



General Assembly Security Council

Distr.: General
26 July 2021
English
Original: Russian

General Assembly
Seventy-fifth session
Agenda item 103
General and complete disarmament

Security Council
Seventy-sixth year

Identical letters dated 9 July 2021 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General and the President of the Security Council

The Russian Federation wishes to bring to the attention of Member States that the claims made by the Director-General of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (OPCW), Mr. Fernando Arias, on 3 June 2021 during the Security Council meeting on the implementation of resolution [2118 \(2013\)](#) were ambiguous and therefore require an official response.

Positioning himself, in his statement, as a “champion” of the integrity of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Mr. Arias, wittingly or not, confirmed the already widely-known fact that the OPCW Technical Secretariat which he leads allowed flagrant violations of the Convention to take place during the work on the Syrian “chemical dossier”, in order to advance the geopolitical interests of a narrow group of States bound together as a bloc by their ambitions. In this regard, I should like to remind the Director-General, who has constantly stressed his independence and impartiality in carrying out his functions as a senior international official, of certain facts that he seems nevertheless to have deliberately overlooked.

At the outset, it is worth recalling the nature of the mandates of the two special missions working in Syria under his overall leadership – namely, the mission established to verify the initial declaration made by Damascus under the Convention (the Declaration Assessment Team) and the mission established to investigate the possible use of chemical weapons (the OPCW fact-finding mission in the Syrian Arab Republic). Both mandates are the result of bilateral agreement between the OPCW Technical Secretariat and Damascus, which showed political will by assuming additional obligations beyond those under the Convention. The assertions made by Mr. Arias that Security Council resolution [2118 \(2013\)](#) and the decision adopted by the OPCW Executive Council at its thirty-third special session annexed thereto give the Director-General some kind of “carte blanche” for actions in Syria – actions which, to make things worse, contravene the existing norms of the Convention – do not therefore correspond to reality, to put it mildly.



Mr. Arias also allowed some liberties to be taken in connection with the supposed “special” powers of the OPCW Technical Secretariat in relation to Syria under article IV, paragraph 8, of the Convention to which he alluded. It is true that, in the light of the extremely complex military and political situation and the multifaceted terrorist threats in Syria that are being fuelled from abroad, the OPCW Executive Council and the Conference of the States Parties to the Convention agreed upon special procedures for the internationally monitored destruction of Syrian chemical warfare capabilities, including outside the territory of that possessor State. Damascus honoured all its extraordinary obligations in this regard, with support from the partnership between OPCW and the United Nations and the active assistance of a number of States, namely, Russia, the United States of America, the People’s Republic of China, Norway, Denmark, the Federal Republic of Germany, Finland and the United Kingdom of Great Britain and Northern Ireland. As a result, the most difficult task of all was carried out successfully, as the Secretary-General reported to the Security Council in June 2014. The complete elimination of the chemical warfare capabilities of Syria was also confirmed in 2016 in documents of the OPCW Executive Council (EC-81/DG.5) and the Conference of the States Parties to the Convention (C-22/4). This means that any suggestion that the provisions of article IV of the Convention supposedly give the OPCW Technical Secretariat “special powers” to verify the initial declaration made by Damascus under the Convention upon accession thereto is totally inappropriate and legally null and void. The Convention does not authorize the OPCW Technical Secretariat to subject Syria to such perverse and politically motivated verification procedures in contravention of the basic provisions of the Convention.

It would be worth advising the Director-General and his closest aides in the leadership of the OPCW Technical Secretariat to review the basic provisions of the Convention and not to manipulate them at the behest of the capitals that nominated them to this international body of States – capitals which have, on two occasions already, committed acts of aggression against Syria under false pretexts in violation of the Charter of the United Nations.

Under part II, paragraph 66, of the verification annex to the Convention, the general rules of verification apply to all inspections conducted pursuant to the Convention. The only permissible exception is where such rules differ from the provisions set forth for specific types of inspections in parts III to XI of that annex. It is therefore not entirely clear why the Declaration Assessment Team and the OPCW fact-finding mission in the Syrian Arab Republic are guided not by the above-mentioned provisions but by what Mr. Arias described as certain well-established standard methodologies for commissions of inquiry. It has long been clear to all right-minded experts in this field who have no aversions to any particular States parties to the Convention that the fact-finding mission’s “best practices” in evidence-gathering directly contradict the provisions of the Convention.

For example, instead of taking samples directly from incident sites, mission members receive them from unidentified individuals in third countries. Physical evidence in the form of conventional aircraft ammunition fragments that have been liberally doused with toxic substances has been made available to the fact-finding mission by the armed Syrian opposition upon request, several months after the alleged chemical bombings by the Syrian air force were reported by the mission. It is taking up to six months for samples to be analysed by the laboratories designated by OPCW, instead of the prescribed 15 days. All sample analysis results are being taken into account in investigations, not just samples for which the two laboratories designated by OPCW to analyse them produced matching results. Final reports are being issued not 30 days after the expert group of the fact-finding mission returns to The Hague, but rather a year or more later. There are widespread violations of the rights of the

State under inspection, which not only does not receive its due share of samples, but is also effectively excluded from the monitoring under the Convention of the work of inspection teams investigating the alleged use of chemical weapons in its own territory. It is against this extremely negative backdrop that we are hearing the Director-General make, on the one hand, such unprofessional and, on the other hand, such politically stirring claims, since this is apparently the only thing that the very same group of Euro-Atlantic allies and their client States want to hear.

What is surprising is not even the fact that violations of the Convention occur at every stage of the work of the OPCW missions in Syria and have now become systemic, but rather the earnestness with which all this is portrayed to the public by the Director-General of the OPCW Technical Secretariat, who seems either to believe in his infallibility or to be constantly misled by his closest aides, who so diligently uphold Euro-Atlantic values mixed with certain supposed “rules” contrary to the Charter.

Equally astounding is the openly scornful attitude of Mr. Arias towards two former officials of the OPCW Technical Secretariat, who, as befits honest and impartial international civil servants, were not able to tolerate outright fraud and decided to shed light on the blatant manipulation of the conclusions of the report of the fact-finding mission on the chemical incident in Douma on 7 April 2018, which in fact turned out to be another provocation carried out by the pseudo-humanitarian non-governmental organization funded by the Euro-Atlantic allies known as White Helmets, originally established by the British intelligence agencies for that very purpose.

Judging by the claims made by the Director-General regarding the above-mentioned former officials of the OPCW Technical Secretariat, he does not have reliable information about who was even working for the fact-finding mission or about the fact that mission experts under his command were already in Damascus on 14 April 2018, the day on which the United Kingdom, the United States and France launched a missile attack on its suburbs in violation of the Charter of the United Nations and the universally recognized norms of international law.

It is clearly worth encouraging the Head of the Office of the Director-General, Mr. Sébastien Braha, to bring to the attention of Mr. Arias notes verbales NV/ODG/214589/18 dated 10 April 2018 and NV/ADM/GSP/SSS/215189/18 dated 28 May 2018, which will bring further clarity to this embarrassing affair. If, as a result of the manipulation of the fact-finding mission documents concerning the investigation of the chemical incident in Douma, these notes have been removed from the OPCW document system, databases and archives, together with other materials compromising the leadership of the Technical Secretariat, the Syrian side would be more than able to provide copies thereof.

It is perhaps no coincidence that the Director-General has been repeating like a mantra, everywhere and anywhere, including in the Security Council, his claims that he supposedly has no grounds or authority to re-examine the incident in Douma without special decisions of the OPCW governing bodies to that effect. The assumption, of course, is that the Euro-Atlantic allies will not let this happen because the truth in this matter has become completely unacceptable to them after the attacks carried out by three parties under the North Atlantic Treaty Organization (NATO) in 2018. The same goes for the missile attack in 2017 on the Sha'irat airbase in Syria, supposedly carried out in response to an alleged chemical incident in Khan Shaykhun, which also turned out in fact to be a provocation flagrantly orchestrated by the White Helmets using sarin.

Mr. Arias also failed to listen to the repeated calls and proposals of highly authoritative international experts and non-governmental organizations to get a firm

handle on this affair – which is unprecedented for the once highly esteemed OPCW – by involving the two above-mentioned former officials of the Technical Secretariat and eliciting the help of the Scientific Advisory Board acting under the Director-General or other trustworthy independent experts. The provision of appropriate explanations to the States parties to the Convention by the Scientific Advisory Board in those and other areas relevant to the implementation of the Convention is stipulated, *inter alia*, in article VIII, paragraph 21 (h), of the Convention. Those wishing to familiarize themselves with the relevant opinions and proposals of independent experts, some of whom used to be high-ranking officials of the OPCW Technical Secretariat, may consult the primary sources posted on the Internet, in particular the appeals to the OPCW Director-General and the United Nations Secretary-General and other related materials, such as those prepared by the independent journalist Aaron Maté.

The assertions by the Director-General that the very fact that the Security Council, in its resolution [2118 \(2013\)](#), called for those responsible for the use of chemical weapons to be held accountable would seem to give legitimacy to the work of the so-called Investigation and Identification Team, which was established by OPCW in violation of article XV of the Convention, warrant special attention. It should be recalled that, in the decision of the fourth special session of the OPCW Executive Council, held in June 2019, the Director-General of the Technical Secretariat was merely invited to submit proposals regarding the involvement in OPCW investigations of outside experts with relevant qualifications and professional experience at the request of a State party to the Convention and, in general, the enhancement of the capacity and tools of the Secretariat to strengthen implementation of the verification regime under the Convention. In practice, however, Mr. Arias and his team of Euro-Atlantic aides zealously began to meet these political demands and in fact established the Investigation and Identification Team, drafted its “terms of reference” and, on top of that, staffed it with people considered to be “reliable” by the bloc structures in Brussels. The OPCW Executive Council was thus faced with a *fait accompli* and, in violation of article VIII, paragraph 35, did not even contemplate any preliminary recommendations in that regard. Of course, the Euro-Atlantic allies could not contain their glee and enthusiasm over such zeal on the part of the leadership of the OPCW Technical Secretariat in implementing their plans to vest the Organisation with “attribution” functions.

For the sake of clarity, it should be noted that the Security Council has never delegated its exclusive powers of attribution under the Charter to OPCW, much less its Technical Secretariat.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 103, and of the Security Council.

(Signed) V. Nebenzia