

Statement by Germany on the concern regarding the use of riot control agents by Russian forces in Ukraine at the 105th OPCW Executive Council under the agenda item „Addressing the threat from chemical weapons use“

Mr Chairperson,

Germany aligns itself with the statement of the European Union.

On behalf of several partners, Germany has asked this Executive Council to address reports indicating that riot control agents may have been used repeatedly by Russian armed forces in combat operations against Ukrainian forces in Ukraine. We hope this Council may be able to assist in clarifying the situation pursuant to Article IX, paragraph 3 of the Convention.

I regret that this is not the first time we have to raise this issue. As you know, already on October 9th, 2023, the German and six other delegations sent questions to the Russian delegation with a request for explanations pursuant to paragraph 2 of Article IX. Based on several reports, including a news report televised by the Russian First Channel, we were concerned that riot control agents may have been used by Russian armed forces in combat operations in Ukraine. This would constitute a violation of Article I, para 5 of the Convention.

As an answer to our request, we received a note with a long list of counter-accusations against Ukraine and even us, without any proof. The Russian First Channel' news report which showed the “smoking out” of Ukrainian positions was declared a misunderstanding, also, Russia claimed that the footage showed the very opposite, namely the Ukrainian side using tear gas grenades. That explanation stretched our belief and did not alleviate our concern.

When we addressed the issue again at the 28th Conference of the States Parties, the Russian delegation did not supply any additional clarification, but only added further accusations against us and other parties, even hinting at the deliberate falsification of information.

Let me be very clear. We do not fabricate information. We are referring to information coming from the two parties to the conflict, including from Russian sources.

Since then, we have seen additional reports about continuing use, even increasing use, of riot control agents by Russian forces. Again, these reports do not come only from Ukrainian sources. There are reports made by members of the Russian armed forces fighting in Ukraine, using social media.

Let me give you an example. A posting on the messenger service “Telegram” of 22 December 2023 by a channel of the 810th Russian Naval Infantry Brigade. The brigade, which was employed in the Saporizhya region, claimed the successful use of K51 tear gas grenades through UAVs, with the aim of driving Ukrainian forces from their trenches into Russian fire.

When this posting drew attention from Western media, it was immediately withdrawn. However, two days later on the same channel a revealing comment, referring to those Western media reports, by a member of the Russian unit in question was added. The member of the Russian unit wrote that his unit used the same substance - usually used against peaceful demonstrators - against the Ukrainians, thus clearly referring to riot control agents. This means that the comment basically confirmed the use of tear gas grenades by this Russian unit.

We are very concerned by these and other indications for the widespread, prohibited use of riot control agents by Russian forces in combat operations, in spite of Russia's claims of full compliance with the CWC.

The use of RCA as a method of warfare is a violation of Article I, para 5 of the Convention. This is not a trivial offence. It undermines the Convention we should all be committed to, and it constitutes a challenge for all States Parties determined to uphold the global ban of chemical weapons.

We again ask the Russian delegation to stop its unconvincing attempts to deny what we must come to consider a fact on the basis of concurrent reporting from both sides of the conflict.

We ask the Russian delegation to take the necessary steps to ensure its full compliance with the Convention and to report to this Council on the steps taken. We would be grateful for any other information the members of this Council might have on this serious matter. We finally ask the Technical Secretariat to closely monitor the on-going events in Ukraine and be prepared in case a request for assistance or other suitable action was made under the relevant articles of the Convention. We ask this Council to remain seized of the matter until convincing clarification has been provided.

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