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GERMANY

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

The Permanent Representation of the Federal Republic of Germany to the OPCW has requested that a note verbale addressed to the Technical Secretariat, dated 18 October 2021, be circulated as an official document of the Ninety-Eighth Session of the Executive Council.

Annex: Note Verbale No. 41/2021 from the Permanent Representation of the Federal Republic of Germany to the OPCW Addressed to the Technical Secretariat, Dated 18 October 2021



Annex

**NOTE VERBALE NO. 41/2021 FROM THE PERMANENT REPRESENTATION OF
THE FEDERAL REPUBLIC OF GERMANY TO THE OPCW ADDRESSED TO
THE TECHNICAL SECRETARIAT, DATED 18 OCTOBER 2021**



Permanent Representation
of the Federal Republic of Germany
to the OPCW

File No. CW 370.45/09
Verbal Note No. 41/2021

Verbal Note

The Permanent Representation of the Federal Republic of Germany to the OPCW presents its compliments to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons and has the honour to request the following:

We kindly ask the Technical Secretariat to transmit this Note Verbale and its attachment to the Russian Federation in due time, to make it an official document of EC 98 and to circulate it to all States Parties. We would also be grateful if it could be uploaded to the public website of the OPCW before close of business today.

The Permanent Representation of the Federal Republic of Germany to the Organisation for the Prohibition of Chemical Weapons avails itself of this opportunity to renew to the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons the assurances of its highest consideration.

The Hague, 18 October 2021



Technical Secretariat of the
Organisation for the Prohibition of
Chemical Weapons (OPCW)
Office of the Director-General
The Hague

Annex 1 to Note Verbale No. 41/2021 issued by the Permanent Representation of Germany to the OPCW, dated 18.10.2021

Response of the Federal Republic of Germany to the Russian Note verbale No. 44 dated 07/10/2021 on the case of A. Navalny and to the questions contained therein

Germany considers that Note verbale No. 44 with its annexes sent by the Permanent Representation of the Russian Federation to the OPCW to the Technical Secretariat on 7 October 2021 and forwarded to the Permanent Representation of Germany on 8 October 2021 does not contain any answers to the set of questions sent to the Permanent Representation of the Russian Federation by a group of 45 States parties to the CWC on 5 October 2021, although the text of the Note verbale claims to be “part of the response”.

With regard to the points raised in Annex 1 of Note verbale No. 44, Germany would like to state the following:

Germany strongly rejects the completely unfounded allegations made by the Russian Federation. It also strongly rejects the attempts to discredit other States parties as well as to question the impartiality and professionalism of the Technical Secretariat.

Germany responded to all the requests for international legal assistance from the Prosecutor-General’s Office of the Russian Federation in the case of Mr Navalny and provided all information in accordance with the provisions of the European Convention on Mutual Assistance in Criminal Matters and relevant German legislation, which inter alia requires the consent of Mr Navalny to the transmission of personal medical data. Germany also responded to the request from the Russian Federation sent via Note verbale from the Russian Embassy in Berlin from 2 August 2021 with regard to the existence of video or photo material of the investigation of Mr Navalny during the Technical Assistance Visit by the OPCW Technical Secretariat in Germany (see Note verbale of 19 August from the Federal Foreign Office addressed to the Embassy of the Russian Federation in Germany).

To the question “Who was the person who accompanied Alexey Navalny aboard the chartered medical flight from Omsk to Berlin? What was his/her departmental affiliation?” raised in Note verbale No. 44 Germany responds as follows:

The plane transporting Mr Navalny from Omsk to Berlin was chartered by a private organization. There were no members or representatives of the German Government or other German authorities aboard the plane.

To the question “Why was the very fact of the OPCW assistance to Germany on September 4-6, 2020, which was demonstrative rather than objectively needed, concealed from Russia ‘until the last moment’”? Germany responds as follows:

Germany requested technical assistance from the OPCW Technical Secretariat under subparagraph 38(e) of Article VIII of the CWC in a communication to the OPCW Director-General on 4 September 2020. In response, the Director-General dispatched a team to Germany for a technical assistance visit (TAV) on 5 September 2020. Subparagraph 38(e) of Article VIII

of the CWC does not require prior information of or consent by other States parties. The result of the Technical Assistance Visit, as laid down in the summary of the report on the visit, remains extremely alarming and underlines that the visit was far from demonstrative, as claimed by the Russian Federation, but very necessary in order to prove a case of use of a chemical warfare agent.

To the question “Why is the role of Ms. Pevchikh – a newly British citizen who accompanied Alexey Navalny to Berlin and, according to various reports, has close ties to the British intelligence community - in the whole affair so carefully concealed?” Germany responds as follows:

Germany does not have any information on the role and whereabouts of Ms. Pevchikh.

To the question “Why were traces of some kind of chemicals found on the water bottle she had bought in the airport departure area? Why this bottle was not handed over to Russian law enforcement authorities as physical evidence? For what reason are the Russian law enforcement authorities not given the opportunity to question Ms. Pevchikh herself?” Germany responds as follows:

The traces found by German experts on the water bottle which had been collected from Mr Navalny’s hotel room are identical with the traces found in the biomedical samples taken from Mr Navalny. Regarding the question why such traces were found, we consider it is up to the Russian Federation to investigate the events that took place on Russian territory. This does not require the possession of the bottle. Regarding Ms. Pevchikh see the answer above.

To the question “Why is the formula of the chemicals that were found in the biomaterials of the Russian citizen outside the Russian Federation still hidden from Russian experts”, Germany responds as follows:

As clearly stated in the summary of the report of the Technical Assistance Visit, “Mr Navalny was exposed to a toxic chemical acting as a cholinesterase inhibitor. The biomarkers of the cholinesterase inhibitor found in Mr Navalny’s blood and urine samples have similar structural characteristics to the toxic chemicals belonging to schedules 1.A.14 and 1.A.15, which were added to the Annex on Chemicals to the Convention at the Twenty-Fourth Session of the Conference of the States Parties in November 2019.” These findings have been reiterated at the opening of the 25th Conference of States Parties by OPCW Director General Fernando Arias, who stated that: „A team of experts from the Secretariat collected biomedical samples directly from Mr Navalny for analysis by OPCW designated laboratories. The results of the analysis confirmed that a toxic chemical of the Novichok family was found in Mr Navalny’s blood. (C-25/DG.19)”

Germany considers that information to be fully sufficient for the Russian authorities, who are in the possession of their own biomedical samples from Mr Navalny and thus have all necessary information at their disposal to launch an investigation of the case and of the events that took place on Russian territory.