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December 17, 2019

The Honorable James Jeffrey
Special Representative for Syria Engagement
U.S. Department of State
2201 C Street NW
Washington, D.C., 20520

Dear Ambassador Jeffrey,

We are writing to express our grave concerns regarding allegations that Turkish forces used white phosphorous in an intentional attack on civilian populations in Syria on October 16th. The use of chemical weapons on civilian populations is one of the most atrocious and disturbing acts a government or military can take.

We recognize that, under domestic and international law, white phosphorous has both legitimate military uses and illegitimate ones. However, the allegations from organizations and individuals on the ground, including the Kurdish Red Crescent, are clear in this case: that Turkey's use was targeted at civilians, and falls under the category of illegitimate use. Further, if the intention of using white phosphorous was to employ its incendiary effects on a civilian population, this use might well have been a war crime.

In a hearing on the 23rd of October, you told multiple members of the House Foreign Affairs Committee that you are "looking into" these allegations. In the same hearing, you rightly mentioned that the United States has been opposed to the use of chemical weapons by other actors in Syria, including the Assad regime. Considering the seriousness of these allegations, simply "looking into" this matter is far from the appropriate response. Nothing short of a full and thorough investigation will suffice.

The need for an investigation has been further compounded by the Organization for the Prohibition of Chemical Weapons' (OPCW) claims that it is merely "monitoring the situation" rather than carrying investigating the allegations. It has been reported that the OPCW has refused to take skin samples from civilian victims.¹ Further, the day after the alleged attack, the Turkish

¹ <https://www.thetimes.co.uk/edition/world/syria-un-refuses-to-investigate-claims-of-white-phosphorus-use-in-turkish-offensive-3bv7qdmxz>

government donated €30,000 to the OPCW for a Chemistry and Technology Center.² Whether this is related to the OPCW's decision regarding the allegations or not, it certainly presents the appearance of impropriety.

Hamish Bretton-Gordon, the former head of the British Army's chemical weapons unit, told *Newsweek* that "Nobody wants this to be investigated because of the answers that might come out...I think one of the things people are worried about is that Turkey is responsible for this and Turkey is a NATO ally."³

But it is precisely *because* Turkey is a NATO ally that the United States must take these allegations especially seriously. It is our moral and strategic obligation to hold our allies to the same standards as our adversaries.

If a NATO ally violates international law with impunity, it reflects on the rest of the countries in the alliance. It hands a propaganda win to Assad, Russia, ISIS, and Iran, who can claim that we only punish chemical weapons use when it serves our political interests.

The United States is uniquely positioned, as a NATO ally of Turkey and a partner of the Syrian Kurds who are the alleged victims of this attack, to take the lead on a full investigation into the circumstances surrounding the October 16th attack. We also have a unique interest because, if the attack did happen in violation of international law, it is likely that the planes used in the attack were of U.S. origin.

This is a matter of urgency. The tissue samples taken from alleged victims, currently held in Ibril, Iraq, will denigrate over time. It is of the utmost importance that they are studied before that happens so the United States and international community can have the full evidence necessary to investigate these allegations.

As a follow-up to your testimony on October 23rd, we ask that you provide us with a full briefing, in a classified setting if necessary, on what the United States has learned about the alleged chemical attack on October 16th and that you address the following questions:

- 1) What is the Department of State's position on United States obligations under both domestic and international laws in the event it is proven that Turkey used white phosphorous against civilians?
- 2) Will the Department of State commit to a full, impartial, and multilateral investigation into the allegations of chemical weapons use by Turkey in Syria?
- 3) Will the Department of State commit to full accountability for the perpetrators of the attack if it is found to be in violation of domestic or international law, including potentially using a Security Council resolution to request an investigation from the International Criminal Court?

² <https://www.opcw.org/media-centre/news/2019/10/turkey-contributes-eu30000-future-opcw-centre-chemistry-and-technology>

³ <https://www.newsweek.com/why-united-nations-not-investigating-alleged-white-phosphorus-attacks-1468042>

Sincerely,



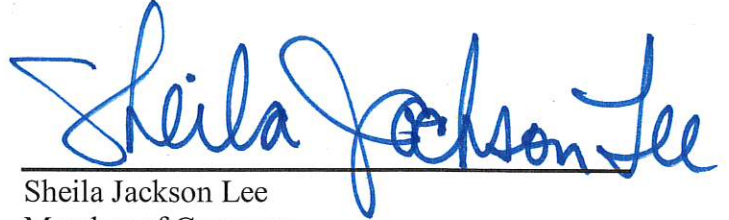
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