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RUSSIAN FEDERATION**ASSESSMENTS OF THE RUSSIAN FEDERATION OF THE SITUATION
CONCERNING THE INVESTIGATION OF THE INCIDENT IN KHAN SHAYKHUN
(4 APRIL 2017) AND THE CORRESPONDING FACT FINDING MISSION REPORT**

The Russian Federation unconditionally condemns the use of chemical weapons by anyone and anywhere. We are convinced that the culprits of such crimes should be identified and suffer the deserved punishment. It is for this purpose, that the OPCW Fact-Finding Mission (FFM) and the OPCW-United Nations Joint Investigative Mechanism (JIM) were established. The first instrument is aimed at determining, from a factual, technical and scientific point of view, whether toxic chemicals were used and, if so, ascertain what kind and how they were used. The second was created to identify the organisers and the perpetrators of such crimes.

In this case we see a whole number of problems that are, indeed, very serious. Their existence is confirmed, in particular, by the rather unsavoury situation with the investigation of the notorious chemical incident of 4 April in the town of Khan Shaykhun in Idlib province, which served as a pretext for the United States of America to carry out a missile strike at the Syrian “Shayrat” airbase in violation of the United Nations Charter and the universally accepted norms of international law. Below there are a number of conclusions presented, which we have come to in the past three months since the incident.

First, the OPCW and JIM experts have visited neither Khan Shaykhun, nor the “Shayrat” airbase. The inability of the FFM inspectors to go to Khan Shaykhun was substantiated by the management of the OPCW Technical Secretariat due to the unfavourable security conditions. As for the visit to the “Shayrat” airbase, it is believed in The Hague that this goes beyond the mandate of the Mission. Evidently, it is appropriate to be reminded one more time of paragraph 19 of the FFM Terms of Reference, where it is stated that: “[t]he OPCW Team shall have the right of access to any and all areas which could be affected by the alleged use of toxic chemical [...]. For such access, the OPCW Team shall consult with the Government”. This is the very case with the “Shayrat” airbase, all the more so as this airbase—as the continuing speculations of a number of the States Parties to the Chemical Weapons Convention show—allegedly has a direct connection to the use of chemical weapons in the Syrian Arab Republic.

In its turn, the new JIM management believes that its own actions in Khan Shaykhun and “Shayrat” can be planned only after the FFM final report is issued. However, even before the document “saw the light”, the JIM management had made it clear that, in view of the current

* Reissued for technical reasons.

level of science and technologies, to visit the site of the chemical attack turned out to be completely unnecessary. In that case, what is to be done with paragraph 6 of the operative part of United Nations Security Council resolution 2319 (2016), where it is directly prescribed to the JIM to offer its assistance to the OPCW in determining the very facts of the use of chemical weapons? What is to be done with paragraphs 3 and 4 of United Nations Security Council resolution 2235 (2015), under which the JIM was established, where the requirement to determine who bears the responsibility for accumulation and storage of chemical weapons is enshrined? And how should one deal with paragraph 7 of the same resolution, where the necessity to grant full access to all the sites related to the investigation is clearly stated? Such access, at least to “Shayrat”, was guaranteed by Damascus, which invited both the FFM and the JIM to visit the facility immediately after the tragic events in Khan Shaykhun.

Second, soon after the incident, results of investigations—performed by Turkey, the United Kingdom of Great Britain and Northern Ireland and France—with quite predictable and unfounded conclusions about the guilt of Damascus miraculously appeared, which raised a mass of questions in itself. For example, the members of the OPCW Executive Council were informed about autopsies performed by Turkish medical staff, with biochemical samples collected that confirmed the death of three people from sarin. However, there is no clarity which laboratory was used for analysis, whether it was certified by the OPCW and whether the chain of custody had been observed, particularly during the delivery of the bodies from the site of the chemical incident.

It would also be good to know under what circumstances French specialists had acquired their samples that had been collected, as it was stated, directly on the site of the incident. If representatives of the French special services collected them themselves, it can be concluded that they have free access to that region, which is controlled, according to the French report itself, by armed Syrian opposition groups affiliated with Al-Qaeda. In that case the FFM experts could have a detailed interview with the French special services and ask for additional clarifications, as it had been done with the Russian military from the CBRM troops during the investigation of the chemical incident in Marat Um Hosh.

If the samples were collected in some other place, for example, on the territory of a country neighbouring the Syrian Arab Republic, Paris should have immediately had reservations—the samples though that had been studied were allegedly from the site of the incident. Therefore, any precise and verified conclusions, moreover, accusatory towards anyone are out of the question. We would also like to receive the copies of the reports, the Turkish as well as the French and the British, for thorough examination by experts of other Chemical Weapons Convention States Parties.

Third, why didn't these three States Parties, which had miraculously managed to obtain the evidence of allegedly “another crime of the B. Assad's regime” from the site of the chemical incident, use the capabilities they evidently had to provide access to Khan Shaykhun to the FFM experts? All that in light of the fact that the Syrian authorities not only urged the FFM to visit the “Shayrat” airbase, but were also ready to guarantee the complete security and safety of the FFM experts on the way from Damascus to Khan Shaykhun up to the very border of the territories in Idlib province controlled by government troops. Given that such assistance to the FFM by the opposition groups and the United Nations Member States having influence on these groups is envisaged in United Nations Security Council resolutions 2118 (2013), 2209 (2015) and 2235 (2015). What is such inaction, combined

with the inexhaustible desire to unfoundedly accuse the legitimately elected authorities of the Syrian Arab Republic in all the manifestations and recurrences of the “chemical” terrorism in that country, supposed to mean?

And now about the FFM report on Khan Shaykhun itself. Without going into its rather “vague” technical details, we have to state that, unfortunately, this document, much as the previous FFM reports on the “chlorine” incidents, is very tendentious in style. After reading it an uninformed person can have only one feeling – the guilt for the chemical attack in Khan Shaykhun lies with Damascus. In this regard it will suffice to mention the finely detailed picture of the events in Khan Shaykhun on 4 April described from the accounts of unspecified, multiple witnesses and victims – against the backdrop of air raid alerts, “roars” of Syrian planes, “booms” and explosions of air munitions, efforts to save the injured, including in medical institutions in a neighbouring country. And after that the report mentions virtually, one after the other, the testimonies of two witnesses provided not by the opposition or the “sympathising” notorious NGOs like the “White Helmets” but by the Syrian authorities. In this context, not without reason but, apparently, with a purpose, it is highlighted that the testimonies of those witnesses, which confirm the version of the provocation organised by militants and their foreign sponsors, clearly differ. We wonder whether one shouldn’t look for the truth about the events in those testimonies that go against the common picture, which has evidently been staged by the opposition and its “sympathising” NGOs? Maybe, first of all, one should clarify the information about the “realtors” from the armed opposition that had hired a building for storing toxic chemicals and about the ambulance cars from a neighbouring country that were evacuating, possibly according to a plan, victims from the site of the chemical attack? Briefly speaking, there is a question on a question without any credible answers from the FFM. Under the circumstances, evidently, as it had been the case with the episodes of the use of “barrels” with chlorine thrown from helicopters “roaring” high in the night sky “proved” by the FFM and the JIM, there is only one final idea in the report – it was another “evil deed” of Damascus.

In this context, it is also very symptomatic to see the swift reaction (on 29 April) to the publication of the FFM report on Khan Shaykhun by the United States of America’s State Department, which in fact does not need the investigation of the case by the JIM because the Syrian authorities have already been “appointed” as the guilty ones.

The ambiguous interpretation by the FFM experts, of one of the main requirements of the Chemical Weapons Convention, to observe the chain of custody during the collection of proof and material evidence from the site of the incident, which has been repeated many times in the FFM report on Khan Shaykhun, also causes great surprise. On the one hand, it is stated that due to the inability to visit Khan Shaykhun the team was unable to completely implement those baseline procedures (paragraph 3.46), but on the other hand, it is affirmed that the material evidence accompanied with photographs and video from the opposition and the NGOs “provided a good degree of confidence” in the chain of custody prior to the receipt by the FFM (paragraph 3.66). Besides, in paragraph 3.9 it is openly acknowledged that no metadata forensic analysis was carried out on the electronic records. Therefore, nothing that had been given in abundance to the FFM by the opposition and the NGOs was thoroughly analysed with regard to the area, place and time of the filming or writing, nor with regard to the authenticity of signatures and stamps, the possibility of staged videos and photos, etc. The same can be said about the “innovations” of the report in terms of the ornithology, the flora and fauna, namely: who can prove, and how, that the “habitat” of the bird and artiodactyl remains, as well as the leaves, exposed to sarin that had been presented to the

FFM, was Khan Shaykhun and its area and no other regions of the Syrian Arab Republic. The answer is predictable: the very same sources of all the aforementioned mass of information, which, as noted in paragraph 4.5, had already been used by the FFM in earlier cases with the “chlorine” incidents, in other words, the sources that had been already “verified”, in the understanding of the OPCW experts.

What do we see in the end? The malpractice of performing distanced investigations from familiar, “vacation” places in a country neighbouring the Syrian Arab Republic was continued, which, actually, allowed the experts of the mission to react to the tragedy in Khan Shaykhun so swiftly by being present at the autopsy of the dead victims and the collection of the samples from the injured who had been brought there. The FFM experts did not even have to go anywhere for other materials, which were brought in an organised way virtually “to the door” of the FFM experts by the armed opposition and the NGOs located in Idlib province or in the same neighbouring country.

Evidently, the OPCW Technical Secretariat is quite satisfied with such an algorithm that has been elaborated by one of the FFM segments during the investigation of the earlier, so called “chlorine” incidents. The two visits to Damascus by the other FFM segment have in the end served as a pretext for the OPCW management to completely abandon the idea of sending the experts of the Organisation to the site of an incident – what is, so to say, the point of doing it, if even the samples obtained by the Syrian military from the site of the incident that have been transferred to The Hague have shown the presence of sarin. All the other things are, so to say, the responsibility of the JIM.

This being said, however, no one is certain, whether the JIM experts will ever visit Khan Shaykhun and the “Shayrat” airbase in order to determine, how sarin was actually used in Idlib province, namely whether it was bombing, according to the version of the notorious “Friends of Syria”, or another large scale provocation of the militants by analogy with the Eastern Ghouta or other episodes of chemical weapons use that are groundlessly attributed to Damascus.

As a summary: The initial reading of the FFM report on Khan Shaykhun makes only one thing clear: sarin or a sarin-like chemical substance was indeed used there. This is confirmed by the analysis of the samples collected from the site of the incident by the Syrian authorities. However, the main question remains open: who, how and under which circumstances was it used? It will be impossible to determine the truth without a visit from the JIM and FFM experts to Khan Shaykhun, even after the organisers and the perpetrators of this hideous provocation have “smoothed out” and “framed-up” many things there. The inspection of the “Shayrat” airbase also remains an imperative, as this facility, where the sarin used in Idlib had been allegedly stored, still haunts the minds of some States Parties to the Chemical Weapons Convention.

Time will pass and the real circumstances of this crime will be uncovered, one way or another. However, during that period, as was the case with Iraq, the most awful events in the context of the general situation at the Middle East can happen. There is no lack in those who want to use the unstopping recurrences and manifestations of “chemical” terrorism in the region for their own opportunistic military and political interests. The world community must not allow such a sequence of apocalyptic events for the region to materialise. This new phenomenon in the activities of the multiple terrorist and extremist structures, which has “come into blossom” in the Syrian Arab Republic and Iraq due to the “double standards” and

irresponsibility of some geopolitical “players” can spill out beyond the Middle East region and many people, including the very same “players”, will face it on their own territory.

As for our evaluations of the factual and technical components of the FFM report on Khan Shaykhun, we will be ready to share them with the OPCW Technical Secretariat, the JIM and the United Nations Security Council after the profound examination of the document by experts from the relevant Russian agencies.

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