

Syria | Chemical attack on Idlib requires effective UN response without further militarization of the conflict

 cihrs.org/syria-us-unilateral-military-action-will-only-exacerbate-syrian-conflict-chemical-attack-in-idlib-requires-effective-international-response

April 7, 2017



The Cairo Institute for Human Rights Studies (CIHRS) unequivocally condemns the systematic failure of the United Nations Security Council (UNSC) to uphold its mandate to maintain peace and security in Syria, and the use of prohibited chemical weapons against the Syrian civilian population. CIHRS further condemns the unilateral military action by the United States Army that constitutes an act of aggression under international law. CIHRS puts forward recommendations calling on the UN General Assembly (UNGA) to take the matter into its own hands through a 377A Uniting for Peace Resolution creating a special emergency session.

On April 6th, the UNSC failed to vote in a minimalist resolution condemning the use of prohibited weapons against the civilian population, and constant targeting of medical facilities; acts that constitute war crimes under international law. The resolution called for investigation and sanctions against perpetrators. Further, the unilateral military action by the United States Army on the morning of April 7th constitutes neither a remedy nor an acceptable response to crimes perpetrated by the Syrian regime. The militarization of the conflict absent of international legality under the auspices of a Chapter VII resolution will only exacerbate the conflict, and enable an environment for more crimes to be committed by all parties in their conduct of hostilities on Syrian territory.

Given the consecutive failure of the UNSC to address the grave systematic violations to international and humanitarian law committed in Syria; CIHRS calls on the UNGA through a 377A Uniting for Peace Resolution to create a special emergency session. In this session, the UNGA, as the body representing the international consensus, should reach a decision to put an end to atrocities committed in Syria.

The resolution put forward on Wednesday by France and the United Kingdom at the UNSC was postponed without a vote. The resolution was in response to the heinous attacks in Idlib Province on Tuesday morning where evidence shows the use of chemical gas; killing at least 76 civilians during aerial attacks on the town of Khan Sheikhoun. Just a day prior, the main medical facility in the area, Maaret Nu'man Hospital, was also targeted by aerial bombing. The UNSC's failure to take firm action against these grave violations of international law not only severely undermines the international order that it is mandated to protect, but emboldens the perpetrators to continue committing atrocities with impunity.

News of the deadly chemical strike on Idlib came as Secretary General Special Envoy on Syria Steffen Di Mistura and European Union Chief of Diplomacy Federica Mogherini were discussing "Syria post conflict" reconstruction efforts during the "Supporting the Future of Syria and the Region" conference in Brussels; knowingly held while the Syrian people were under heavy military attack in different parts of the country. UN Secretary- General Antonio Guterres responded to the news by merely calling for investigations into the atrocity. A few days earlier, on March 31st, the new administration's White House Spokesperson Sean Spicer stated that he considered Bashar Al Assad " a political reality that we have to accept."

The regional response has not been any less disgraceful. The League of Arab States (LAS) and its member states pursued the usual policy limited to rhetoric. Ahmed Aboul Gheit, Secretary-General of the LAS, noted that the chemical attack on Idlib is a "major crime" while failing to announce any concrete steps to be undertaken on the regional level to protect the Syrian people. For over half a decade since the Syrian crisis began, the international community has been reluctant to take a stand against the rogue behavior of the Syrian regime backed by its Russian ally. This attitude of resignation by the international community to the fate of Syrian people must come to an immediate end.

The time has long passed for investigations. The recurrent use of chemical weapons by the Syrian regime does not need further evidence or confirmation. In August 2013, most evidence led to the regime's direct culpability for the chemical attack in Eastern Ghouta, causing hundreds of fatalities. Recently last February, the UNSC failed to address these crimes when two of its Permanent five members – Russia and China- vetoed a resolution to sanction the regime after the Organization for the Prohibition of Chemical Weapon (OPWC) and the UN joint mechanism report found that the Syrian regime used chemical gas on several occasions in 2014 and 2015. The Commission of Inquiry on Syria (COI) also concluded that such weapons were used during the attacks on Aleppo between September and December 2015. Local and international rights groups have documented similar attacks on various occasions.[1]

Arguments that such barbaric attacks are necessary for the "war against terror" are appallingly false. International law is adamant on the non-derogation to the principle of customary law on the prohibition of targeting civilians in times of war. The International Committee of the Red Cross (ICRC) launched a warning that "counterterrorism" does not

absolve any party to hostilities from respecting humanitarian principles regardless of the reasons behind its military action. These principles are mainly distinction, necessity, precaution, and proportionality.

Since 2011, the Assad regime has relentlessly targeted civilians to punish the people of Syria for opposing its dictatorial grip to power. Attacks on Idlib cannot be proportionate to the military needs on the ground, given the series of military victories achieved by the regime in the last few months. Idlib was hosting rebels and their families that were forcibly displaced after Aleppo's fall, and is a refuge for many civilians from the Hama governorate who fled regime attacks. Since 2012, the regime has resorted to criminal warfare techniques like barrel bombing and besiegement, which go beyond the need to secure military success and cannot be explained as anything but sadistic vengeance upon people who oppose its authority.

The peoples and states of the United Nations need to respond to these atrocities, which undermine the very basic universal common values upon which human civilization was founded. Failing to act is jeopardizing the very *raison d'être* of the United Nations as a whole, and condoning the continuous slaughter of civilians in Syria and elsewhere in the region.

CIHRS views that the UN General Assembly – through a 377A Uniting for Peace Resolution – should adopt to put an end to atrocities committed in Syria.

This entails:

- Opposing any UN-sponsored political solution that leads to rewarding those who perpetrated criminal acts in Syria, including the criminal regime of Bashar Al Assad.
- The UNGA should decide upon a series of countermeasures compelling the regime, its allies, and states supporting major non-state actors to comply with international humanitarian law.
- The UNGA should request an advisory opinion on the legal status of the failure by the UNSC to uphold its mandate as set by the charter, and the abusive use of veto powers, especially when grave breaches to international security and peace as well as international crimes were committed.
- The UNGA should consider creating a special tribunal to investigate the crimes committed in Syria, in light of the current inability of the UNSC to refer the situation in Syria to the Office of the Prosecutor at the International Criminal Court in conformity with article 13 (b) of Rome Statute.

Civil society actors around the world are called upon, now more than ever, to oppose the climate of political opportunism in dealing with these endless human-made tragedies. Governments should be pressured by their own constituencies to adopt principled policies, and adequately respond to the commission of war crimes and crimes against humanity in Syria and the region, by all means available to them.

[1]See for example, HRW: <https://www.hrw.org/news/2017/04/04/dozens-feared-dead-chemical-exposure-syria> and SN4HR: <http://sn4hr.org/blog/2017/04/05/37809/>

Share this Post