

Nearly 191 Chemical Attacks in Syria Must Be on the OPCW's Agenda After Its New Mandate

SNHR

SYRIAN NETWORK FOR HUMAN RIGHTS

الشبكة السورية لحقوق الإنسان

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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. A New Mandate for the OPCW and a Russian Attempt to Obstruct It in Support of the Syrian Regime:

In February 2019, the Organization for the Prohibition of Chemical Weapons (OPCW) is expected to exercise the powers of its new mandate to identify the perpetrators of chemical attacks. This follows an amendment of its previous mandate, which lasted over two decades since its establishment on April 29, 1997, but which was limited to confirming the use or non-use of chemical weapons, without identifying the perpetrator responsible.

We believe that there are two main reasons for reviving a crucial debate on this issue concerning Syria, and for expanding the OPCW's mandate:

First: The extensive and repeated use of chemical weapons by the ruling regime against the Syrian people, and by ISIS, on the basis that this is the only new and repeated use in the world since the entry into force of the Chemical Weapons Convention in 1997.

Second: Russia's suspension of the extension of the joint international investigative mechanism in Syria established by Security Council resolution 2235, with one of this body's functions being to identify the user of chemical weapons.

This suspension prompted the CWC States to vote on June 28, 2018 to extend the OPCW's mandate to allow it to identify the perpetrator of the crime of using chemical weapons. Russia led an alliance aimed at thwarting this new mandate, as if it were sending a message to all the world's countries that it will use or protect those who use chemical weapons, and that it opposes any efforts to reveal the identity of those using them. This is the policy Russia has followed with its ally, the Syrian regime, over the past eight years. Despite this effort by Russia and 23 of its allies, it failed to obstruct the expansion of the new mandate, with 82 countries supporting the move.



Russia and its allies didn't stop there, however, but again tried during the next meeting of the States Parties to the Treaty on the Prohibition of Chemical Weapons on November 20, 2018, which was held at OPCW's headquarters in The Hague, Netherlands to discuss an increase in the organization's budget. Although Russia and its allies again tried to challenge and thwart the new mandate at this meeting, they again failed resoundingly, with 26 countries voting alongside Russia against the budget increase and new mandate, compared to another 99 nations voting in favor of both. One aspect of this meeting which caught the attention of Syrian society that supports the democratic uprising was the Palestinian Liberation Organization's (PLO) vote for Russia to deny the OPCW the right to identify criminals, the first vote by the PLO as a new member of the Chemical Weapons Convention, which it had acceded to nine months previously in May 2018.

The OPCW began its work in Syria following the accession of the Syrian regime to the Chemical Weapons Convention in September 2013. Thus, all the chemical weapons attacks in Syria prior to this date, were not covered by the OPCW's remit, including the infamous attack on the two Ghouta in August 2013. Moreover, all the attacks that have followed this date, which the OPCW has worked to assess, remain officially unattributed to any specific party.

In August 2015, UNSC Resolution 2235 established the Joint Investigative Mechanism, which was tasked with determining which perpetrators bear responsibility for chemical weapons attacks. The Mechanism investigated nine attacks and identified those responsible for six attacks (four attacks carried out by the Syrian regime and two by ISIS).

Russia, in turn, couldn't tolerate the Syrian regime, its ally, being accused of the use of chemical weapons. This led to Russia using its UNSC veto power to terminate the mechanism on November 17, 2017. We should note here that Russia has used its veto 12 times to defend the Syrian regime in recent years, six of these concerning the use of chemical weapons.

II. Comparison Between the Incidents of Chemical Weapons Use Within the SNHR's Database and Incidents Investigated by the OPCW:

A. Incidents of the use of chemical weapons in Syria documented in the SNHR's database:

The SNHR database, which is the result of a daily, continuous and cumulative monitoring and documentation process which has continued to date for for almost eight years, includes incidents of chemical weapons usage, which we documented one after another in the form of independent investigations into each incident. We have relied on a wide network of relationships built up over years, and we have been able to obtain in particular the accounts of survivors and eyewitnesses as well as doctors who treated people injured in



chemical weapons attacks, and Civil Defense members who rushed to save those affected by the attacks. SNHR also analyzes videos and pictures published online, or sent to us by local activists via e-mail, Skype or social networking platforms. In most cases, witnesses' accounts have been consistent with the analysis of pictures and videos and have helped to provide a high degree of credibility.

The SNHR's team is often unable to visit the locations of attacks, with current conditions meaning they haven't yet had the opportunity of taking blood or soil samples and having these tested.

The number of chemical attacks documented in our database has been approximately 221 chemical attacks between December 23, 2012 and December 31, 2018. These are distributed according to the perpetrator party as follows:

- The Syrian regime: 216 chemical attacks, most of which have been in the governorates of Damascus Suburbs and Idlib.
- ISIS: Five attacks in Aleppo governorate.

These attacks resulted in the deaths of at least 1,461 individuals, documented in our lists by name and in detail, with all of the victims who died in attacks carried out by the Syrian regime, distributed to:

- 1,397 civilians, including 185 children, and 252 women (adult female).
- 57 Armed Opposition fighters.
- Seven Syrian Regime forces members who were in an opposition prison at the time of the attack in question.

Furthermore, at least 9,885 individuals have been injured in these attacks; these are, distributed to:

- 9,753 were injured in attacks by the Syrian regime.
- 132 were injured in attacks by ISIS.

B. Incidents of the use of chemical weapons in Syria, which we believe have been investigated by the Organization for the Prohibition of Chemical Weapons:

The Organization for the Prohibition of Chemical Weapons (OPCW) issued its first report concerning Syria in June 2014. According to our monitoring, the OPCW has so far issued 14 reports on Syria. According to SNHR's study of these reports, the OPCW has recorded approximately 58 probable CW attacks in Syria, 43 of which were confirmed by the OPCW, the most recent of which was the attack on Duma city in Damascus Suburbs governorate in April 2018.

The SNHR team cross-checked the 43 incidents that the Organization for the Prohibition of Chemical Weapons (OPCW) has confirmed in its investigations cited in its reports with those documented on the SNHR database. We found two main points:



The first point: there is a match in 30 of the attacks recorded, and as we have documented, we found that 28 of these attacks were carried out by the Syrian Regime forces, with two carried out by ISIS.

The following table lists the attacks that the OPCW has confirmed and those cross-referenced with the attacks documented on the SNHR database:

Attacks in which CWs were used, and were confirmed by the OPCW	Attacks included in the SNHR's database	Attacks in which CWs were used, and were confirmed by the OPCW	Attacks included in the SNHR's database
1 Talmennes, Idlib – April 21, 2014	✓	23 Sarmin, Idlib – March 16, 2015	✓
2 Talmennes, Idlib – April 24, 2014		24 Sarmin, Idlib – March 23, 2015	
3 Al Taman'a, Idlib – April 12, 2014	✓	25 Sarmin, Idlib – March 26, 2015	✓
4 Al Taman'a, Idlib – April 18, 2014	✓	26 Sarmin, Idlib – May 16, 2015	
5 Al Taman'a, Idlib – April 29-30, 2014	✓	27 Binnish, Idlib – March 23, 2015	✓
6 Al Taman'a, Idlib – May 22, 2014	✓	28 Idlib – March 31, 2015	✓
7 Al Taman'a, Idlib – May 25-26, 2014		29 Idlib – April 16, 2015	✓
8 Kafr Zita, Hama – April 10-11, 2014	✓	30 Idlib – May 20, 2015	
9 Kafr Zita, Hama – April 11, 2014	✓	31 Al Nayrab, Idlib – April 27, 2015	
10 Kafr Zita, Hama – April 12, 2014	✓	32 Al Nayrab, Idlib – May 1, 2015	
11 Halfaya, Hama – April 14, 2014		33 Al Nayrab, Idlib – May 2, 2015	✓
12 Al Zwar area, Hama – April 16, 2014	✓	34 Saraqeb, Idlib – May 2, 2015	✓
13 Kafr Zita, Hama – April 18, 2014	✓	35 Kourin, Idlib – April 27, 2015	
14 Kafr Zita, Hama – May 19, 2014	✓	36 Marea, Aleppo – August 21, 2015	✓
15 Kafr Zita, Hama – May 21, 2014		37 Um al Housh, Aleppo – September 16, 2016	✓
16 Kafr Zita, Hama – May 22, 2014	✓	38 Khan Sheikhoun, Idlib – April 4, 2017	✓
17 Latamena, Hama – May 29, 2014	✓	39 Latamena, Hama – March 30, 2017	✓
18 Morek frontline, Hama – June 2014		40 Saraqeb, Idlib -February 4, 2017	✓
19 Kafr Zita, Hama – July 27, 2014		41 Latamena, Hama – March 25, 2017	✓
20 Kafr Zita, Hama – August 28, 2014	✓	42 Latamena, Hama – March 24, 2017	✓
21 Kafr Zita, Hama – August 30, 2014		43 Douma, Damascus Suburbs – April 7, 2018	✓
22 Qmainas, Idlib – March 16, 2015	✓		



The second point: There are a further 191 chemical weapons attacks documented on the SNHR's database that have not been investigated by the OPCW. These attacks are documented in our database in great detail, including information such as time, place, type of munitions, number of injuries, victims, etc. We believe that these documented attacks may be a priority for investigation by the OPCW, and we confirm that the SNHR will share the data on all these incidents with the OPCW in the event of signing a joint agreement for this purpose.

Here are some details of examples of chemical attacks documented on our database, which are among the worst in terms of the death toll and casualties:

We documented an attack on the eastern suburbs of Hama on Monday, December 12, 2016, in which Syrian regime fixed-wing warplanes fired at least eight missiles that contained poison gases, targeting five villages, namely: Eqerbat, 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 of breathing difficulties, red eyes, pupil constriction, vomiting, and foaming at the mouth. Most of the residents of the targeted villages had sought refuge from the bombardment in shelters and basements, which increased the number of victims and injured since the gas is denser and more effective at lower levels. The villages that were targeted with chemical weapons were under the control of ISIS at the time of the attack.

On Tuesday, December 22, 2015, Syrian Regime forces stationed at al Mazza military airport fired two missiles containing poison gas targeting the southern area of Mu'adamiyet al Sham in Damascus Suburbs governorate, which resulted in the deaths of five individuals, and injured at least 15 others with symptoms of breathing difficulties and hemoptysis. The area was under the control of factions of the Armed Opposition at the time of the attack.

On Sunday, March 19, 2013, at around 03:45, fixed-wing Syrian regime warplanes fired a number of missiles containing poison gas that targeted the southern parts of Khan al Asal town. The attack resulted in the deaths of 22 individuals who were fatally asphyxiated by the gas. In addition, approximately 250 others suffered from symptoms of suffocation and dyspnea. The village was mostly under the control of Syrian Regime forces, except for the western section, which was controlled by factions of the armed opposition about a month before the attack, which includes the police school and some farms.



On Sunday, December 23, 2012, at around 19:00, Syrian Regime forces used shells containing poison gas to target al Bayyada neighborhood in Homs city. The shelling resulted in the deaths of six Armed Opposition fighters, as well as injuring at least 60 others who suffered various symptoms, including digestive ailments such as nausea and vomiting, whilst others exhibited respiratory-related symptoms such as severe breathing problems and bronchiectasis. Other symptoms documented amongst those affected included pupil constriction, agitations, seizures, and general muscle pains. The neighborhood was under the control of Armed Opposition factions at the time of the attack.

III. Fundamental Challenges Facing the Work of the OPCW in Syria

The Syrian regime deliberately obstructed the work of the OPCW and misled its investigators repeatedly, as well as obstructing the granting of visas to certain OPCW personnel and deliberately delaying responses to its messages, in addition to posing obstacles hindering the access of inspectors to some areas, [Reuters](#) noted in its investigation published in August 2017, “The Syrian government hindered the inspectors and provided them with incomplete or misleading information.” The report added, “The Syrian tactics included the refusal to issue visas to members of the organization, and providing a large amount of documents several times to disrupt the conduct of the operation, the imposition of restrictions on the inspection of sites in the last minutes and forcing specific witnesses to change their stories in interviews “

We have noted that the Syrian and Russian regimes have taken various steps in an obvious effort to obstruct investigations into the attack on Douma city in April 2018, which we documented in our report, entitled “Additional Evidences and Investigations Prove that the Syrian Regime Was Probably implicated in Attacking Douma City Using Chemical Weapons.” In addition to this evidence we have reported previously, the OPCW faces additional fundamental challenges that go beyond the limits of logistics. The most prominent of these are:

1. Most of the attacks that can be covered by the organization under its new mandate occurred at least almost a year ago. This means that it is very difficult to collect evidence, particularly material evidence, such as the effects of gases on the soil and the remnants of missiles and weapons used, especially as 80 percent of the attacks occurred within areas recently captured by Syrian Regime forces and Iranian militias.
2. The systematic displacement of the population from most areas that were attacked with chemical weapons previously will make it very difficult for the OPCW to gain access to eyewitnesses or survivors of attacks, medical personnel who helped to treat the injured, or to review the records of hospitals and medical centers, which provided treatment for victims



of chemical attacks. In addition, those who remain in the areas under the control of Syrian Regime forces will not dare to give any evidence that might contradict the official narrative of the Syrian and Russian regimes.

3. The Syrian regime has manipulated the remains of many victims of chemical attacks, as happened in the cemetery of Douma city, where the bodies of the victims were disinterred and moved to cemeteries outside the city. Many bodies, including those killed in the last CW attack on Douma city, were buried in gardens in the city. While this tampering with the crime scene and removal of victims' remains are clearly actions with condemn the Syrian regime, they make investigation difficult for the OPCW team.

IV. Conclusions and Recommendations

Conclusions:

All States that have voted to obstruct the expansion of the CWC's working powers, particularly Russia, send a message to all the peoples of the world, not only the Syrian people, that they may resume their deployment of chemical weapons and do not want anyone to discover their crime. This also sends a message of support and encouragement to the Syrian regime, the greatest user of chemical weapons in the modern age.

Recommendations:

The international community:

- The countries of the civilized world must stand up to states that support the use of and concealment of evidence of the use of chemical weapons, the foremost of these states being the Syrian, Iranian and Russian regimes.
- Provide all possible support to facilitate the work of the OPCW in Syria, expose the manipulations of the Russian and Syrian regime and take serious action to hold accountable anyone found to be involved in the use of chemical weapons.
- Support the active human rights organizations in documenting the use of chemical weapons in Syria.

The UN Security Council:

- Permanent UNSC members must cease using their veto power to protect perpetrators of war crimes and crimes against humanity, in particular the use of chemical weapons.
- Russia must cease its use of its role as a permanent member of the Security Council in the context of supporting oppressive dictatorships in exchange for material and political interests at the expense of the killing or displacement of millions of people.



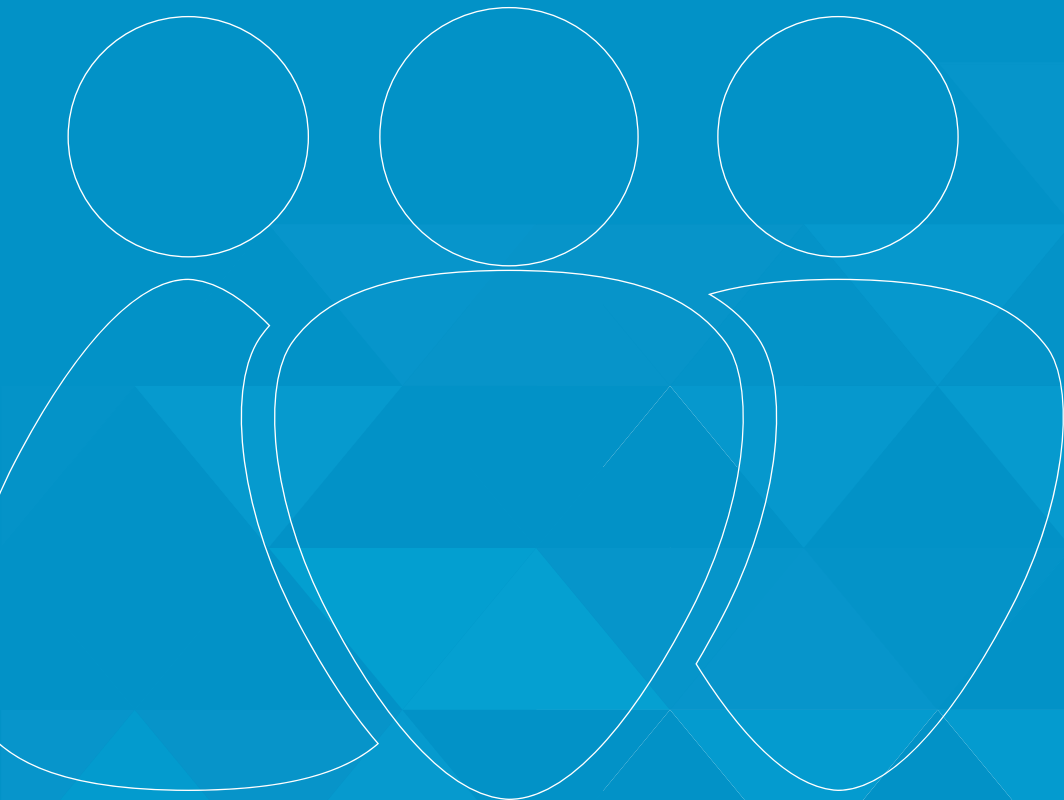
OPCW:

- Expand coordination and cooperation with relevant human rights organizations in documenting the use of chemical weapons in Syria.

The Human Rights Council:

- The Human Rights Council should make greater efforts to highlight and condemn the use of chemical weapons by the Syrian regime.





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