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SYRIAN ARAB REPUBLIC

**REQUEST FOR CIRCULATION OF A DOCUMENT
AT THE NINETY-SEVENTH SESSION OF THE EXECUTIVE COUNCIL**

The Permanent Mission of the Syrian Arab Republic has requested that a note verbale addressed to the Director-General, dated 23 June 2021, be circulated as an official document of the Ninety-Seventh Session of the Executive Council.

Annex: Note Verbale No. 51 from the Permanent Mission of the Syrian Arab Republic to the Director-General, Dated 23 June 2021



Annex

**NOTE VERBALE NO. 51 FROM THE PERMANENT MISSION OF THE
SYRIAN ARAB REPUBLIC TO THE DIRECTOR-GENERAL, DATED 23 JUNE 2021**

Permanent Mission
Of The Syrian Arab Republic
To The Organization For The
Prohibition Of Chemical Weapons
The Hague



No: 51
Date: June 23rd 2021

Note Verbal

The Permanent Mission of the Syrian Arab Republic to the Organization for the Prohibition of Chemical Weapons OPCW presents its compliments to the Technical Secretariat - Office of the Director General, and has the honor to attach herewith the letter no: 444 dated 20/6/2021 from H.E. Dr. Faysal Mekdad, the Minister for Foreign Affairs and Expatriates, Head of the National Authority in the Syrian Arab Republic, to H.E. Fernando Arias, the Director General of the Organization for the Prohibition of Chemical Weapons, regarding the proceedings of the United Nations Security Council meeting that took place on the 3rd of June 2021.

The Permanent Mission of the Syrian Arab Republic to OPCW would kindly request the Technical Secretariat to consider this information as unclassified and circulate the Note Verbal, the letter and its courtesy unofficial translation to all States Parties, and publish it on the OPCW Extranet and public website, as an official document of the 97th Session of the Executive Council.

The Permanent Mission of the Syrian Arab Republic avails itself of this opportunity to renew to the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons the assurances of its highest consideration.

Attached: letter – courtesy unofficial translation

**The Director General
The Organization for the Prohibition
Of Chemical Weapons (OPCW)
The Hague.**



Syrian Arab Republic
Ministry of Foreign Affairs and Expatriates
The Minister

[Emblem]

Head of the National Authority

N°. 444

Date: 20 June 2021

Excellency Ambassador Fernando Arias,

Director-General of the Organisation for the Prohibition of Chemical Weapons,

I am writing to you regarding the proceedings of the United Nations Security Council (UNSC) session of 3 June 2021, during which astonishing issues of deep concern for Syria came to light. This has reminded us of the session of lies and manipulation, held by the UNSC in the presence of the former United States Secretary of State Colin Powell, shortly before the invasion of Iraq in 2003. Although we have become accustomed to representatives of some Western States members of the Security Council levelling false and baseless accusations against Syria, we deplore and reject the fact that your briefing during that session turned into an integral part of, and even incited, that baseless campaign against Syria. This needs to be carefully examined and reconsidered, for such a conduct constitutes a clear departure on the part of the Director-General from his mandate under the Convention.

Below are a number of issues that were neglected or distorted during the aforementioned briefing and responses to Member States' queries:

- I. The Director-General stated that chemical weapons had been used before and after Syria's accession to the Convention. He deliberately singled out two alleged incidents, i.e., Khan Shaykhun (2017) and Douma (2018), which were used as a pretext for two iniquitous aggressions against Syria, the first by the United States and the second by the United States, the United Kingdom, and France, even before the initiation of investigations into the said incidents. Also, the Director-General pointed out to the Ghouta incident (2013), but he omitted to mention, or rather ignored, the Khan al Asal incident (2013) which Syria requested the former United Nations Secretary-General, BAN Ki-moon, to investigate. No investigation into this incident has been conducted to date.
- II. You stated in your briefing that the OPCW "is neither a court nor a tribunal. However, through its work, it provides the international community with material that helps accountability mechanisms in their duties". Here, we find ourselves compelled to clarify two points:

First: Article VIII, paragraph 1, of the Convention provides that the States Parties have established the Convention "to achieve the object and purpose of this Convention, [and] to ensure the implementation of its provisions". Therefore, the OPCW should not be a source of unverified reports or a tool for spreading fabricated or forged information. Also, the Director-General should be most

committed to the implementation of the provisions of the Convention and an impartial and unbiased party. He should take into consideration all points of view, and avoid to side with or adopt one of them instead of the others, all the more so when the other party's point of view is politicised and based on forged reports.

Second: The reports on the alleged incidents of Douma, Khan Shaykhun, Ltamenah, Saraqib, and others have been fabricated in order to accuse the Syrian Government of chemical weapons use in those incidents. It was on the basis of those reports that the Executive Council and the Conference of the States Parties have taken decisions against Syria. Thus, the task of the Director-General and some staff members of the Technical Secretariat was to provide ammunition to those who would fire at Syria. These are the established facts of what happened.

III. In your answer to a pre-scripted question by some Western States during the session on the progress achieved and Syria's cooperation with the OPCW, you resorted to manoeuvring and manipulating terms in a manner suggesting implicitly that Syria was not cooperating with the OPCW. The Director-General found it difficult to tell the truth, which is that Syria has cooperated fully with the OPCW and opened its doors in good faith to various OPCW teams, and that numerous OPCW documents circulated to the States Parties commended Syria's cooperation and the facilities it has been providing to the OPCW and its teams.

IV. **Regarding the work of the Declaration Assessment Team (DAT):**

The Director-General spoke at length about the work of the DAT. It was useful that the Director-General recalled that the DAT "is not an investigative body; rather, it is a team whose mission is to verify that the Syrian initial declaration is complete and accurate, through close cooperation with the Syrian authorities". However, his insinuations concerning the emergence of new elements that Syria did not declare or disclose initially, and that Syria has amended its declaration 17 times based on proposals from and information obtained by the DAT, were an obvious attempt to accuse implicitly Syria of not having declared everything in its possession.

In this context, we highlight the following facts for the Director-General:

- a) It was Syria which, immediately after its accession to the Convention, requested the assistance of the Technical Secretariat in preparing its initial declaration, since, at the time, Syria lacked the required expertise in this area.
- b) Syria has emphasised that the Syrian chemical programme dates back to more than 45 years, and that some of the personnel involved have either retired, grown old, passed away, or were martyred during the war on terror. In addition, due to the circumstances caused by the war, a large amount of materials and documents related to this programme were lost, particularly in some facilities that were at risk of falling under the control of terrorists, which made it necessary to move many equipment items and materials from one location to another, according to the security situation.

- c) In April 2014, Syria responded positively to the former Director-General's initiative to establish a Technical Secretariat team to assist Syria in making its declaration complete and accurate. The Syrian National Authority has cooperated fully with this team, in spite of the often difficult security circumstances, and has shown utmost openness during the rounds of consultations with the said team. Indeed, Syrian experts replied in all sincerity and good faith to the team's questions and queries, providing a large amount of information and technical and scientific explanations corroborating fully Syria's declaration. In contrast, actual practice has revealed attempts to obstruct the closure of the relevant issues, particularly those that had been examined and discussed exhaustively, and to open new issues. This has reinforced our conviction that some Western States have been trying to use the work of this team as a tool for political pressure and blackmail. It has become clear that no matter how much information Syria would provide, this dossier will remain open, since instructions given to the team require it to keep issues outstanding and even increase their number.
- d) A number of States which have acceded to the Convention have faced problems similar to those which Syria encountered in its initial declaration. But, of course, those States did not confront the same politicisation that Syria found itself confronted to. Everyone is well aware that many States amend continuously their initial declarations. Therefore, this is a common practice, including by some of the States which level accusations against Syria, such as the United States, Canada, Belgium, France, Germany, and others. For example, Germany declared late in 2013 a facility where production of nitrogen mustard took place in 2011 and 2012. The alleged reason for this omission was that Berlin was not aware of OPCW requirements in this regard. In the case of those States, the OPCW deemed the matter normal and simple and something that could happen. But for Syria, things are different. Here we ask the Director-General: does this not show the double standard approach followed blatantly by the OPCW Technical Secretariat? Didn't the OPCW and the States controlling it accept that some chemicals disappeared in a State Party, under various pretexts which are not the object of this note?
- e) As for the DAT visit to conduct the twenty-fifth round of consultations and the allegation that the team was not granted visas, this is devoid of truth. Syria has not denied the DAT visas and has never done so. Usually, DAT visits are the object of arrangements agreed upon by the two sides according to their respective commitments. Therefore, it is natural to defer any round of consultations if the date is not convenient. What is even more astonishing is the statement by the Director-General that he had deferred the deployment of the DAT due to the excessive summer temperatures in Syria. Has the DAT not conducted such visits during the summer before?
- f) What is also astonishing is that the Scientific Studies and Research Centre (SSRC) has been forcibly included in the Syrian chemical dossier, and considered to be the site where all Syrian chemical weapons research and development programmes were conducted, although inspection teams which have conducted several visits to the SSRC have determined that it has no relation whatsoever with the chemical dossier.

V. Regarding the work of the Fact-Finding Mission (FFM)

The briefing by the Director-General departed widely from the truth regarding the methods of work and investigations of the FFM in order to cover up the serious deficiencies in its work and reports. Regarding the Douma incident, the Director-General continued to ignore the substantive remarks raised by Syria, Russia, and other States concerning the FFM report, focusing only on the work of Inspector A and Inspector B, rather than on the content of the report. It is truly astounding that the head of a technical organisation entrusted by the international community with investigating cases of chemical weapons use would cite as evidence the report of a non-specialised committee in Geneva, which possesses neither the required expertise nor the legal mandate, to confirm a case of an alleged use of chemical weapons in Douma. In this regard, we wish to mention the following elements due to their importance:

- a) According to Part II, paragraph 62, of the Verification Annex, “[d]iffering observations made by inspectors may be attached to the report.” Therefore, the Director-General should have attached to the report the observations made by Inspector A and Inspector B, and should not have given orders to disregard and remove the said observations from OPCW archives. Such action in itself raises suspicions and contradicts completely the repeated statements by the Director-General regarding his non-interference in the work of the FFM, and the total independence of the latter in the performance of its mandate.
- b) The OPCW has ignored the justified concerns raised and the substantive observations made by experts, former inspectors, scientists, and journalists, aimed at rectifying the procedures and practices followed by the FFM in the investigations it has conducted so far into incidents in Syria, and, in particular, the incidents of Khan Shaykhun, Douma, and Ltamenah. These individuals are not acting at the behest of anyone; they are speaking in the name of science, not politics, and are attached to the future of the OPCW.
- c) Leaks published by WikiLeaks regarding statements made by former inspectors who participated in the investigations into the alleged Douma incident must also be taken into consideration. In those statements, the said inspectors mentioned the pressures that well-known States had exerted on them to make them distort the content of the interim report. Thus, the final report was written in a manner based on forgery and contrary to the truth.
- d) The Director-General denies that the inspectors opposing the report (rogue inspectors in his opinion) participated in the investigations into the Douma incident, while they were actually part of the FFM team which investigated the said incident. Inspector A was a core member of the FFM team which visited the site of the incident and participated in all stages of the investigation (collecting samples and images, taking measurements and dimensions, studying the alleged incident, asking questions). It was this inspector who, on 3 June 2018, affixed OPCW seals onto the two cylinders found at the site of the incident.

- e) We wish to remind the Director-General that FFM team members had come to Damascus upon the request of the Syrian National Authority, that a number of important documents were reviewed during the first meeting held with the team, and that the team leader requested to interview two witnesses on that same day and to resume interviewing the remaining witnesses after a visit to the site of the incident. The following day, the team leader was not present and was said at the time to have travelled for another mission in country “X”. The Syrian National Authority was informed that his deputy had assumed the leadership of the team. However, it came to light later that, after having examined the information in Syria’s possession, he had departed to continue the investigation in the other country (X), and that he played an essential role in drafting the final forged report on the alleged Douma incident.
- f) We also remind the Director-General that, on 6 August 2018, Syria submitted officially its observations regarding the interim report on the alleged Douma incident, in response to the note by the Technical Secretariat (S/1645/2018, dated 6 July 2018). In its response, Syria made several substantive observations on the content of the said report, including on the grave flaws in the collection and splitting of samples, the non-compliance with the chain of custody principle, the fact that the two cylinders had been placed to falsely suggest that they had been dropped from the air, and the fact also that the report has addressed neither the matter of the cylinder found in one of the warehouses used by terrorists in Douma -a cylinder similar to those alleged to have been found on the site of the incident- nor the issue of the hazardous chemicals, particularly hexamine, found in those warehouses. Syria’s response included also observations on the deliberate omission of testimonies collected during interviews in Damascus with a large number of essential witnesses who were present at the time and location of the incident, while the report relied on false witnesses in country “X”. There are numerous substantive observations which would be too lengthy to mention in this letter. Then, the Syrian National Authority provided the Technical Secretariat with a large number of substantive observations on the final report on this incident, which was issued in March 2019, and the OPCW did not show any interest in those observations.
- g) As for the Director-General’s allegation in his briefing that none of the 193 States Parties to the Convention has put into doubt the conclusions reached by the FFM regarding the fact that chlorine had been found at the scene of the attack in Douma, this statement is inaccurate. Indeed, we have repeatedly indicated that the presence of chlorine (a non-prohibited substance) somewhere cannot be considered proof that it was used as a weapon. Therefore, focusing on this point and ignoring the scientific and technical evidence establishing that the cylinder was placed manually at the site of the Douma incident proves that Member States were misled with regard to this fabricated incident.
- h) The Director-General’s defence in his briefing of the methods of work of the FFM, and his description of its work as based on a standard investigation methodology, and complying with well-established international norms which “we did not invent”, is no longer valid. Indeed, it is now known that the current methods of work of the FFM contravene in a clear and patent manner the

provisions of the Convention and the verification modalities stipulated therein. The procedural flaws, professional violations, and persisting inconsistencies in the methods of work of the FFM have put at stake the professionalism and credibility of its reports. How indeed can the reports of the FFM be credible when its sources are suspicious, its witnesses terrorists, its samples collected by others from the White Helmets, and its investigations conducted remotely? Are these the standard procedures provided for in the Convention? Can expressions, such as “reasonable grounds” and “likely”, form the basis of a correct recipe for trust in and credibility of FFM reports?

- i) Here we recall a clear example of the double standard and selective approach followed by the FFM, when it rejected Syria’s request on 11 April 2017 that a team be deployed to conduct an inspection at the Shayrat airbase, from which it was alleged that a chemical attack occurred in the alleged incident of Khan Shaykhun (April 2017). This rejection was supported by Western States in the Executive Council to cover up and justify the United States’ aggression against Syria in 2017. This is proof that the FFM receives its instructions from those States.
- j) As for the information that Syrian authorities have provided to the OPCW regarding preparations by terrorists to transport and use chemical weapons, the Director-General acknowledged that the OPCW had received 197 notes verbales from Syria just over the past five years “in relation to alleged activities related to chemical weapons”. He added that the Technical Secretariat was not able to establish a link between that information and any actual cases of use of chemical weapons, or any of its ongoing investigations. This unconvincing statement was not surprising, since the OPCW did not conduct in fact any investigation based on any information presented in those notes. This is consistent with the objective of States sponsoring terrorism in Syria, which is to disregard any suspicion of terrorists using chemical weapons, or any accusation against them of using such weapons, and to continue focusing on accusing the Syrian Government of such use.

VI. Regarding the Investigation and Identification Team (IIT):

The Director-General hid behind the authority given to him under the decision by the Conference of the States Parties (dated 27 June 2018) to establish the “Investigation and Identification Team”. He has attempted to confer legitimacy on the IIT, although, deep inside, he is well aware that establishing such a team contravenes the provisions of the Convention and that its mandate is not legitimate.

We wish to remind the Director-General and Member States that, since the very first day on which this team was established, Syria, together with a number of other States Parties, had stated that it did not recognise its legitimacy, and that it would neither engage with it nor accept the results of its investigations. Therefore, it came as no surprise to Syria that the IIT followed the same erroneous methods of work used by the FFM, and that the Director-General defended in his briefing the IIT and also the results of its work.

The Director-General has spoken repeatedly about accountability and the attribution of responsibility. However, the question that begs to be answered here is: is this his role? Is this the task and the mandate of the OPCW? Furthermore, is this team, which was

established without any international legitimacy, capable of performing this task? And what kind of impartiality, professionalism, or credibility can this team have in the light of these legal and technical structural problems?

In conclusion, Syria has acceded to the Chemical Weapons Convention in 2013 voluntarily and in good faith, based on its belief in the rejection of the use of chemical weapons by anyone, anywhere, and under any circumstances. However, what Syria had to face in the OPCW over the past years has led us to question seriously the ability of the OPCW to live up to its mandate under the Convention, and to stand firm against pressures brought to bear upon it by the United States of America and its Western allies. Syria is not the only State facing this serious challenge. Rather, this is a global, wider, and systematic problem. Indeed, the OPCW has become a tool for political manipulation and an entity suffering from the disease of politicisation, which has diverted it from its professionalism, leaving it shorn of credibility, and nearly destroying it. In light of the above, we are deeply concerned over the state that the OPCW has reached. What is required now is to end this continuous deterioration in the work of the OPCW, and to start, seriously and as a matter of urgency, to rectify this continuous downward trend so that the OPCW resumes its natural role as the fundamental and neutral pillar in the chemical weapons non-proliferation regime. Syria will stand fully ready to cooperate with you in a manner that would guarantee its rights, far from pressures and politicisation.

Please accept the assurances of the highest consideration.

Minister of Foreign Affairs and Expatriates

Head of the National Authority

[Signature]

Dr Faisal Mekdad

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