



Security Council

Distr.: General
26 October 2022

Original: English

Letter dated 24 October 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

Over a long time, the Russian Federation has openly made claims and expressed concern over military biological activities carried out with the most direct assistance and participation of the United States Department of Defense in laboratories in the territories of the former Soviet republics away from the North American continent and close to the Russian borders. Such activity in neighbouring countries and regions has a direct impact on the biological safety of the Russian Federation. Such activities are conducted, inter alia, indirectly through the Pentagon's Defense Threat Reduction Agency and private companies that are permanent contractors of the United States Department of Defense, including Black & Veatch Special Projects Corp., CH2M Hill and Metabiota.

In the course of the special military operation in Ukraine, the Russian Federation obtained a variety of documents and evidence that shed light on the true nature of military biological activities of the United States and Ukraine on the Ukrainian territory. The data analysis gives evidence of non-compliance by the American and Ukrainian sides with the provisions of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction.

Under the 2005 Agreement between the United States Department of Defense and the Ministry of Health of Ukraine, Agreement Concerning Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise that could be Used in the Development of Biological Weapons, the Pentagon may "provide the Ministry of Health of Ukraine with assistance" in the area of "cooperative biological research, biological threat agent detection and response" with regard to "dangerous pathogens located at the facilities in Ukraine" (article III). Article IV of the Agreement prescribes to store all dangerous pathogens only at the laboratories assisted by the United States Department of Defense as well as transfer to the United States the samples of all strains collected in Ukraine and data generated by the infectious disease surveillance in that country. The deliverables under the Agreement as well as the information on its implementation become sensitive or restricted by default under article VII. At the same time, representatives of the Pentagon or its contractors, in accordance with article V, shall have the right to participate in all activities related to the implementation of the Agreement.

The direct involvement of the United States Department of Defense in the financing of military and biological activities in Ukraine is reflected in the 2018 plan for the provision of technical assistance to certain recipients of the Ministry of



Defence of Ukraine to the 2005 Agreement. The real recipients of funds are laboratories of the Ukrainian Ministry of Defence located in Kiev, Lvov, Odessa and Kharkov. Black & Veatch Special Projects Corp. was designated as the implementation contractor. By 2020, the number of Ukrainian laboratories involved in the work funded by the Pentagon through the Defense Threat Reduction Agency and Black & Veatch Special Projects Corp. has reached 30 (located in 14 communities), as set out in the relevant registration card.

A final report upon review of the microorganism strain collection at the I. Mechnikov Anti-Plague Scientific and Research Institute in Odessa gives a most vivid insight into the scale and focus of these military and biological activities on the territory of Ukraine. According to this document, the Institute had 422 cholera storage units and 32 anthrax storage units. Notable is a large number of test tubes that contained the same strains of different passages. Absent mass outbreaks of these diseases in Ukraine in recent years, the range and accumulated volume of bioagents challenge their alleged prophylactic, protective or other peaceful purposes.

At the same time, the list of studied pathogens disagrees with Ukraine's current health issues, as outlined in the World Health Organization documents (measles, poliomyelitis, tuberculosis and other socially significant infections), but includes pathogens of dangerous infectious diseases that are potential agents of biological weapons.

The documents obtained contain the descriptions of UP-4, Flu-Flyway and P-781 projects to study the possibility of spreading dangerous infections through migratory birds (including highly pathogenic influenza and Newcastle disease) and bats (including pathogens of plague, leptospirosis, brucellosis, as well as coronaviruses and filoviruses that are potentially infectious to humans) that can be considered as a means of delivery. The geographic scope of both projects included the Russian-bordering regions of Ukraine as well as the territory of Russia itself.

In addition, on 9 March 2022, on the territory of the Kherson region, the Armed Forces of the Russian Federation discovered three unmanned aerial vehicles equipped with 30-litre containers and equipment which can be used to spray bioagents. In late April 2022, 10 more of the same were found in the area of Kakhovka. These facts are of particular importance, considering a confirmed request from the Ukrainian side to the Bayraktar unmanned aerial vehicle manufacturer about the maximum payload of Bayraktar Akinci unmanned aerial vehicles (flight range up to 300 km) and the ability to equip it with an aerosol generating system with a 20+ litre capacity.

Unanswered remains the question on the United States patent No. 8,967,029 B1 as of 3 March 2015, issued by the United States Patent and Trademark Office for an unmanned aerial vehicle for the aerial release of infected mosquitoes, that is for a device (unit) designed to be applied as a technical means of delivery and use of a biological weapon – “biological and immunobiological agents, bacteria and viruses” (including highly contagious) “that could wipe out 100 percent of the enemy troops”.

According to the description, an unmanned aerial vehicle transports a container housing a huge number of infections transmitting mosquitoes to release them at a designated area. The attacked people get infected with highly contagious diseases via mosquito bites. The description clearly states that an infected military man will not be able to fulfil the assigned mission, therefore “[s]ickness can be a very valuable military tool [...] than the most up-to-date military guns and equipment”. It is indicated that infecting an enemy manpower in such a way would be of a significant military effect.

In accordance with United States law, a patent cannot be issued in the United States unless a complete description of the actual machine is provided. Therefore, it follows that a container as a bioagent means of delivery has been developed and can be manufactured on the fly.

Ukraine fails to mention data since 2016 on ongoing programmes and projects (including UP-4, Flu-Flyway and P-781) and funding by a foreign State's military department in its annual reporting under the Biological Weapons Convention confidence-building measures developed by the States Parties "in order to prevent or reduce the occurrence of ambiguities, doubts and suspicions". This raises the question of a violation of political obligations regarding the submission of data on confidence-building measures adopted by the States Parties to the Convention. The United States reports also miss the data on the programmes and projects implemented outside the national territory, or on the financing thereof. Our repeated appeals to the American side to provide exhaustive explanations with respect to such activities remain without due feedback in essence. Such secrecy and neglect of Russian claims by the United States but confirm their validity.

The above circumstances and the nature of military and biological activities carried out in Ukraine testify to the violations by the United States and Ukraine of the provisions under articles I and IV of the Biological Weapons Convention.

Such assessments are additionally confirmed by the analytical reports of the Kherson Department of the Security Service of Ukraine dated 30 June 2016 and 28 February 2017. It is indicated therein that the Defense Threat Reduction Agency programmes implemented through Black & Veatch Special Projects Corp. were intended to establish control over the functioning of microbiological laboratories in Ukraine conducting research on pathogens of infectious diseases that can be used to create or modernize biological weapons. It is indicated that the projects being subordinate to the military department of a foreign State created prerequisites for the foreign specialists to penetrate into the regional biolaboratories and familiarize themselves with the strategic developments.

In June 2022, guided by these understandings, Russia, through the Implementation Support Unit of the Biological Weapons Convention, attempted to obtain exhaustive answers to the questions it had posed in relation to the implementation by the United States and Ukraine of articles I and IV of the Convention through a bilateral consultative process with these countries (documents prepared by the Russian Federation containing a detailed description of the said questions and the relevant supporting materials are available on the webpage of the Convention: <https://meetings.unoda.org/section/bwc-fcm-2022-documents> and <https://documents.unoda.org/wp-content/uploads/2022/09/WP2-annexes-for-website.pdf>).

However, Washington and Kiev have not provided necessary explanations, nor have they taken immediate measures to remedy the situation.

On August 26 and from 5 to 9 September 2022, the Formal Consultative Meeting of the States Parties to the Biological Weapons Convention under article V of the Convention, concerning the questions regarding compliance of the United States and Ukraine with the Convention in the context of the activities of biological laboratories in Ukrainian territory, was convened on the Russian initiative. The Russian Federation assumed that the Consultative Meeting would let the delegations concerned, with the support of their experts, gain a thorough understanding of the situation, exchange assessments, ask professional questions and receive detailed answers. During the consultations, we made all the necessary efforts to provide detailed materials and arguments to enable the Consultative Meeting to achieve its objectives and resolve the situation related to the military and biological activities in the territory of Ukraine.

However, based on the results of the exchange of views among participating States, the Russian Federation notes that the overwhelming majority of the claims put forward by Russia have gone unanswered. As stated in the final report of the Consultative Meeting, it was not possible to reach consensus on the questions we raised, they remain open and require resolution.

The Russian Federation reiterates that it has outstanding questions to the United States and Ukraine concerning the fulfilment of their obligations under the Convention in the context of operation of biological laboratories in the Ukrainian territory (the list of said questions is attached) (see annex I).

In accordance with article VI of the Biological Weapons Convention, any State Party to this Convention which finds that any other State Party is acting in breach of obligations deriving from the provisions of the Convention may lodge a complaint with the Security Council of the United Nations. Each State Party undertakes to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council.

In accordance with article VI of the Convention, the Russian Federation lodges to the Security Council a formal complaint, which includes all possible evidence confirming its validity, and reiterates its request to convene on 27 October 2022, in New York, a United Nations Security Council meeting to consider the attached draft resolution of the Council (see annex II).

The draft resolution we propose is aimed to set up a commission to investigate the claims against the United States and Ukraine contained in the complaint of the Russian Federation regarding the compliance with their obligations under the Biological Weapons Convention in the context of the activities of biological laboratories in the territory of Ukraine. We would also ask you to immediately inform all members of the Council about this initiative.

We expect that the commission would manage to clarify all circumstances of Washington's and Kiev's compliance with their obligations under the Biological Weapons Convention in the context of biolaboratories' activities in the Ukrainian territory with a view to stimulating the American and Ukrainian sides to remedy the outstanding intolerable situation. We also expect that the commission would present a relevant report on the issue containing recommendations to the Council by 30 November 2022 and inform the States Parties to the Convention at its Ninth Review Conference, to be held in Geneva from 28 November to 16 December 2022, of the results of the investigation.

We intend to launch an expert-level consultation process on this draft.

I would be grateful to have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vassily Nebenzia

Annex I to the letter dated 24 October 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Questions of the Russian Federation to the United States of America and Ukraine regarding compliance with their obligations under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention) in the context of the activities of biological laboratories in Ukrainian territory

1. Questions to Ukraine regarding compliance with obligations under Article I(1) of the Biological Weapons Convention

1.1 What activities with pathogenic biomaterials were carried out at the I.Mechnikov Anti-Plague Institute in Odessa in the period from 2017 to 2018, if, according to the report of the Commission of the Ministry of Health of Ukraine, there were over two thousand storage units of pathogenic biomaterials at that time, while in 2018 only one scientific research project was officially conducted involving the tularemia strains in the collection of the Institute, and no report on the use of the collection for 2017 was submitted?

1.2 Why, as at 28 December 2018, did the I.Mechnikov Anti-Plague Institute in Odessa have no information corroborated by documentation regarding the current status of the strains, and why was no basis of proof presented to the Commission regarding the need to retain a large number of test tubes of pathogenic microorganisms with the same strains of different passages?

1.3 What is the reason for the choice of pathogenic microorganisms studied in Ukraine as part of the Threat Reduction Program? Why in a number of cases was the nomenclature of pathogens studied unrelated to relevant public health issues and unlikely to be explainable by prophylactic or protective motives (for example the TAP-6 project to study the causative agent of glanders, no cases of which have ever been recorded by the veterinary and epidemiological services of Ukraine)? Why, when public health and disease control systems were in an extremely serious situation, with a threat of a spread of infections defeated in most countries of the WHO European region, and with an unsatisfactory immunization rate among the public, was Ukraine devoting attention not to current health problems, but to anthrax, highly pathogenic influenza and other especially dangerous pathogens?

1.4 In what way was accumulating especially dangerous infection strains and transferring them to other countries supposed to help improve the infectious disease situation?

1.5 Why is it necessary to store 422 containers of cholera bacteria at the I.Mechnikov Antiplague Institute in Odessa if the genetic diversity of cholera-causing vibrios is limited to only two serogroups?

1.6 Why was emphasis placed on the study of naturally occurring and especially dangerous infections which according to the United States Centers for Disease Control and Prevention lists are considered to be potential pathogens for biological weapons?

1.7. Why is priority given to gathering information on infectious diseases, to biological human samples and their export, to the export of national collections containing strains of pathogenic microorganisms, to the study of pathogens of especially dangerous infections, including those that overcome the protective effect of vaccines and are antibiotic-resistant, rather than to improving the system of epidemiological surveillance, developing anti-epidemic action plans, conducting public health education and establishing the supply of vaccines and expanding immunization?

2. Questions to Ukraine regarding compliance with obligations under Article I(2) of the Biological Weapons Convention

2.1 What kind of research presenting a threat to the life and health of volunteers is involved in the UP-8 project (spread of Crimean-Congo hemorrhagic fever virus and hantaviruses in Ukraine and the potential need for differential diagnosis of patients with suspected leptospirosis)?

2.2 What was the reason for the involvement of specialized United States military professionals in the research within the framework of the UP-2 project (Mapping of Especially Dangerous Infectious Diseases in Ukraine)? What did they achieve in the course of the project? Considering that the epidemiological situation regarding anthrax in Ukraine remains favourable, what was the need for the research conducted, and what are its true objectives?

2.3 What did the specialists from United States Ministry of Defense research bodies (research was undertaken by specialists from the Walter Reed Army Institute of Research and the Naval Medical Research Center) achieve within the framework of project UP-1 (implementation of geoinformation systems, remote detection and laboratory diagnostics while monitoring tularemia and anthrax in health-care, disease control and veterinary practice in Ukraine) and project UP-2? What justifies their involvement as participants in research with what were declared to be “purely peaceful” purposes?

2.4 What is the reason for the interest of the Ukrainian company Motor Sich in the supply of a Bayraktar Akinci unmanned aerial vehicle (request of 15 December 2021)? How does this request correlate with Ukraine’s obligations under Article I(2) of the Biological Weapons Convention?

3. Questions for Ukraine regarding compliance with its obligations under Article IV of the Biological Weapons Convention

3.1. Why did organizations and institutions working with pathogens in Ukraine not have the requisite level of biosafety, and why is there a lack of national legislation regarding the control of particularly dangerous pathogens?

3.2. Why did the Ukrainian side not take account of the recommendations of the Ukrainian security service in the context of ensuring the safety of Ukrainian bio-facilities?

3.3. Why were the activities of Ukrainian biolaboratories continued in normal mode despite the discovery of gross biological safety requirement violations and preconditions for the theft of pathogenic materials?

4. Questions for the United States of America regarding compliance with its obligations under Article IV of the Biological Weapons Convention

4.1 Is it an established practice for the United States Patent and Trademark Agency to grant, after peer review, patents for inventions directly related to the delivery and use of biological and toxin weapons?

4.2 How does the granting of patents for inventions whose technical description implies their use as a means of delivery of biological and toxin weapons correlate with the obligations of the United States of America under Article IV of the Biological Weapons Convention?

4.3 Does the United States consider the inventions presented in the patents to which we have referred to be tools that could be used to deliver biological and toxin weapons?

4.4 What explains the need for the centralization of collections and transfer to the United States of the strains of dangerous pathogens isolated in the territory of Ukraine, as stipulated by Article IV of the 2005 Agreement Concerning Cooperation in the Area of Prevention of Proliferation of Technology, Pathogens and Expertise that could be Used in the Development of Biological Weapons (the Agreement)?

4.5 What is the reason for giving the results obtained as part of the implementation of the Threat Reduction Program in Ukraine a limited and restricted nature? How does this requirement governed by the Agreement contribute to transparency and confidence-building within the framework of the Biological Weapons Convention?

4.6 How was the United States assistance, as implemented, intended to ensure sound public health and disease control in Ukraine? What are the objectives and goals of the United States assistance in the area of public health and disease control in Ukraine? What are the key indicators of its effectiveness?

4.7 What improvements have occurred in public health indicators over the past 10-15 years as a result of the United States assistance in Ukraine? Has the public health and disease control situation in Ukraine improved as a result of cooperation with the United States: has the incidence of infectious diseases decreased, has the immunization coverage increased, has testing for infections become more accessible, are there more specialists (epidemiologists, microbiologists, doctors), have there been new developments of tests and vaccines, has the recording of infectious diseases improved?

The comprehensive list of questions, presentations and corresponding materials are available through the following links:

<https://undocs.org/bwc/cons/2022/wp.1>

<https://undocs.org/bwc/cons/2022/wp.2>

<https://undocs.org/bwc/cons/2022/wp.3>

<https://undocs.org/bwc/cons/2022/wp.6>

<https://undocs.org/bwc/cons/2022/wp.7>

<https://undocs.org/bwc/cons/2022/wp.8>

<https://undocs.org/bwc/cons/2022/wp.9>

<https://undocs.org/bwc/cons/2022/wp.10>

<https://undocs.org/bwc/cons/2022/wp.11>

<https://undocs.org/bwc/cons/2022/wp.12>

<https://undocs.org/bwc/cons/2022/wp.13>

<https://undocs.org/bwc/cons/2022/wp.14>

<https://undocs.org/bwc/cons/2022/wp.15>

<https://undocs.org/bwc/cons/2022/wp.16>

<https://undocs.org/bwc/cons/2022/wp.17>

<https://undocs.org/bwc/cons/2022/wp.18>

<https://undocs.org/bwc/cons/2022/wp.19>

<https://undocs.org/bwc/cons/2022/wp.20>

<https://undocs.org/bwc/cons/2022/wp.26>

<https://undocs.org/bwc/cons/2022/wp.37>

<https://undocs.org/bwc/cons/2022/wp.47>

<https://undocs.org/BWC/CONS/2022/WP.62>

<https://undocs.org/bwc/cons/2022/wp.64>

<https://documents.unoda.org/wp-content/uploads/2022/09/WP2-annexes-for-website.pdf>

Annex II to the letter dated 24 October 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council

[Original: Russian]

Draft

The Security Council,

Stressing that the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction is essential to international peace and security,

Calling for the universalization of the Convention, and affirming, in particular, the vital importance of ratification by the signatory States and immediate accession by those which are not yet signatories,

Recognizing the common interest of all humankind in excluding completely the possibility of the use of bacteriological (biological) and toxin weapons, and being convinced that such use would be repugnant to the conscience of humankind,

Reiterating that Article I of the Convention prohibits the development, production, stockpiling, acquisition and retention of bacteriological (biological) and toxin weapons in all circumstances,

Recalling that each State Party to the Convention undertakes, in accordance with its constitutional processes, to take any necessary measures to prohibit and prevent the development, production, stockpiling, acquisition or retention of the agents, toxins, weapons, equipment and means of delivery specified in Article I of the Convention, within the territory of such State, under its jurisdiction or under its control anywhere,

Noting that the Formal Consultative Meeting of the States Parties to the Convention that took place in Geneva on 26 August and 5–9 September 2022 was convened and held pursuant to Article V of the Convention and the relevant provisions of the Final Document of the Third Review Conference of the Convention relating to the said Article,

Taking into account the final report of the abovementioned Formal Consultative Meeting, which, *inter alia*, notes that no consensus was reached regarding the outcome of the meeting,

Accepting for consideration the complaint of the Russian Federation under Article VI of the Convention set forth in the letter of ____ October 2022 from the Permanent Representative of the Russian Federation to the United Nations addressed to the President of the Security Council (...), and having heard the relevant statement by the representative of the Russian Federation,

1. *Reaffirms* that all States Parties to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction must give the utmost priority to the full implementation of all their obligations assumed under the Convention and be guided by the understandings agreed at the Review Conferences of the States Parties to the Convention;

2. *Commits* to the aim of strengthening the regime of the Convention, including all its articles;

3. *Decides* to set up a commission consisting of all members of the Security Council to investigate the claims against the United States of America and Ukraine contained in the complaint of the Russian Federation regarding compliance with obligations under the Convention in the context of the activities of biological laboratories on Ukrainian territory; to present to the Council a report on the issue containing recommendations by 30 November 2022; and to inform the States Parties to the Convention at its Ninth Review Conference to be held in Geneva from 28 November to 16 December 2022 of the results of the investigation;

4. *Requests* the Secretary-General and the Convention Implementation Support Unit to provide, within their respective mandates, all necessary assistance to the commission;

5. *Recalls* that, under Article VI of the Convention, the States Parties undertake to cooperate in carrying out any investigation which the Security Council may initiate, in accordance with the provisions of the Charter of the United Nations, on the basis of the complaint received by the Council;

6. *Decides* to remain seized of the matter.
