



Office of the Director-General
S/1255/2015*
10 March 2015
Original: ENGLISH

NOTE BY THE TECHNICAL SECRETARIAT

FUTURE ACTIVITIES OF THE OPCW FACT-FINDING MISSION IN SYRIA

1. At its Forty-Eighth Meeting, the Executive Council (hereinafter “the Council”) adopted a decision entitled “Reports of the OPCW Fact-Finding Mission in Syria” (EC-M-48/DEC.1, dated 4 February 2015) in which it, inter alia, requested the Director-General to provide the Council at its next regular session with information on the progress of the Fact-Finding Mission (FFM) as well as on specific plans, schedules and their implementation. This Note is submitted in response to that request.
2. In forecasting the possible future activities of the FFM, the nature of the work assigned to the Mission and the difficult circumstances under which its work is carried out make it difficult to present a fixed plan and schedule. The security situation inside the Syrian Arab Republic remains non-conducive to the conduct of the FFM’s activities, and its future work will therefore depend on the existence of a number of favourable factors.
3. For the time being, a general outline of the work that can currently be envisaged is provided based on the terms of reference agreed with the Syrian Arab Republic (see Annex to this Note) and on the ongoing discussions with that State Party.
4. In its correspondence regarding chemical weapons (Ref. No. 150 dated 15 December 2014), received by the Technical Secretariat on 19 December 2014, the Syrian Arab Republic provided information regarding incidents of the alleged use of chlorine as a weapon. The Director-General addressed communications to the Syrian Arab Republic indicating that, in order for these incidents to be further investigated, an OPCW team would need to visit Damascus to conduct the appropriate inquiries. There has been an exchange of letters between the Director-General and the Syrian Arab Republic. Requests for clarification made by the Syrian Arab Republic were responded to. The Syrian Arab Republic is expected to confirm when an OPCW team could visit Damascus.
5. The procedures that the FFM will continue to follow will be the standard methods of inquiry that are applicable under the Chemical Weapons Convention and are suited to circumstances in which allegations pertain to the use of non-persistent industrial

* Reissued in English for technical reasons.



chemicals, including chlorine. Sections 1, 2, and 3 of the “Third Report of the OPCW Fact-Finding Mission in Syria” (S/1230/2014, dated 18 December 2014) provide a better appreciation of the types of activities that fall under the mandate of the FFM.

6. It is envisaged that the OPCW team will comprise five or six experts with the relevant skills. It will also include interpreters, as necessary. The OPCW team will seek to conduct site visits, where possible, and to interview witnesses, alleged victims, first responders, and treating physicians. The team will make requests to examine relevant documents and reports, including medical and hospital records, and to obtain copies of such documents.
7. The FFM will continue to consider other allegations of the use of toxic chemicals, and States Parties are encouraged to share information concerning any new allegations of use, with a view to identifying feasible means of follow-up. Nevertheless, the specific activities and schedule of work of the FFM will be dependent on the existence of suitable conditions, and in particular a safe and enabling environment for the OPCW team.

Annex (English only):

Terms of Reference of the OPCW Fact-Finding Mission in Syria, Agreed Through an Exchange of Letters with the Syrian Arab Republic

Annex

TERMS OF REFERENCE OF THE OPCW FACT-FINDING MISSION IN SYRIA, AGREED THROUGH AN EXCHANGE OF LETTERS WITH THE SYRIAN ARAB REPUBLIC

General Provisions

1. The Director-General of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons (hereinafter “the OPCW”) shall dispatch an advance OPCW team followed by a full OPCW team (hereinafter together referred to as the “OPCW Team”). The United Nations shall provide support to the Mission in respect of safety and security, logistics, and liaison and coordination.
2. The OPCW Team shall primarily seek to conduct site visits at the following locations – it being understood that the team could request access to other locations connected with allegations of use of toxic chemicals reported to be chlorine as deemed necessary:
 - Kafr Zita
 - Harasta
 - Talmenes
 - Al-Taman' ah
 - Atshan

The Government of the Syrian Arab Republic (hereinafter “the Government”) shall permit and facilitate the temporary relocation of individuals to secure locations under its control for the purpose of gathering facts in the fulfilment of the Mission’s objectives.

3. The OPCW Team shall gather facts regarding the allegations and report to the Director-General upon the conclusion of its activities.
4. The site visits shall be conducted at mutually agreed date(s).
5. The OPCW Team shall aim to conclude its visit within 14 days. The duration of the Mission may be extended, if necessary.
6. The OPCW Team and its members shall refrain from any action or activity incompatible with the impartial and international nature of their duties. Without prejudice to their privileges and immunities, the members of the OPCW Team shall respect national laws and regulations.

Privileges and Immunities

7. The Government shall accord to the OPCW, its premises, property, funds, assets and communications; the OPCW Team, its members and any other individuals engaged by the OPCW for the purposes of the Mission; as well as the United Nations and its personnel providing support to the OPCW Team, for the entire period between arrival

and departure from the territory of the Syrian Arab Republic, and thereafter with respect to acts previously performed in the exercise of their official functions, the same privileges and immunities as those set forth in Article VIII, Part E of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (hereinafter “the Convention”) and in the provisions of Part II (B) of the Verification Annex to the Convention and such other privileges and immunities as are necessary to ensure the independent exercise of the Mission’s activities and the fulfilment of its purposes, in addition to any privileges and immunities that may already be applicable to them.

Assignment of OPCW Team

8. The Director-General shall select the Head of the Mission, the Team Leader and members of the OPCW Team from the officials of the OPCW Technical Secretariat and a list of qualified experts employed by the Organisation taking into account the circumstances and specific nature of this particular Mission. As per the Government’s request, a balanced composition of the team shall be ensured.

Dispatch of the OPCW Team

9. The Director-General shall dispatch the OPCW Team at the earliest opportunity taking into account the safety of the OPCW Team and considerations of a practical nature relevant to adequacy of preparations and effective commencement of field activities as well as the current shifting and difficult security environment in the Syrian Arab Republic.
10. The Director-General shall notify the Government of the time of the arrival of the OPCW Team as well as the names of the members of the OPCW Team and the list of equipment that the OPCW Team will bring onto the territory of the Syrian Arab Republic.

Briefings

11. The Government shall provide to the OPCW Team briefings upon their arrival and at other appropriate times during the Mission.

Access

12. The OPCW Team shall have the right of access to any and all areas which could be affected by the alleged use of toxic chemical reported to be chlorine. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective discharge of its mandate under these Terms of Reference. For such access, the OPCW Team shall consult with the Government.
13. The Government shall provide access to such areas that are within its control after the arrival of the OPCW Team. At the same time, the Government shall make every effort to provide all necessary assistance, including security, to the Team when its activities involve areas that the Government considers not in its effective control.

Sampling

14. The OPCW Team shall collect samples of types and in quantities it considers necessary. The Government shall, wherever possible, assist in the collection of samples under the supervision of the OPCW Team. The Government (1) shall be provided with a duplicate or a portion of each environmental sample collected in the course of the Mission and (2) shall, to the extent possible, be provided with a duplicate or a portion of each of the bio-medical samples collected in the course of the Mission.

Interviews

15. Given the nature of the fact-finding mission, the OPCW Team shall interview and examine persons who may have been affected by the alleged use of toxic chemicals or who may be able to provide relevant information; to interview eye witnesses of the alleged use of toxic chemicals and medical personnel, and other persons who have treated or have come into contact with persons who may have been affected by the alleged use of toxic chemicals. The OPCW Team shall seek to obtain medical histories, if available, and to participate in autopsies, as appropriate, of persons who may have been affected by the alleged use of toxic chemicals.

Documentation and Photographs

16. The OPCW Team shall have access to the documentation and records it deems necessary for the conduct of the Mission as well as have photographs taken.

Communications

17. The Government shall treat all communications directed to the OPCW and the OPCW Team and all outward communications of the OPCW and the OPCW Team, by whatever means or whatever form transmitted, as well as any reports, data, materials, video and audio recordings and photographs in the possession of the OPCW and the OPCW Team as privileged information and therefore inviolable. The same shall apply to the communications of the United Nations and its personnel providing support to the Mission.

Facilities

18. Without prejudice to the provisions of the separate arrangements referred to above, and for purposes of ensuring the effective conduct of the Mission's activities, the Government shall, in relation to the territories under its control, acknowledge and accept the following provisions:
 - (a) assure the security for the Mission and its members, their equipment, documents and other materials required for their activities (including any samples collected by the OPCW Team) from the point of arrival to the sites of the fact-finding activities and back;
 - (b) provide appropriate medical assistance and services as necessary to the Mission and its members, including assistance, in the event of the need for

medical reasons, for the evacuation from the Syrian Arab Republic, of personnel of the Mission;

- (c) allow the collection, removal and transport of any and all samples required by the Mission for analysis and permit the unhindered passage through agreed border crossings, without customs inspection, of the Mission's equipment, materials, samples and gear;
- (d) secure and preserve the sites where it is alleged that toxic chemicals have been used as far as possible while also consistent with the protection of the surrounding population and the environment;
- (e) locate, identify and, as appropriate, preserve in situ any physical samples, such as samples of toxic chemicals, remnants of munitions, contaminated soil, vegetation or water, contaminated clothes or other articles;
- (f) preserve any biomedical samples obtained from casualties as well as post-mortem samples;
- (g) locate casualties and identify where they are hospitalized so that the mission may examine them and their medical records and meet with the attending medical personnel; and
- (h) identify witnesses of the alleged use of toxic chemicals and, when possible, arrange for access to them.

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