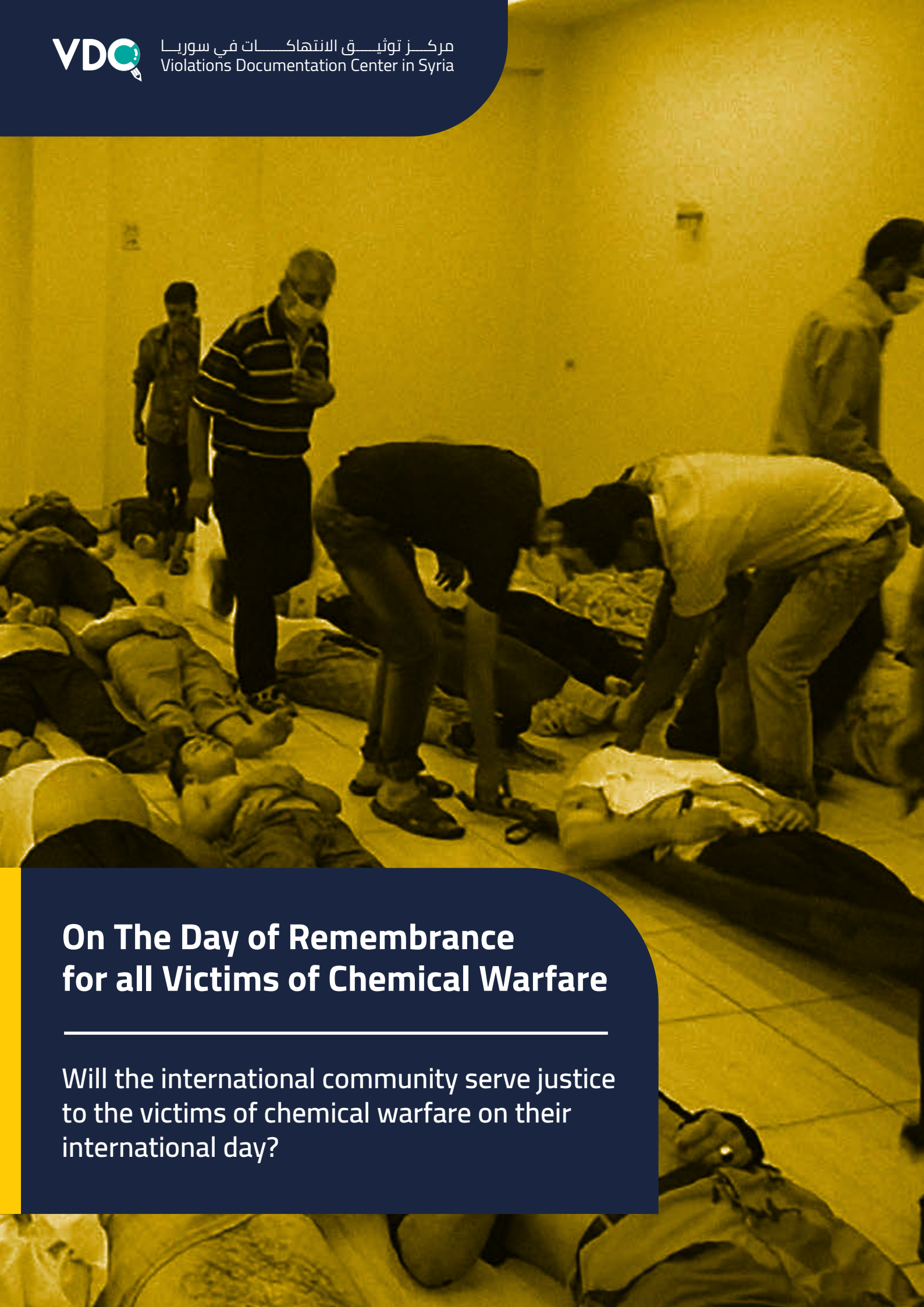




مركز توثيق الانتهاكات في سوريا
Violations Documentation Center in Syria



On The Day of Remembrance for all Victims of Chemical Warfare

Will the international community serve justice
to the victims of chemical warfare on their
international day?

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Important steps in the course of investigations

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The first report of the Investigation and Identification Team (IIT) formed by the Organization for the Prohibition of Chemical Weapons (OPCW), to investigate chemical attacks in Syria, constitutes an important step forward in the file of investigations on the use of chemical weapons. Although it is not the first report issued by an international body specifying the names of the perpetrators, in particular, the Syrian government forces are responsible for several chemical weapons attacks, however, the report issued by the competent organization is a step forward. The Security Council, through the Russian veto, had previously suspended the investigations of the Joint Investigation Commission that was formed by Security Council Resolution 2235 in August 2015, and later at the end of 2017 the Russian veto ended its mandate after its report on the Khan Sheikhoun incident that occurred in April 2017.

”

Mohamad Katoub, director of the Policy and Advocacy Department at the Syrian Center for Media and Freedom of Expression and a survivor of the chemical attack on Ghouta, Damascus, in August 2013.

Introduction

The strenuous efforts to disarm chemical weapons - the fruit of which was the Chemical Weapons Convention - began more than a century ago. Chemical weapons were used widely during the First World War, killing 100,000 people and causing millions of injuries.

However, chemical weapons were not used during the battles that took place in Europe during the Second World War. After the end of that war, and with the advent of nuclear weapons, several countries settled on the fact that their stockpiles of these weapons are limited, while fears about their proliferation increase. These feelings led to a real desire to ban the use of chemical weapons.

Started in 1993, the Chemical Weapons Convention entered into force on 29 April 1997, the [preamble](#) to the Convention declared the determination of the States parties “for the sake of all mankind, to exclude completely the possibility of the use of chemical weapons”.

[Article 8 of the Convention](#) stipulates that “The States Parties to this Convention hereby establish the Organization for the Prohibition of Chemical Weapons to achieve the object and purpose of this

Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties.” Today, the member states of the agreement represent 98% of the population, as well as 98% of the chemical industry in the world.

The Conference of the States Parties to the Convention on the Prohibition of Chemical Weapons, at its tenth session, decided that 29 April would be a Day of Remembrance for all Victims of Chemical Warfare.



Survivors and victims of chemical attacks... harmful memories and distant hopes for justice.

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The report of the OPCW investigation team constitutes an important base and a strong impetus for identifying those responsible for the other chemical attacks that have killed hundreds of unarmed civilians. It also constitutes a strong focal point in the steps to try the perpetrators of these crimes, which violate international law. The report gives a morale boost and a little hope for justice for the families of the hundreds of civilian victims who died in these chemical attacks in the cities and towns of Eastern Ghouta and in the regions of northern Syria.

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Thaer Hijazi, Office manager of the Violations Documentation Office in Eastern Ghouta and a survivor of the major chemical attack on the Ghouta area of Damascus.

Most prominent developments in the chemical file in Syria

2012-2013

- According to the data of the Violation Documentation Center in Syria (VDC), Syrian government forces used toxic gases for the first time during the conflict in July 2012, and from that date until the date of the double attack on the eastern and western Ghouta on 21 August 2013, the government forces allegedly used chemical weapons "Toxic Gases" dozens of times.

- The Ghouta attack was followed by the Syrian government's signature of the Chemical Weapons Convention. Seven days later, the government forces used "toxic gases" in a bombing on the Jobar neighborhood in Damascus.

The Syrian government joined the agreement after the chemical attacks in Ghouta on 21 August 2013, when the Security Council called on the Syrian government to destroy its stockpiles, chemical weapons, and productive capacity.

On 27 September 2013, the Security Council passed [Resolution 2118](#) unanimously, which stipulated the elimination of Syrian chemical weapons.

- According to the data of the VDC, since the Syrian government signed the Chemical Weapons Convention in October 2013 until the end of 2014, government forces have used internationally prohibited toxic weapons more than 72 times in different areas of Syria. The fiercest documented attacks have been "The double attack on the eastern and western Ghouta" in the countryside of Damascus, which occurred in August 2013 and killed about 963 people, according to what was documented by the VDC. VDC had issued a detailed report on the attack. ¹

2014 – 2015

- VDC recorded an attack on the city of Kafr Zita, located in the countryside of Hama Governorate (30 km from Hama), with aerial bombardment with explosive barrels on 11 April 2014. Five explosive barrels were detected in the city, the first three of which carried chemical and toxic gases, according to a testimony by Doctor Hassan Al-Araj (Director of Health, Free Hama Governorate).

This attack recorded the first use by the Syrian government forces to deliver chemicals and toxic materials, using barrel bombs dropped from helicopters.

- VDC has documented the Syrian government's use of chlorine as a weapon more than twenty times in different governorates and towns in Syria during 2014, especially in the governorate of Hama (especially in [Kafr Zita](#)), Idlib governorates (specifically the city of [Al-Tamanah](#)), Damascus, and its countryside. VDC has issued several reports in this regard, including the report ([Syria is choking again](#)).

1 - <http://www.vdc-sy.info/index.php/en/reports/chemicaldamascussuburbs#.XbBQ5JlzbIU>

Moreover, several Syrian international human rights bodies have issued [similar reports](#) that have spoken of evidence about Syrian government helicopters dumping industrial gases that they use as a weapon, an act prohibited under [The Chemical Weapons Convention](#). The report of the [Fact-Finding Mission](#) of the OPCW confirmed the use of chlorine gas in Syria between April and August of 2014 in cities and towns in northern Syria.

- Government forces carried out at least four of the five chemical attacks that were confirmed by the OPCW investigation team in a report submitted on 13 February 2016, three of which occurred in Idlib Governorate:

- The attack on the towns of Talmenes (21 April 2014)
- The attack on Qmenas and Sarmin (16 March 2015)
- The attack on Kafr Zita, Hama Governorate, (12 April 2014)

- In early March 2015, the United Nations (UN) passed [Resolution 2209](#), which condemned the use of chlorine gas in Syria and warned to impose measures under Chapter VII if the chlorine continued to be used.

- At a time when members of the UN Security Council were discussing a draft resolution in order to determine responsibility for chemical attacks and specifically the use of chlorine as a weapon in Syria, the VDC has recorded new attacks during the month of July 2015 in several locations in various governorates by the Syrian government forces using chlorine as a weapon or/and toxic and suffocating material in the governorates of Deir Ezzor and Damascus countryside (Eastern Ghouta) in clear defiance of Security Council Resolution 2209 of 2015.

- According to what the VDC was able to document through its network of correspondents present on the ground, since the issuance of Resolution 2209, the Syrian government forces have used chemical and toxic gases no less than (19) times, the symptoms of (17) of them have been consistent with the symptoms of chlorine.

- In August 2015, the UN Security Council approved the establishment of a joint investigation mechanism between the Organization for the Prohibition of Chemical Weapons and the United Nations (OPCW-UN), whose mission is to identify those responsible for the use of chemical weapons in the Syrian conflict in many areas of the country, especially the Idlib governorate which has witnessed numerous attacks using chemical weapons by the government forces.

- [The fourth report](#) of the leadership team of the joint investigation mechanism OPCW-UN, in October 2016 drew a conclusion regarding the parties involved in three of the nine cases investigated by the mechanism. The Islamic State in Iraq and the Levant (ISIS) was involved in the use of sulfur mustard on Marea on 21 August 2015. The leadership team concluded that ISIS had launched an attack on Marea with the use of several artillery shells filled with sulfur mustard, a chemical weapon.

In its third report, the leadership team also decided that the Syrian Arab Armed Forces were involved in the use of toxic chemicals as weapons in three cases: Talmenes (21 April 2014), Qumain (16 March 2015) and Sarmin (16 March 2015). Its helicopters were used to drop barrel bombs in these three cases.

2016

- On 31 October 2016, UN Security Council [Resolution 2314](#) was adopted to extend the mandate of the Joint Investigation Mechanism between the OPCW-UN to determine the identity of perpetrators of the use of chemical weapons in Syria for a period of two weeks.
- On 17 November 2016, UN Security Council [Resolution 2319](#) was adopted renewing the mandate of the OPCW-UN investigative mechanism for another year.

2017

- At 6 a.m. on 4 April 2017, the northern neighborhood of Khan Sheikhoun was targeted with four missiles from two "Sukhoi 22" airstrikes loaded with sarin gas, and the airstrike suffocated dozens to death, most of them children.
The sarin attack on the city of Khan Sheikhoun has been recorded as the largest and most severe chemical weapons attack in Syria since the government joined the Chemical Weapons Convention in October 2013.
- On 30 June 2017, the experts of the OPCW confirmed that sarin gas was actually used in the attack on the town of Khan Sheikhoun. Members of the organization deliberated in The Hague, but the report was not announced. After interviewing witnesses and examining samples, the organization's fact-finding mission concluded that "a large number of people, some of whom died, were exposed to sarin or a similar substance." "The fact-finding mission concluded that this could only be the use of sarin as a chemical weapon," the report concluded.
- At the end of September 2017, the OPCW sent an investigation mission to Syria to gather more information and conduct interviews regarding five reported incidents the investigation mission is investigating, it is related to two incidents in Khirbet Al-Masasna, which occurred on 7 July 2017 and 4 August 2017. One incident in Qalib Al-Thawr, in Salmiya, occurred on 9 August 2017. One incident in Yarmouk, Damascus, took place on 22 October 2017 and one in Al-Balil, Soran, took place on 8 November 2017.

2018

- After the start of military operations launched by the Syrian government forces with air support from Russian warfighters during the last months of the siege of Eastern Ghouta in Damascus countryside, correspondents of the VDC recorded several attacks by government forces suspected of using chemical weapons.

- On 7 April 2018, government forces bombed the city of Douma with munitions containing “toxic gases.” According to [the final report](#), the OPCW confirmed that chlorine gas was used in an attack targeting the Syrian city of Douma in April 2018. The organization said that there is “reasonable ground to indicate that a chemical element was used as a weapon on 7 April 2018 during the attack on Douma in the eastern Ghouta of Damascus,” explaining that: “this chemical element contained chlorine gas.” The report’s summary confirms what was previously reported in July 2017, based on testimonies provided by doctors, that the attack killed about forty people.
- The report of the UN Mission to Investigate Alleged Uses of Chemical Weapons in Syria confirmed that chemical weapons, particularly sarin, were used in multiple incidents during the conflict. The Independent International Commission of Inquiry on the Syrian Arab Republic independently collected information confirming this conclusion in the case of Ghouta (21 August 2013) and Khan al-Asal (19 March 2013) and Saraqib (29 April 2014).
- Large quantities of sarin were used in Ghouta in a random but well planned attack that targeted populated civilian areas, causing many casualties. The available evidence on the nature, quality, and quantity of the chemical agents used on 21 August 2013 suggests that the perpetrators had access to the Syrian army’s chemical weapons stockpile, as well as the expertise and equipment needed to safely use a large number of chemical agents. Regarding the incident that occurred in Khan al-Asal in 2013, the chemical agents used in that attack had the same unique characteristics that distinguish the agents used in Ghouta.
- A wide use of Chemical weapons during the conflict in Syria were documented. The Joint Investigation Mechanism mandated by the UN Security Council to investigate the use of chemical weapons in Syria, confirmed that Syrian government forces used sarin and nerve gas, both chemical weapons. The UN Independent Commission of Inquiry on the Syrian Arab Republic has documented dozens of attacks, while other organizations claim that the number of attacks is more than that; for example, 198 attacks between 2012 and March 2018 were documented by the Syrian American Medical Association.

2020

- On Wednesday 08 April 2020, the investigation team of the OPCW issued its first report, in which it indicated the responsibility of the Syrian government for the attacks on the town of Lataminah in Hama countryside with chemical weapons in 2017. This is the first direct and explicit accusation by the OPCW to the Syrian government that it is responsible for the use of chemical weapons. “Attacks of such a strategic nature would have only taken place on the basis of orders from the higher authorities of the Syrian Arab Republic military command,” IIT coordinator Santiago Onate-Laborde said.
- According to the report of the IIT of OPCW, the Syrian Air Force of the Syrian government carried out three attacks in March 2017 on the town of Lataminah in the Hama Governorate that were subject to

the Syrian opposition factions, in which it used sarin nerve gas and the poisonous chlorine gas, which led to 106 injured people.

- The report provided details of these three attacks including dates, implementation details of the type of aircraft used, the air bases from which they were launched, type of bombs dropped on the town of Lataminah and its chemical weapons content, as well as which sites were targeted by the attacks, including a hospital.

No impunity for chemical weapons users

The use of chemical weapons by any party, government forces or a non-state actor, anywhere, anytime and under any circumstance, is a violation of international law and can be equal to the most serious international crimes such as war crimes and crimes against humanity.

Accountability for these actions is also necessary to prevent chemical weapons from being used. The impunity for these horrific crimes cannot be tolerated.

Mohamad Kutoub says:

“

Despite the importance of the report legally first, politically and in the media second, the path of justice and accountability is still thorny. It requires an international will, whether by several countries take advantage of collective universal jurisdiction and form a special court of Syria, or by a country or group of countries addressing the International Criminal Court, as the use of toxic gases falls under the mandate of the International Criminal Court in accordance with Article VIII of the Rome Statute. The report brought some relief to the witnesses and the families of the victims that there is a document that proves the responsibility of the perpetrators. Moreover, it provided a legal basis for action. There are many things that the international community can do to use this report to advance the path of justice and accountability in Syria, yet, all of them need political will. Although the Security Council is clearly paralysed in regard to justice and accountability in Syria, member states must assume their responsibilities towards accountability for recurrent crimes committed in Syria.

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Thaer Hijazi says:

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We call on the international community to open the file of the use of chemical weapons in Syria in a serious manner and bring the perpetrators of these crimes to trial. It is not enough to destroy the Syrian government's weapons arsenal while leaving the accountability of those responsible for the use of toxic gases against unarmed civilians for a later stage that might never come!

”

Most Prominent Developments in the Chemical File in Syria

2012-2013



July 2012

Syrian government forces used toxic gases for the first time during the conflict in July 2012



21 August 2013

the double attack on the eastern and western Ghouta



Syrian government's signature of the Chemical Weapons Convention



11 April 2014

attack on the city of Kafr Zita, Five explosive barrels detected three of which carried chemical and toxic gases



27 September 2013

Security Council passed Resolution 2118 unanimously, which stipulated the elimination of Syrian chemical weapons.



government forces used "toxic gases" in a bombing on the Jobar

2014-2015



March 2015

(UN) passed Resolution 2209 condemning the use of chlorine gas in Syria and warned to impose measures under Chapter VII



July 2015

new attacks in the governorates of Deir Ezzor and Damascus countryside



In August 2015

UN Security Council approved the establishment of a joint investigation mechanism between the Organization for the Prohibition of Chemical Weapons and the UN

2015-2016



4 April 2017

four missiles targeted Khan Sheikhoun, suffocated dozens to death, most of them children



17 November 2016

Resolution 2319 was adopted renewing the mandate of the OPCW-UN investigative mechanism for another year.



31 October 2016

UN Security Council Resolution 2314 was adopted to extend the mandate of the Joint Investigation Mechanism

2017-2018



30 June 2017

experts of the OPCW confirmed that sarin gas was actually used in the attack on the town of Khan Sheikhoun



September 2017

OPCW sent an investigation mission to Syria to gather more information regarding five reported incidents



7 April 2018

government forces bombed the city of Douma with munitions containing "toxic gases."

2020



8 April 2020

the investigation team of the OPCW issued its first report, in which it indicated the responsibility of the Syrian government for the attacks on the town of Lataminah in Hama countryside with chemical weapons in 2017

Compensating victims of grave human rights violations is not an option but rather a legal obligation.

All victims of human rights violations have the right to an effective remedy and reparation. Although this concept is the result of state responsibility in cases of human rights violations, it is often neglected. International legal provisions on this issue are varied, often vague, and do not use standard terms. At its sixtieth session, the General Assembly adopted the UN Principles of Remedy and Reparation, in accordance with (Recommendation 60/147 of 16 December 2005).

Thus it can be said that there is a set of obligations imposed on states towards victims of grave human rights violations, which are to take all necessary legislative and other measures to guarantee rights, investigate human rights violations, provide effective remedies against violations, provide perpetrators of gross violations of human rights to justice, and to provide reparation to the victims.

Accordingly, it can be said that the rights of victims of human rights violations can be formulated in three basic types: the right to justice, the right to know the truth, the right to reparation.

The right to know the truth obliges the state to investigate human rights violations and reveal the truth to the public. As for the right to justice, it involves stopping human rights violations besides the commitment of states to combat impunity and bring the perpetrators to justice. The right to reparation includes the first two rights and it goes further to include the right to compensation, restitution, rehabilitation and satisfaction, and guarantees of non-repetition.

Summary

Syria acceded to the The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases on 22 November 1968. Following the horrific chemical attack by the Syrian government forces against civilians in Eastern Ghouta, and under pressure from the international community, Syria officially joined The Chemical Weapons Convention in September 2013 by depositing in the hands of United Nations Secretary-General Ban Ki-moon on 14 September 2013 its instrument of accession to the convention that prohibits and prevent the development, production, stockpiling and use of chemical weapons. The Syrian government announced that it would comply with the provisions of the agreement and would respect it “faithfully and sincerely.” On 27 September 2013, the Security Council passed [Resolution 2118](#) in support of the decision of the Executive Council of the Organization for the

Prohibition of Chemical Weapons which contains special measures to expedite the dismantling of the chemical weapons program and subject it to “a strict investigation”. The twenty-second item of the resolution stated that measures will be imposed under Chapter VII of the Charter of the Nations United in case that Syria does not comply with this decision.

The Violations Documentation Center stresses the necessity of not tolerating impunity for these largely documented violations. The international community must take appropriate measures. Accountability is an essential component to prevent the reuse of chemical weapons. Countries that have an influence on the parties in Syria should act to ensure its compliance with the rules of international humanitarian law. The Security Council bears the responsibility to allow the warring parties to violate these rules with impunity. The continued use of chemical weapons in Syria is the greatest threat to the viability of the treaty.



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