



Director-General's Statement on the Report of the Investigation into Possible Breaches of Confidentiality

6 February 2020

Excellencies, distinguished delegates,

I have invited you to this meeting to brief States Parties to the Chemical Weapons Convention about the findings of the independent investigation that has been carried out over the past several months in relation to possible breaches of confidentiality.

My goal is to provide you with all the relevant information, as is consistent with our confidentiality rules, so that you will have the necessary elements for your analysis and conclusions.

According to the OPCW Policy on Confidentiality adopted by States Parties in 1997, during the first session of the Conference of the States Parties, I will present to you a report that is referred to as “modified”.

For the sake of clarity, it is relevant to explain what this term means. It means that the report of the investigators has been anonymised, so that the names of persons or institutions cannot be recognised. Beyond this required modification, the substance of the report has not been changed.

The report that is the topic of this briefing contains all of the substantive information of the original text prepared by the external investigators. The report that will be issued to States Parties and my statement today will be made available on the OPCW website.

Once you have had the opportunity to read the report, you may address in writing to the Secretariat any questions you have. The Secretariat will then endeavour to respond in writing. For purposes of transparency and consistent with the non-confidential nature of the briefing, any questions sent to the Secretariat in relation to this briefing will be circulated to all States Parties, along with the responses of the Secretariat.

As I start my briefing now, I acknowledge that my primary responsibility as Director-General is to the States Parties to the Convention. Bearing that in mind and due to the respect that I owe to all the States Parties, throughout this process I have maintained my independence and objectivity.

As you know, during the past several months, the issue of a purported document disseminated outside the Organisation has appeared online. After a preliminary inquiry was carried out by the Secretariat, I came to the conclusion that it was necessary to start an independent investigation into possible breaches of confidentiality.

Independent, professional investigators, from outside the Organisation, were hired last year. They followed established procedures in a lengthy process of investigation that has resulted

in an extensive report of their findings. While the investigation was on-going, I have refrained from engaging with the media, because I had no doubt that I had to wait for the completion of the investigation and to come here to report to you, first of all.

I wish to underline that everything I will say first to States Parties in the following remarks will be based on evidence in the form of documents, interviews, audio recordings, and forensic analyses.

Excellencies, distinguished delegates,

Following a preliminary inquiry, I initiated in July 2019 an investigation into possible breaches of confidentiality related to the investigation by the Fact-Finding Mission (FFM) into allegations of the use of chemical weapons in Douma on 7 April 2018. The breach concerned the publication, on or about 13 May 2019, of a document entitled “Engineering Assessment of Two Cylinders Observed at the Douma Incident – Executive Summary”. The document in question purports to contain information and findings regarding the Douma incident. The document was published on the website of the so-called Working Group on Syria, Propaganda, and Media.

According to its own website, the working group was “established to facilitate research into the areas of organised persuasive communication (including propaganda) ... with respect to the ... conflict in Syria”.

During the course of the investigation, two OPCW inspectors were identified as possibly being implicated in breaches of confidentiality. In the report and in this briefing, these individuals shall be referred to as Inspectors A and B. This is on account of the confidential nature of the investigation and in order to safeguard their due process rights under the OPCW’s internal legislation and general principles of international administrative law.

The investigation was conducted in strict compliance with the detailed procedures set forth in the OPCW Policy on Confidentiality (OPOC). The OPOC was approved and adopted by the Conference of the States Parties. It contains mandatory provisions to protect confidential information and to investigate potential breaches, as required under the Confidentiality Annex to the Chemical Weapons Convention.

In accordance with the OPOC, I designated the Deputy Director-General as the Senior Investigating Officer. I also appointed independent, professional, and highly experienced investigators—external to the OPCW—to conduct the investigation. The hiring of external investigators is not required under the OPOC, but I felt it was important to take additional measures to ensure that the investigation was conducted in a transparent and independent manner. Appropriate measures were taken in order to prevent the tampering of evidence.

The investigation took place from July 2019 to February 2020. It was conducted in full conformity with the OPOC and relevant internal legislation. In particular, the investigation was conducted on the basis of objectivity and due process.

The investigators interviewed 29 individuals. These witnesses consisted of current and former staff members, as well as persons outside the Organisation. All witnesses who were formally interviewed attested to the accuracy and truthfulness of their testimony. The investigators

also collected documents and examined email records and other electronic evidence relevant to the investigation.

Inspectors A and B did not cooperate with the investigation, despite their duty to do so. Additionally, I sent letters of invitation to the two of them to come to The Hague, at the Organisation's expense, to review the draft investigation report prepared by the independent investigators and to provide comments thereon. One of them acknowledged receipt, but did not respond. The other placed conditions upon the way he would review the report, that were not consistent with OPCW procedures. Moreover, Inspector A refused to identify the individuals with whom he had shared his assessment. This will be discussed more fully in a moment. As a result, the investigators had additional difficulties to ascertain who disseminated Inspector A's assessment to the website of the Working Group on Syria, Propaganda, and Media.

Allow me now to outline some elements related to applicable law.

All staff are prohibited, under their individual secrecy agreements, from using, disclosing, or disseminating confidential information to which they had access in the course of their employment, unless specifically authorised by the Director-General. Before any confidential material is transferred outside the Organisation, the sender must first ensure that the intended recipient is authorised to receive the material.

Inspectors A and B both signed secrecy agreements with OPCW. They were therefore aware of their confidentiality obligations.

Within the Technical Secretariat, the specific functions or tasks defined for a staff member are the principal determinant of that individual's need-to-know and scope of access to confidential information. Furthermore, under the Code of Conduct for staff members of the Secretariat and the Staff Regulations and Interim Staff Rules, staff members must exercise the utmost discretion and confidentiality with regard to all matters of official business. They are further obliged to ensure that their personal views and convictions do not adversely affect their official duties. These obligations remain in effect following separation from the Organisation.

Excellencies, distinguished delegates,

As you may recall, in mid-April 2018, the FFM was deployed to the Syrian Arab Republic to gather facts and evidence regarding the alleged use of chemical weapons in Douma on 7 April 2018. Between April 2018 and October 2018, the FFM deployed five times to investigate the Douma incident. The FFM investigation included conducting on-site visits, collecting biomedical and environmental samples, and interviewing victims and witnesses.

In late 2018, the FFM consulted three independent experts in mechanical engineering, ballistics, and metallurgy—who utilised specialised computer modelling techniques. These experts produced three separate, independent reports. The FFM continued to collect and analyse facts and evidence related to the Douma incident through February 2019. The FFM's final report on the Douma incident was released on 1 March 2019.

Let me first turn to the findings of the investigation with respect to Inspector A. Inspector A first worked for the OPCW from June 1997 to December 2005, eventually being promoted to

Team Leader. He was rehired at a lower level in June 2016 and worked at the OPCW until May 2019. Inspector A was not a member of the FFM. His name is not included in the mandates issued for FFM deployments signed by my predecessor. The Director-General is the only person with the authority to sign this type of document. In fact, Inspector A's name is specifically mentioned in a separate internal mission warning order signed by my predecessor. In this mission warning order, Inspector A's role is specifically defined as supporting the FFM's activities.

The OPCW's standing support office in Damascus is referred to as the "command post". A Secretariat official is assigned from The Hague to the command post in six-week rotations. This single official supports OPCW activities in the Syrian Arab Republic, including communications and movements.

The mission warning order signed by my predecessor appointed Inspector A as team leader at the command post in Damascus. This mission warning order also established that he was the sole OPCW team member in this mission. As such he provided, as is customary, support to the FFM team investigating the Douma incident.

It is customary for the inspectors serving, at the relevant moment, in the command post in Damascus to provide assistance to missions deployed to the Syrian Arab Republic—not only to the FFM, but also to the Declaration Assessment Team (DAT) and the biannual missions to the Scientific Studies Research Centre. This support is essential and composed of United Nations Office for Project Services personnel, interpreters, and drivers.

As described by the independent investigators, Inspector A played a minor supporting role in the investigation of the Douma incident. The investigators specifically found that Inspector A did not have access to all of the information gathered by the FFM team, including witness interviews, laboratory results, and assessments by independent experts regarding the two cylinders—all of which became known to the team only *after* Inspector A had stopped working in support of the investigation.

He accompanied the FFM to certain sites of interest that had been identified by the Syrian Arab Republic. He assisted in taking environmental samples at a hospital and in taking measurements at one location. He also assisted the FFM in the tagging and sealing of cylinders that had been found at two locations.

As a follow-up to these activities—and after finishing his normal rotation at the command post of the OPCW in Damascus and returning to The Hague in June 2018—Inspector A was assigned to conduct an inventory of the Highly Protected information collected on the cylinders and determine what information was needed to carry out further studies.

Nevertheless, in July 2018, Inspector A—without authorisation—contacted companies via email about conducting an engineering study on the cylinders found at two locations in Douma. When this became known, the team leader instructed Inspector A to refrain from making contact with any external third parties. The investigation found that Inspector A did not accept this, disregarded instructions, and decided he was going to complete his study alone—without informing the FFM team leader.

In August 2018, Inspector A—against the instructions received from the FFM team leader—engaged professors at a university to assist him in producing his assessment. He misled the

professors of the university, telling them that they were being officially engaged by the Organisation to conduct this work.

In September 2018, more than a month after having engaged the professors, Inspector A—belatedly and through subterfuge—procured written authorisation from a high-level OPCW official for him to work with the university just mentioned in order to proceed with his unauthorised activities. Such authorisation was therefore invalid.

Inspector A travelled outside the Netherlands twice to meet the professors in person. The investigation revealed that both trips were conducted while Inspector A was on leave. Inspector A gave the professors a USB drive. He claimed that the drive only included open-source information; this was not the case. The professors, in the spirit of cooperation, provided the investigators with the USB drive. The investigators conducted a forensic analysis of the USB drive. This analysis revealed that the USB drive contained an important amount of OPCW confidential information classified as Highly Protected at the time it was disclosed.

At his request, the professors communicated with Inspector A using his personal Gmail account. The professors completed a report on the cylinder found in one of the two locations in Douma. Inspector A shared several drafts of his assessment with the professors—again using his personal Gmail account. These drafts contained Highly Protected information.

Inspector A used the professors' report to complete his assessment, a version of which eventually appeared on the website of the Working Group on Syria, Propaganda, and Media. The investigators established that Inspector A showed his assessment to at least seven members of the Technical Secretariat who did not have the need to know the confidential information contained therein. They did not have the need to know because they were not involved in the FFM investigation into Douma.

After denying it first to senior management, Inspector A then admitted to witnesses that he distributed his assessment. But he refused to identify the individuals with whom he shared it. Inspector A also dropped off an envelope containing his assessment with the unit of the Secretariat responsible for the storage of verification-related documents. This unit is known as the Documents Registration and Archiving Section (DRA). Inspector A did not follow the proper procedures when he dropped off the envelope with DRA, because documents generated for non-routine missions—such as the FFM, DAT, and Investigation and Identification Team (IIT)—are stored in specialised archives with heightened security. This is due to the high sensitivity of the information.

In this regard, I take this opportunity to recognise the efforts of States Parties to create the special fund that has made possible the continued financing of these heightened security archives for the FFM and other non-routine missions of the OPCW.

The Working Group on Syria, Propaganda, and Media published Inspector A's assessment on its website on or about 13 May 2019. Inspector A told officials of the Technical Secretariat that he was surprised that the document had been disclosed, but that he was also happy it had been—because his information was finally available to the public.

The investigation found that Inspector A violated his obligations concerning the protection of Highly Protected confidential information, due to his unauthorised disclosure of such

confidential information to individuals both within and outside the Organisation. Furthermore, Inspector A failed to comply with the specified procedures for the handling, protection, release, and dissemination of confidential information, so as to create a clear risk of unauthorised disclosure. This risk materialised, and the disclosure occurred, with the publication of Inspector A's assessment on the Working Group on Syria, Propaganda, and Media's website. Inspector A also violated the Organisation's Code of Conduct, in that he did not act with integrity and transparency.

I now turn to the findings of the investigation on Inspector B. Inspector B first worked for the OPCW from July 1998 to December 2011, eventually being promoted to Team Leader. He was rehired at a lower level in September 2015 and worked at the OPCW until August 2018. Having been selected to be a member of the FFM for the first time, Inspector B travelled to the Syrian Arab Republic in April 2018. However, Inspector B never left the OPCW office in Damascus, because he had not completed the necessary training required to deploy on-site in Douma.

Inspector B was involved in the drafting of the interim report on the Douma incident. In June 2018, Inspector B voiced some concerns about the draft interim report to the senior management of the Organisation in place at that time. The evidential record shows that these concerns were taken seriously by senior management, who asked the team to discuss their views together to reach agreement on the draft interim report. Senior management further made clear to Inspector B that this was only an interim report and that there was a large amount of further work to be done in a number of areas following the interim report. Inspector B subsequently confirmed in writing to senior management that he and other members of the FFM who were involved in drafting the report had met, and agreed on the interim report—which was then released on 6 July 2018.

Upon the expiration of his employment contract with the Organisation, Inspector B departed at the end of August 2018. It is important to note that Inspector B departed the OPCW half a year before the release of the final FFM report on Douma.

During the last seven months of the investigation, the FFM undertook the bulk of its analytical work, examined a large number of witness interviews, and received the results of sampling and analysis.

However—despite Inspector B's separation from the Organisation long before the Douma investigation came to an end, and despite his agreement with the interim report—he continued to approach members of the Technical Secretariat to discuss confidential information regarding the Douma investigation that was classified as Highly Protected at the time it was disclosed. Some of these staff members did not have the need to know the confidential information that Inspector B disclosed to them.

The investigation found that Inspector B, prior to the dissemination of Inspector A's assessment, knew of its existence. This is despite the fact that his assessment was completed more than five months after Inspector B had left the Organisation. The investigation also found that—a month before Inspector A's assessment appeared on the website of the Working Group on Syria, Propaganda, and Media—Inspector B referred a staff member to an article critical of the OPCW's final report on Douma that was published on the same website.

The investigators obtained evidence that Inspector B, many months after his separation from the OPCW in August 2018, continued to display a desire to have continued access to, and influence on, the Douma investigation. This included a letter he wrote to me in March 2019. This letter criticised the Douma report, even though he did not have access to the large body of evidence that had been considered by the FFM during the half-year since his departure from OPCW.

As late as August 2019, almost a year after he left the Organisation, Inspector B contacted members of the Organisation to attempt to convince them to join his campaign to challenge the final Douma report. The investigation found that Inspector B violated his obligations concerning the protection of Highly Protected confidential information, due to his unauthorised disclosure of confidential information to individuals who did not have the need to know such information.

Furthermore, Inspector B failed to comply with the specified procedures for the handling, protection, release, and dissemination of confidential information so as to create a clear risk of unauthorised disclosure. This risk materialised with the publication of Inspector A's assessment on the Working Group on Syria, Propaganda, and Media's website.

The investigation found that these breaches of confidentiality were serious.

Inspector A's assessment purports to be an official OPCW FFM report on the Douma investigation. Instead, it is a personal document created with incomplete information and without authorisation. It was created through the misuse of incomplete confidential information by a staff member who had ceased to provide support to the FFM six months prior to the release of the final FFM report on Douma. It was during this six-month period that the majority of the investigative work was conducted by the FFM. Despite this, Inspector A's assessment has been used to call into question the work of the Secretariat, as well as the Secretariat's competence and credibility.

Therefore, the deliberate and premeditated breaches of confidentiality committed by Inspectors A and B were considered by the investigators to be serious.

In accordance with the OPOC, I shall be taking appropriate actions in response to the findings of the investigation. Taking into account that such actions are "staff-in-confidence" by nature, I will not communicate on them any further.

The investigation recommends remedial measures that may be taken by the OPCW to reduce the risk of similar breaches of confidentiality in the future. Confidentiality training for OPCW personnel will be enhanced. An additional obligatory Organisation-wide confidentiality training programme will be instituted for all personnel employed by the Secretariat. This training will be accompanied by annual attestations by staff as to the requirements and obligations arising from the Organisation's confidentiality regime.

The internal legislation is being reviewed in order to reduce the risks of future breaches of the confidentiality regime. In this regard, the Secretariat has already begun to analyse the OPOC and the Manual of Confidentiality Procedure and to benchmark the results of this analysis with six other international organisations.

We are also conducting a study into whether the Code of Conduct for Secretariat officials needs to be updated and supplemented with additional obligations in respect to the duty to safeguard confidential information of the Organisation.

Excellencies, distinguished delegates,

Now that I have presented to you the results of the investigation, I wish to re-assert a number of crucial elements that have been confirmed through this independent investigation process. These elements bear a significance that goes well beyond confidentiality matters.

Firstly, Inspectors A and B are not whistle-blowers. They are individuals who could not accept that their views were not backed by evidence. When their view could not gain traction, they took matters into their own hands and committed a breach of their obligations to the Organisation.

Their behaviour is made even more egregious by the fact that they had manifestly incomplete information on the Douma investigation. This is due to the fact that they both had no involvement in the last six months of the FFM investigation, when most of the analytical work took place.

As could be expected, their conclusions are erroneous, uninformed, and wrong.

The FFM interim report on the Douma incident was issued on 6 July 2018. It took seven months of further FFM investigations before the final report was issued. During those seven months, the FFM undertook the majority of its analytical work, conducted a large number of witness interviews, and—importantly—received the results of relevant sampling and analysis.

Arguments based on the provisional elements of the FFM investigation contained in the interim report have been eclipsed by the final Douma report—which was released on 1 March 2019—more than half a year after the interim report. The conclusions of every FFM inquiry are based on an in-depth and objective analysis of all of the evidence. These conclusions are also based on prevailing standards of proof used by international commissions of inquiry in the United Nations system.

In the course of any investigation, members of a team may have views and ideas about what happened. A good investigator will use these elements to follow specific leads. The FFM investigators are no different. They follow leads. But they do not bend the facts to accommodate the view of individuals. The Code of Conduct for staff members of the Secretariat specifically requires staff members to ensure that their personal views and convictions do not adversely affect their official duties.

The Secretariat always takes into account all information submitted and views exchanged. The Douma investigation was no exception. The findings of the FFM final report was based on the thorough analysis of all of the evidence collected.

Therefore, I stand by the conclusions of the final Douma report.

In accordance with the FFM's mandate, the report of the FFM does not draw conclusions about possible perpetrators. In the June 2018 decision, the States Parties mandated the Secretariat to put in place arrangements to identify the perpetrators of the use of chemical

weapons in the Syrian Arab Republic. The IIT—established by the Conference of the States Parties—examines cases as specified in the June decision. The FFM Douma report falls into this category of cases.

In the interest of transparency and completeness, Inspector A's assessment has been transmitted to the IIT and will be examined by it in due course. This is consistent with the Conference's call for the IIT to examine all information.

I wish to seize this opportunity to thank all States Parties that have provided the Secretariat with information and expertise on all aspects of the Syrian chemical file, as mandated by the relevant decisions of the OPCW policy-making organs. I call again upon all States Parties, in a position to do so, to extend their assistance in this matter.

The OPCW is, and will remain, the global institution mandated to deal with chemical weapons in an impartial and independent manner. You can count on me, and on the staff of the Secretariat. I would like to pay tribute to all of them, particularly for their competence, hard work and dedication, with which we have been able to fulfil the mandates we have received from States Parties.

Distinguished delegates,

I wish to thank you for your kind attention during this briefing. The investigation was pursued in accordance with the core values of the OPCW—namely independence, professionalism, and integrity. We have continued to fulfil our core business related to verification, capacity building, chemical safety and security, and assistance and protection.

You can count on the unrelenting commitment of me and my team to work with you to uphold the universal ban on chemical weapons and contribute to global peace and security.

I thank you for attending this briefing—which is now concluded.
