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11 – 14 October and 11 November 2016

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DECISION

OPCW-UNITED NATIONS JOINT INVESTIGATIVE MECHANISM REPORTS ON CHEMICAL WEAPONS USE IN THE SYRIAN ARAB REPUBLIC

The Executive Council,

Reaffirming the determination of the States Parties to the Chemical Weapons Convention (hereinafter “the Convention”) for “the sake of all mankind, to exclude completely the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention”;

Recalling the decision by the Executive Council (hereinafter “the Council”) entitled “Destruction of Syrian Chemical Weapons” (EC-M-33/DEC.1, dated 27 September 2013) and **recalling also** the recognition in that decision of the extraordinary character of the situation posed by Syrian chemical weapons;

Recalling further the letter of the Director-General, dated 3 October 2013, transmitting United Nations Security Council resolution 2118 (2013) which decided, inter alia, that “the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors” and “shall comply with all aspects of the decision of the OPCW Executive Council of 27 September 2013” and “shall cooperate fully with the OPCW”;

Cognisant of the Note by the Director-General (S/1302/2015, dated 11 August 2015) transmitting United Nations Security Council resolution 2235 (2015) establishing an OPCW-United Nations Joint Investigative Mechanism to identify to the greatest extent feasible individuals, entities, groups, or governments that were perpetrators, organisers, sponsors, or otherwise involved in the use of chemicals as weapons, including chlorine or any other toxic chemical, in the Syrian Arab Republic, where the OPCW Fact-Finding Mission in Syria determines or has determined that a specific incident in the Syrian Arab Republic involved or likely involved the use of chemicals as weapons, including chlorine or any other toxic chemical;

Recalling that at its Eighty-First Session the Council expressed concern regarding the report of the Director-General (EC-81/HP/DG.1, dated 22 February 2016) indicating that gaps, inconsistencies, and discrepancies remain with respect to chemical weapons facilities, activities, munitions, and chemical materials, and concluding that the Technical Secretariat (hereinafter “the Secretariat”) is at present unable to verify fully that the declaration and related submissions of the Syrian Arab Republic are accurate and complete, as required by the Convention and EC-M-33/DEC.1;



Expressing support for the continuing cooperative efforts of the Secretariat and the Syrian Arab Republic, as reported by the Director-General to the Council, to resolve outstanding issues regarding the Syrian Arab Republic's declaration; and **noting** progress achieved thus far in the elimination of the Syrian chemical weapons programme;

Expressing continued support for the OPCW Fact-Finding Mission in Syria and the OPCW Declaration Assessment Team, and **expressing appreciation** for the continuing courage and dedication of their members;

Noting that additional allegations of chemical weapons use have recently arisen and are being investigated by the Fact-Finding Mission;

Recalling further that in Ieper, Belgium, on 21 April 2015, States Parties to the Convention reaffirmed "their condemnation, in the strongest possible terms, of the use of chemical weapons anywhere, at any time, by anyone, under any circumstances", expressed their "strong conviction that those responsible for the use of chemical weapons should be held accountable", and underscored "their commitment to ensuring that non-State actors do not obtain chemical weapons or their means of delivery";

Cognisant that the third report of the OPCW-United Nations Joint Investigative Mechanism was submitted to the United Nations Security Council on 24 August 2016, pursuant to resolution 2235 (2015), and **also cognisant** of the letter dated 30 August 2016 from the Head of the Joint Investigative Mechanism transmitting to the Director-General the third report of the Joint Investigative Mechanism, pursuant to operative paragraph 11 of United Nations Security Council resolution 2235 (2015), and **further cognisant** of the letter from the Director-General (L/ODG/206236/16, dated 28 September 2016) transmitting the reports of the Joint Investigative Mechanism to the Council as well as to other States Parties;

Cognisant that the fourth report of the OPCW-United Nations Joint Investigative Mechanism was submitted to the United Nations Security Council on 21 October 2016, pursuant to resolution 2235 (2015) and **also cognisant** of the letter dated 28 October 2016 from the Head of the Joint Investigative Mechanism transmitting to the Director-General the fourth report of the Joint Investigative Mechanism, pursuant to operative paragraph 11 of United Nations Security Council resolution 2235 (2015), and **further cognisant** of the letter from the Director General (L/ODG/206723/16, dated 28 October 2016) transmitting the reports of the Joint Investigative Mechanism to the Council as well as to other States Parties; and

Seized of the findings of the third and fourth reports of the OPCW-United Nations Joint Investigative Mechanism;

Hereby:

1. **Expresses grave concern** with the findings of the third and fourth reports of the OPCW-United Nations Joint Investigative Mechanism that the Syrian Arab Armed Forces had been involved in the use of toxic chemicals as weapons in three cases in the Syrian Arab Republic: Talmenes, on 21 April 2014; Qmenas, on 16 March 2015; and Sarmin, on 16 March 2015;
2. **Expresses grave concern** with the finding of the third report of the OPCW-United Nations Joint Investigative Mechanism that the so-called "Islamic State of Iraq and

the Levant” (ISIL) had been involved in the use of sulfur mustard in Marea, Syrian Arab Republic, on 21 August 2015;

3. **Condemns in the strongest possible terms** the use of chemical weapons in the Syrian Arab Republic, as reported by the OPCW-United Nations Joint Investigative Mechanism, which violates the Convention, UN Security Council resolution 2118 (2013), and decisions of this Council, including EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use; and **calls on** all parties identified in the report of the OPCW-United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons to immediately desist from any further use;
4. **Expresses its strong conviction** that every actor involved in these chemical weapons attacks should be held accountable;
5. **Expresses its deepest sympathy** for the victims of chemical weapons attacks;
6. **Expresses grave concern** that the Secretariat, as reported by the Director-General (EC-82/DG.18, dated 6 July 2016), is not able to resolve all identified gaps, inconsistencies and discrepancies in the declaration of the Syrian Arab Republic, and therefore cannot fully verify that the Syrian Arab Republic has submitted a declaration that can be considered accurate and complete in accordance with the Convention or Council decision EC-M-33/DEC.1; and **demands** that the Syrian Arab Republic comply fully with its obligations under the Convention, Council decision EC-M-33/DEC.1, and United Nations Security Council resolution 2118 (2013), including the expeditious resolution of all outstanding issues regarding its initial declaration and related disclosures;
7. **Expresses grave concern** with the continued interest in the development, acquisition, and use of chemical weapons by non-State actors and the potential for this threat to increase over time, and **underscores** the essential role of the Organisation, with respect to preventing and responding to the threat posed by non-State actors to the object and purpose of the Convention;
8. **Calls upon** States Parties to provide the Director-General with any relevant information with respect to past or future allegations of use of chemical weapons within the territory of the Syrian Arab Republic or concerning any discrepancies in the declaration or related submissions of the Syrian Arab Republic;
9. **Reaffirms** its decision EC-M-33/DEC.1 and the Council’s unwavering determination to ensure the full implementation of that decision, and **decides** to place “Elimination of the Syrian Chemical Weapons Programme” on the agenda of all future Council sessions until the Council determines that all elements of the Syrian chemical weapons programme have been eliminated;
10. **Decides** that the Secretariat shall, as soon as security conditions permit, conduct inspections in the Syrian Arab Republic at those sites identified by the OPCW-United Nations Joint Investigative Mechanism in its third and fourth reports as involved in the weaponisation, storage, delivery, and use of toxic chemicals as weapons; and **further decides** that the Secretariat shall retain and promptly analyse any information or materials, including samples from the Syrian chemical weapons programme, that it

considers relevant to existing or future allegations of chemical weapons possession or use;

11. **Decides also** that the Secretariat shall conduct inspections, including sampling and analysis, twice a year at the Barzah facilities of the Syrian Scientific Studies and Research Centre (SSRC) and twice a year at the Jamrayah SSRC facilities on dates to be determined by the Secretariat with full and unfettered access to all buildings at these sites and all rooms within these buildings; **further decides** that the Secretariat shall conduct such inspections until the Council decides to cease them; and **further decides** that the Syrian Arab Republic shall facilitate promptly, and fully cooperate with, these inspections;
12. **Decides further** that the Director-General shall:
 - (a) regularly inform the Council on the implementation of this decision and incorporate information regarding the implementation of this decision into his monthly reporting to the United Nations Security Council, through the United Nations Secretary-General, regarding EC-M-33/DEC.1; and
 - (b) report to the Council at all future sessions, pursuant to paragraph 40, Article VIII, of the Convention, any unresolved doubts, ambiguities or uncertainties regarding the compliance of the Syrian Arab Republic with the Convention;
13. **Decides further** to remain seized of this matter; and
14. **Recognises** that this decision is made due to the extraordinary character of the situation posed by chemical weapons in the Syrian Arab Republic and does not create any precedent for the future.