

NYTIMES FINALLY FINDS CONCERN OVER IMPUNITY FOR WAR CRIMES, BUT ONLY ASSAD'S WAR CRIMES

Despite the fact that the US has never faced prosecution for its illegal invasion of Iraq or for the many documented acts of rendition and torture in the Great War on Terror, the New York Times this morning found it possible to rail against the injustice of impunity for war crimes. But only after jumping on the bandwagon to convict Bashar al-Assad's government of a war crime for which definitive proof has not yet been developed. Here is their hand-wringing:

The repercussions have elevated the 30-month-old Syrian conflict into a global political crisis that is testing the limits of impunity over the use of chemical weapons.

The Times goes on to present the evidence from the UN analysis in the most unflattering light toward Assad. Nowhere in the report do we get discussion of the fact that the UN inspectors were not at the attack site until five to eight days after the attack. Even more importantly, the Times completely elides any reference to the cautionary note in the report that "potential evidence is being moved and possibly manipulated".

The most damning accusations in the Times article rely on material outside the UN report (pdf). The report does not disclose any findings on the quality of the sarin found in the analysis, but that did not stop the "diplomats" who are eager to assign blame:

Both the British and American ambassadors to the United Nations also

told reporters that the report's lead author, Dr. Ake Sellstrom, a Swedish scientist who joined Mr. Ban in the Security Council briefing, had told members that quality of the sarin used in the attack was high.

"This was no cottage-industry use of chemical weapons," said Britain's ambassador, Sir Mark Lyall Grant. He said the type of munitions and trajectories had confirmed, "in our view, that there is no remaining doubt that it was the regime that used chemical weapons."

Much attention has been given to the analysis of munitions found by the inspectors. The smaller of the two types described, the M14 or 140 mm rocket (which reportedly can carry about two liters of sarin), is typically launched by a towed launcher such as the one pictured here on Wikipedia. The larger type, a previously undescribed 330 mm rocket (which could carry over 50 liters of sarin) would be launched from a much larger vehicle, presumably the type usually seen mounted on the back of a large truck. Multiple sources state that the various Syrian rebel groups have not been documented to have launchers of these types.

Much also has been made of the triangulation of the two flight paths that the UN inspectors described, since the paths cross at a known Syrian military site. There is a huge problem, however, in using this information by itself to state conclusively that the flight paths prove that Syrian forces, under orders from Assad, fired the chemical weapons. From the way that the UN report is written, it is impossible to determine whether the two rockets for which these flight paths were determined actually tested positive for sarin, or if they even were tested at all. That is very important, since we know that Syrian forces continued to attack the Ghouta area during the time between the chemical attack and when the UN inspectors were allowed

to do their work. In fact, we know that conventional shelling was carried out from the very base the ballistics analysis points to:

The Local Coordination Committees, another activist group, also reported several air raids on the suburbs, and added that President Bashar Assad's forces were shelling eastern Ghouta from the Qasioun mountain overlooking Damascus.

The analysis by Casual Observer, which he posted in this tweet and this close-up identifying Qasioun matches the information in the previously linked diagram from the Times and allows us to confirm that conventional artillery from the Qasioun base was known to have been fired at the chemical attack zone in the time between the chemical attack and the UN inspection.

At most, the ballistics analysis provides circumstantial evidence that supports the allegations that the Qasioun base was the source of at least some of the shelling where the chemical attack took place. The insecure nature of the site, coupled with the UN report being silent on whether there were positive sarin tests on the two rockets for which flight path analysis was carried out, prevents any conclusion that the sarin originated from the Syrian military base. And that's before even getting to the question of whether Assad himself gave a command to fire chemical weapons.