

Written evidence submitted by White Helmets (MENA0080)

1. This submission considers the question outlined by the Foreign Affairs Committee call for evidence on “the key challenges facing the countries of the Middle East and North Africa in the medium and long term” and the implications for UK foreign policy. The submission focuses specifically on the continuing impunity gap with regards to accountability for atrocities in Syria. It recommends that the UK Government support a proposal initially developed by Syrian lawyers, civil society organisations, victims and family groups, to establish a tribunal to prosecute the use of chemical weapons in Syria and beyond.
2. This evidence is submitted by the White Helmets, also known as the Syria Civil Defence. The White Helmets is a Syrian-led organisation of almost 3,000 volunteers in Syria working to support communities respond to emergencies such as military bombardment, and natural disasters. In lieu of a functioning government, the White Helmets are the primary organisation for emergency search and rescue and ambulance services, as well as supporting projects that increase the resilience of communities through running health centres for women and children, reconnecting public infrastructure and removing unexploded ordnances. The White Helmets serves 700,000 direct beneficiaries every year and maintains public infrastructure that is used by a population of 4.5 million people, of which 2.7 million are internally displaced. The White Helmets currently works in northwest Syria in Idlib and North Aleppo Countryside. We previously worked across all areas of Syria, but our staff and volunteers were forcibly displaced as the Syrian regime has regained territory.
3. Almost thirteen years after the Syrian people demonstrated in support of democracy, freedom and human rights, the situation in Syria continues to deteriorate. At least 16.7 million people in Syria are in need, of which 5.5 million are internally displaced.ⁱ The impact of past bombing campaigns in northwest Syria has caused extensive damage to public services and infrastructure, resulting in communities facing widespread devastation. In 2023, northern Syria and southern Turkiye were hit by a catastrophic 7.8 magnitude earthquake, which compounded the extreme level of humanitarian suffering in northwest Syria in particular, which was worst hit.
4. The combination of these factors has plunged the population of northwest Syria into dire circumstances, with many facing displacement, food insecurity, and limited access to essential healthcare and clean water. Urgent funding is crucial to address these pressing needs, restore vital infrastructure, and provide essential humanitarian assistance to the vulnerable communities of northwest Syria. The UN OCHA’s Humanitarian Response Plan for 2023 was only 38% funded, a record low.ⁱⁱ The continued targeting of civilians and civilian infrastructure, with complete impunity, severely hampers the ability of communities to recover from the earthquake and from thirteen years of war. The White Helmets responded to more than 1,300 military attacks in 2023, the perpetrator of a vast majority of these attacks (83%)ⁱⁱⁱ was the Syrian regime. In October 2023, we witnessed the most aggressive escalation of attacks on civilians since the 2020 ceasefire agreement between Turkiye and Russia. This escalation saw attacks on civilian homes, camps for the internally displaced, schools, hospitals, and sources of food security such as markets, agricultural fields, factories, bakeries and water treatment stations.
5. While this evidence could focus in more detail on the humanitarian needs, which are substantial, the White Helmets has always called for partners to take a longer-term perspective on what is needed to

help Syrians. The humanitarian needs will not reduce so long as the status quo continues. Recent efforts of some states in the region to try to normalise relations with the Syrian regime have not led to any improvement in behaviour with regards to violations of international humanitarian and human rights law, or any other measure of improvement in civilians' lives. Syrians need to see a rejuvenation of the political process, in line with UN Security Council Resolution 2254. The UK Government should continue to uphold a principled approach that respects human rights and the legitimate aspirations of the people. To be able to move forward with the political process, Syrians also need avenues to access justice for atrocities, many of which we continue to respond to almost every day.

6. The White Helmets is persuaded that the lack of accountability for atrocities against the Syrian people has given the regime the green light to continue to terrorise the civilian population in the northwest with little to no military gain. It has also emboldened allies of the Syrian regime, such as Russia and Iran, and states well beyond the conflict in Syria, to commit and support the commission of atrocity crimes without fear of accountability. Impunity undermines international humanitarian law and weakens the stability of the rules-based international system and the institutions that serve it.
7. The White Helmets has long advocated for justice for the atrocities we have witnessed. As first responders, the White Helmets are also primary witnesses to war crimes and crimes against humanity and we have a vast archive of war crimes documentation to support judicial and quasi-judicial processes for Syria. However, holding perpetrators to account for crimes committed in Syria is not simple. Recourse to the International Criminal Court is blocked in Syria because the regime is not a party to the Rome Statute and an attempt by the UN Security Council to refer the case in 2014 was vetoed. While Syrian refugees who are resident or living abroad are relying on Universal Jurisdiction to prosecute crimes, these processes are not of the scope or scale necessary to be able to address the violations of international humanitarian and human rights law witnessed in Syria. In the case of quasi-judicial processes, in most cases Syria has not signed the optional protocols to the relevant conventions and therefore do not recognise the jurisdiction of the committees, further limiting Syrian's access to accountability for atrocities. The result is a deeply concerning impunity gap for the well-documented atrocity crimes committed in Syria.
8. Never has the argument for accountability been more pressing than on the question of the use of chemical weapons. The White Helmets have responded to more than 50 chemical attacks across Syria in the past ten years. The vast majority of attacks investigated so far have been perpetrated by the Syrian regime, with a small number attributable to ISIS.^{iv} Most attacks have also taken place after the Syrian regime became a party to the Chemical Weapons Convention (CWC), which aims to eliminate chemical weapons by prohibiting their development, production, stockpiling and use. The Syrian regime has been found in non-compliance with the CWC in successive investigations and assessments by specialised teams of the OPCW. As recently as 30 November 2023, States Parties to the OPCW decided that the continued possession and use of chemical weapons by the Syrian regime, and its failures to accurately declare and destroy its chemical weapons have caused serious damage to the objective and purpose of the CWC.^v
9. Despite global calls for accountability (such as through the UN Security Council and the Organisation for the Prohibition of Chemical Weapons (OPCW)), there is no international legal tribunal to consider these crimes. This prevailing impunity undermines the absolutism of prohibitions on the use of chemical weapons, increasing the likelihood that such weapons will be used by anyone in future.

10. For this reason, the White Helmets has worked with Syrian civil society organisations, lawyers, victims, survivors, and family groups, to develop a proposal for the establishment of an international tribunal for the use of chemical weapons.^{vi} The tribunal could prosecute all uses of chemical weapons, not limited to instances of use on Syria, and it could activate where the OPCW has found use of chemical weapons and where the ICC is prevented from acting. The proposal has been under development for more than two years, including through dialogue with states (including the UK), experts, civil society and representatives from existing judicial, quasi-judicial and investigative bodies. The working title of the tribunal is the Exceptional Chemical Weapons Tribunal.
11. To establish the tribunal, states would sign a multilateral treaty to collectively delegate their right to prosecute chemical weapons crimes as defined by the treaties to which they are already party. Legitimacy for the tribunal would stem from the universal prohibition of the use of chemical weapons, as well as the numerous resolutions in the UN Security Council, General Assembly and the OPCW.^{vii} It would also gain legitimacy from the fact that victims, who have suffered the terrible consequences of chemical weapons, such as White Helmets volunteers and other Syrian civil society groups, support the idea. The geographic diversity of the states supporting the establishment of the tribunal would also strengthen the tribunal's international legitimacy.
12. The tribunal is envisaged as a mechanism to stop the erosion of one of the fundamental normative prohibitions in international law. The White Helmets do not wish to have to share our expertise in responding to and documenting chemical attacks with any future victims of chemical weapons. The perpetrators of these attacks must be held accountable to deter future use of chemical weapons and re-establish the international taboo against their use. The Tribunal would complement existing international bodies by only becoming operational where the ICC does not have jurisdiction, and as the treaty would be created outside of the UN Security Council, it would not be subject to potential veto. It would strengthen the integrity of technical bodies like the OPW, relying on the evidence and investigations already carried out.
13. The establishment of the Exceptional Chemical Weapons Tribunal holds profound implications for the recovery and well-being of Syrians amidst the ongoing humanitarian crisis and persistent attacks on civilians. By providing a platform for accountability and justice, the tribunal offers a ray of hope to victims, survivors, and communities devastated by chemical attacks. Not only does it offer the prospect of closure and redress for victims and their families, but it also sends a powerful message to perpetrators that the international community stands united against such heinous crimes. Moreover, by addressing the root causes of conflict and reinforcing international norms, the tribunal contributes to the broader goal of fostering stability and peace in the region. In this way, it serves as a crucial pillar in the collective efforts to alleviate the suffering of Syrians and pave the way for a more secure and prosperous future.

Recommendations

14. The White Helmets urges the UK Government to end impunity for the use of chemical weapons and to support victims of these atrocities, particularly in Syria, by supporting the establishment of the Exceptional Chemical Weapons Tribunal. This should include:
 - a. Joining an initial Inter-State Working Group to advance proposals for international individual criminal accountability for documented chemical weapons use.
 - b. Encouraging and supporting states from each geographic region to join the initiative.

- c. Signing the eventual treaty to establish the tribunal and doing everything possible to ensure its success.

ⁱ United Nations, December 2023, “Summary Humanitarian Needs Overview Syrian Arab Republic”, available at <https://reliefweb.int/report/syrian-arab-republic/syrian-arab-republic-2024-humanitarian-needs-overview-december-2023>, accessed 16 February 2024.

ⁱⁱ Financial Tracking Service, Syrian Arab Republic Humanitarian Response Plan 2023, available at <https://fts.unocha.org/plans/1114/summary>, accessed 24 February 2024.

ⁱⁱⁱ According to White Helmets data. We document every incident we respond to and record the suspected perpetrator, type of weapon, type of target and civilian casualties.

^{iv} For examples, see the reports of the Organisation for the Prohibition of Chemical Weapons Fact Finding Mission, Investigation and Identification Team and the UNSC’s Joint Investigative Mechanism, <https://www.opcw.org/media-centre/featured-topics/opcw-and-syria>

^v Organisation for the Prohibition of Chemical Weapons, 30 November 2023, “OPCW adopts measures to ensure compliance with chemical weapons ban in Syria and elsewhere”, available at <https://www.opcw.org/media-centre/news/2023/11/opcw-adopts-measures-ensure-compliance-chemical-weapons-ban-syria-and>, accessed 18 February 2024.

^{vi} <https://www.reuters.com/world/syrians-lead-push-create-global-chemical-weapons-tribunal-2023-11-30/>

^{vii} See for example; UN Security Council Resolutions 2118, 2209, 2235, 2314, 2319; and General Assembly Resolutions 68/182, 70/41, 71/69, 72/43, 73/45, 73/182, 74/40, 74/169, 75/193, 76/29 and 76/228.

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