



Security Council

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Identical letters dated 21 June 2021 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

I should like to refer to the briefing on the so-called chemical-weapon dossier of the Syrian Arab Republic that the Director-General of the Organisation for the Prohibition of Chemical Weapons (OPCW), Fernando Arias, delivered to the Security Council at its meeting on 3 June 2021. In that connection, and on instructions from my Government, I should like to convey to you the following.

The briefing of the OPCW Director-General revealed some things that are very surprising and disturbing to Syria. It reminded us of the meeting that the Security Council convened prior to the 2003 invasion of Iraq, a meeting that was marked by lies and machinations and attended by the former United States Secretary of State, Colin Powell. We have grown accustomed to hearing the representatives of certain Western States members of the Security Council make false and baseless accusations against Syria. However, the briefing that the Director-General delivered at the meeting was an essential part of the unjust campaign against Syria and even a means of incitement against it. That development is reprehensible and unacceptable, and it is also remarkable and must be reviewed, because such conduct represents a clear departure by the Director-General from the duties entrusted to him under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Following are several issues that were overlooked or misrepresented during that briefing, as well as responses to questions from Member States.

First, the Director-General noted that chemical weapons were used before and after Syria had acceded to the Convention. He deliberately chose two alleged incidents, Khan Shaykhun (2017) and Duma (2018), that were used as a pretext for committing two brutal aggressions against Syria, one by the United States and the other by the United States, Great Britain and France, even before the investigations had begun. He also referred to the Ghutah incident (2013), but forgot, or rather deliberately failed, to mention the Khan al-Asal incident (2013). Syria asked former Secretary-General Ban Ki-moon to investigate the latter, but an investigation has yet to be conducted.

Second, in his briefing, the Director-General said that OPCW is neither a court nor a tribunal, before adding that, however, through its work, OPCW provides the international community with the materials that will assist accountability mechanisms in their tasks. We must clarify two things in that regard:



The first thing is that article VIII, paragraph 1, of the Convention provides that the States Parties are establishing OPCW in order to achieve the object and purpose of the Convention and ensure the implementation of its provisions. Accordingly, OPCW should not be a source of unreliable reports, or a tool for disseminating fabricated or false information. Moreover, the Director-General should be the person who is most desirous of implementing the provisions of the Convention; he should be an honest and impartial party, and take into account all points of view, instead of favouring or adopting the position of one party. What might happen if the other party's point of view is politicized and based on false reports?

The second thing is that the reports concerning the incident that allegedly occurred in Duma, and those that allegedly occurred before in Khan Shaykhun, Lataminah, Saraqib and other places, were fabricated, in order to accuse the Syrian Government of having used chemical weapons in those incidents. The Executive Council and the Conference of the States Parties adopted decisions against Syria on the basis of those reports. So, it seems that the task of the Director-General and some Technical Secretariat staff was to put ammunition into the weapon and then hand it those who would fire it at Syria. These are the established facts with respect to what occurred.

Third, in the course of the meeting, when answering a question that certain Western States had contrived about the progress made and the extent to which Syria had cooperated with OPCW, Mr. Arias manoeuvred and he manipulated terminology in order to imply that Syria was not cooperating with OPCW. The Director-General found it difficult to tell the truth, which is that Syria had cooperated fully with OPCW and opened its doors in good faith to various OPCW teams, and that OPCW, in many documents circulated to the States Parties, had praised Syria for its cooperation and the assistance that it had provided to OPCW and its teams.

Fourth, with regard to what was stated in the briefing concerning the work of the Declaration Assessment Team:

The Director General spoke at length about the Declaration Assessment Team, and offered a worthwhile reminder that it is not an investigative body, but rather a body the mission of which is to verify that the initial declaration of Syria was accurate and complete, in close cooperation with the Syrian authorities. However, he insinuated that new elements not declared or stated initially by Syria had emerged, and that Syria had amended its declaration 17 times on the basis of proposals made by the Team and the information that it was getting. Those insinuations are a blatant attempt to make a veiled accusation that Syria has not declared everything that it possesses.

In that connection, we should like to highlight the following facts.

(a) It was Syria, immediately after acceding to the Convention, that asked the Technical Secretariat for assistance on how to prepare its initial declaration, because it lacked the required expertise at that time.

(b) Syria declared that its chemical weapon programme had been in place for more than 45 years, and that some of those who been involved in it had retired, grown old, died or been killed in the war on terrorism. In addition, large amounts of material and many documents related to that programme, particularly those housed in facilities controlled by terrorists, were destroyed in the war, and it was necessary to move large amounts of equipment and material from one location to another, depending on the security situation.

(c) In April 2014, Syria responded favourably to the former Director-General's initiative to allocate a team from the Technical Secretariat to help Syria make its declaration complete and accurate. The Syrian National Committee has cooperated fully with the Declaration Assessment Team despite often difficult security conditions, and has demonstrated maximum openness during consultations with the

Team. Syrian experts have responded sincerely and in good faith to the Team's questions and have provided much technical and scientific information and explanations that fully substantiate the declarations made by Syria. On the other hand, experience has shown that efforts are being made to prevent those issues, particularly issues that have been discussed exhaustively, from being closed, and to open new ones. This state of affairs has convinced us that certain Western States are trying to use the Team's work in order to apply pressure and engage in political extortion. It has become clear that no matter how much information Syria provides, this issue will remain open because the Team has been instructed to keep pending issues open and even to increase their number.

(d) Several States that acceded to the Convention encountered problems similar to those that Syria faced when it made its initial declaration, but of course they did not have to contend with having those issues exploited for political purposes. Everyone is very well aware that many States regularly amend their initial declarations. Therefore, this is standard practice, even for certain States that have been accusing Syria, such as the United States, Canada, Belgium, France, Germany and others. For example, in late 2013, Germany declared a facility where nitrogen mustard gas was produced in 2011 and 2012, allegedly because Berlin was unaware of the requirements of OPCW. In the case of those countries, the Organization considered that this was a normal and simple thing that could happen. However, that is not the case when it comes to Syria. We ask the Director-General, does this situation not demonstrate a blatant application of double standards by the OPCW Technical Secretariat? Did not OPCW and the States that control it accept various pretexts for the disappearance of chemicals in a State Party, which we will not mention now?

(e) The claim that visas were not issued to the Declaration Assessment Team for its visit to hold the twenty-fifth round of consultations is completely untrue. Syria did not refuse to issue visas to the Team and has never done so. Team visits are usually subject to arrangements agreed upon by the two sides, in accordance with their respective obligations. It is therefore only natural that any round of consultations should be postponed if the date is not suitable. What is even more surprising is that the Director-General said he postponed sending the Team because summertime temperatures in Syria are high! Has not the Team conducted such visits during the summer?

(f) It is also surprising that the Scientific Studies and Research Centre is being linked to the Syrian chemical weapon issue, and that it is considered to be the location where all research and development programmes relating to Syrian chemical weapons were carried out, although it was proven to the inspection teams, which visited the Centre many times, that it has no links to the chemical weapon issue.

Fifth, with regard to the work of the fact-finding mission:

The Director-General strayed far from the truth in his briefing with regard to the working and investigative methods of the fact-finding mission, in order to cover up the fact that its work and reports have been seriously flawed. With regard to the Duma incident, the Director-General continued to ignore the substantive observations made by Syria, Russia and other States regarding the fact-finding mission's report; he focused solely on the work of inspectors A and B, rather than the content of the report. It is truly astonishing that the head of a technical organization that has been entrusted by the international community with the task of investigating the use of chemical weapons should cite the report of a committee in Geneva that is not specialized and lacks the necessary expertise, and that does not have the legal jurisdiction to verify allegations that chemical weapons were used in Duma. In that that connection, we should like to draw attention to the following matters, owing to their importance.

(a) Paragraph 62 of Part II (entitled "General Rules of Verification") of the Annex on Verification and Implementation to the Convention provides that "[d]iffering

observations made by inspectors may be attached to the report.” Accordingly, the Director-General should have annexed the observations of inspectors A and B to the report, instead of ordering that those observations should be disregarded and removed from the OPCW archives. That action raises suspicions and is absolutely contrary to the Director-General’s statements that he does not interfere in the work of the fact-finding mission and that it carries out its work with full independence.

(b) OPCW ignored the legitimate concerns and substantive observations made by experts, former inspectors, scientists and journalists aimed at ameliorating the measures taken by and the actions of the fact-finding mission in relation to the incidents that it has investigated in Syria so far, in particular those that occurred in Khan Shaykhun, Duma and Lataminah. These people are not being pushed by anyone. They speak science, not politics, and they care about the future of OPCW.

(c) It is also necessary to take into account the leaked statements made by former inspectors involved in the investigation of the alleged Duma incident that were published by WikiLeaks. In those statements, the inspectors indicated that they had been pressured by well-known States to alter the progress report. Therefore, the final report, which was based on the progress report, is flawed and flies in the face of the truth.

(d) The Director-General denies that the inspectors who objected to the report (renegades, in his view) had participated in the investigations into the Duma incident; however, they were part of the fact-finding mission team that investigated the incident. Inspector A was a key member of the team that visited the scene and was involved every step of the investigation, including taking samples, photographs and measurements, noting dimensions, studying the alleged case and posing questions. On 3 June 2018, he placed the OPCW seal on the two cylinders that were found at the scene.

(e) We should like to remind you that the members of the fact-finding mission team came to Damascus at the request of the Syrian National Committee. Several important documents were reviewed during the first meeting with the team. The team leader asked to interview two witnesses that same day and said that he would interview the rest of the witnesses after visiting the scene of the incident. The team leader did not appear the following day. It was said that he had travelled to country X on another mission. The Syrian National Committee was informed that his deputy had become the team leader. However, it later emerged that he had left in order to pursue the investigation in country X, after he had reviewed the information that was in the possession of Syria. He was one of the key drafters of the final and flawed report on the incident that allegedly occurred in Duma.

(f) We should also like to remind you that, on 6 August 2018, in response to Technical Secretariat note S/1645/2018 of 6 July 2018, Syria formally submitted its observations regarding the progress report on the incident that allegedly occurred in Duma. That response contained many objective observations on the report, including with regard to the serious errors that were made in sample collection and distribution, the failure to maintain the integrity of the chain of custody, the planting of two cylinders that were allegedly dropped from the air and the failure to address the cylinder found in a terrorist warehouse in Duma that resembles the two cylinders allegedly found at the scene, as well as the dangerous chemicals, particularly hexamine, that were found in those warehouses. Those observations also addressed the failure to include the testimony of many key witnesses who were interviewed in Damascus. Although those witnesses were at the location of the incident when it occurred, the report was based on the false testimony of anonymous witnesses in country X. There are many other substantive observations that are too numerous to mention. The Syrian National Committee then submitted a large number of substantive observations regarding the final report on the incident, which was issued in March 2019, to the Technical Secretariat; however, OPCW paid no heed to those observations.

(g) The Director-General was being selective when he claimed in his briefing that none of the 193 States Parties to the Convention had challenged the fact-finding mission's findings that chlorine had been found at the scene of the attack in Duma. We have repeatedly noted that the presence of chlorine (a substance that is not prohibited) somewhere is not evidence that it was used as a weapon. So, focusing on that point and ignoring scientific and technical evidence indicating that the cylinder was placed by hand at the scene in Duma demonstrates that Member States have been fed misinformation about this fabricated incident.

(h) The Director-General defended the working methods of the fact-finding mission in his briefing. He said that it uses standard working methodologies in its investigations that respond to long-standing international standards that it had not invented. Those statements are no longer valid. It is now known that the fact-finding mission's current working methodology clearly contravenes the provisions of the Convention and the verification modalities set out therein. Procedural flaws, professional irregularities and inconsistencies in its working methods, which have not yet been addressed, have cast doubts on the professionalism and credibility of its reports. How can the reports of the fact-finding mission be credible when its sources are dubious, its witnesses are terrorists, it uses other parties, including the White Helmets, to collect samples, and it conducts its investigations remotely? Are these standard modalities that are stipulated in the Convention? Do the phrases "reasonable grounds" and "most likely" ensure confidence in the fact-finding mission's reports and establish their credibility?

(i) We should like to draw attention to a clear example of the double standards applied by and the biased conduct of the fact-finding mission. On 11 April 2017, the fact-finding mission denied a request from Syria to send a team to conduct an inspection at the Sha'irat airbase, which was purportedly the launch point for the chemical weapon attack that allegedly occurred in Khan Shaykhun (April 2017). That denial was supported by Western States in the Executive Council, in order to cover up and justify the United States attack against Syria in 2017. This demonstrates that the fact-finding mission received its instructions from those States.

(j) With regard to the information that the Syrian authorities provided to OPCW concerning preparations by terrorists to transfer and use chemical weapons, the Director-General acknowledged that, in the past five years alone, OPCW had received 197 notes verbale from Syria about alleged chemical weapons activities, adding that the Technical Secretariat had not been able to link that information to any real cases of the use of chemical weapons or to any of its investigations. That unconvincing conclusion is not surprising, because OPCW did not conduct any effective investigation into any of the information that was provided in those notes verbale. The failure to conduct effective investigations is consistent with the objective of the State sponsoring terrorism in Syria to dispel suspicions or accusations that terrorists are using chemical weapons, and to continue focusing on accusing the Syrian Government of doing so.

Sixth, with regard to Investigation and Identification Team:

The Director-General used the authority granted to him under the decision adopted by the Conference of the States Parties (27 June 2018) in order to justify the establishment of the Investigation and Identification Team. He tried to legitimize that decision, although he realized that it contravened the provisions of the Convention and that the mandate of the Team is illegal.

We should like to remind the Director-General and Member States that, from the day on which the Investigation and Identification Team was established, Syria and several other States Parties declared that they do not recognize the legitimacy of the Team, would not have any contact with it and would not accept the results of its

investigations. Therefore, Syria was not surprised that it followed the same flawed working methods as the fact-finding mission team. It is also not surprising that the Director-General defended the Team and the results of its work in his briefing.

The Director-General spoke repeatedly about accountability for use and assigning responsibility. Be that as it may, is that his role? Is that the mission and mandate of OPCW? Moreover, will this Team, the establishment of which was not internationally legitimate, be able to carry out this mission? What kind of neutrality, professionalism or credibility can this Team have in view of all these legal, technical and structural problems?

Lastly, Syria acceded voluntarily and in good faith to the Chemical Weapons Convention in 2013 because it believes that chemical weapons should not be used by anyone, anywhere and under any circumstances. However, what Syria has been subjected to over the past few years at OPCW raises serious questions for us about its ability to fulfil its mandate under the Convention and its ability to withstand pressure from the United States of America and its Western allies. This serious challenge concerns not only Syria; it is a much broader global problem of a systematic nature. OPCW has become a tool for political manipulation and suffers from politicization, a disease that has eroded its professionalism and therefore its credibility, and is about to take its life. In the light of this, we are deeply concerned about the current situation of OPCW. What must be done now is to halt the continuing decline in the work of OPCW and to begin without delay serious efforts aimed at reversing that decline, so that it can once again fulfil its natural role as the impartial cornerstone of the chemical weapon non-proliferation regime. Syria stands ready to cooperate in a manner that guarantees its rights, without pressure and politicization.

I should be grateful if the present letter could be circulated as a document of the Security Council.

(Signed) Bassam **Sabbagh**
Ambassador
Permanent Representative
