the conflict distributed as follows:

- Syrian regime: 216 chemical attacks distributed across governorates as follows:

Damascus suburbs: 71

Idlib: 45

Damascus: 31

Hama: 30

Aleppo: 26

Homs: 7

Deir Ez-Zour: 3

Daraa: 3

- ISIS: 5 chemical attacks, all in Aleppo governorate.

## **B. Deaths and injuries resulting from chemical attacks**

These attacks have resulted in the killing of no less than 1,461 individuals, recorded in our lists by name and details, all victims have been killed in attacks perpetrated by the Syrian regime, as follows:

- 1,397 civilians, including 185 children and 252 women (adult female).
- 57 armed opposition fighters.
- 7 captives from the Syrian regime forces who were being held at an armed opposition prison.

No less than 7,599 individuals were injured, as follows:

- 7,472 injured in attacks by the Syrian regime.
- 127 injured in attacks by ISIS.

## **C. Attacks on medical facilities using chemical weapons**

SNHR has documented no less than three chemical attacks carried out by Syrian regime forces on medical facilities from the first documented use of chemical weapons on December 23, 2012 until June 22, 2018. The attacks took place in:

Kafr Zita city, Hama northern suburbs - Thursday, May 22, 2014

Al Kallasa neighborhood, Aleppo city - Friday, December 9, 2016

Al Latamena town, Hama northwestern suburbs - Saturday, March 25, 2017



### III. The UN Humanitarian Reports on the Use of Chemical Weapons in Syria and the Security Council's Inaction

The International, Impartial and Independent Mechanism said that it had documented 34 chemical weapons, where they accused the Syrian regime of using chemical weapons in 28 of those 34 attacks. The remaining six attacks were recorded without assigning responsibility. On the other hand, the OPCW said that it had documented 29 chemical attacks in Syria, the most recent of which were the two attacks in al Latamena on March 24, 2017 and Saraqeb on February 4, 2018, without specifying a perpetrator. However, by verifying those incidents against the incidents that have been documented by SNHR team, we found out that the Syrian regime was involved in 27 attacks of the 29 attacks, while ISIS was responsible for the remaining two.

Established in accordance with Security Council Resolution 2235 of August 2015, the Joint Investigative Mechanism was charged with identifying the perpetrator in these crimes, and it has managed to establish the Syrian regime's responsibility for five crimes and ISIS's for two from when it first started operating on November 13, 2015, until November 17, 2017. A Russian veto, however, would end its mandate seeing that it refused to succumb to Russia's extortion. Despite all of these reports, the Security Council has failed to deter the Syrian regime from going back to using chemical weapons and, blatantly, violating Security Council Resolutions. According to SNHR's database, chemical attacks are distributed in light of Security Council Resolutions on chemical weapons as follows:

#### A- attacks by the Syrian regime: 216 attacks, distributed as follows:

1. Before Security Council Resolution 2118, adopted on September 27, 2013: 33 attacks
2. After Security Council Resolution 2118, adopted on September 27, 2013, until now: 183 attacks
3. After Security Council Resolution 2209, adopted on March 6, 2015: 114 attacks
4. After Security Council Resolution 2235, adopted on August 7, 2015, which was the grounds for the Joint Investigative Mechanism: 58 attacks

#### B- ISIS's five attacks all took place after Security Council Resolutions 2118, 2209, and 2235.

### IV. Russia's Role in Blessing the Syrian Regime's Use of Chemical Weapons

#### **A- Using veto in favor of a regime that used chemical weapons**

Russia has used its veto powers on 12 occasions, including six times that were related to the issue of chemical weapon use in particular. The Syrian regime has used chemical weapons in 20 attacks after the first Russian veto, which shielded the Syrian regime at the

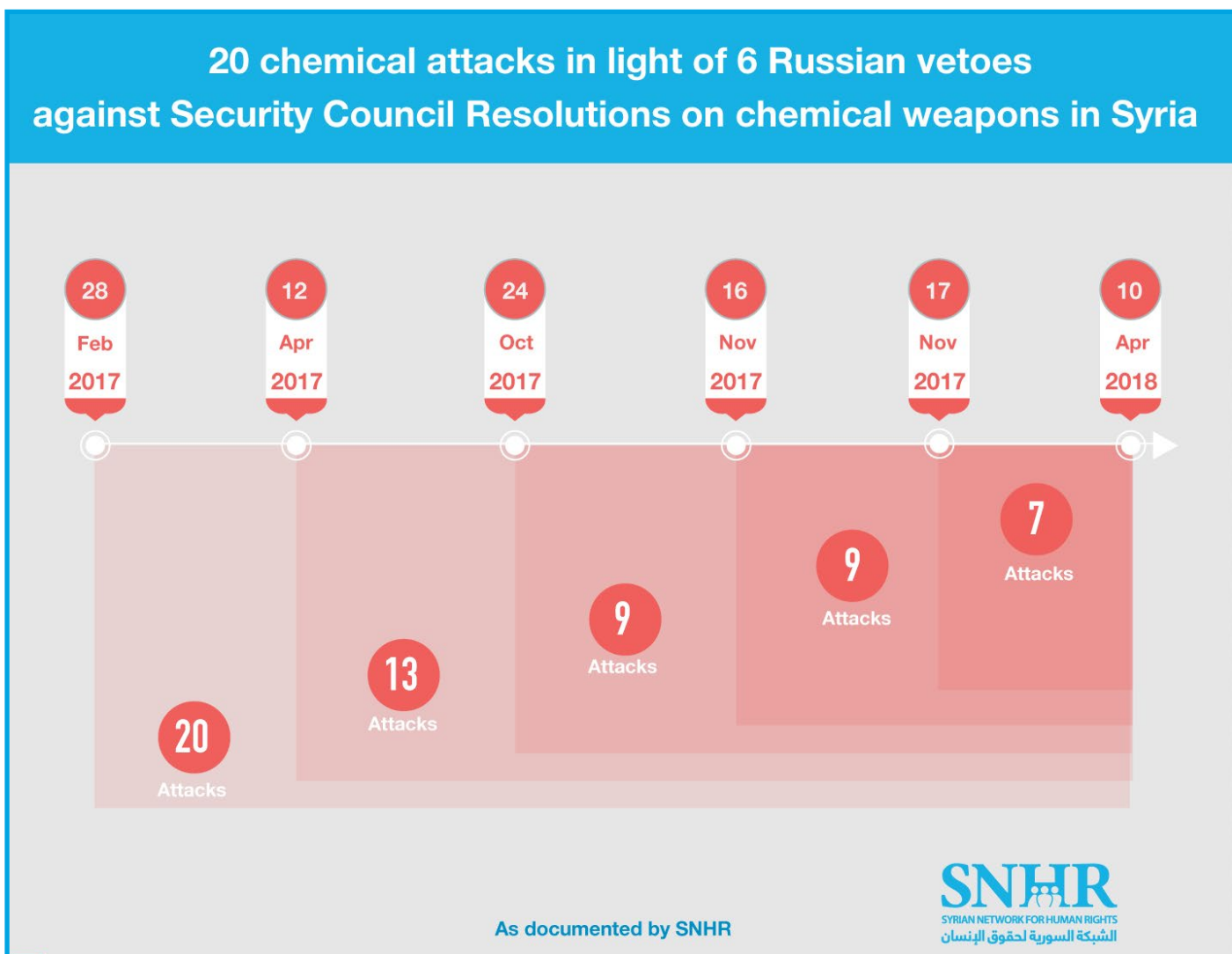




Security Council on February 28, 2017, until the two most recent attacks in Douma city, Damascus suburbs on April 7, 2018. The 20 attacks are distributed in light of Russian vetoes as follows:

- Between the first veto, February 28, 2017, and the two attacks in Douma city: 20
- Between the second veto, April 12, 2017, and the two attacks in Douma city: 13
- Between the third veto, October 24, 2017, and the two attacks in Douma city: 9
- Between the fourth veto, November 16, 2017, and the two attacks in Douma city: 9
- Between the fifth veto, November 17, 2017, and the two attacks in Douma city: 7
- The sixth veto, April 10, 2018, which Russia used against a draft resolution submitted by the US calling for establishing a mechanism to investigate Douma attack and other chemical attacks.

**The following timeline shows the dates of the Russian vetoes and the use of chemical weapons by the Syrian regime in light of those vetoes, according to SNHR's database for documented chemical attacks**





## **B- Russia backed the Syrian regime in a number of chemical attacks**

Not only has Russia backed and completely shielded the Syrian regime from any form of accountability, effectively granting it impunity and greenlight to use chemical weapons whenever it wanted, and killed the mandate of the Joint Investigative Mechanism as noted earlier, Russia also provided direct military support in three chemical attacks at least by having the Russian air force deliberately target medical facilities near the attack sites. This happened before or after the attack. We've also [documented](#) that Russian forces targeted routes used by paramedics to obstruct the process of aiding the injured.

## **V. Use of Chemical Weapons in the Context of Military Progression**

We've recorded no less than 20 chemical attacks that the Syrian regime carried out in the context of military progressions on fronts where the Syrian regime was trying to seize from factions from the armed opposition. This was the case in the battle for Eastern Aleppo's neighborhoods in 2016, and in Eastern Ghouta towns in Damascus suburbs in 2017 and 2018.

These attacks are distributed across Syrian governorates, according to SNHR's database, as follows:

- Aleppo governorate: 8 attacks between November 15, 2016, and December 31, 2016
- Damascus suburbs: 10 attacks in
  - Eastern Ghouta: 8 between November 14, 2017, and April 12, 2018
  - Wadi Barada: 2 between December 23, 2016 and January 30, 2017
- Damascus governorate (al Qaboun neighborhood): 2 between February 2017 and May 13, 2017

## **VI. The Syrian Regime's Chemical Attacks During Two US Presidential Terms and the French Initiative**

The US president told the world that using chemical weapons is a redline. President Obama repeated the use of that term, 'redline', on numerous occasions, asserting that consequences would be dire in a clear threat to the Syrian regime. However, our research team at SNHR was able to document that the Assad regime used chemical weapons during President Obama's term as president in 33 attacks before Security Council Resolution 2118, adopted on September 2013 which led to an agreement that could be described, mildly, as a landmark of shame in the US's modern history, where President Obama guaranteed the criminal amnesty should they surrender their chemical weapons. Nonetheless, the Syrian regime deceived the international community and never surrendered its entire chemical

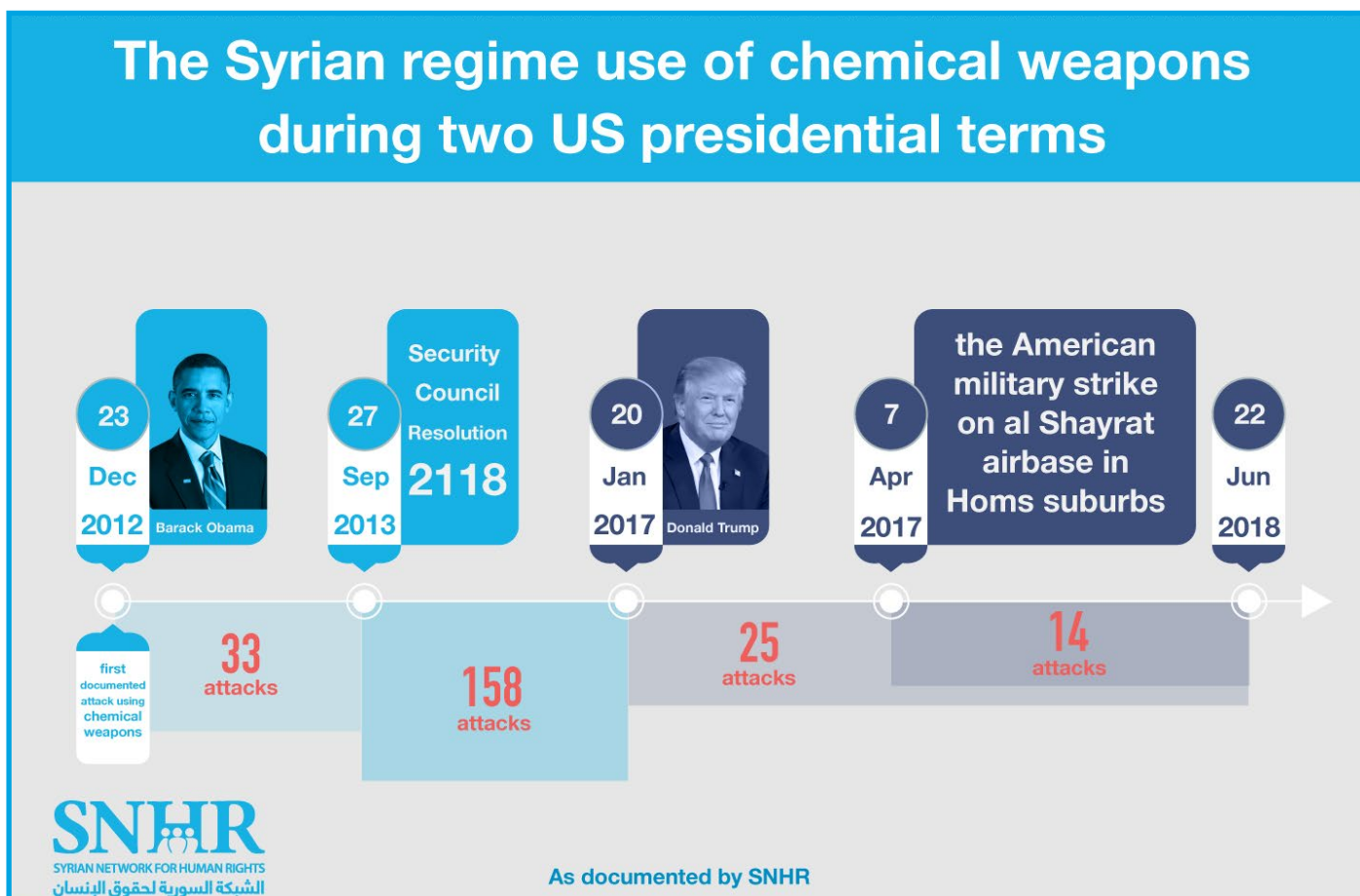


stockpile. More shamefully, the Syrian regime continued to use chemical weapons, as our team recorded 158 chemical attacks after Security Council Resolution 2118, nearly five times as many attacks before the same Resolution.

When President Donald Trump came into power, the Syrian regime was already deep in its chemical genocides in light of the absence of a real deterrent. While President Trump ordered two military strikes against the Assad regime, the first of which was after the chemical attack on Khan Sheikhoun city in Idlib governorate while the second was after the two attacks in Douma city in Damascus suburbs governorate, those strikes were never a part of a comprehensive strategy to resolve the Syrian catastrophe and set the stage for negotiations that would lead to a political solution to end the daily bloodbath in Syria.

During President Trump’s term, we’ve recorded no less than 25 attacks, including 14 after the US military strike that targeted al Shayrat Airbase in April 2017.

**The following timeline shows the distribution of chemical attacks by the Syrian regime during the two US Presidential terms, according to SNHR’s database for documented chemical attacks**



## Chemical attacks after France's initiative

France's Ministry of Foreign Affairs revealed an initiative pledging to prosecute those who were responsible for the chemical attacks in Syria. As before, the Syrian regime disregarded this initiative, thanks to the unlimited support afforded by Russia. SNHR has documented five attacks by the Syrian regime from when the French initiative was announced on January 23, 2018, until June 22, 2018.

## **VII. Conclusions and Recommendations**

The Syrian regime has, through the use of chemical weapons, violated the customary international humanitarian law, which prohibits the use of chemical weapons regardless of the circumstances. Secondly, the Syrian regime has, beyond any doubt, violated the CWC, to which the Syrian government had acceded in September 2013. The CWC prohibits the use of poison gases and provides for their destruction. Thirdly, the Syrian regime has violated all relevant Security Council Resolutions – particularly 2118, in 2013, 2209, in 2015, and 2235, in 2015. Also, the use of chemical weapons constitutes a war crime according to the International Criminal Court's Rome Statute.

In addition, the Russian government had ratified the CWC which strictly prohibits any form of assistance or encouragement on the contribution to any prohibited activity by any member state. However, a number of evidences suggest that Russian forces were involved in providing a preliminary and subsequent assistance to Syrian regime forces.

### **Recommendations**

#### **Human Rights Council**

The Human Rights Council should shed more light on the use of chemical weapons by the Syrian regime.

#### **Security Council**

- The Syrian regime has violated three Security Council resolutions on multiple occasions, even though all of them refer to Chapter VII of the Charter of the United Nations.
- The four permanent members should apply pressure on the Russian government in order to cease its support for the Syrian regime, who is using chemical weapons, and expose Russian's involvement in this regard.
- The Security Council should take further and practical action after all relevant Resolutions have been violated by Syrian-Russian-Iranian alliance forces.



## **International Community**

- States of the world should demonstrate a better unity against the Syrian regime – the main and primary user of chemical weapons in this century. Also, the international community should take serious, joint action to impose deterring, strict, real sanctions immediately.
- Establish a humanitarian alliance that aims to protect civilians in Syria from chemical weapons and barrel bombs since Russia will keep hindering the Security Council and use veto countless times.

## **Commission of Inquiry (COI)**

- Launch an investigation into all chemical attacks and identify their perpetrators.

## **International, Impartial, and Independent Mechanism (IIIM)**

- Launch an investigation into all chemical attacks and identify their perpetrators.

## **CWC-signing states**

- Establish a mechanism to support the efforts of the OPCW, where one of its main powers should be identifying the perpetrators of chemical attacks.

## **European Union and United States of America**

- Support the IIIM that was established in accordance with General Assembly Resolution 71/248, adopted on December 21, 2016. And establish local tribunals that enjoy a universal jurisdiction, and address the war crimes that were perpetrated in Syria.





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