

United States Senate

WASHINGTON, DC 20510

October 25, 2019

The Honorable Michael R. Pompeo
Secretary
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

Dear Secretary Pompeo:

We write with great concern regarding reports of the use of chemical weapons against civilian populations and the potential use of U.S.-origin defense articles by Turkish-backed forces in Syria.

A report in *Foreign Policy* dated October 17, 2019 states that “Turkish-backed forces appear to be using munitions loaded with white phosphorus—a chemical that can maim and kill when it comes in contact with human flesh—in their violent campaign against Kurdish fighters in northern Syria”.

The report cites photos showing children in the border town of Ras al-Ain with “chemical burns on their chests and faces consistent with wounds from white phosphorus.” The report also cites an aid organization official who stated that “several people had been admitted into the National Hospital in Hasakah city coming from Ras al-Ain with ‘severe burns’ that appeared to have been caused by white phosphorus or napalm.”¹

These reports have been substantiated by numerous additional outlets,^{2,3} and the Organization for the Prohibition of Chemical Weapons has stated that it is “aware of the situation and is collecting information with regard to possible use of chemical weapons”.⁴ A report from the *Times of London* found that “blood and tissue samples from victims of the Turkish airstrikes have already been supplied to international chemical weapons experts for examination—and that initial analysis has pointed to [white phosphorus] as the cause.” An official was quoted in the *Times* as saying “Absolutely no doubt: it’s white phosphorus.”⁵

¹ Lara Seligman. *Turkish Proxies Appear to Be Using White Phosphorus in Syria*. *Foreign Policy*. October 17, 2019.

² *Fighting in Syria persists despite ceasefire, Turkish fighters accused of using white phosphorus*. CBS News. October 18, 2019.

³ *Kurds accuse Turkey of using napalm and white phosphorus*. France24. October 18, 2019.

⁴ Dan Sabbagh. *UN investigates alleged use of white phosphorus in Syria*. *The Guardian*. October 18, 2019.

⁵ Anthony Lloyd. *Evidence of Turkish phosphorus attack mounts in Syria*. *The Times of London*. October 21, 2019.

Regarding the use of U.S.-origin defense articles, the Department of State's annual reports on direct commercial sales required by Section 655 of the Foreign Assistance Act of 1961 show \$587.8 million in authorized sales and \$106.7 million in actual items shipped to Turkey in FY17⁶ and \$604.3 million authorized and \$136.5 million shipped in FY18.⁷ For the first three quarters of FY19, the Department reports \$373.2 million in authorized sales.⁸

Among the largest categories of direct commercial sales to Turkey are launch vehicles, guided missiles, ballistic missiles, rockets, torpedoes, bombs, and mines (Category IV); and fire control, range finder, optical guidance, and control equipment (Category XII). The volume and nature of direct commercial sales to Turkey raise significant concerns that U.S.-origin defense articles may be in use in the Turkish offensive in northern Syria, potentially in connection with the use of chemical weapons and in violation of the applicable end-use agreements and U.S. and international law.

To address these concerns, please respond to the following questions by November 1, 2019:

1. Are the allegations of the use of white phosphorus munitions by Turkish-backed forces in Syria credible? If not, why not? If the reports are credible:
 - a. Does the Administration assess that the Turkish-backed forces alleged to have used white phosphorous munitions were acting on their own or at the direction of Turkish authorities, and how do you assess such forces acquired white phosphorous munitions?
 - b. Does the use of white phosphorus munitions in this context constitute a violation of Turkey's international obligations under the Chemical Weapons Convention or any other provision of international law? If so, how does the Administration intend to respond?
 - c. Does the use of white phosphorus munitions in this context constitute a gross violation of human rights as defined in section 502B(d)(1) of the Foreign Assistance Act of 1961)? If so:

⁶ *Report to Congress on Direct Commercial Sales Authorizations to Foreign Countries and International Organizations for Fiscal Year 2017 as Required by Section 655 of the Foreign Assistance Act of 1961, as Amended.* U.S. Department of State.


⁷ *Report to Congress on Direct Commercial Sales Authorizations to Foreign Countries and International Organizations for Fiscal Year 2018 as Required by Section 655 of the Foreign Assistance Act of 1961, as Amended.* U.S. Department of State.

⁸ *Export Licenses and Approvals Granted Authorizing the Export of Commercially Sold Defense Articles/Services pursuant to AECA Section 36(a)(4) for 1 April 2019 to 30 June 2019.* U.S. Department of State.

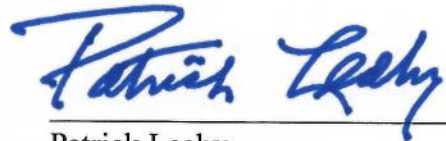
- i. Has the Department of State determined the specific units involved in the reported use of white phosphorus munitions? If not, what concrete steps will the Department take to identify the units involved?
 - ii. Has the Government of Turkey taken any steps or indicated an intent to bring those responsible to justice?
 - iii. Does the Administration intend to suspend the responsible units from receiving future U.S. assistance or support pursuant to the Leahy Laws and/or as a matter of policy? If not, why not?
 - iv. Does the Administration intend to take any other steps in response to the alleged use of white phosphorus munitions?
2. Have any U.S.-origin defense articles been used in connection with the Turkish offensive in Syria, including in connection with the use of chemical weapons? If so, was any such use in violation of the applicable end use agreements, and if so, how does the Administration intend to respond?

Thank you for your attention to this matter. We look forward to your response.


Sincerely,



Chris Van Hollen
United States Senator



Patrick Leahy
United States Senator



Marsha Blackburn
United States Senator



Richard Blumenthal
United States Senator