

**NOTE BY THE TECHNICAL SECRETARIAT****WORK OF THE INVESTIGATION AND IDENTIFICATION TEAM
ESTABLISHED BY DECISION C-SS-4/DEC.3 (DATED 27 JUNE 2018)**

1. The Conference of the States Parties (hereinafter “the Conference”), at its Fourth Special Session, adopted a decision entitled “Addressing the Threat from Chemical Weapons Use” (C-SS-4/DEC.3, dated 27 June 2018). In paragraph 10 of C-SS-4/DEC.3, the Conference decided that the Technical Secretariat (hereinafter “the Secretariat”) shall put in place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic by identifying and reporting on all information potentially relevant to the origin of those chemical weapons in those instances in which the OPCW Fact-Finding Mission (FFM) determines or has determined that use or likely use occurred, and cases for which the OPCW-UN Joint Investigative Mechanism (JIM) has not issued a report; and that the Secretariat shall provide regular reports on its investigations to the Executive Council (hereinafter “the Council”) at its regular sessions and to the United Nations Secretary-General, for their consideration.
2. In this context, at its Twenty-Third Session, the Conference adopted the Programme and Budget of the OPCW for 2019 (C-23/DEC.10, dated 20 November 2018), which takes into account resource requirements for implementing paragraph 10 of C-SS-4/DEC.3.
3. The Secretariat established the OPCW Investigation and Identification Team (IIT) with the purpose of identifying, in compliance with C-SS-4/DEC.3, perpetrators of the use of chemical weapons in the Syrian Arab Republic. The IIT is an integral part of the Secretariat and functions under the authority of the Director-General (see Annex 1).
4. The IIT mandate, limited to incidents within the Syrian Arab Republic for which the FFM has determined the use or likely use of chemical weapons and for which the JIM has not reached a conclusion on attribution, is further to be considered within the context of the universal condemnation of the use of chemical weapons in the Syrian Arab Republic, and international efforts to identify the origin of such weapons and those responsible for their use, with the aim of holding them accountable. The IIT is therefore tasked with identifying individuals or entities directly or indirectly involved in such use, by identifying and reporting on all information potentially relevant to the origin of those chemical weapons.
5. Reports by various entities for different purposes have thus far resulted in widely differing tallies of chemical attacks in the Syrian Arab Republic. In any event, there



have been at least 39 relevant separate incidents since early April 2014 for which the FFM has determined use or likely use of a chemical weapon in the Syrian Arab Republic. The JIM issued findings attributing responsibility for six of those incidents, which therefore remain outside the scope of the relevant incidents for the purpose of the IIT mandate. On the basis of a preliminary assessment of the relevant incidents, and taking into account the information gathered by the FFM, the number of casualties, the likelihood of retrieving additional information, and (when possible) the type of chemical detected, the IIT has identified a non-exhaustive preliminary list of incidents on which it intends to focus in its investigative work (see Annex 2).

6. The IIT will conduct its operations in an independent, impartial, and objective manner, and shall refrain from seeking or obtaining instructions from any government or external source. Secretariat personnel serving within, or in support of, the IIT act in strict conformity with the OPCW Staff Regulations, Interim Staff Rules, and Code of Conduct and are required to sign a Secrecy Agreement with the OPCW. At all times, the IIT will ensure the security, integrity, preservation, and chain of custody of the information and material in its possession from the moment of receipt, collecting, analysing, and storing technical and scientific information meeting the highest technical standards, as well as the meticulous employment of forensic processes. In its holistic appraisal of the information before it, the IIT will resort to technical assessments and scientific evaluations with the aim of providing an overall description of incidents, patterns, and the origin of any chemical weapons used in the incidents considered, endeavouring to identify perpetrators only if there are reasonable grounds to suspect that an individual or entity was directly or indirectly involved in the use of chemicals as a weapon. To this effect, as well as to ensure the safety, physical and psychological well-being, dignity, and privacy of cooperating persons, the IIT may establish appropriate protocols and working instructions in line with accepted international standards for this type of investigations.
7. In order to identify the perpetrators, the IIT will include in its analysis, where feasible and relevant: chemical markers that help identify the origin of the chemical used; munition markings and physical characteristics; delivery means; and technical information related to delivery, such as aircraft flight paths or munition trajectories. The identification of perpetrators required by C-SS-4/DEC.3 will be based on generally recognised approaches for imputing conduct.
8. Before reaching a conclusion, the IIT shall duly take into account all available information, including that provided by the Syrian Arab Republic as well as by others, on the hypotheses and scenarios considered by the IIT. In fulfilment of its mandate, the IIT may collect and analyse information and materials from any relevant source in addition to those already obtained by the FFM, also in order to determine the relevance, probative value, and reliability of the information, as well as the credibility of the source.
9. The IIT is therefore in the process of establishing contact with OPCW Member States and other international, regional, and local actors in order to gather information and conduct investigations and analysis, as it considers necessary and appropriate, including, inter alia, with respect to access to victims and witnesses or other sources of information.

10. Pursuant to paragraph 7 of Article VII of the Chemical Weapons Convention (hereinafter “the Convention”), each State Party undertakes to cooperate with the Organisation in the exercise of all its functions and in particular to provide assistance to the Secretariat. When a State assumes an obligation in an international agreement, this expresses a legally binding undertaking. The IIT expects full good-faith cooperation from all States Parties, in particular with the provision of relevant information and access to relevant places and persons.
11. Paragraph 12 of C-SS-4/DEC.3 specifically requires the IIT to preserve and provide information to the investigation mechanism established by the United Nations General Assembly in resolution 71/248 (2016) (IIIM), as well as to any relevant investigatory entities established under the auspices of the United Nations. The IIT will therefore endeavour to compile its records and findings in a manner suitable for future use by the IIIM or other relevant mechanism.
12. This Note regarding the work of the IIT established by C-SS-4/DEC.3 is hereby circulated for the information of States Parties to the Convention.

Annexes:

Annex 1: IIT Personnel

Annex 2: Focus of IIT Investigative Work

Annex 1

IIT PERSONNEL

In order to implement C-SS-4/DEC.3, the Secretariat proceeded with recruiting experienced and impartial staff with relevant skills and expertise, in accordance with applicable OPCW regulations and practices, so as to secure the highest standards of efficiency, professional competence, and integrity. Due regard was paid to the importance of recruiting staff on as wide a geographical basis as possible, as well as to gender balance.

Under the leadership of its Coordinator, the IIT includes experienced investigators and analysts with relevant qualifications and experience in complex investigations, analysis and forensics, as well as an expert in information systems, an administrative assistant, and a legal adviser. Secretariat and external experts provide further support. Personnel in, and supporting, the IIT come from all geographical groups—Africa (Kenya, South Africa), Asia (Republic of Korea), Eastern Europe (Romania, Serbia); Latin America and the Caribbean (Brazil, Mexico); Western Europe and Other States (Belgium, Canada, Ireland, Italy, the Netherlands, Portugal)—with a gender balance of 50% female and 50% male.

Annex 2

FOCUS OF IIT INVESTIGATIVE WORK

On the basis of a preliminary assessment of the relevant incidents, and taking into account the amount of information gathered by the FFM, the number of casualties, the likelihood of retrieving additional information, and (when possible) the type of chemical detected, the IIT has identified a non-exhaustive provisional list of incidents on which it intends to focus in its investigative work. These are, in chronological order:

1. Al-Tamanah, 12 April 2014
2. Kafr-Zita, 18 April 2014
3. Al-Tamanah, 18 April 2014
4. Marea, 1 September 2015
5. Ltamenah, 24 March 2017
6. Ltamenah, 25 March 2017
7. Ltamenah, 30 March 2017
8. Saraqib, 4 February 2018
9. Douma, 7 April 2018

The IIT will continue its assessment regarding prioritisation depending on its access to sources of information and the progress of the investigation as to the origin of the chemical weapons used in incidents falling within its mandate.

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