

**General Assembly
Security Council**

Distr.: General
6 November 2017
English
Original: Russian

**General Assembly
Seventy-second session**
Agenda item 99 (I)

**General and complete disarmament: implementation of
the Convention on the Prohibition of the Development,
Production, Stockpiling and Use of Chemical Weapons
and on Their Destruction**

**Security Council
Seventy-second year**

**Letter dated 31 October 2017 from the Permanent Representative
of the Russian Federation to the United Nations addressed to the
Secretary-General**

I have the honour to transmit herewith the preliminary assessment by the Russian Federation of the seventh report of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to investigate cases of use of chemical weapons in the Syrian Arab Republic (see annex).

Russian experts are continuing to study the report of the Joint Investigative Mechanism. The findings will be communicated to the international community shortly.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 99 (I), and of the Security Council.

(Signed) V. Nebenzia



Annex to the letter dated 31 October 2017 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Preliminary assessment by the Russian Federation of the seventh report of the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism to investigate cases of use of chemical weapons in the Syrian Arab Republic

Even from a first cursory reading of the report, it is glaringly obvious that the conduct of the investigation fell far short of the high standards of the Chemical Weapons Convention, specifically with regard to the refusal to carry out the investigation on site, non-observance of the chain of custody, failure to use all available methods and methodologies of investigation, a credulous attitude to testimony from unidentified witnesses whose presence at Khan Shaykhun on the morning of 4 April 2017 was not confirmed in any way, and so forth. Of course, many of these deficits were “inherited” by the Joint Investigative Mechanism from the Organisation for the Prohibition of Chemical Weapons (OPCW) Fact-Finding Mission, which did not manage to carry out a high-quality investigation while the trail was still hot and even categorically refused to visit Khan Shaykhun, despite the existence of security guarantees, as has now become known. Nevertheless, the Joint Investigative Mechanism had every opportunity to eliminate the shortcomings of the OPCW Mission, but chose not to do so.

After a careful reading of the report, it is hard to call it a professional job. Instead, it is amateurish in nature and is based primarily on assumptions and a selective use of facts.

We note, in particular, serious flaws in the justification for certain conclusions. In this regard, the findings of the investigation of the incident in Umm Hawsh are typical. Responsibility for the incident is attributed to Islamic State in Iraq and the Levant (ISIL) merely on the grounds that there was no evidence that other armed non-governmental groups active in this area, unlike ISIL, had ever “used sulfur mustard in the past” (para. 36 (e) and (f)). This methodology, to put it bluntly, is dilettantish. It does not reflect well on the experts of the Mechanism.

With regard to the investigatory work carried out by the Joint Investigative Mechanism concerning Khan Shaykhun, yet again there are nothing but questions, and absolutely no intelligible answers. In the report there are only unsubstantiated allegations referring to “material evidence” received from the very same opposition and affiliated non-governmental organizations, and opinions and assessments from some anonymous “independent” institutes and experts.

One gains the impression that the Joint Investigative Mechanism, on the fly, took the “aerial” version as its principal scenario and ignored the arguments put forward repeatedly by the Syrian and Russian sides, including during direct contacts with the Mechanism’s leadership and experts, concerning the staged and provocative character of the incident in Khan Shaykhun. The main argument of the Joint Investigative Mechanism against the scenario of provocation — that, allegedly, no witnesses had reported the placement of an improvised explosive device containing sarin (para. 41) — is extremely flimsy. Indeed, who would carry out provocative actions in front of witnesses? One might have expected a more solid justification, but no such justification can be found in the report.

A careful search of the Sha'irat airbase, collecting samples to look for traces of sarin, could have served to confirm or refute the scenario of an aerial bomb. Yet, for several months, the Joint Investigative Mechanism stubbornly refused to make the trip. In October 2017, after multiple invitations from the Syrians, the Mechanism experts finally went to Sha'irat, but refused to collect any samples, on the grounds of a shortage of experts and equipment (para. 52). And this, even though they had access to professionals from OPCW and the necessary equipment was available in secure storage in Damascus. All that the leadership of the Mechanism needed to do was to take a decision, but that did not happen either because of a lack of political will, or because of outside pressure on the Mechanism. As a result, the participation of OPCW in this visit was confined to ensuring the safety of their Joint Mechanism colleagues, apparently, in the event of some kind of unforeseeable circumstance (para 56).

The refusal to collect samples at the Sha'irat airbase is also explained in the report on the grounds that if a single chemical munition had been used, "there was little chance of finding any trace of sarin or its degradation products at an airbase of that size" (para. 52). In reality, all possible storage locations for chemical munitions at the airbase had long been known, since a facility there for the storage of chemical weapons was mentioned by the Syrians in their original declaration and this facility was inspected from top to bottom at that time and "approved" by OPCW (a hangar designed to hold military toxins for munitions was destroyed).

Other assertions in the report are also highly dubious. For example, there is a reference in the document (annex II, para. 58) to munition remnants "associated with an air-delivered chemical bomb" allegedly recovered from a crater, removed, yet again, by unidentified persons, in other words without following the chain of custody procedure. This, as is recognized by the Joint Mechanism experts themselves, diminishes their probative value. At the same time, the report focuses attention on the presence on the photographs of the crater of some kind of deformed metal fragments of an alleged aerial bomb, including a filler cap with traces of sarin which, it would appear, is "uniquely consistent" with Syrian chemical aerial bombs. This conclusion, in the view of the Joint Investigative Mechanism, is self-evident, particularly since traces of army green paint are also visible on these fragments. In other words, on the one hand it is recognized that the remnants cannot serve as material evidence, and on the other, similar metal fragments are regarded as irrefutable proof. The likelihood that they were brought from another part of Syria and thrown into the crater is not even considered. And all this while claiming professionalism and impartiality.

The authors of the report also assert that the samples taken at Khan Shaykhun contain chemical markers and specific substances which have allegedly been used only in the military chemical programme of Syria. At the same time it is simply not taken into account that Syrian chemical formulae and technologies have long been no secret — they were described in detail in the initial declaration under the Chemical Weapons Convention submitted by Damascus to OPCW in 2013. On the basis of these formulae, so-called "Syrian" sarin could be produced in the territory of any State among the "friends of Syria". Moreover, it should not be forgotten that some of the sarin precursors removed from Syria were destroyed on board the United States specialized vessel "Cape Ray" in the Mediterranean Sea.

To be fair, it should be noted that the Joint Investigative Mechanism did actually draw attention to a whole series of irregularities in the video footage circulated throughout the world on the provision of first aid to the victims in Khan Shaykhun. It is noted, in particular, that 57 of the 247 cases of admission to medical facilities with symptoms of sarin poisoning were documented in the medical facilities before the chemical incident actually occurred. The Mechanism did not

even try to determine how that could have happened, but assumed that it was the result of poor record-keeping in chaotic conditions and therefore that the admission times were shown incorrectly. However, that could have happened in one, two or a few cases, but in no way in every fourth case. It would seem that the scale of these irregularities amounts to an indication of the staged scenario of the chemical incident, in which, because it was carelessly put together, massive discrepancies emerged. Some of the victims, as indicated in the report, were actually admitted to a hospital situated 125 km away from Khan Shaykhun even before the incident.

The Mechanism investigators drew attention to the timely appearance in Khan Shaykhun of people wearing hazmat suits of foreign manufacture who acted very unprofessionally when collecting samples to check for the presence of traces of sarin. The Joint Investigative Mechanism even noted a mix-up with analyses of biological samples. Yet at the same time, despite urgent appeals from the Russian side, the Mechanism could not explain why in the photographs of children who had allegedly been exposed to sarin in Khan Shaykhun, their pupils were not constricted, as would occur with the use of this toxic substance, but dilated, as is characteristic of the effect of psychotropic substances.

The Mechanism experts did not comment on the circumstance that the infamous “white helmets” — affiliated with the Nusra Front, which is included in the sanctions lists of the Security Council — supposedly with access to an “early warning system” about air strikes by the Syrian air force, knew ahead of time that the aircraft which took off from the Sha‘irat airbase allegedly carried munitions filled with chemicals. That knowledge is rather surprising, isn’t it?

Nothing but inconsistencies. Is this really where we should look for answers to the many questions about what actually happened at Khan Shaykhun? However, the Joint Investigative Mechanism reaches the opposite conclusion: these inconsistencies cannot cast doubt on the guilt of the Syrian governmental forces in the use of sarin.

In making such accusations against a sovereign State Member of the United Nations on the basis of a superficial remote investigation, the Joint Investigative Mechanism, it would seem, did not fully realize the extent of its responsibility for such conclusions. No criminal court would even consider such “evidence”. Yet for some reason, in the international arena, this, to put it mildly, simplified approach is accepted by many as the norm. And instead of a serious, detailed analysis of the report, there is a constant refrain of slogans about the independence, impartiality and high degree of professionalism of the Joint Investigative Mechanism. These lofty assessments should be backed by flawless findings of the investigation, but in this regard, the Mechanism is doing poorly.

Russian experts are continuing to study the technical aspects of the report of the Joint Investigative Mechanism. The results of this work will be communicated to the international community shortly.
