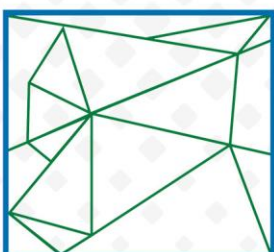


# Syria: The 3rd Report of the OPCW Confirms the Government's Use of Chlorine in Douma

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سوريون  
من أجل  
الحقيقة  
والعدالة  
Syrians  
For Truth  
& Justice



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## **Syria: The 3rd Report of the OPCW Confirms the Government's Use of Chlorine in Douma**

*During the conflict, STJ documented the Syrian government's repeated use of chemical weapons*

## 1. Introduction

On 27 January 2023, the Organisation for the Prohibition of Chemical Weapons (OPCW)<sup>1</sup> published its Investigation and Identification Team<sup>2</sup> (IIT)'s third report No. S/2125/2023.<sup>3</sup>

The report sets out the findings of the investigations conducted in the period between January 2021 and December 2022, focusing on the incident in [Douma](#) on 7 April 2018.

The IIT reached its conclusions on the basis of the degree of certainty of “reasonable grounds”. The report states that there are reasonable grounds to believe that, between 19:10 and 19:40 (UTC) on 7 April 2018, during a major military offensive aimed at regaining control of the city of Douma, at least one Mi-8/17 helicopter of the Syrian Arab Air Force (departing from Dumayr airbase and operating under the control of the Tiger Forces) dropped two yellow cylinders which hit two residential buildings in a central area of the city.

According to the report, the first cylinder hit the rooftop floor of a three-store residential building without fully penetrating it, ruptured, and rapidly released chlorine gas in very high concentrations, which rapidly dispersed within the building, killing 43 individuals and affecting dozens more. Moreover, the second cylinder hit the roof of an uninhabited residential building, ruptured only partially, and started to slowly release chlorine, mildly affecting those who first arrived at the scene.

The OPCW confirms that the IIT reviewed over 19,000 files (more than 1.86 terabytes), obtained, and assessed 66 witnesses, and considered data related to 70 samples. Furthermore, the report states that the IIT assessed the information obtained from the OPCW Fact-Finding Mission in Syria (FFM)<sup>4</sup> and States Parties, coupled with interviews conducted by the IIT and analyses of samples, munition remnants, gas dispersion models, cylinder drop trials, computer modeling, satellite imagery, authenticated videos and photographs, as well as advice from experts, specialists, and forensic institutes.

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<sup>1</sup> The Organisation for the Prohibition of Chemical Weapons (OPCW). Accessed on 16 February 2023. <https://www.opcw.org/>

<sup>2</sup> The Director-General of the OPCW Technical Secretariat established the Investigation and Identification Team (IIT) pursuant to the Decision by the Conference of the States Parties entitled “Addressing the Threat from Chemical Weapons Use” (C-SS-4/DEC.3, dated 27 June 2018). The IIT began its work in June 2019, focusing on certain incidents for which the OPCW Fact-Finding Mission in Syria (FFM) had determined that use or likely use of chemical weapons on the territory of the Syrian Arab Republic occurred and for which the OPCW-United Nations Joint Investigative Mechanism had not reached a final conclusion. The IIT is not a judicial body with the authority to assign individual criminal responsibility, nor does the IIT have the authority to make final findings of non-compliance with the Convention. The mandate of the IIT is to establish the facts.

<sup>3</sup> The third report by the OPCW investigation and identification team pursuant to paragraph 10 of decision C-SS-4/DEC.3 “Addressing the threat from chemical weapons use” Douma (Syrian Arab Republic) – 7 April 2018. 27 January 2023. Accessed on 16 February 2023.

<https://www.opcw.org/sites/default/files/documents/2023/01/s-2125-2023%28e%29.pdf>

<sup>4</sup> Report of the Fact-Finding Mission regarding the incident of alleged use of toxic chemicals as a weapon in Douma, Syrian Arab Republic, on 7 April 2018. S/1731/2019. 1 March 2019. Accessed on 16 February 2023.

<https://www.opcw.org/sites/default/files/documents/2019/03/s-1731-2019%28e%29.pdf>

It is worth mentioning that when the attack on Douma occurred, STJ and other human rights organizations were present at the site of the attack to document it.<sup>5</sup> The organizations also published a joint statement addressed to the Secretary-General of the United Nations, António Guterres. The statement urged him to defend civilians everywhere by activating an independent UN mechanism that identifies those responsible for chemical attacks in Syria, including the attack of 7 April 2018.<sup>6</sup>

## **2. Violent Attacks on Eastern Ghouta and Attempts to Hide the Facts:**

After violent military attacks launched by the Syrian government, the latter and its allies took control of the Eastern Ghouta, including the city of Douma (mentioned in the report of the OPCW). The attacks took place in the period between 18 February and 8 April 2018

It is noteworthy that on the same day, the Syrian forces and their allies had reached an agreement with the Army of Islam/Jaysh al-Islam in Douma, which required the liberation of all the abductees held by the latter, in exchange for being allowed to leave Douma towards northern Syria. According to STJs documentation, this agreement was preceded by other agreements with armed groups there.<sup>7</sup> STJ has published a detailed report on the massacres committed by the Syrian government forces in Eastern Ghouta during these military attacks.<sup>8</sup>

In mid-June 2018, the Syrian government forces carried out a bulldozing operation in the "al-Sindiana Cemetery" in Douma, because the cemetery contained some remains of the victims of the chemical attack that took place on 7 April 2018. STJ had previously published a report on this incident.<sup>9</sup> The report mentioned that several witnesses and sources confirmed that members of the Syrian government forces moved several bodies from the cemetery to an unknown location, and that the bulldozing continued until 20 July 2018, in an attempt by the government to hide any evidence that might indicate the use of chemicals in the mentioned attack.

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<sup>5</sup> Syria: The OPCW Corroborates Findings Revealing the use of Chemical Weapons in Douma. 29 March 2019. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/1234>

<sup>6</sup> UN Secretary-General Should Activate Independent Mechanism to Attribute Responsibility for Chemical Attacks in Syria. 15 April 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/501/>

<sup>7</sup> Violent Incendiary Weapon Attacks Targeting Douma on 22 and 23 March 2018. 17 April 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/503/>

<sup>8</sup> The Unprecedented. 28 June 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/607/>

<sup>9</sup> Regime's Bulldozing a Cemetery in Douma Reinforces the Possibility of a Chemical Attack. 6 September 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/723/>



### 3. Syrian Organizations Documents the Government's Repeated Use of Chemical Weapons:

Since 2012, STJ and other Syrian civil society and human rights organizations have been documenting chemical attacks on Syria. They cooperated with the OPCW to uncover the truth, hold the perpetrators accountable, and provide justice to the victims. According to the documentation efforts of these organizations, Syrians were subjected to at least 222 chemical attacks, of which 217 were committed by the Syrian government. The first attack was on 23 December 2012 and 7 individuals were killed in [Homs](#).<sup>10</sup>

In 2018, the Syrian government forces repeatedly attacked the cities of Eastern Ghouta.<sup>11</sup> According to STJ's documentation, the first chemical attack in 2018 took place on the morning of Saturday, 13 January. The area between the cities of Douma and [Harasta](#) was hit by several missiles loaded with chemicals (Chlorine gas). Although the location of the attack was closer to Harasta than to Douma (the city that the OPCW report addresses), the wind carried the gas towards Douma, causing suffocation among civilians.<sup>12</sup> At that time, the city's local council issued a statement condemning the attack and calling on the international community to shoulder its responsibilities.<sup>13</sup>

Finally, it is worth noting that the Geneva Protocol prohibited the use of chemical weapons in wars since 1925.<sup>14</sup> Moreover, on 3 September 1992, the Conference on Disarmament adopted the Chemical Weapons Convention in Geneva,<sup>15</sup> and on 13 January 1993, the Convention was opened for signature in Paris. However, it did not enter into force until 29 April 1997 and then the OPCW was officially established. Today, the convention has 193 State Parties, including Syria, which joined on 14 September 2013.<sup>16</sup>

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<sup>10</sup> The Syrian Regime's Approach to Chemical Warfare. Tobias Schneider and Theresa Lütkefend. April 2020. Global Public Policy Institute. Accessed on 16 February 2023.

<https://chemicalweapons.gppi.net/analysis/introduction/>

<sup>11</sup> See for example: Syrian Forces Re-Use Toxic Gases in Eastern Ghouta for a Five Time in 2018. 10 April 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/497/>;

Repeated Attacks with Incendiary Weapons, Cluster Munitions and Chemicals on Eastern Ghouta. 26 March 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/475/>;

Syrian Forces Bombard Eastern Ghouta with Chemical Weapons for the Fourth Consecutive Time since the Beginning of 2018. 15 March 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/463/>

<sup>12</sup> Exposure of Six Civilians to Poisonous Substances in Eastern Ghouta- Damascus Countryside. 21 January 2018. Syrians for Truth and Justice. Accessed on 16 February 2023. <https://stj-sy.org/en/391/>

<sup>13</sup> Ibid.

<sup>14</sup> Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, 17 June 1925. International Committee of the Red Cross. Accessed on 16 February 2023. <https://ihl-databases.icrc.org/en/ihl-treaties/geneva-gas-prot-1925>

<sup>15</sup> Chemical Weapons Convention. The Organisation for the Prohibition of Chemical Weapons. Accessed on 16 February 2023. <https://www.opcw.org/chemical-weapons-convention>

<sup>16</sup> United Nations Treaty Connection. Accessed on 16 February 2023. [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-3&chapter=26](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-3&chapter=26)

#### 4. Recommendations:

Since Syria is a State Party to the Geneva Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, then it is bound by all the obligations imposed by this Convention, including the obligation to refrain from possessing and using chemical weapons.<sup>17</sup>

Also, since the report of the OPCW has proven that the Syrian government used chemical weapons in at least one incident, STJ calls on the Executive Council of the OPCW<sup>18</sup> to take the measures stated in the Chemical Weapons Convention. Article 8 of the mentioned convention states that the Council shall consider any issue or matter within its competence affecting this Convention and its implementation, including concerns regarding compliance, and cases of non-compliance. The Executive Council shall, and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference.<sup>19</sup>

Moreover, The Executive Council shall, in cases of particular gravity and urgency, bring the issue or matter, including relevant information and conclusions, directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step,<sup>20</sup> which applies to the Syrian case.

Furthermore, STJ calls on local and international human rights organizations to address the international community (countries and organizations), especially the currently members of the Executive Council of the OPCW, to carry out the tasks stated in the convention (Article 8), in order to reach justice, hold accountable those responsible for the crime of using chemical weapons in Douma on 7 April 2018, and secure redress and reparation for the victims of the attack.

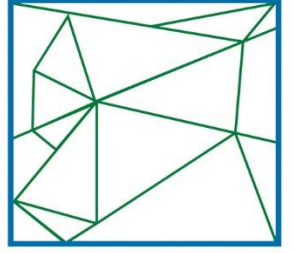
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<sup>17</sup> Article No. 1.

<sup>18</sup>The Executive Council consists of 41 OPCW Member States that are elected by the Conference of the States Parties and rotate every two years. The Council supervises the activities of the Technical Secretariat and is responsible for promoting the effective implementation of and compliance with the Convention. Accessed on 16 February 2023. <https://www.opcw.org/about-us/executive-council>

<sup>19</sup> Article No. 8(35).

<sup>20</sup> Article No. 8(36).



## About Us:

Syrians for Truth and Justice (STJ) is a nonprofit, nongovernmental organization monitoring human rights violations in Syria. Founded in 2015, STJ has been based in France since 2019.

STJ is an impartial and independent Syrian human rights organization operating across Syria. Our network of field researchers monitor and report human rights violations occurring on the ground in Syria, while our international team of human rights experts, lawyers, and journalists gather evidence, examine emerging patterns of violations, and analyze how violations break domestic Syrian and international law.

We are committed to documenting violations of human rights committed by all parties in the Syrian conflict and elevating the voices of all Syrians victimized by human rights violations, regardless of their ethnicity, religion, political affiliation, class, and/or gender. Our commitment to human rights monitoring is founded on the idea that professional human rights documentation meeting international standards is the first step to uncovering the truth and achieving justice in Syria.



[WWW.STJ-SY.ORG](http://WWW.STJ-SY.ORG)



[STJ\\_SYRIA\\_ENG](https://twitter.com/STJ_SYRIA_ENG)



[EDITOR@STJ-SY.ORG](mailto:EDITOR@STJ-SY.ORG)