Statement

SNHR Calls on States Worldwide to File a Lawsuit Against the Syrian Regime at the ICJ for Violating the Chemical Weapons Convention

Thursday 28 March 2024

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 analyzes in Syria.
Press Release:

On Tuesday, March 26, 2024, the Syrian Network for Human Rights (SNHR), represented by its Executive Director Fadel Abdulghany, participated in an event held by the British Embassy in the Netherlands, entitled, ‘Access to Truth and Justice for Victims’. The aim of the event, which featured a host of legal advisors/diplomatic representatives from various embassies in The Hague and from international organizations and NGOs, was to promote a better understanding of the primary importance of justice for victims of injustice and their families, while also tackling the current challenges surrounding the mechanisms supporting access to truth and how institutions can assist in ensuring access to truth and justice.

The event featured Andres Kleiser, Director for Policy and Cooperation at the International Commission on Missing Persons (ICMP); Alejandra Vicente, Head of Law at REDRESS; and Fadel Abdulghany, SNHR Executive Director, with Deborah Ruiz Verduzco, the Executive Director of the Trust Fund for Victims (TFV) at the International Criminal Court (ICC) serving as moderator.

In his address, Mr. Fadel Abdulghany spoke about truth and justice in the context of human rights violations, and the challenges obstructing victims’ access to truth and justice in the case of the Syrian conflict. On this subject, Mr. Abdulghany noted that the despotic Syrian regime, which has been in power in Syria since 1970, is one of the most prominent of these challenges, exhibiting as it does an utter and complete lack of any independence of the judiciary, since the President of the Republic is the head of the High Judicial Council, as well as having sole power to appoint judges to the Supreme Constitutional Court of Syria. Mr. Abdulghany added that another key challenge is the abundance of types of violations perpetrated and their wide-ranging nature, which has resulted in vast numbers of victims. The SNHR head also referenced the use of veto powers on 16 different occasions by Russia and China in favor of the Syrian regime, including their vetoing of a draft resolution to refer the situation in Syria to the International Criminal Court (ICC). In other words, he emphasized, the UN Security Council has been distorted into an instrument to obstruct truth and justice through member states’ abuse of veto powers.
Moreover, Mr. Abdulghany added that another major challenge facing Syrians in their pursuit of truth and justice is the absolute impunity enjoyed for 13 years to date by the perpetrators of crimes against humanity, despite the regime’s repeated use of a weapon of mass destruction, namely chemical weapons. This impunity persists, he lamented, even though this use of these weapons has been well established by the UN and the Organization for the Prohibition of Chemical Weapons (OPCW), while the international community has failed to exert sufficient efforts to stop or deter the perpetrators. To address these deficiencies, Mr. Abdulghany discussed a number of possible solutions, some of which have actually been implemented, while also going over the challenges these solutions have faced.

In conclusion, Mr. Abdulghany called on the participating states to take action on these issues and to file a lawsuit with the International Court of Justice (ICJ) over the Syrian regime’s violation of the Chemical Weapons Convention (CWC), which Syria ratified in September 2013.

On the same date, Tuesday, March 26, 2024, SNHR also participated in another event, an online webinar held on Zoom, entitled ‘Addressing Current Chemical Weapons Convention Compliance Challenges’. Organized by the CWC Coalition and the US-based Arms Control Association (ACA), the event featured Ambassador Ahmet Üzümcü, a former OPCW Director-General; Ambassador Susannah Gordon, New Zealand’s Ambassador to the Netherlands; and Fadel Abdulghany, SNHR Executive Director, with Mina Rozei, CWC Coalition Project Coordinator, serving as moderator.

In his address at this event, Mr. Fadel Abdulghany shed light on the complications encountered in documenting violations associated with the use of chemical weapons, and the challenges SNHR has faced in this regard before managing to establish a database to archive details of incidents of chemical weapons use, including the locations and times of attacks, prevailing weather conditions, casualties, and types of weapons used in each attack, in addition to finding eyewitnesses and survivors, cataloguing their contact information, and archiving the massive number of photos, videos, and other articles of evidence that SNHR has obtained and authenticated. Mr. Abdulghany revealed, however, that SNHR has not been able to conduct specific and specialist analysis, such as soil and blood analyses. In many incidents, the group had to analyze the events of the attack and build a projection of the form and pattern of the attack based on the accounts, photos, and videos the organization received. To this end, the group created exhaustively detailed horizontal and vertical map grids pinpointing the sites where the shells landed, and their aftermath, in addition to cataloguing numerous other details.

It is noteworthy that SNHR has utilized this instrumental database in issuing over 50 reports, including investigative and analytical reports, in light of the UN and international bodies’ resolutions and positions on this issue, such as UN Security Council resolutions, OPCW reports, and reports by UN and international investigation commissions and mechanisms.
SNHR has documented 222 chemical weapons attack in Syria since the first documented use of deadly weapons on December 23, 2012, up until March 2024. Ninety-eight percent of these attacks were carried out by the Syrian regime, while about two percent were carried out by ISIS.

The Syrian regime has carried out 217 chemical weapons attacks across Syria since the first chemical weapons attack by regime forces to be documented by SNHR, which took place on December 23, 2012, up until March 2024, killing a total of 1,514 individuals, divided between:

- **1,413** civilians, including 214 children and 262 women (adult female).
- **94** armed opposition fighters.
- **Seven** regime soldiers who were being held captive in opposition prisons.

These attacks also injured 11,080 individuals, including five regime soldiers who were being held captive in opposition prisons.

Meanwhile, ISIS has carried out five chemical weapons attacks since the group emerged in Syria on April 9, 2013, up until March 2024. All five of ISIS’ chemical weapons attacks took place in Aleppo governorate, injuring a total of 132 individuals.

Mr. Abdulghany also stressed that carrying out attacks involving the use of chemical weapons is a complex process. Given the highly centralized nature of the Syrian regime’s structure, he emphasized, none of these attacks could have been carried out without the full approval and knowledge of its head, Bashar Assad. This suggests, he noted, that the use of chemical weapons is a central decision and calculated policy by the regime that implicates the regime’s army and security institutions. Relatedly, he revealed, SNHR’s database confirms that no fewer than 387 senior army and security officers and civilian and military workers are involved in this process, all of them having rightfully earned their place on the US and European sanctions lists.

Mr. Abdulghany further explained that Russia has provided direct military support for the Syrian regime in at least three chemical weapons attacks, namely the Khan Sheikoun attack on April 4, 2017, the Sarajeq attack on February 8, 2018, and the Douma attack on April 7, 2018. This support was expressed through the Russian aerial forces’ deliberate targeting of medical facilities adjacent to the attack sites, either before or after the chemical weapons attacks themselves. SNHR has also documented Russia’s targeting of roads used by paramedics, which, needless to say, severely obstructed these rescue workers’ efforts to aid the injured.
Syrians cannot accept that a regime which has repeatedly used weapons of mass destruction against them should simply stay in power, the SNHR head stressed. As such, he added, the international community bears the responsibility to bring about a political transition that ensures the change of leadership and of the command of the army and security forces who are involved in the use of chemical weapons.

Meanwhile, Mr. Abdulghany, underlined the efforts to document violations, to provide evidence to the UN investigation mechanisms and the OPCW, and to employ this data in trials held under the principle of universal jurisdiction.

Concluding his address, Mr. Abdulghany reiterated SNHR’s calls for all states supporting the rights of the Syrian people to bring a case specifically on the use of chemical weapons before the ICJ over the Syrian regime’s violation of the CWC.

It should be noted that SNHR has held several bilateral meetings with international envoys to Syria, calling for taking news steps in the pursuit of accountability and bringing a case specifically on the use of chemical weapons before the ICJ over the Syrian regime’s violation of the CWC, and for adding all of those involved in their use to sanctions lists.
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