

Syria and Chemical Weapons: First quarter 2013

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Subject to revision as new information becomes available

2 January 2013 A political adviser to the Free Syrian Army (FSA), Bassam al-Dada, tells the Turkish state-run Anatolia news agency that the Syrian opposition is capable of putting together components of chemical weapons and using them if necessary.[1]

A day or so later a senior officer from the FSA, Brigadier Selim Idris, tells the Anatolia news agency that news reports that the FSA has chemical weapons are not true. Idris is quoted as saying: 'In our faith, we can't use such a weapon', and: 'we will not try to acquire them, will definitely not produce them or facilitate their production'.[2]

[1] [No author listed], 'Free Syrian Army claims chemical weapons capability', *Russia Today*, 2 January 2013; Atul Aneja, 'Can assemble chemical arms - Syrian rebels', *The Hindu*, 4 January 2013.

[2] [No author listed], 'FSA denies claims it has chemical weapons', *World Bulletin*, 4 January 2013.

4 January 2013 Patriot missiles from NATO allies are being deployed to Turkey [see 4 December 2012] to help defend against potential attacks by missiles or aircraft from Syria. The US European Command says troops and equipment have started arriving in southern Turkey with Germany and the Netherlands making preparations to transport their Patriot batteries in the coming days. Six battery units are scheduled to be operational by the end of January.[1]

[1] [No author listed], 'Nato deploying Patriot missiles to Turkey-Syria border', *BBC News*, 4 January 2013.

8 January 2013 In the UK, the *Independent* reports that General Sir David Richards, head of the British armed forces, has raised concerns at the prospect of Syrian chemical weapons falling into the hands of what the paper describes as 'extreme Islamists'. The newspaper reports that an exercise carried out by US and Jordanian special forces relating to stockpile security was attended by members of the SAS [UK special forces] as observers.

The newspaper also makes reference to the alleged attack in Homs [see 23 December 2012] and suggests that General Adnan Sillu, a defector [see 19 September 2012], described in the article as 'the former head of the Syria's chemical weapons programme', has claimed that Sarin was the agent used there. The article quotes Dr Sally Leivesley, described as 'an independent chemical and biological analyst', saying: 'If there really was an attack involving Sarin, then one would expect a significant number of fatalities. From what one hears about the symptoms it's possible that a harassing agent rather than a nerve agent was used'.[1]

[1] Kim Sengupta, 'Britain and US fear Syrian chemical weapons could fall into the hands of extreme Islamist groups', *Independent* (London), 8 January 2013.

10 January 2013 In London, on the floor of the House of Commons, the UK Foreign Secretary makes a statement about the situation in Syria. In the question and answer period that follows he is asked whether, while engaging with the opposition forces, 'have we sought to extract an undertaking from them that any store of chemical weapons discovered will

be handed over for destruction so that it cannot possibly fall into the hands of al-Qaeda?' The Secretary of State's response includes: 'We have made it very clear to the national coalition that we would expect any future Government of Syria to join and to adhere to the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. ... I hope that one thing that will happen in a future Syria will be the destruction and disposal of those weapons.'[1]

He adds, in response to another question: 'I know that, due to the history in relation to Iraq, whenever Governments assert that there is no doubt about the existence of chemical or other weapons, people are entitled to their scepticism, but there can be no doubt about the existence of such weapons in Syria or that the Assad regime has deliberately manufactured and stockpiled large quantities of such weapons. If there was any chance that the Assad regime would survive in future, I am sure that it would continue that manufacturing and stockpiling'.[2]

[1] William Hague, Secretary of State for Foreign and Commonwealth Affairs, 10 January 2013, *Hansard* (Commons), vol 556, c491-92, in response to a question from Julian Lewis MP.

[2] William Hague, Secretary of State for Foreign and Commonwealth Affairs, 10 January 2013, *Hansard* (Commons), vol 556, c495, in response to a question from Louise Ellman MP.

10 January 2013 In Washington, DC, Secretary of Defense Leon E. Panetta and Chairman of the Joint Chiefs of Staff General Martin E. Dempsey host a press briefing.[1]

Asked whether there was anything the US could do militarily to stop the Assad regime from using chemical weapons, General Dempsey's response includes: 'the act of preventing the use of chemical weapons would be almost unachievable ... [because] you would have to have such clarity of intelligence, you know, persistent surveillance, you'd have to actually see it before it happened, and that's, that's unlikely, to be sure. On the other hand, you know, our collaboration with regional partners, Turkey, Israel — I talked to my Lebanese counterpart yesterday, Jordan. We've got a planning element in Jordan. You know, messaging, such as our president did, that — that the use of chemical weapons would — those that would be responsible would be held accountable. I think that Syria must understand by now that the use of chemical weapons is unacceptable. And to that extent, it provides a deterrent value. But preventing it, if they decide to use it, I think we would be reacting'.

Asked 'And do you still believe that the sarin would expire after 60 days, after mixed?', General Dempsey's response includes: 'That's what — what the scientists tell us. I'd still be reluctant to handle it myself'.

[1] United States, Department of Defense, Office of the Assistant Secretary of Defense (Public Affairs), 'Press Briefing by Secretary Panetta and General Dempsey in the Pentagon Briefing Room', *News Transcript*, 10 January 2013.

15 January 2013 A blog on the *Foreign Policy* website claims that a key source of US government information about an alleged chemical weapons attack in Homs [see 23

December 2012; see also 8 January] was a cable from U.S. consul general in Istanbul, Scott Frederic Kilner. This cable was sent a week or so before and was revealed to the journalist by an administration official who described it as making a 'compelling case' that a material called 'Agent 15' had been used. The blog indicates that the consulate's investigation was 'facilitated by BASMA, an NGO the State Department has hired as one of its implementing partners inside Syria'.[1]

The blog report prompts a number of reactions. The same day, White House National Security Council spokesman Tommy Vietor is quoted: 'The reporting we have seen from media sources regarding alleged chemical weapons incidents in Syria has not been consistent with what we believe to be true about the Syrian chemical weapons program'.[2]

Some ten days later another blog on the same site challenges the evidence presented, noting the sparsity of evidence that Agent 15 actually exists and that the types of information used in the cable from the consulate in Turkey may have been subject to the same biases that intelligence regarding Iraq a decade before had suffered.[3]

[1] Josh Rogin, 'Exclusive: Secret State Department cable: Chemical weapons used in Syria', *Foreign Policy* ['The Cable' blog], 15 January 2013.

[2] Arshad Mohammed, 'U.S. plays down media report that Syria used chemical weapons', Reuters, 16 January 2013; see also Michael R Gordon, 'Consulate Supported Claim of Syria Gas Attack, Report Says', *New York Times*, 15 January 2013.

[3] Jeffrey Lewis, 'Why everyone's wrong about Assad's zombie gas', *Foreign Policy* ['Buzz bomb' blog], 15 January 2013.

30 January 2013 Israeli military aircraft carry out an air strike on the territory of Syria, attacking a convoy of vehicles. The air strike comes soon after comments from senior Israeli sources about fears of movement of chemical weapons from Syria. For example, Deputy Prime Minister Silvan Shalom was widely quoted a few days before as saying 'If there will be a need, we will take action to prevent chemical weapons from being transferred to Islamic terror organizations'.[1] This leads to speculation that the attacked convoy may have been carried items related to chemical warfare. An unnamed British government source is quoted as saying: 'all the signs are that this was about Hezbollah moving arms and equipment and there was nothing to suggest any WMD link'.[2]

Later reporting suggests that the convoy was carrying anti-aircraft missiles and that a facility of the Scientific Studies and Research Centre [see June 2004], had been affected.[3]

[1] Jodi Rudoren (from Jerusalem) and Anne Barnard (from Beirut), 'Israel Girds for Attacks as Syria Falls Apart', *New York Times*, 27 January 2013.

[2] Harriet Sherwood (from Jerusalem), 'Israeli air strike "hits Syrian arms convoy"', *Guardian* (London), 31 January 2013, p 17.

[3] David E. Sanger, Eric Schmitt (from Washington) and Jodi Rudoren (from Jerusalem), 'Israeli Strike Into Syria Said to Damage Research Site', *New York Times*, 3 February 2013.

2 February 2013 On the sidelines of the Munich Security Conference, US Vice President Joe Biden and Russian Foreign Minister Sergey Lavrov meet in private. It is reported that Biden proposes that Russia and the USA should work together to maintain secure control of chemical weapons in Syria should the Assad regime fall.

[1] David Ignatius, 'Involving Russia in Syria', *Washington Post*, 4 February 2013.

12 March 2013 In Washington, DC, James R. Clapper, Director of National Intelligence, gives testimony to the Senate Select Committee on Intelligence on the topic of

'Worldwide Threat Assessment of the US Intelligence Community. His prepared statement includes the following text under the heading 'WMD Security in Syria':[1]

We assess Syria has a highly active chemical warfare (CW) program and maintains a stockpile of sulfur mustard, sarin, and VX. We assess that Syria has a stockpile of munitions—including missiles, aerial bombs, and possibly artillery rockets—that can be used to deliver CW agents. Syria's overall CW program is large, complex, and geographically dispersed, with sites for storage, production, and preparation. This advanced CW program has the potential to inflict mass casualties, and we assess that an increasingly beleaguered regime, having found its escalation of violence through conventional means inadequate, might be prepared to use CW against the Syrian people. In addition, groups or individuals in Syria could gain access to CW-related materials. The United States and our allies are monitoring Syria's chemical weapons stockpile.

Based on the duration of Syria's longstanding biological warfare (BW) program, we judge that some elements of the program may have advanced beyond the research and development stage and may be capable of limited agent production. Syria is not known to have successfully weaponized biological agents in an effective delivery system, but it possesses conventional and chemical weapon systems that could be modified for biological agent delivery.

[1] James R. Clapper, Director of National Intelligence, Statement for the Record, Senate Select Committee on Intelligence, 12 March 2013.

19 March 2013 In Syria, the government and opposition forces each claim that the other initiated an attack with chemical weapons in Khan al-Assal [in some reports spelled al-Asal], southwest of Aleppo. A separate allegation that government forces used chemical weapons in Ataybah near Damascus is also made but there is some ambiguity of the suggested date of this alleged attack.

The BBC cites the Sana news agency as reporting 'Terrorists launched a missile containing chemical products into the region of Khan al-Assal in the province of Aleppo, killing 15 people, mainly civilians'.[1] Syrian Information Minister Omran al-Zoabi is quoted as saying rebels fired 'a rocket containing poison gases' from the city's southeastern district of Nairab, part of which is held by opposition forces. 'The substance in the rocket causes unconsciousness, then convulsions, then death', the minister is reported to have said.[2] Russia's foreign ministry is reported as saying it had information that rebel units had used chemical weapons captured from the government.[3]

Qassim Saadeddine, described as senior rebel commander and spokesman for the Higher Military Council in Aleppo, attributes the alleged use of chemical weapons to government forces, and is quoted as saying, from Aleppo, 'We were hearing reports from early this morning about a regime attack on Khan al-Assal, and we believe they fired a Scud with chemical agents'.[4]

An unidentified Reuters photographer is cited as saying that victims he had visited in Aleppo hospitals were suffering breathing problems and that people had said they could smell chlorine after the attack.[5]

Ambassador of Syria to the United Nations, Bashar Ja'afari, writes to the Secretary-General and the President of the Security Council,[6] stating:

At 0730 hours this morning, in a dangerous escalation of the crimes that the armed terrorist groups are committing in the north of Syria, those groups fired a rocket from the Kafr Da'il area towards Khan al-Asal in Aleppo governorate, some 5 km away. The missile fell in a civilian-populated area, some 300 metres from a Syrian Arab army position. Its impact was followed by a thick cloud of smoke, which left unconscious anyone who inhaled it. The explosion of the missile and the gases that were emitted have so far caused the death of 25 persons and the injury

of more than 110 civilians and soldiers, who have all been taken to hospital in Aleppo.

The letter repeats allegations made by the Ambassador three months previously that rebel forces had obtained chemical weapons from sources in Turkey [see 10 December 2012]. The letter goes on to say:

The Syrian Arab Republic, while reiterating the commitment that it has made on scores of occasions, through the diplomatic channel and in public, and which it has conveyed to the Secretary-General and the Security Council, to the effect that it would never use any chemical weapons which it may have against its own people, will proceed with its constitutional obligation to pursue the terrorists and their supporters, out of concern for the security and safety of its people. Syria calls upon the international community to take serious and determined action to prevent those terrorist groups from continuing to commit their dangerous crimes against the Syrian people, by halting the financial, military, logistical, political and media support which is provided by the States that support the terrorist groups, in particular, Turkey, Qatar and certain Western States, without any thought for the consequences of that support for innocent Syrian civilians, whose blood is being spilled by those terrorist groups.

The Secretary-General's spokesperson Martin Nesirky, while stating that the UN is not in a position to confirm reports of possible chemical weapons use in Syria, tells reporters 'What I can say is that the Secretary-General has repeatedly said that any use of chemical weapons by any side in Syria would be a grave violation of international humanitarian law and would also be an outrageous escalation of an already bloody conflict'.

The following day, the UN Secretary-General receives a communication from the Government of the Syrian Arab Republic which he describes as 'requesting a specialized, impartial and independent mission to investigate the incident of 19 March 2013 involving an alleged use of chemical weapons in Kafr Da'il region in Khan al-Asal area in Aleppo governorate, Syrian Arab Republic'.^[8] This communication is not published at this time, but is distinct from the letter quoted above which does not contain a specific request.

The allegations of attacks with chemical weapons on this date prompt considerable international reaction in the coming days and weeks. They are specifically referred to in the letter to the Secretary-General from the governments of France and the United Kingdom on 21 March; the report of the UN Independent International Commission of Inquiry on the Syrian Arab Republic published on 4 June; and a letter from US Ambassador Susan Rice to the UN Secretary-General on 14 June.

[1] [no author listed], 'Syrians trade Khan al-Assal chemical weapons claims', BBC, 19 March 2013.

[2] Oliver Holmes and Erika Solomon (from Beirut), 'Alleged chemical attack kills 25 in northern Syria', Reuters, 19 March 2013.

[3] Damien McElroy, 'Syria: regime accuses rebels of killing 25 in chemical weapons attack', *Daily Telegraph*, 19 March 2013.

[4] Oliver Holmes and Erika Solomon (from Beirut), 'Alleged chemical attack kills 25 in northern Syria', Reuters, 19 March 2013.

[5] Oliver Holmes and Erika Solomon (from Beirut), 'Alleged chemical attack kills 25 in northern Syria', Reuters, 19 March 2013.

[6] Syria, *Identical letters dated 19 March 2013 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council*, S/2013/172, 19 March 2013.

[7] United Nations Department of Public Information, 'Ban reiterates concerns about possible chemical weapons use in Syria', press release, 19 March 2013.

[8] United Nations Secretary-General, *Letter dated 22 March 2013 from the Secretary-General addressed to the President of the Security Council*, S/2013/184, 25 March 2013.

21 March 2013 In New York, the UN Secretary-General announces an investigation into allegations of use of chemical

weapons in response to a request from the Government of Syria. In making this announcement, the Secretary-General makes reference only to the request from the Government of Syria, received on 20 March [see 19 March] but no other formal requests from governments.

The Secretary-General tells the press:^[1]

If requested by a Member State, I have a mandate to consider conducting an investigation on alleged uses of chemical, biological and toxin weapons pursuant to General Assembly resolution 42/37 C of 1987 and reaffirm [*sic*] by Security Council resolution 620 of 1988.

With this in mind, I would like to announce that I have decided to conduct a United Nations investigation on the possible use of chemical weapons in Syria.

My senior advisers are working on the modalities in close consultation with the relevant bodies, including the Organization for the Prohibition of Chemical Weapons (OPCW) and the World Health Organization (WHO).

These include detailed issues such as: overall mandate, mission composition, and operational conditions including safety and security.

I have also been in close contact with OPCW Director-General Mr. Ahmet Uzumcu and WHO Director-General Dr. Margaret Chan. They have both assured me of their full support and cooperation.

It is my hope that the mission would contribute to ensuring the safety and security of chemical weapons stockpiles in Syria.

The investigation mission is to look into the specific incident brought to my attention by the Syrian Government. I am, of course, aware that there are other allegations of similar cases involving the reported use of chemical weapons.

In discharging its mandate of an investigation mission, full cooperation from all parties will be essential.

I stress that this includes unfettered access.

He goes on to say 'There is much work to do and this will not happen overnight. It is obviously a difficult mission. I intend for this investigation to start as soon as practically possible.'

The Secretary-General formally informs the Security Council of his decision the following day.^[2] This letter contains the first reference by the Secretary-General of the letter from France and the United Kingdom.

[1] Ban Ki-moon, 'Secretary-General's Press Encounter on Syrian Government Request', 21 March 2013.

[2] United Nations Secretary-General, *Letter dated 22 March 2013 from the Secretary-General addressed to the President of the Security Council*, S/2013/184, 25 March 2013.

21 March 2013 Britain and France despatch a joint letter to the UN Secretary-General alleging the use of chemical weapons by Syrian government forces. This appears to have been received by the Secretary-General after his announcement of an investigation [see 21 March] in response to a request from Syria. The letter is not made public at this time but some journalists suggest they have seen the text.

The Associated Press, which says it has 'obtained' the letter, states the allegations made are 'of chemical weapons use in two locations in Khan al-Assal and the village of Ataybah in the vicinity of Damascus on Tuesday [19 March], and in Homs on Dec. 23', and that the letter requests 'an urgent investigation into all allegations as expeditiously as possible'.^[1]

The UK's deputy UN ambassador Philip Parham is quoted as saying 'The facts need to be clarified' and went on to say 'If chemical weapons have been used, this would be abhorrent, it would be very grave, it would warrant a serious response by the international community'.^[2]

The Secretary-General notes: 'On 21 March 2013, I received a letter from the Governments of France and the United Kingdom of Great Britain and Northern Ireland

requesting an investigation into the alleged use of chemical weapons in the locations of Khan al-Asal in Aleppo and Ataybah in the vicinity of Damascus, as well as in Homs on 23 December 2012'. The Secretary-General notes further: 'I have requested the Governments concerned to provide additional information pertaining to the incidents that they have reported to me. The provision of this information will be crucial in defining the terms of reference for the mission and the scope of its work with a view to verifying any alleged use of chemical weapons in the Syrian Arab Republic.' [3]

Further details of what is in the letter are not made public at this time. Some weeks later, the *Washington Post* reports unidentified 'senior diplomats and officials' saying that unpublished correspondence from France and the United Kingdom to the UN Secretary-General indicated that there was credible evidence of use of chemical weapons by government forces in Syria on more than one occasion since December and that 'soil samples, witness interviews and opposition sources support charges that nerve agents were used in and around the cities of Aleppo, Homs, and possibly Damascus'. [4] On the same day as the *Post* reporting, the *New York Times* suggests that France and the United Kingdom had written separately to the Secretary-General in correspondence which contains what the paper refers to as 'credible information' about chemical weapons attacks in Syria, according to unnamed diplomats. The paper says this correspondence had begun on 25 March. [5] At least one letter, a copy of which was 'obtained' by the paper, is said to report, in the words of the paper, 'that dozens of victims were treated at hospitals for shortness of breath, convulsions and dilation of the pupils, common symptoms of exposure to chemical warfare agents. Doctors reported eye irritation and fatigue after close exposure to the patients'. [6]

While there is consistency in reporting the date of the alleged attack in Aleppo, there is confusion on the date(s) of the alleged attack in Damascus. For example, at least one British newspaper suggests that the UK correspondence given the date of the Aleppo attack as 19 March and the Damascus one on 23 March; [7] notwithstanding that the allegation relating to the Damascus attack was made two days before that date.

[1] [no author listed], Associated Press, as in: 'AP source: Chemical weapons unlikely in attack', Yahoo News, 21 March 2013.

[2] Damien McElroy, 'Syria: Britain calls for UN inquiry into "multiple" chemical attacks', *Daily Telegraph* (London), 21 March 2013.

[3] United Nations Secretary-General, *Letter dated 22 March 2013 from the Secretary-General addressed to the President of the Security Council*, S/2013/184, 25 March 2013; see also United Nations Department of Public Information, 'UN chief and Security Council strongly condemn terrorist attack on Damascus mosque', press release, 22 March 2013.

[4] Colum Lynch (from UN New York) and Karen DeYoung (from Washington), 'Britain, France claim Syria used chemical weapons', *Washington Post*, 18 April 2013.

[5] Rick Gladstone (from New York) and Eric Schmitt (from Washington), 'Syria faces new claim on chemical arms', *New York Times*, 18 April 2013.

[6] Mark Landler and Eric Schmitt (from Washington), 'White House Says It Believes Syria Has Used Chemical Arms', *New York Times*, 24 April 2013.

[7] Peter Beaumont, 'Syria nerve gas claims undermined by eyewitness accounts', *Observer* (London), 28 April 2013, p 23.

26 March 2013 Professor Åke Sellström of Sweden is appointed by the UN Secretary-General as head of the investigation mission in response to allegations of use of chemical weapons in Syria [see 21 March]. He is described by the UN as 'currently a project manager at a Swedish research institute'. UN spokesperson Martin Nesirky tells

reporters in New York that Sellström is 'an accomplished scientist with a solid background in disarmament and international security'. He goes on to say 'The terms of reference for the mission are being finalized in consultation with the Organization for the Prohibition of Chemical Weapons (OPCW) and the World Health Organization (WHO). While the terms of reference are being finalized, work is already well under way so that the mission can be dispatched quickly'. [1]

[1] United Nations Department of Public Information, 'Ban appoints Swedish scientist to lead probe into alleged chemical weapons use in Syria', press release, 26 March 2013.

27 March 2013 In The Hague, the Executive Council of the Organization for the Prohibition of Chemical Weapons (OPCW) is convened. It is briefed by OPCW Director-General Ahmet Üzümcü regarding the request by the Secretary-General of the United Nations for assistance in an investigation of alleged use of chemical weapons in Syria. [1]

The Chair of the Council, Ambassador Bhaswati Mukherjee of India, notes she has been 'approached by some delegations for a statement on the issue' and in response to these requests circulates a draft about which it is hoped 'that this statement will command a consensus'. [2]

The statement by the Chair is as follows:

The Council was informed today by the Director-General that the Secretary-General of the United Nations has conveyed to him a request for the OPCW to support an investigation of alleged use of chemical weapons in the Syrian Arab Republic.

The Director-General also informed the Council that he had found this request to be consistent with paragraph 27 of Part XI of the Verification Annex of the Chemical Weapons Convention and in accordance with Article II(2)(c) of the Relationship Agreement between the United Nations and the Organisation for the Prohibition of Chemical Weapons, which cover alleged use of chemical weapons involving a State not Party or in territory not controlled by a State Party, and that he had authorised the placement of OPCW resources at the disposal of the Secretary-General of the United Nations.

The Council expressed deep concern that chemical weapons may have been used in the Syrian Arab Republic.

The Council underlined that the use of chemical weapons by anyone under any circumstances would be reprehensible and completely contrary to the legal norms and standards of the international community.

The Council also expressed its unequivocal support of the investigation that has been initiated by the Secretary-General of the United Nations with the support of the OPCW.

The Council called upon all parties in the Syrian Arab Republic to extend their full cooperation to the investigation and to ensure that the investigation team is able to complete the investigation safely and effectively.

[1] Organization for the Prohibition of Chemical Weapons, Technical Secretariat, 'Executive Council Briefed on UN Secretary-General's Request to Assist Investigation of Alleged Use of Chemical Weapons in Syria', press release, 27 March 2013.

[2] Organization for the Prohibition of Chemical Weapons, Executive Council, 'Statement by the Chairperson of the Executive Council following the Thirty-second Meeting of the Executive Council 27 March 2013', EC-M-32/2/Rev.1, 27 March 2013.