

Brief Report

After Its Secretary of State Announced That the Syrian Regime Again Used Chemical Weapons, the USA Should Implement Its Red Line Pledge

Through Its Repeated Use of Chemical Weapons of Mass Destruction, the Syrian Regime Shows It Is a Threat to the World and Humanity, Not Just Syrians

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

Friday, October 25, 2019

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

On September 26, 2019, US Secretary of State Michael Pompeo [announced](#) that a US government investigation has concluded that: "The Syrian regime recently used chemical weapons in al Kbaina village in the eastern suburbs of Latakia in May 2019." This announcement is the result of extensive investigations conducted by the US State Department, which relied on multiple sources, including the Syrian Network for Human Rights (SNHR). This investigation constitutes an additional condemnation of the Syrian regime first, and of its ally, [the Russian regime, which categorically denied the Syrian regime's use of chemical weapons in Latakia](#), and continued to blindly defend it. This investigation and announcing it are two more decisive steps towards exposing the litany of war crimes, which are still being committed by the Syrian regime, exposing it to all the world's countries, especially those that wish to restore relations with a regime that uses weapons of mass destruction, such as the Egyptian state, which is currently leading efforts to rehabilitate this regime committing war crimes to its former position the Arab League rather than emphasizing its expulsion, imposing further sanctions and subjecting it to international isolation, thereby contributing to rid humanity of weapons of mass destruction and all those who use them.



Fadel Abdul Ghany, Chairman of the Syrian Network for Human Rights, says:

“All the world’s countries must join forces in accordance with Common Article 1 of the Geneva Conventions to prevent the Syrian regime from violating the Geneva Conventions by using weapons of mass destruction. States or companies that attempt to rehabilitate and assist the Syrian regime economically, militarily or politically must know that the Syrian regime continues to commit war crimes and crimes against humanity and that they will therefore be involved in these crimes under international law. The United States should prevent this and lead a civilized alliance to protect the world from the threat of chemical weapons of mass destruction and to eliminate them and all those who use them in various political, economic, military ways.”

II. The Red Line Is the Responsibility of All US Governments, Not Just Former President Obama’s Administration

Former US President Barack Obama [announced](#) on August 20, 2012 - and repeated on several occasions - that the use of chemical weapons by the Syrian regime is a ‘red line’, with this statement being a pledge by the United States to the Syrian people emphasizing that the US would not allow chemical weapons to be used against them again; having threatened to take action against the Syrian regime in this way, clearly and explicitly, the United States should ensure that the Syrian regime cannot again use chemical weapons, and that if it does so, the United States will take every possible economic, political and military measure against the Syrian regime in response; in fact, this pledge by the United States of America to ensure that weapons of mass destruction may not be used in Syria or anywhere else is not in the interest of the Syrian people alone, but is a service to all mankind and a pledge to all the world’s people to never again allow a tyrant to massacre innocents by use of poison gas or other chemical weapons.

We have proved through [numerous reports and investigations](#) that the administration of former President Barack Obama unfortunately failed to abide by its commitments to the Syrian people and to humanity to prevent the Syrian regime, the only regime currently using chemical weapons on the face of the earth, from using them again and doing so repeatedly.



The following is the record of the chemical weapons use by the Syrian regime since President Barack Obama's pledge until the end of his presidential term on January 20, 2017: According to the SNHR database, we documented 191 attacks during that period, the most notable of which were:

The al Bayyada neighborhood attack in Homs city on December 23, 2012, the first documented chemical attack by SNHR, which resulted in the deaths of six Armed Opposition fighters and injured at least 60 others, who exhibited respiratory and digestive symptoms. Al Bayyada neighborhood was at the time under the control of opposition factions.

The attack on the Eastern and Western Ghoutas of Damascus in Damascus Suburbs governorate on August 21, 2013, the largest chemical attack in Syria, which resulted in the deaths of 1,135 civilians, including 99 children and 194 women (adult female), in addition to the deaths of nine Armed Opposition fighters, and injured 5,935 individuals, who exhibited respiratory symptoms and asphyxia. The areas targeted in the attack were under the control of factions of the Armed Opposition at the time.

[The attack on Egerbat area](#) in the eastern suburbs of Hama on December 12, 2016, is another of the most notable attacks that occurred during the term of President Obama, when fixed-wing Syrian regime warplanes fired a number of missiles loaded with poison gases, targeting five villages in the eastern suburbs of Hama, namely: Egerbat, Hamadi Omar, al Qastal, al Slaliya, and Jrouh. The bombing resulted in the deaths of 35 civilians, including 16 children and six women, while at least 100 others were injured, exhibiting symptoms such as breathing difficulties, red eyes, pupil constriction, vomiting, and foaming at the mouth. The five villages that were targeted with chemical weapons were under the control of ISIS at the time of the attack.

This repeated use means a catastrophic failure by the administration of President Barack Obama and the international community, who simply and callously ignored these incidents as if they had not happened at all in order to avoid committing itself to addressing such attacks and to avoid the negative public sentiment in the US that might have resulted from the feeling that the government had reneged on its promise.

This pledge, however is not simply about the administration of President Barack Obama alone, but concerns all the successive US governments, who still bear responsibility for as long as this pledge remains in force; the Syrian people and all humankind still hope Ameri-



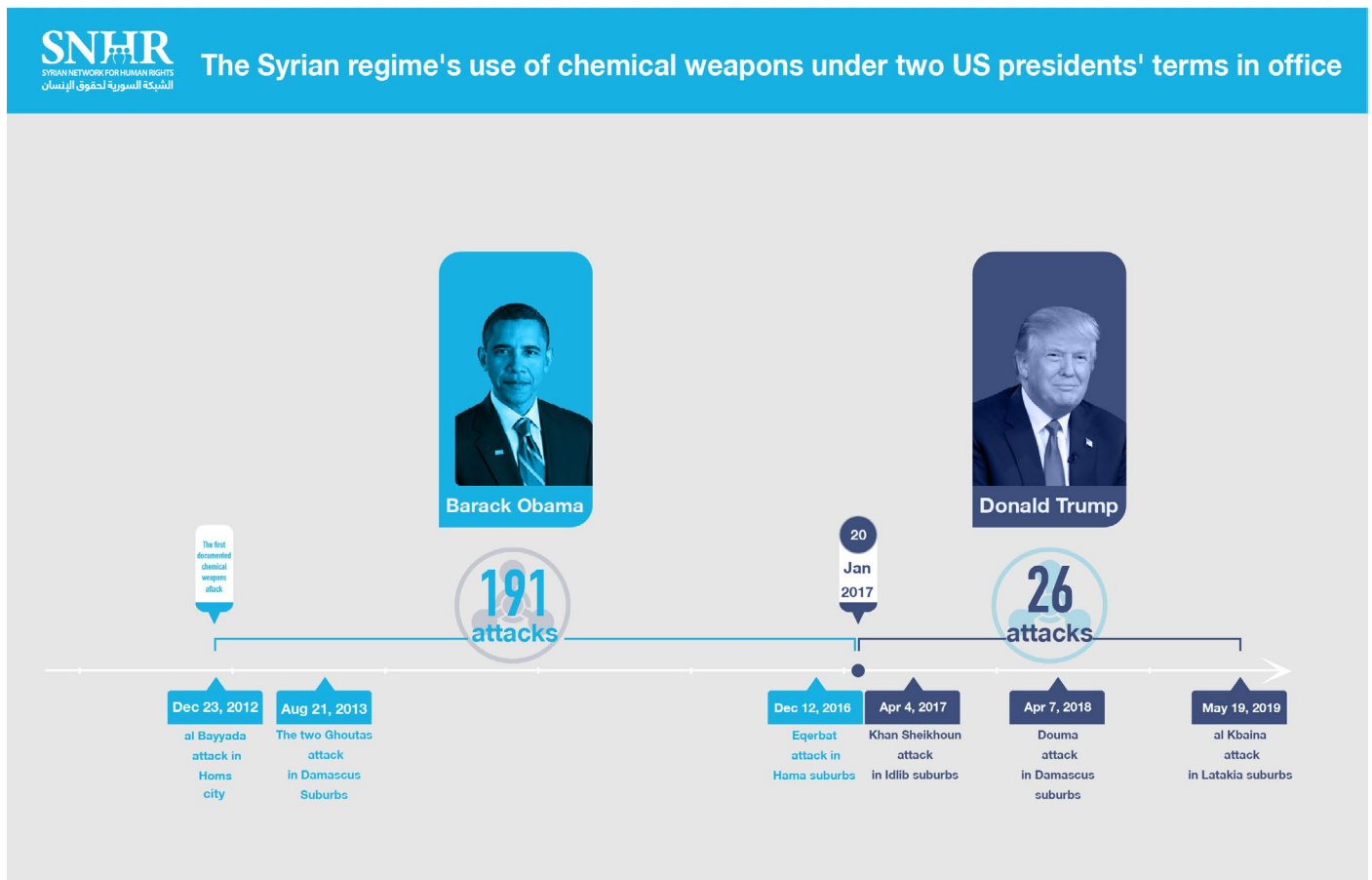
can leaders will correct this error, fulfill the pledge, and help rid the people of the weapons of mass destruction owned by the Syrian regime and of all those involved in their use, as well as those who justified or rationalized their use by denying it had taken place or [using the veto to protect the Syrian regime and obstructing the renewal of the mandate of the Joint Investigative Mechanism established](#) by UN Security Council Resolution [No. 2235](#), meaning the Russian regime; this means that the Russian regime has approved the Syrian regime's use of chemical weapons in one form or another, and provided it with protection in order to repeatedly use them, apparently with complete impunity

It is true that the administration of President Donald Trump has been more assertive and has taken more serious steps in light of the UN Security Council's failure to prevent the Syrian regime from using weapons of mass destruction thereby threatening international peace and security; this was apparent when US forces [targeted al Shayrat airbase in the eastern suburbs of Homs](#), from which the warplanes that bombed [Khan Sheikhoun city with chemical weapons on April 4, 2017](#), took off. However, this limited response failed to deter the Syrian regime, which had resumed its use of chemical weapons, deploying them 14 times, before [the attack on Douma city on April 7, 2018](#); while the response to the Douma attack was slightly stronger than the response to the Khan Sheikhoun attack, it was not proportional to the level of threat, terror and humiliation posed by the Syrian regime's use of chemical weapons, with [US, French and British forces targeting facilities working to develop the Syrian regime's chemical weapons program](#).

More importantly, this limited military offensive has not been followed by serious international steps towards a political transition process contributing to the removal of the government and the regime which ordered the use of weapons of mass destruction. Encouraged by this apparent impunity, the Syrian regime [repeated its use of chemical weapons in al Kbaina village in the eastern suburbs of Latakia on May 19, 2019](#), with [SNHR documenting this attack in a previous report](#).



Timeline showing the Syrian regime's use of chemical weapons under US presidents Barack Obama and Donald Trump's terms in office



III. The US Government's Proof of the Syrian Regime's Responsibility for the Use of Weapons of Mass Destruction: A Strong and Resolute Response Is Required This Time by USA, France, Britain and Canada

After the US government proved the Syrian regime's responsibility for this newly confirmed use of chemical weapons, it should, according to the established protocols, act in coordination with France, Britain, Canada, Germany and a number of other countries interested in preventing the spread of the use of chemical weapons, with all these nations' governments supposedly united in their collective wish to punish the Syrian regime for its use of chemical weapons and for its flagrant violation of the Geneva Conventions and the rules of customary humanitarian law.

The international community's failure to respond seriously to the Syrian regime will very definitely lead to the regime using, manufacturing and stockpiling chemical weapons again. The responsibility to combat the use of chemical weapons rests primarily with the governments of the civilized countries of the world, which have repeatedly pledged that they will



not tolerate any new use of chemical weapons. Since another incident of their use has now been provided and formally documented, the Syrian people and peoples of the world are waiting for these countries to fulfill their commitments and to do what they should have done since 2013, which is to use all possible measures at all levels to punish and help depose the Syrian regime through a political transition process with the aim of supporting a responsible democratic authority that adheres to the provisions of international law, and upholds human rights and democracy.

IV. The Responsibility to Protect Civilians in Syria

For eight years, the Syrian regime has committed heinous crimes and violations against Syrian civilians. It has also consistently failed to respond to any of the demands of the International Commission of Inquiry on the Syrian Arab Republic, or to those of the High Commission for Human Rights, or even to Security Council resolutions. The Security Council, which was supposed to take collective measures and action under Article 41 and 42 of the Charter of the United Nations, also failed because of the immunity granted to the Syrian regime by Russia, which has routinely used its veto in the case of the Syrian regime, despite the Syrian regime's failure to abide by its responsibility for the protection of civilians and committing the most egregious violations against them, reaching the level of crimes against humanity, and extermination within detention centers through torture.

In a report issued in December 2001, the International Commission on Intervention and State Sovereignty stressed that: "The Security Council should take into account in all its deliberations that, if it fails to discharge its responsibility to protect in conscience-shocking situations crying out for action, concerned states may not rule out other means to meet the gravity and urgency of that situation"

Such conscience-shocking situations are exactly what have continued to happen in Syria, not only in the form of one massacre or one violation but in industrial-scale killings and torture, sexual violence, enforced disappearances, the use of chemical weapons and barrel bombs, and besieging civilians. The list of crimes against humanity perpetrated by the Syrian regime and its allies goes on. The Security Council has signally failed to assume its responsibilities in the Syrian case, despite the Syrian Network for Human Rights, international organizations and UN commissions of inquiry crying out for action by the Security Council many thousands of times. In this context, the International Commission on Intervention and State Sovereignty affirmed in the same report: "it would be impossible to find consensus, in the Commission's view, around any set of proposals for military intervention which acknowledged the validity of any intervention not authorized by the Security Council or General Assembly. But that may still leave circumstances when the Security Council fails



to discharge what this Commission would regard as its responsibility to protect, in a conscience-shocking situation crying out for action. It is a real question in these circumstances where lies the most harm: **in the damage to international order if the Security Council is bypassed or in the damage to that order if human beings are slaughtered while the Security Council stands by.**”

At the 2005 Summit, states unanimously agreed that each country had a responsibility to protect its population from crimes against humanity and war crimes. This responsibility entails the prevention of such crimes, the prevention of incitement to commit them by all possible means, and when the state clearly fails to protect its population from egregious crimes, or itself is committing such crimes as in the case of the Syrian regime, it is the responsibility of the international community to intervene to take protective measures in a collective, decisive and timely manner.

V. The Record of the Chemical Weapons Use in Syria in Accordance with the Dates of UN Security Council Resolutions

According to the SNHR database, we have documented at least 217 chemical attacks carried out by the Syrian regime between the first documented use of chemical weapons in Syria on December 23, 2012, and October 2019. These attacks are distributed, according to the Security Council Resolutions on chemical weapons which preceded and succeeded them, as follows:

1. Before Security Council Resolution No. 2118, adopted on September 27, 2013: 33 attacks
2. After Security Council Resolution No. 2118, adopted on September 27, 2013, until October 2019: 184 attacks
3. After Security Council Resolution No. 2209, adopted on March 6, 2015: 115 attacks
4. After Security Council Resolution No. 2235, adopted on August 7, 2015, which established the Joint Investigative Mechanism (JIM): 59 attacks

These attacks resulted in the deaths of at least 1,472 individuals, recorded on our lists by name and in detail, distributed as follows:

- 1,397 civilians, including 185 children, and 252 women (adult female).
- 68 Armed Opposition fighters.
- Seven Syrian regime prisoners of war who were being held in an opposition prison.

Furthermore, these attacks also injured at least 9,757 individuals.



VI. Conclusions and Recommendations

Legal Conclusions:

The Independent International Commission of Inquiry, the Joint Investigative Mechanism established by UN Security Council Resolution No. 2235, and international organizations such as Human Rights Watch and Amnesty International have repeatedly proved the Syrian regime's responsibility for the use of chemical weapons.

The Syrian regime, through the use of chemical weapons, has violated a wide range of customary IHL rules, and these repeated and widespread violations constitute crimes against humanity as well as war crimes in accordance with Article VII and VIII of the Rome Statute of the International Criminal Court.

The Syrian regime has also violated all UN Security Council Resolutions on the use of chemical weapons in Syria.

Recommendations:

The US Administration:

- Conduct investigations into other chemical weapons attacks carried out by the Syrian regime and expose the regime's practices and its allies; under the agreement signed between the US government and the Syrian Network for Human Rights, we will soon be providing documentation of the incidents we have documented on the SNHR database, which we hope will be a major contribution to further investigations and to revealing the truth of these terrible events.
- Prosecute officers and political and military leaders responsible for the chemical weapons file in Syria. The Syrian Network for Human Rights will provide, in accordance with the agreement, lists of those involved in the use of chemical weapons.
- Maintain the "Red Line" pledge by targeting forces and airbases that continue to use chemical weapons of mass destruction, and prosecute the leaders who ordered these forces to use chemical weapons.
- Form a civilized alliance aimed at eliminating the Syrian regime's remaining stocks of chemical weapons and ensure that they are not used again.
- Impose strict political and economic sanctions on anyone trying to rehabilitate the Syrian regime, which the US administration has proven to be involved in using chemical weapons that threaten the security and safety of the region and the world.



The international community:

- The international community cannot abandon the Syrians and leave them alone in the face of the Syrian regime's brutality, or consider them to be solely responsible for holding the Syrian regime accountable for its violations.
- The Syrian regime's use of weapons of mass destruction against the Syrian people will remain an egregious and historic disgrace for the international community due to its failure to punish the perpetrator of these attacks, even in the form of economic sanctions, which the United Nations failed to impose against the Syrian regime in response to its crimes, despite the simplicity of such action. This shows the alarming magnitude of the deterioration of the international system; it is imperative that the international community rectify this imbalance and impose economic and military sanctions against the Syrian regime, which remains determined to commit crimes which amount to crimes against humanity.
- The international community should create a humanitarian alliance aimed at protecting Syrian civilians from chemical weapons and barrel bombs since, without any such protection, Russia will continue to obstruct the Security Council and to use its veto with impunity. There is also a similarly urgent need for immediate humanitarian intervention to protect the Syrian people from the crimes against humanity practiced by the Syrian regime, similar to the NATO intervention to protect civilians from killings and ethnic cleansing in Yugoslavia, an intervention approved by the International Court of Justice which did not see this as contrary to international law or UN Security Council Resolution No. 1244 of 1999, especially since we are once again referring to gross violations, crimes against humanity and war crimes committed by the ruling power against the people.

Organization for the Prohibition of Chemical Weapons:

- Intensify efforts in investigations and announce results in order to achieve justice and accountability by exposing the truth to Syrians and the world.
- The bureaucracy and the slow pace of investigations and of issuing reports have caused the Commission to lose a great deal of its former credibility and led many Syrian organizations and wider civil society to lose enthusiasm and to question the organization's trustworthiness and credibility or to cooperate with it.





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