

AMNESTY INTERNATIONAL

QUESTIONS AND ANSWERS

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Syria: Possible international armed intervention after alleged chemical weapons attack

Introduction

In recent days, a number of governments have signalled their intention to take military action against the Syrian government, which they hold responsible for the [alleged chemical weapons attacks of 21 August](#). Scores of civilians, including many children, were apparently killed in the attacks on the outskirts of Syria's capital, Damascus,.

Amnesty International neither condemns nor condones such an armed international intervention. It also takes no position on the legality or moral basis for any such action. In situations of armed conflict, Amnesty International focuses on ensuring that warring parties respect international humanitarian law and human rights.

Has Amnesty International found evidence of chemical weapons use in Syria?

Amnesty International has gathered information from survivors of the chemical weapons attack believed to have taken place in the Eastern Ghouta region, east of the capital Damascus, on 21 August, as well as doctors who examined those killed and treated those affected by the contamination. We have also shared this and other information about the alleged chemical release with specialists in chemical agents. Based on this research and the analysis by specialists, Amnesty International believes that it is highly likely that chemical agents contaminated several neighbourhoods in the adjacent towns of Zamalka and Ain Tarma in Eastern Ghouta.

According to the specialists consulted, symptoms exhibited by those affected by the alleged chemical release are consistent with exposure to organophosphorous nerve agents. These agents are part of compounds called cholinesterase inhibitors that prevent an enzyme responsible for nerve transmissions from transmitting messages effectively to the muscles, leading to reduced muscle activity. This prevents sufficient oxygen from reaching the lungs, leading to respiratory difficulties which, in severe cases, result in death. The reduced muscle activity caused by exposure to organophosphorous nerve agents also lead to involuntary muscle movements, including twitching and convulsions, and constricted pupils, all of which are symptoms that were exhibited by those present in Zamalka and Ain Tarma during the hours after the alleged attack.

Amnesty International does not have sufficient information to determine who used or released the chemical agents in the affected areas in Zamalka and Ain Tarma, which are under the control of opposition forces.

Amnesty International has not so far been able to conduct in-depth research into the chemical weapons attack that is believed to have taken place in Mo'damiya, west of Damascus, also on 21 August. However, the symptoms exhibited in those affected, as shown in video footage, appear to be similar to the symptoms shown in those affected

by the alleged attack on Eastern Ghouta. Accordingly, Amnesty International is concerned that Mo'damiya was also contaminated by a similar chemical agent.

Conclusive findings on the use of chemical agents and who used them requires on-site investigations by experts with free access to the affected locations and relevant information.

Has the UN team on the ground found evidence of chemical weapons use in Syria?

Its work is still ongoing and it is yet to issue any findings.

The UN Mission to Investigate Allegations of the Use of Chemical Weapons in the Syrian Arab Republic began a mission to Syria on 19 August to visit three sites where chemical weapons had allegedly been used earlier this year, including Khan al-Asal in Aleppo governorate. Following the most recent alleged chemical weapons attack of 21 August, the Syrian authorities were pressured into giving the UN team access to this area as well. The UN team was due to spend up to 14 days in Syria, with a possible extension.

The team's work has so far been hampered by security issues. The convoy in which it was travelling was attacked on 26 August and the UN Mission postponed a visit on 27 August in order to improve safety for the team. UN Secretary-General Ban Ki-moon said on 28 August that the inspectors who are investigating the site of the alleged attack of 21 August would need a total of four days to carry out their site visits and then further time to analyse their findings.

The international community must ensure that the Syrian government and opposition forces allow unfettered access to all areas that the UN Mission wishes to visit and provide full co-operation with its work so that it can determine whether chemical weapons have indeed been used.

If they do find evidence, what will it mean?

Any confirmed use of chemical weapons is of course very serious. The use of such prohibited weapons would be a serious violation of international humanitarian law and constitute a war crime. (As is the deliberate targeting of civilians using weapons of any kind.)

However, the mandate of the UN Mission is just to determine whether chemical weapons were used, not to identify the perpetrators.

So what can the international community do if they do find proof that chemical weapons were used?

The UN-mandated Commission of Inquiry on Syria must be allowed access to Syria to assess who was responsible for the attack, as well as to investigate other ongoing allegations of crimes under international law being committed in the context of the armed conflict. Given that the Commission of Inquiry has been denied permission to enter Syria since it was set up in August 2011, the UN Security Council should demand that the Syrian government and opposition forces allow it access to territory under their respective control and co-operate fully with its inquiries. All other governments should use any influence they have with the parties to the conflict to support this demand.

As Amnesty International has been repeatedly calling for, the UN Security Council should also refer the situation in Syria to the International Criminal Court to ensure accountability for the use of chemical weapons and all other war crimes and crimes against humanity.

What is Amnesty International's position on military intervention / use of armed force?

Amnesty International generally neither condemns nor condones the resort to the use of force in international relations, nor does it make any comments or pass judgment on the arguments justifying the use of force. In the context of the armed conflict in Syria, we have not called for armed intervention but have pushed the international community to undertake other measures to protect civilians and prevent further crimes under international law, including crimes against humanity, being committed (see below). If such measures had been adopted early on in the crisis, it is possible that Syrians would have been spared much of the gross violations and abuses of the last two and a half years.

In the event of armed international intervention, Amnesty International's focus will be on the conduct of such intervention in the light of the rules of international humanitarian law and applicable human rights law.

Shouldn't states exhaust all other means before using armed force against Syria?

Amnesty International generally neither condemns nor condones the resort to the use of force and therefore does not take a position on when armed force may or may not be justified. However, we are clear that too little has been done by the international community so far to address crimes under international law committed during the conflict.

While the joint UN and Arab League envoy for Syria, Lakhdar Brahimi, has been trying to convene an international conference to resolve the crisis in Syria, deadlock at the UN Security Council has so far hampered attempts to resolve the conflict. The Syrian government has felt free to carry on committing gross violations of human rights, including crimes under international law, confident that they will be protected by allies such as Russia and China. Unless that dynamic changes and effective pressure is applied on all parties, it is difficult to see how negotiations alone will resolve the crisis.

Targeted sanctions (namely a freeze on the assets of President Bashar al-Assad and others who may be involved in ordering or perpetrating crimes under international law), a referral of the situation in Syria to the International Criminal Court and the deployment of international human rights monitors would help contribute to conditions for fruitful negotiations aimed at a solution that respects the human rights of all Syrians.

If a military intervention goes ahead, what will Amnesty International's calls be on the foreign military powers and the Syrian government?

Any attack by the USA, UK, France or others against Syria will be the start of an international armed conflict between the Syrian government and foreign military forces. There is also an ongoing non-international (internal) armed conflict between the Syria government and armed opposition groups (see below). It is critical that all parties involved in the conflict respect fully international humanitarian law (the laws of war) and applicable human rights law.

Amnesty International would call on them to comply with international humanitarian law, particularly in relation to the protection of civilian lives. In particular, they should:

- Refrain from targeting civilians or civilian objects;
- Refrain from carrying out indiscriminate and disproportionate attacks;
- Refrain from using weapons which are inherently indiscriminate or otherwise prohibited under international humanitarian law, including cluster munitions;
- Take all necessary precautions in attacks to spare civilians, including by issuing warnings to civilians wherever feasible, and paying particular heed to the fact that detainees are being held in military bases and facilities;
- Take precautions to protect civilians under their control against the effect of attacks, including avoiding, to the extent feasible, locating military objectives within or near densely populated areas, and removing, where feasible, civilians from the vicinity of military objectives;
- Refrain from using civilians to render military objectives immune from attack (that is, as human shields).

What are Amnesty International's calls on the international community as a whole?

The international community as a whole should do the following:

- It should take urgent steps to try to ease the dire humanitarian situation inside the country, where more than 4.25 million people are believed to be displaced from their homes. In particular, it should ensure that all parties to the armed conflict in Syria allow unfettered access to humanitarian organizations and agencies to provide assistance to the civilian population. In the case of the Syrian government, this should include granting cross-border access, as well as cross-line access. All parties must allow provision of assistance on the basis of need, without discrimination.
- It should step up efforts to share responsibility for refugees and ease the strain on Syria's neighbours in order to assist and protect those who have fled the conflict. Syria's neighbours and other countries hosting Syrians must ensure that no Syrians are forcibly returned.
- It should accept a shared responsibility to investigate and prosecute crimes against humanity and other crimes under international law committed in Syria or anywhere in the world. In particular, it should seek to exercise universal jurisdiction over these crimes before national courts in fair trials and without recourse to the death penalty. This is especially important given the UN Security Council's ongoing failure to refer the situation in Syria to the International Criminal Court.

What would be Amnesty International's calls on states providing military aid to Syrian government forces or armed opposition groups?

In the absence of an international arms embargo, and because widespread and systematic armed attacks by the Syrian armed forces and allied militias with a wide range of conventional arms have resulted in crimes against humanity, any states supplying arms to the Syrian government should halt such transfers immediately. This includes all weapons, munitions, military, security, and policing equipment, training and personnel.

In addition, no arms transfer should be made to an armed opposition group in Syria where there is a substantial risk of the group committing serious violations of human rights and international humanitarian law. The onus should be on states considering military transfers to armed opposition groups to first ensure the establishment of concrete, enforceable and verifiable mechanisms so as to remove all substantial risks

that any military equipment supplied is not misused or diverted to commit or facilitate grave human rights abuses or violations of international humanitarian law.

What are Amnesty International's calls on the parties to Syria's internal armed conflict?

Amnesty International calls on all parties to the conflict to:

- End attacks on civilians and civilian objects;
- Refrain from carrying out indiscriminate and disproportionate attacks;
- End summary killings and torture and other ill-treatment;
- Release any person held solely on the basis of their religion, ethnicity, or political opinion;
- Communicate a zero-tolerance policy on abuses to forces under their command and condemn publicly abuses where they occur;
- Allow humanitarian organizations and agencies unfettered access to provide assistance to the civilian population without discrimination; in the case of the government, this should include granting cross-border access, as well as cross-line access;
- Provide access to the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged crimes under international law and violations and abuses of international human rights law;
- Allow human rights organizations and international media full and unhindered access to the areas they control, including detention centres.

What should Syria's international allies, such as Russia and Iran, do to minimize risk to civilians?

Russia and other allies of the Syrian government should cease supplying arms and equipment to government forces. And they should work together with other states to pressure Syria to stop committing crimes under international law and give unhindered access to humanitarian organizations, the UN-mandated Commission of Inquiry and human rights organizations.