

- **Where:** Syria, Douma
- **When:** 7 April 2018
- **What:** CBRN Agent Released: chemical (likely chlorine)
- **Who:** Actor(s) involved: allegedly Syrian Arab Air Force
- **Why:** CBRN Event: intentional (part of the Syrian civil war)



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# THE DOUMA CHEMICAL ATTACK

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**Keywords:** chemical agents – prohibited weapons – indiscriminate attacks – armed reprisals – OPCW

## *The facts*

The Syrian civil war (March 2011 – present) has been marked by multiple instances of chemical weapons use. In September 2013, Syria acceded to the Chemical Weapons Convention (CWC) and agreed to destroy its chemical arsenal. Nevertheless, the Organization for the Prohibition of Chemical Weapons (OPCW) and the UN Commission of Inquiry on Syria documented chemical weapons attacks carried out by various parties to the conflict after that date.

On 7 April 2018, during an aerial attack by the Syrian Air Force on the city of Douma (Rif Dimashq Governorate), two barrel bombs reportedly containing a reactive chemical hit a residential building, likely delivered by helicopter. Between 40 and 70 people died and hundreds were injured. Symptoms observed by on-site medics and recorded on video footage were consistent with exposure to a chemical agent.

The Syrian and Russian governments asserted the attack was staged by rebel forces. The United States, the United Kingdom and France attributed the incident to the Syrian regime and on 14 April carried out retaliatory strikes against three Syrian Armed Forces' facilities, in a declared attempt to degrade Syria's chemical weapons capability and deter future use. The OPCW Fact-Finding Mission's final report on the incident (March 2019) found reasonable grounds that the use of a toxic chemical, likely molecular chlorine, had taken place.

## *Legal response*

On 10 April, the UN Security Council failed to adopt three competing resolutions on the establishment of an enquiry over the incident. On 14 April, a Security Council emergency meeting rejected a proposal to condemn the strikes launched by the U.S., the UK and France. During the meeting, the French representative declared his country's action in line with the objective and values of the UN Charter. The UK Prime Minister's Office issued a policy paper outlining the government's legal position, pointing to a doctrine of 'humanitarian intervention' as a legal basis for the use of force. The U.S. did not issue an official statement on the legality of the strikes. In the following days, several States expressed their views on the resort to force as a means to enforce the international law prohibition on the use of chemical weapons.

## IN PILLS

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### *State practice*

[Mapping States' Reactions to the Syria Strikes of April 2018](#), A. Gurmendi, R. Ingber, P. Pillai and E. Pothelet, Just Security, 22 April 2018

### *Related legal tools:*

- [Chemical Weapons Convention](#), article I
- ICRC customary IHL, Rule 74 ([rule](#) and [practice](#))
- [Syria action – UK government legal position](#), 14 April 2018
- [France's statement at the UNSC on Syria](#), 14 April 2018

### *Further readings:*

- [Report of the OPCW Fact-Finding Mission](#), 1 March 2019
- [UN CoI on Syria - Press statement](#), 13 April 2018
- A. de Guttry, [The Western-led Military Operations in Syria in Response to the Use of Chemical Weapons](#)

### *Audio-visual materials:*

- [Chemical attacks in Douma](#), Forensic Architecture

### *Witness Reports:*

- [SAMS, Syria Civil Defense condemn chemical attack on Douma](#), Syrian American Medical Society, 8 April 2018

### *About this publication*

This memo is the outcome of research carried out in the scope of the project CBRN-ITALY on International legal obligations related to Prevention, Preparedness, Response and Recovery from CBRN events and status of their implementation in Italy.

CBRN-ITALY has been funded by the Italian Ministry of Education, University and Research (MIUR) under the PRIN Programme (Progetti di Rilevante Interesse Nazionale) under grant n° 20175M8L32, with a duration of 36 months (March 2020 – February 2023). The research is carried out by four Universities: Scuola Superiore Sant'Anna, Institute of Law, Politics, Development (DIRPOLIS), Università di Bologna, Università di Firenze, Università di Torino.

The project aims at developing a common understanding of CBRN events and of actors involved (stage 1), at mapping obligations stemming from the wide range of applicable norms of International Law and European Union Law (stage 2), at exploring the implementation of applicable international obligations in Italy (stage 3) and at providing recommendations to address the gaps in the International, European and Italian legal and policy frameworks in all phases of the CBRN emergency management cycle (stage 4). The research activities are thus structured around four stages: 1. Definitions, 2. Mapping International and Regional Obligations, 3. Assessing the situation in Italy, 4. Providing recommendations.

For further information on the PRIN Project CBRN-ITALY, please visit:

<http://www.cbrn-italy.it/en>

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