A Special Report on the Use of Incendiary Bombs
In Aleppo and Dara’a Governorates

BURNING TO DEATH

VIOLATIONS DOCUMENTATION CENTER IN SYRIA

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Summary:

In this report, VDC in Syria talks about two attacks "with incendiary weapons" that took place in less than a month; on 26 Aug 2013, the Syrian Regime Air force raided a school (institution)in the village of Orm Al Kubra in the Northern City of Aleppo which killed and injured tens of students. Several days later, a second attack took place in Da'el in the Southern City of Daraa burning the targeted house and killing all its residents except for a little girl. The investigations that have been carried out by VDC show that in these two attacks, the Syrian Regime used the internationally-prohibited incendiary weapons. After studying the testimonies of eyewitnesses, casualties and doctors, we concluded that the incendiary material used in Da'el was the Napalm. In Orm Al Kubra, there were different reports on the nature of the used material at the beginning. Most of witnesses and doctors, however, stated that it was the incendiary napalm.

Report Methodology:

This report's methodology depends on several testimonies of civilians, casualties and doctors who were present during the shelling and the relieving in addition to the survivors of the two attacks. VDC team has reviewed all photos and videos that have been taken by the activists and the civilians who rushed to the targeted places after the attacks immediately. The review included a photo of the 'barrel' that was used in one of the attacks. VDC team saved no effort to find the real reasons behind the attacks, especially that both locations were inhabited by civilians and there was no military presence for the armed opposition or any of the rebel battalions.

Introduction:

The targeted location in Da'el, known as "the Eastern District" was the refuge for hundreds of civilians who were displaced from other districts in the city. The fact that this district was, distinctively, a civil one strengthen our belief that these two attacks were deliberately for killing civilians as a part of the daily shelling on most of the Syrian cities but with the internationally-prohibited incendiary weapons this time. Such weapons do not only cause huge destruction but also a lifetime mental suffering for survivors who are exposed to slight or deep burns as they cause deformation in the skin in different body areas which, in turn, cause social and psychological problems. It's worth mentioning that these two attacks took place after Gouta's chemical massacre committed by the Syrian Regime on 21 Aug 2013.
Types of Incendiary Materials Used in Wars and Conflicts:

In the Military Encyclopaedia, incendiary materials are defined as incendiary chemicals that entail certain conditions for military use, the most important of which is to give a large amount of fire that is difficult to extinguish and to have a great ability to spread giving very high temperature. The encyclopaedia divided these materials into many classes: hard, liquid and mixed incendiaries. They are, also, divided into many types like incendiary phosphor which flames the moment it touches oxygen and causes extremely high temperature; it's usually loaded in grenades, artillery and mortar missiles and rockets. Incendiary phosphor has been used many times by the Regime Forces, especially in Homs, Idlib and Damascus Countryside; on 28 Nov, it was used in Maret Al Nouman in Idlib. On 3 Dec, the Regime Forces shelled a school and the houses around it in Al Quseir in Homs which led to the injury of 20 civilians. Moreover, on 16 Nov 2012, these weapons were used in Darayya as they were loaded in 'Zab' missiles according to a report by International Human Rights Watch on the use of incendiary weapons in Syria. There is, also, the incendiary napalm which is considered one of the most dangerous and widespread weapons. It is sticky and contains kerosene. Napalm sticks to bodies and objects no matter how smooth they are. It also causes burns and deep deformations for those who survive. Napalm can be used in many weapons like mortars, artillery, tactic missiles and fighter jet bombs.

Due to its catastrophic effects, it was banned in Geneva Convention (10 Oct 1980), Protocol III; Protocol on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. The Protocol defined the incendiary weapon as "any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or combination thereof, produced by a chemical reaction of a substance delivered on the target.” The protocol, also, stated in its second article, Protection of Civilians and Civilian Projects, that "it's prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons". The protocol also prohibited "to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons".
First: The First Attack, 26 Aug 2013 on Orm Al Kubra in Aleppo:

On 26 Aug 2013, at 02:00 pm, the Syrian air forces shelled 'Iqraa' Institution in Orm Al Kubra in Aleppo, which had been under the Free Army's control for several months then. The institution was full of students who were preparing for the secondary and high school exams in addition to several teachers and civilians who happened to be in the place during the attack. The attack happened when the classes were full of students. After the attack, all the 70 casualties were taken to hospitals in nearby cities, like Al Atarib Hospital which received tens of average and critical cases, some other cases were transferred to Turkish hospitals and to field hospitals at the Syrian- Turkish Border that are usually equipped properly unlike the local hospitals in the western countryside of Aleppo that suffer the lack of apparatus, medicines and cadres.

Orm Al Kubra is located in Samaan Mountain, Southwest of Aleppo. It's 15 km away from Aleppo. Its population is about 40,000 people. Tens of thousands, however, were displaced due to the daily shelling by the regime forces on Aleppo's countryside, among of which is Orm Al Kubra, which is a couple of kilometers away from Orm Al Sughra on the highway between Aleppo and Idlib.
As mentioned before, after the attack, tens of casualties were transferred to the hospitals in nearby cities. One of the hospitals was the Al Atareb Hospital whose cadre received tens of casualties, most of them were children. VDC has contacted Mustapha Haid, the Head of 'Doulati Organization/My State Organization’ who stated the following:

At 3 in the afternoon, On 26 Aug 2013, I was in Al Atareb City and I heard rumours about a 'chemical attack' on Orm Al Kubra and that tens of casualties were brought to Al Atareb Hospital. I, immediately, went there to document the cases. Upon my arrival, I saw a pickup car carrying three charred bodies. During videotaping, someone shouted that those were women's bodies. Actually I couldn't distinguish them due to the severity of burns. At the door, they were washing everybody before entering the hospital as they thought it was a chemical attack. After I entered the hospital, I was surprise to find several children (between 14 and 17 years old) on the fourth floor with burns all over their bodies; like 90% of their bodies were burnt. The smell of burnt human hair was all over the place. They were screaming out of pain, and their hands were fixed due to the burns. Knowing that this is not a chemical attack, I approached one of the doctors and asked him about the incident, he said that these are second and third degree burns caused by incendiary napalm, not by white phosphor.

Mustapha added:

I saw more than 16 male cases. There were females also but we couldn't videotape them as they put them in one private room. When I asked one of the casualties about what happened, he said that he was in the institution of the village when he heard the sound of MIG fighter jet flying above the village, the teachers asked the students to evacuate and so they did. A couple minutes later, however, the MIG was away so they all came back to their desks. Suddenly they found themselves set on fire.

Mustafa added that he asked one of the injured teachers about the shelling. The teacher told him that he believed it was a rocket carried by a parachute as they didn't hear any sound at all. He added that the fire flamed up more when they tried to put it out using water.

One of the doctors told Mustapha that the primal enumeration was 12 martyrs and tens of casualties, 20 of them were critical cases and they had to transfer them to Turkey. Two other foreign doctors assured to Mustapha that the used material is the napalm, not the white phosphor as the burns caused by phosphor are far deeper and worse than those of napalm.

End of testimony
VDC has also contacted Issa Obeid, Head of Nursing Department in Al Atareb Hospital, who stated the following:

On 26 Aug 2013, the hospital received tens of casualties, most of them were children. There were about 50 casualties and 10 charred bodies. Immediately, the cadre of the hospital diagnosed all the cases and due to the fact that the hospital is poorly equipped, many cases, especially the critical ones, were transferred to the Turkish hospitals. Many of them, however, passed away at the Syrian Turkish Borders due to the delay of ambulances; five children were among the dead.

Issa added:

Most of the cases were second or third degree burns. The casualties that were burnt all over, passed away immediately. The primal enumeration was more than ten martyrs. We washed the casualties with water and serums after taking off their clothes. We used 'Florasline' liniment on the burnt areas and provided the casualties with fluids and some of them were given tranquilizers like Morphine. Unfortunately, the hospital was not equipped to receive such a huge number of burnt casualties and we suffered the lack of liniment for burns which worsened their cases. The final enumeration was 40 martyrs, most of them children under 17.

End of Testimony

*Photos of children with burns due to the bombing with incendiary materials, Atareb Hospital 26/08/2013
* List of names of the attack martyrs, which they reached 38 martyrs most of them are children according to the last statistical of Atareb city hospital only:

http://goo.gl/RjdGQL
Second: The Second Attack on Da'el City;

Daraa, 14 September 2013:

The city of Da'el is located to the north of the city of Daraa on the Old Daraa-Damascus Road. Its population, before the beginning of the revolution, was about 40 thousand. On 14 Sep 2013, specifically at 10:55, one of its houses, in the northern district of the city, was a target for a MIG fighter jet despite the fact that it's a civilian district and there is no military presence there what so ever. On the contrary, it is one of the highly populated areas where civilians and displaced from the nearby villages live. This shelling caused many deaths and casualties, most of them were children and women for there was a family in the house that was targeted as turned out later. Immediately, the news was all over social networks. The activists differed in defining the nature of the 'incendiary materials' used in the attack. Some said it was 'phosphorous incendiary bombs', others said it was 'incendiary napalm'. As it was not the first time when the city shelled with incendiary materials; on 8 May 2013, the city was shelled with an incendiary explosive barrel that led to several deaths and casualties.

A satellite image showing the geographical location of the city of Da'el.
VDC has contacted Alaa Al Faqir, one of the city's activists, who had conducted many interviews with witnesses who helped moving the casualties, and with the only girl survivor, Yomna Mohannad Nasir, who has lost several members of her family during the attack, in addition to an interview with nurse Moaz Aasmi, the Head of the Medical and Relief Committee in the city, who supervised the 'relieving process' during the attack. VDC has, also, conducted a Skype interview with 'Abu Isam' the uncle of the children who were killed during the attack. All the videos of the targeted house and the casualties affirmed the use of very flammable incendiary materials, launched by a MIG, and that the shelling was by a missile loaded with 'sticky' napalm. Videos and testimonies affirmed that the explosion was unprecedented and that it produced a sound just like the sound of an Iron-Iron collision.

*Images of fragments of the MIG missile and its cap "bottom part" which apparently did not explode for some reason:
The first witness, Abu Isam, who is the uncle of the targeted family, says:

The missile was loaded with a gelatinous material like "grease" as he was informed by a defected officer who had been at the location, and he added that the used napalm flames the moment it touches oxygen. Abu Isam also assured that he didn't hear a sound of an explosion, but a sound of a collision of two iron bodies, just like 'humming sound', after which the fire was all over the nearby houses because of the inflamed splinters.

He adds:

When I heard the explosion, I was standing behind the door. I was thrown three meters inside the house and one of the inflamed splinters hit me in the head. I stood up again and rushed outside to see the targeted house burning, it was extremely hot and the fire came on and melted everything. Even the frames of the windows were melted because of the high temperature. When we entered the house we found 4 charred bodies and a little girl with burns all over her body. While relieving her, burns got bigger and bigger leaving big red spots. We tried to put off fire using water, but it was just getting bigger and bigger.

He continues:

Two days later, we found the 'bottom' of the missile which was supposed to explode. It weights like 130 kg, 8 cm thickness, 40 diameters and it was loaded with gunpowder and aluminum filings; it was vividly clear that the detonator didn't explode:
Another witness, *Hamza Shihidat*, who lives in the targeted district, said that there was nor a Free Army, nor any rebel battalions in the district; not even a military location; all the residents were civilians.

*Hamza says:*

We heard the MIG above the city around 11 in the morning. Suddenly, it "broke the sound barrier". Then we heard a sound of missile launching without hearing any explosion. A couple of seconds later, we saw 'smoke columns' out of some house like 200 m away. We rushed to the area to find the house set on fire. Nearby houses were badly affected too. We saw a girl in her twenties laid on the ground; her body was completely burnt. While being relieved, she was screaming out of pain. While trying to carry her, our fingers penetrated the burnt flesh. There was so much foam going out of her mouth. Even the gold bracelets in her wrists penetrated the flesh.

To view the full interview, please visit the following link:

[http://www.youtube.com/watch?v=U6k4nfVMh0E](http://www.youtube.com/watch?v=U6k4nfVMh0E)
The only survivor was a little girl, **Yumna Muhammad Nasir**, 10 years old who protected herself with a room and used water to cool off her burnt legs until she was relieved and transferred to some field hospital by the neighbours. **Moaz Al Asmi**, the nurse who treated her, stated that her face was completely defaced due to the burns, and that 70% of her body was burnt. All the burns were first or second degree ones. Regarding the four martyrs that were brought to the hospital, he said that they were charred and that there was another case of the wife of Yumna's uncle who was six month pregnant and who was transferred to Jordan, but passed away with her unborn baby 12 hours after the attack.

**Moaz** added that the burns were caused by the incendiary napalm as they got bigger while sanitizing them with liquids. The right way to deal with such kind of burns is to isolate it from oxygen and put some colloidal impervious bandages. Next day, the burns expanded and it was the worst on the girl's feet. We recompensed the girl with liquids; she was unable to walk at all. **Moaz**, also, told us about the pregnant lady (Yumna's uncle's wife) who was transferred to Jordan by an 'uncovered' pickup car, accompanied with an anaesthetist nurse and how hot blood bobbles (just like boiling water) started coming out of her nose while trying to keep her alive using a 'trachea tube'. He, also, stated that she suffered 'blood veins dryness' just like dried wax especially at the limbs (picture 1) in addition to a deviation in the upper hinge joints 110 degrees. It's worth mentioning that her unborn baby was, already, dead as there was no pulse when they checked after the incident with a 'Doubler' (inspection device) in the field hospital in Dael.
Conclusion:

A legal adviser said to VDC in Syria, about the two attacks that took place in Orm Al Kubra and Da'el, and taking about Incendiary Bombs and Napalm in particular:

1. Napalm and Incendiary Weapons:

Napalm falls within a category of weapons referred to as “incendiary weapons.” Protocol III annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects (Geneva, October 10 1980) provides an authoritative definition of incendiary weapons:

“[… ]any weapon or munition which is primarily designed to set fire to objects or to cause burn injury to persons through the action of flame, heat, or combination thereof, produced by a chemical reaction of a substance delivered on the target.”

According to a widely cited report of the UN Secretary General from 1972, incendiary weapons are powerful means of devastation and destruction. In fact, according to the same report, except for “nuclear weapons, and perhaps also certain biological and chemical weapons, no other armament places such destructive power in the hands of military commanders.” The use of these weapons on urban targets has proven since the second world war its savage and cruel consequences for all society. Its effects are so devastating that they are “adaptable for mass destruction.”

By their very nature, and irrespective of the circumstances of their use (battle field vs. urban, air raids vs. flame weapons) incendiary weapons are excessively injurious and result in unnecessary suffering to personnel evidenced in particular, in addition to fatalities, by the irreversible damage they cause to the human body and the environment. Another key characteristic associated with the use of these weapons has to do with their indiscriminate effects in fact still according to the same report by the UN Secretary General:

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1 Although the Syrian Arab Republic is not a party, one hundred and seven countries signed and ratified the Convention, and accept the definition of incendiary weapons included in article 1 of Protocol III.
3 Id., at p. 51 (§177)
4 Id.
5 Id., at p. 55 (§ 189).
“The massive spread of fires is largely indiscriminate in its effects. When there is a difference between the susceptibility of fire of military and civilian targets, it is commonly to the detriment of the latter. The same applies to certain tactical applications of incendiaries for the ability of these weapons to strike over an appreciable area, and the often close proximity of military and civilian targets.”

2. The Regime’s Use of Napalm in Orm el Kubra and Da’el is a Violation of International Humanitarian Law:

Although the Syrian Arab Republic is not party to the Protocol III of 1980 concerning incendiary weapons, the official position of the Syrian Arab Republic was in favor of the prohibition of the use of Napalm in all conflicts. In a response to a request for commentaries by the UN Secretary General on his above cited 1972 report the representative of the Syrian Arab Republic in the UN made the following statement, on October 10, 1973:

“[T]he Government of the Syrian Arab Republic, having studied the report on napalm and other incendiary weapons and all aspects of their possible use (A/8803 and Corr.1), endorses all the provisions contained in the report, and in particular, those concerning the ban on all these weapons.”

Furthermore, the Syrian Arab Republic voted in favor of UN General Assembly Resolution 2932 (1972), in which ninety-nine states acknowledged the indiscriminate nature of incendiary weapons, their effects in causing unnecessary sufferings, and deplored their use in all conflicts, international and non-international.

More generally, and irrespective of any treaty obligation in the matter, the regime’s use of Napalm in Orm el Kubra and Da’el, violates established customary rules of international humanitarian law applicable to non-international armed conflict for the following reasons:

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6 Id., at p. 54 (§ 187).
7 UN, Report of the Secretary General, 1973, Napalm and Other Incendiary Weapons and All Aspects of their Possible Use (Document N° A/9207), United Nations, New York, at p. 23 (emphasis added).
a. It violates an inviolate principle of international humanitarian law; namely the duty to distinguish at all times between civilians and combatants.

The principle according to which: “parties to the conflict must at all-time distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians,” is the cornerstone of customary international humanitarian law. It is also embedded in Common Article 3 of the Geneva Conventions (1949), and is thus applicable in non-international armed conflicts.

The report clearly shows that the Syrian regime has targeted civilian buildings, and civilian persons. The target in Orm el Kubra was a school, the injured and fatalities were all civilians including children. The target in Da’el was a residential neighborhood in which civilians have taken refuge. The injuries and fatalities in Da’el, as it is clear from the gathered testimonies, are all civilians protected under international humanitarian law.

b. It results in superfluous injury or unnecessary suffering.

The principle according to which: “the use of means and methods of warfare which are of a nature to cause superfluous injury or unnecessary suffering is prohibited,” is well established in customary international humanitarian law. It has been articulated and confirmed by consistent state practice. This principle was first formulated in the Saint Petersburg Declaration of 1868, which proclaimed that “the employment of arms which uselessly aggravate the sufferings of disabled men [hors de combat], or render their death inevitable” is excessive. Furthermore, Article 23(e) of the Convention (IV) of the Hague Regulations of 1907, declared as forbidden “to employ arms, projectiles, or material calculated to cause unnecessary suffering.” The same general principle was repeated in Article 35(2) of Protocol I to the Geneva Conventions of 1949 which provides that it is “prohibited to employ weapons, projectiles and material and methods of warfare of a nature to cause superfluous injury or unnecessary suffering.” The ICRC restatement of the customary rules of international humanitarian law establishes with certainty that this principle is applicable to both international and non-international armed conflicts.

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10 Id, at p. 237 (Rule 70).

11 Id., at p. 289.
Furthermore, and under this well-established legal prohibition, incendiary weapons have been identified *per se* as ones that result in superfluous injury or unnecessary suffering. The ICRC restatement of customary international humanitarian law has established with reasonable certainty that “the anti-personnel use of incendiary weapons is prohibited” as a default rule\(^\text{12}\), and that they must not be used against civilians and civilian places.\(^\text{13}\) These principles are backed by consistent state practice. Article 2 of the Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons annexed to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons of 1980 (Protocol III) of 1980 declared that it is “prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons.” The ICRC has also established that this principle is applicable to non-international armed conflict.

This report clearly showed that the targets and circumstances surrounding the use of Napalm in Orm el-Kubra and Da’el make these two instances clear violations of customary international humanitarian law. As stated earlier the targets in both locations were civilian places, the injuries and fatalities were all civilians including children. The types of injuries reported are all burns of different degrees. Even the least severe among these injuries are likely to cause permanent injuries.

### 3. The Regime’s Use of Napalm in Orm el Kubra and Da’el is a War Crime:

The execution of indiscriminate attacks on civilians, and using incendiary weapons capable by design to cause superfluous injuries and unnecessary suffering constitute each on its own, according to customary international humanitarian law, a serious violation of international humanitarian law.\(^\text{14}\) They accordingly constitute war crimes.\(^\text{15}\)

### 4. The Regime’s Use of the Napalm in Orm el Kubra and Da’el is a Crime Against Humanity:

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\(^{13}\) *Id.*, at p. 287 (Rule 84).

\(^{14}\) *Id.*, at p. 599.

\(^{15}\) *Id.*, at p. 568 (Rule 156)
Furthermore, and considering that these attacks are part of a pattern in which regime forces have deliberately and systematically targeted civilians, engaged in indiscriminate attacks, and used weapons that are designed to cause unnecessary suffering, makes these attacks elements in a crime against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court.\(^{16}\)

The use of Napalm against Orm el-Kubra and Da’el has led to the murder of many civilians including children. It was committed as part of a systematic attack directed against the civilian population, with knowledge of the attack. The way in which the attack is perpetrated in two distant locations, one in the north of Syria and the other in the south at very close time intervals, strongly suggests a thoroughly organized attack, such that its random occurrence would be highly improbable. It further shows a pattern of crimes, in the sense of non-accidental repetition of similar criminal conduct on a regular basis. The attacks appear to suggest that there is a common policy by the regime to use conventional weapons that can have an effect, which is equivalent to chemical weapons. This may be due to the international controls now being put in place on the regime’s chemical weapons arsenal. Such emerging policy seems to involve substantial public resources so as to be able to deploy in scattered sections of the country as well as deliver, stockpiles of Napalm and other incendiary weapons, and in particular, concurrently, in two distant locations in the country. This is consistent with the overall general policy of the regime from the start of the revolution, which purported to first test, at a limited scale, the use of weapons and other military systems, to gauge the reaction of the international community as to the possibility of their continued use, and then in the absence of meaningful reaction, such use would be adopted on a large scale. This was the case, for example, with the use of aerial bombardment. The regime’s political objective in wanting to annihilate and/or subdue the revolting cities by any weapons of mass destruction appears to be served by the use of Napalm as a conventional but equally effective weapon that causes durable suffering to entire civilian populations. This shift in policy cannot happen unless with the implication of high-level political and/or military authorities within the regime. It follows that the use of Napalm and other incendiary weapons in Orm el-Kubra and Da’el may amount to a crime against humanity.

A similar fate to that of the Napalm survivor Kim Phuc, running along Highway 1 in Vietnam on June 8, 1972, has unfortunately hit tens of children in Orm al-Koubra and Da’el in Syria, and many of whom have died. There is indeed a growing fear that the use by the regime of Napalm becomes an ordinary occurrence in Syria, if the international community does not swiftly act to enforce more than one-hundred-and-fifty-years old rule of basic humanity concerning the prohibition of the use of weapons which cause unnecessary suffering, such as Napalm.

To view the full interview with Yumna and the nurse who treated her, please visit the following link:

http://www.youtube.com/watch?v=Ae--dEoCPZo&feature=youtu.be

Some of the martyrs who have fallen as a result of the incendiary bomb attack on city Da'el in Daraa:

1- Child martyr, Alaa Muhanad Nasir, two years old

2 - Martyred child Yamama Muhanad Nasir, 8 years old, a picture of her before she died:
*A photo of the child martyr Yamama, 8 years old after she died.

*A Photo of the only survivor, Yumna Muhammed Nasir, 10 years old.

For any comments or questions, please contact us:
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