



Director-General's Statement on the First Report by the OPCW Investigation and Identification Team

8 April 2020

Excellencies,
Distinguished Delegates,

We are here in the Ieper room in the OPCW Headquarters in The Hague. I am accompanied by only two people: Ambassador Santiago Oñate, Coordinator of the Investigation and Identification Team, and Ernesa Ademagic, Conference Services Assistant. According to the current Dutch regulations—that we have to respect—meetings with more than three people are temporarily not authorised.

In a few minutes time, the Technical Secretariat will submit to the Executive Council the first report of the Investigation and Identification Team according to the mandate the Secretariat received in the decision from the Conference of the States Parties to the Chemical Weapons Convention on 27 June 2018.

The Conference decided that the Secretariat should 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.

The conflict in the Syrian Arab Republic has brought immense suffering to the entire Syrian population. Scores of lives have been lost or otherwise destroyed, and millions of people have been displaced.

In addition to all the atrocities committed during the war, the Syrian people and the international community have been confronted with the repeated use of chemical weapons—weapons that should belong to the past.

The international response came at different levels, both international and national, through different organisations, entities, and fora. The OPCW has been seized with these incidents. The Chemical Weapons Convention (CWC) has been agreed with the purpose to exclude completely, for the sake of all mankind, the possibility of the use of chemical weapons.

The UN Security Council has repeatedly stated that those responsible for the use of chemical weapons must be held accountable. The United Nations General Assembly and the Human Rights Council have also addressed chemical weapons attacks as part of their mandates. Both have also stated that those responsible for the use of chemical weapons must be held accountable.

New entities have been created specifically to deal with the crimes committed in the Syrian Arab Republic as part of the accountability framework. This includes the International, Impartial and Independent Mechanism (IIIM) created by the General Assembly, in December

2016, to assist in the investigation of crimes committed in the Syrian Arab Republic since March 2011.

The Human Rights Council created, in August 2011, the Independent International Commission of Inquiry to investigate alleged violations of international human rights since March 2011 in the Syrian Arab Republic.

The Conference of the States Parties and the Executive Council of the OPCW have also stated in a number of decisions that those responsible for the use of chemical weapons should be held accountable.

Despite the different mandates, roles, and responsibilities, there is one underlying common principle that unites all these actions: the absolute prohibition of use of chemical weapons and the unanimous and repeated condemnation of any use of chemical weapons.

They equally reaffirmed that those responsible must be held accountable.

The doctrine referring to these universally recognised principles is rich and goes well beyond the disarmament realm, because it includes:

- decisions by the OPCW Executive Council and the Conference of the States Parties of the Chemical Weapons Convention,
- resolutions by the United Nations General Assembly,
- resolutions by the UN Security Council,
- resolutions by the Human Rights Council,
- reports by the Commission of Inquiry of the Human Rights Council,
- statements by the United Nations Secretary-General,
- as well as countless national statements delivered over the past years at the OPCW, the United Nations, and in other international fora.

All these principles are also contained in the declaration adopted by the States Parties to the CWC when they gathered in Ieper on 21 April in 2015. On that date, they marked the Centennial Commemoration of the first large scale use of chemical weapons when 6,000 cylinders released more than 150 tonnes of chlorine onto the battlefield. The States Parties adopted a declaration that contains all the principles I have just highlighted.

Hence, the prohibition of the use of chemical weapons is an undisputed part of international customary law, and a breach of this prohibition can constitute a war crime, and a crime against humanity.

The OPCW has an autonomous and well-known mandate. While it is not a United Nations entity, and its mandate originates solely from the Convention, it remains firmly anchored in the international system. The strong partnership between the OPCW and the United Nations was formalised in 2000 in the Relationship Agreement. This Agreement has supported the OPCW's participation in the United Nations team, created in 2013, to investigate the alleged use of chemical weapons in Syria. In 2015, the same agreement provided the necessary modalities for our participation in the OPCW–UN Joint Investigative Mechanism (JIM). Additionally, the activities and decisions of the OPCW in relation to the Syrian chemical weapons dossier, have been endorsed by a series of UN Security Council resolutions.

The United Nations General Assembly has also addressed chemical weapons use in Syria through its annually adopted resolution presented by Poland on the implementation of the Chemical Weapons Convention. This resolution expresses the strong conviction that those individuals responsible for the use of chemical weapons must be held accountable. It stresses the importance of the implementation of the 27 June 2018 decision (C-SS-4/DEC3) of the Conference of the States Parties that mandates the Secretariat of the Organisation to identify the perpetrators of chemical weapons use in the Syrian Arab Republic.

These actions illustrate the mutually reinforcing and complementary character of the OPCW and the United Nations, and the frequent expressions in both The Hague and New York of the importance of those responsible to be held accountable. In dealing with this, the Secretariat and the States Parties alike have faced an unprecedented situation that poses a direct threat to the Convention.

An OPCW–United Nations Joint Mission worked in 2013 and 2014 to transfer and destroy the declared Syrian chemical weapons stockpile. Despite the success of this demilitarisation activity, the Syrian chemical weapons declaration remains incomplete. In order to address these issues, the Declaration Assessment Team (DAT) was established in April 2014.

OPCW's activities have brought the Syrian Arab Republic to complement its initial declaration several times. Yet, despite several decisions adopted by the Policy-Making Organs over the last six years, the information provided thus far still does not enable the Secretariat to consider this declaration as accurate and complete. I invite States Parties to take this into consideration when assessing the IIT report that is about to be presented to them.

The Fact-Finding Mission (FFM) was established in April 2014 to investigate allegations of the use of toxic chemicals as weapons in the territory of the Syrian Arab Republic. The FFM has so far issued 15 reports. It has concluded that chemical weapons have been used, or likely used, in 18 instances.

As per the UN Security Council resolution 2235 (2015), the FFM reports have served as a basis for the investigative work of the JIM to identify those who were the perpetrators. In the course of its existence, the JIM concluded investigations into six cases: it found that ISIL used chemical weapons in two instances, and the Syrian Arab Republic in four instances.

All of these activities have brought the OPCW under intense scrutiny. While the work of the organisation has been broadly supported, it has also led to attempts to discredit and to undermine it. The ultimate aim is to cast doubt on all the work that has been done, in particular, the work of the Fact-Finding Mission, as it has served as a basis for investigations into the identities of the perpetrators of chemical weapons use.

In November 2017, the UN Security Council did not renew the mandate of the JIM, depriving the international community of this important mechanism.

In June 2018, the Conference of the States Parties of the OPCW mandated the Secretariat to put into place arrangements to identify the perpetrators of the use of chemical weapons in the Syrian Arab Republic. After taking up office in July 2018, I set out to implement the decision. I established an internal working group to develop an estimate of the financial resources, skills, and expertise required. This enabled the Secretariat to identify the gaps in

existing skills, expertise, and workforce, and to set up what we call the Investigation and Identification Team (IIT).

The IIT required investigators and analysts with experience in complex criminal investigations. To meet the required resources for establishing the IIT, a presentation to States Parties was made in September 2019, as part of the 2019 Programme and Budget facilitation. Before launching the recruitment procedures for the newly created posts, I appointed a top-level diplomat, Ambassador Santiago Oñate, as the Coordinator of the IIT. The appointment of the IIT coordinator was followed by a series of recruitment procedures to fill the seven newly created posts. Like other international investigative teams, the members of the IIT possess the highest standards of professionalism and expertise, and work on the basis of neutrality, impartiality, and personal 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. The IIT became fully operational and began its work in June 2019.

States Parties have received periodic updates regarding the IIT's establishment, methodologies, and progress of work. This information is also part of the Syria monthly reports submitted to the Executive Council and to the UN Security Council through the United Nations Secretary-General.

Many relevant units of the Secretariat have been providing valuable support to the team. But again, with strict respect for the independence of the investigative work, and on a clear need-to-know basis. Personally, I have respected the independence of the investigation in the strictest possible way. I wanted to guarantee that the investigations were performed under the sole authority of the IIT Coordinator, and that the substantive results were completely respected.

Today, less than ten months after the commencement of the IIT's work, in a few minutes time, the first report will be provided to the Executive Council. It will also be provided to all OPCW Member States and the United Nations Secretary-General.

I will not elaborate in detail on the work of the IIT; it will be introduced by Ambassador Santiago Oñate, Coordinator of the IIT. I will, however, conclude by recalling a few essential points.

The mandate of the IIT is to establish facts. The IIT is not a judicial or quasi-judicial body with the authority to assign individual criminal responsibility, nor does the IIT have the authority to make final findings on non-compliance with the Convention. It is up to the Executive Council and the Conference of the States Parties to decide the next steps.

Since the day I took office as Director-General, I have made the Secretariat's engagement with the Syrian Arab Republic a priority, in order to find ways to address and resolve different issues in a concerted and collaborative manner. In relation to the mandate to identify the perpetrators, despite my several attempts, the Syrian authorities informed me and States Parties about their refusal to recognise the IIT.

Today, pursuant to the mandate given to the Secretariat by the Conference of the States Parties and through the work of the IIT, the Executive Council will be provided with the identification of the perpetrators in three cases.

Through the decision adopted on 27 June 2018, the Conference of the States Parties has also decided that the Secretariat shall preserve and provide information to the IIM, as well as to any relevant investigatory entities established by the United Nations.

Now that the first report will be submitted to the Executive Council, I intend to implement this mandate that I received as well.

It is now up to the Policy-Making Organs of the OPCW, to the United Nations Secretary General and to the international community as a whole to take any further action they deem appropriate and necessary.

Thank you.
